

**TECHNICAL ADVISORY COMMITTEE
REGULAR MEETING
AGENDA**

**March 28, 2023
2222 M Street, Livingston Room
Merced, CA
2:00 PM**

PUBLIC PARTICIPATION: In addition to attending at the physical location in person, the public may observe or provide comment through the virtual option below.

Join Zoom Meeting

<https://us02web.zoom.us/j/87058010232?pwd=Q2ZhrStMRXU4QmVQMfV1VHNycS9UUT09>

Meeting ID: 870 5801 0232
Passcode: 032874

Dial in: +1 669 900 6833

1. INTRODUCTIONS

2. 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.

3. APPROVAL OF MINUTES

January 24, 2023 and February 28, 2023

4. ALLOCATION APPROACH DISCUSSION

Discuss and possibly recommend elements of an allocation approach.

5. INSTRUMENTATION OF EXISTING WELLS TO FILL DATA GAPS

Discuss and possibly recommend elements of the GSAs effort to instrument existing wells to fill data gaps within the Merced Subbasin.

6. NEXT MEETING

May 23, 2023

7. ADJOURNMENT



**THE MERCED SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY
MEETING OF THE TECHNICAL ADVISORY COMMITTEE
MINUTES FOR JANUARY 24, 2023 SPECIAL MEETING**

The special meeting of the Technical Advisory Committee for the Merced Subbasin Groundwater Sustainability Agency (GSA) was called to order at 2:00 p.m., on January 24, 2023 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:

Lou Myers
George Park
Blake Nervino
Brad Samuelson
Robert Kelley
Randy Edwards
Jimmy Atwall

Public present:

Alexxis Rudich
Angeles Rojas
Adam Shasky
David Orth
Larkin Harman
William Thompson

Consultants present:

Greg Young, Zanjero
Jeanne Zolezzi

Staff present:

Lacey McBride, Water Resources Manager
Adriel Ramirez, Environmental Health Specialist
Danielle Bettencourt, 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.

Mr. Brad Samuelson recommends a hybrid option for attendance, online and in person once the State of Emergency is lifted.

MOTION: M/S MYERS – KELLEY, AND CARRIED BY A VOTE OF 7 – 0, THE BOARD APPROVES THE STATE OF EMERGENCY TELECONFERENCE FINDINGS.

III. PUBLIC COMMENT PERIOD

None

IV. MEETING MINUTES

Minutes for November 22,2022 were presented to the committee and no edits were suggested.

No suggested edits were suggested. No action taken.

V. ALLOCATION APPROACH DISCUSSION

Ms. Lacey McBride provided background on the Strategic Ad Hoc Committee’s work to recommend elements of an allocation approach on a monthly basis to the MSGSA Board in an effort to establish an allocation approach for irrigated agriculture by Water Year 2026.

Mr. Greg Young with Zanjero presented the recommendations made by Strategic Planning Ad Hoc at the January 12, 2023 MSGSA Board meeting.

TAC members asked and discussed how sustainability zones, contiguous lands, and well locations would fit within the recommendations made by the Ad Hoc. They also highlighted the importance of accurately monitoring the groundwater use of managed wetlands. Lastly, the TAC commended the Ad Hoc for their work completed on the allocation approach.

No TAC recommendations were made at this time in order to give members time to review the recommendations.

No action taken.

IX. NEXT MEETING

Next meeting will be held in person Wednesday, March 28, 2023 with a possible GSA

TAC Meeting to be held virtually in late February.

X. ADJOURNMENT

Meeting was adjourned at 3:48 p.m.

**THE MERCED SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY
MEETING OF THE TECHNICAL ADVISORY COMMITTEE
MINUTES FOR FEBRUARY 28, 2023 SPECIAL MEETING**

The special meeting of the Technical Advisory Committee for the Merced Subbasin Groundwater Sustainability Agency (GSA) was called to order at 9:00 a.m., on February 28, 2023 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:

Lou Myers
George Park
Blake Nervino
Brad Samuelson
Robert Kelley
Jimmy Atwall
Breanne Vandenberg

Public present:

Nav Athwal
Steve Statler
Geoff Vanden
Larkin Harman
Lynn Sullivan

Consultants present:

Greg Young, Zanjero
Jeanne Zolezzi

Staff present:

Lacey McBride, Water Resources Manager
Adriel Ramirez, Environmental Health Specialist
Danielle Bettencourt, 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 action taken.

III. PUBLIC COMMENT PERIOD

Mr. Geoff Vanden thanked staff for holding virtual meetings.

Mr. Blake Nervino came forward for public comment in regards to groundwater movement within the Merced Subbasin.

IV. ALLOCATION APPROACH DISCUSSION

Time was available for TAC members to provide feedback on the presented Strategic Planning Ad Hoc Committee allocation policy recommendations from January.

TAC member Lou Meyers provided feedback in the form of three separate scenarios pertaining to grazing and cattle lands. Discussion was had amongst the TAC and staff on how each scenario would fit within the Strategic Planning Ad Hoc's January recommendations.

The TAC also discussed the suggested time window to be used by the GSA for designating lands as irrigated based on land use data provided by the Assessor's office.

Mr. Greg Young indicated that the GSA would establish an appeal process for lands with incorrect land use designations.

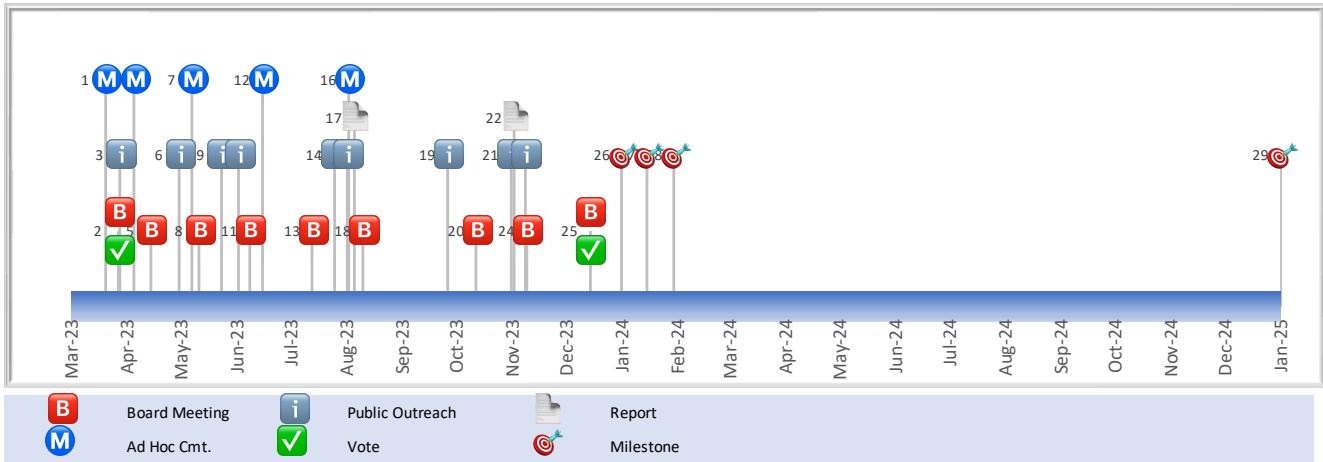
No action taken.

IX. NEXT MEETING

Next meeting will be held in person Wednesday, March 28, 2023.

X. ADJOURNMENT

Meeting was adjourned at 10:03 a.m.



Item	Date	Action	Description
1	3/20/23		Strategic Planning Ad-hoc Cmt: Discuss (1) timeline, (2) approach options, and (3) workshops
2	3/27/23		Special MSGSA Board Meeting: Vote on direction offered by Ad-hoc and authorize staff to schedule workshops
3	3/28/23		Technical Advisory Committee: Discuss allocation approach as established by Board
4	4/5/23		Strategic Planning Ad-hoc Cmt: Discuss Board direction, TAC input, and workshops; at least 2 meetings in April
5	4/14/23		MSGSA Board Meeting: Report from ad-hoc and staff; direct mailer and op-ed
6	April/May		Public Workshops: Discuss allocation framework recommendations; Repeat the workshop at three locations
7	early May		Strategic Planning Ad-hoc Cmt: Discuss workshop feedback and continue work on policy; at least 2 meetings in May
8	5/11/23		MSGSA Board Meeting: (1) report from ad-hoc; (2) feedback from workshops; (3) direct mailer and op-ed
9	5/23/23		Technical Advisory Committee: Discuss allocation framework as defined at this time
10	early June		Special Committee: Begin small-group piloting of Water Accounting Platform
11	6/8/23		MSGSA Board Meeting: (1) report from ad-hoc; (2) feedback from TAC
12	June		Strategic Planning Ad-hoc Cmt: Discuss Board feedback and continue work on policy; at least 2 meetings in June
13	7/13/23		MSGSA Board Meeting: (1) report from ad-hoc; (2) feedback from TAC; (3) direct mailer and op-ed
14	7/25/23		Technical Advisory Committee: Discuss allocation framework as defined at this time
15	July/Aug		Public Workshops: Discuss draft allocation policy elements; Solicit LRP applications; Repeat the workshop at three locations
16	early Aug		Strategic Planning Ad-hoc Cmt: Discuss workshop feedback and continue work on policy
17	early Aug		Staff: Finalize Sustainability Zone maps
18	8/10/23		MSGSA Board Meeting: (1) report from ad-hoc; (2) feedback from workshops; (3) direct mailer and op-ed
19	9/26/23		Technical Advisory Committee: Discuss draft allocation approach as defined at this time
20	10/12/23		MSGSA Board Meeting: (1) feedback from workshops and TAC; (2) discuss initial allocation values
21	late Oct		Public Workshops: Discuss final draft allocation policy elements and initial allocation values; Repeat the workshop at three locations
22	early Nov		Staff: Finalize allocation values (e.g. Sustainable Yield and Transition Water)
23	11/8/23		Technical Advisory Committee: Discuss allocation policy and allocation values as defined at this time
24	11/9/23		MSGSA Board Meeting: (1) feedback from workshops and TAC; (2) finalize groundwater allocation policy and allocation values
25	12/14/23		MSGSA Board Meeting: adopt Groundwater Allocation Policy
26	early 2024		Staff: Make Water Accounting Platform available for "Parcel Based Water Budgets"
27	2024		Staff: Develop Fee and Penalty structure and prepare for Prop 218 vote
28	2024		Staff: Testing allocation policies and Water Accounting Platform
29	2025		Staff: Implement Allocation Policy and accompanying Fee and Penalty rules

**Native Groundwater Allocation Policy Framework for Irrigated
Land within the Merced Subbasin GSA**
[For MSGSA Public Discussion Purposes Only]
- March 2023 -

Strategic Planning Ad-Hoc Committee

The Strategic Planning Ad Hoc Committee includes Michael Gallo, Gino Pedretti, and Eric Swenson. Recommendations are for discussion purposes only and do not reflect Board action. This committee has provided and will continue to provide recommendations to the MSGSA Board to further refine and determine an appropriate native groundwater allocation policy. The Strategic Planning Ad-Hoc Committee is working on recommendations for establishing an allocation approach for irrigated agriculture that would take effect by or before water year 2026.

Policy Framework Recommendations

Non-agricultural land uses that use groundwater (such as domestic, commercial, industrial) will be addressed in separate policy conversations.

Allocations for irrigated agricultural lands would initially include a two-tier allocation (1) a per-acre quantity of Sustainable Yield, and (2) a per-acre quantity of Transition Water. Transition Water is water pumped in excess of the Sustainable Yield that will allow landowners to transition over a period of time to pumping only Sustainable Yield. Consistent with the adopted GSP, the Transition Water is expected to decrease to zero no later than 2035.

The allocation approach would use a 5-year rolling bucket concept that provides flexibility for growers to manage change across time.

There are three primary types of agricultural land uses designated by the County Assessor's Office that have fundamental differences in their historic function and use of groundwater: irrigated agriculture, managed wetland habitat (including duck clubs), and non-irrigated agriculture.

Because of variances in these land use functions, coupled with the MSGSA's intent to achieve significant reduction in the consumptive use of groundwater as represented in the Merced Subbasin GSP, the framework includes a different allocation approach for each agricultural land use function. At the time of initial allocation, land use designations would be set to the actual land use that existed between January 2015 and January 2020.

The following is the currently proposed framework for each agricultural land use category:

- For irrigated lands designated by the Assessor’s Office as either *Farming, Trees and Vines, Poultry, or Dairy*:
 - A per-acre allocation of both Sustainable Yield and Transition Water will be made.
 - Allocation quantities would apply to the entire gross parcel acres.
 - Grouping of or sharing among like-designated parcels would be allowed under to be developed rules.

- For irrigated lands managed as wetlands (such as *Non-Contract Duck Clubs* or lands with wildlife Easements):
 - A per-acre allocation will only be offered to parcels that choose to Opt-in, which will follow to-be-developed procedures and associated fees. Opting in would provide definable allocations to the included parcels.
 - An Opt-in option will be open during the initial allocation process that will not exceed three (3) months in duration, and then offered once every 5 years, in coordination with the GSP update timing.
 - Sustainable Yield allocation quantities would apply to the entire gross parcel area.
 - Transition Water allocation would be granted only for a parcel that recently (between January 2015 and January 2020) or currently pumps groundwater for habitat purposes and only to the acres historically irrigated with groundwater as a form of managed wetland habitat.
 - No Transition Water would be available for a parcel that has not recently or currently pumped groundwater.
 - Grouping of or sharing among like-designated parcels would likely be allowed under to be developed rules.

- For non-irrigated lands designated by the Assessor’s Office as *Grazing*:
 - Historic use of groundwater for stock watering practices will be allowed to continue in quantities equivalent to historic practices.
 - A per-acre allocation will only be offered to parcels that choose to Opt-in, which will follow to-be-developed procedures and associated fees. Opting in would provide definable allocations to the included parcel(s).
 - Only Sustainable Yield would be offered, no Transition Water would be available.
 - An Opt-in option will be open during the initial allocation process that will not exceed three (3) months in duration, and then offered once every 5 years, in coordination with the GSP update timing.
 - Allocations could not be shared with any other parcel, except for contiguous parcels under common historic ownership, where historic ownership refers to ownership of both the irrigated and historically non-irrigated adjacent parcels and managed by this common owner prior to January 1, 2023.
 - Extraction wells must be located within the parcel being irrigated or on contiguous parcels under common historic ownership, where historic ownership refers to parcels owned and managed prior to January 1, 2023.

- The GSA will establish a process to appeal allocation determinations to allow for consideration of special circumstances. This process may consider, but not be limited to, conditions such as:
 - Existing irrigation systems that cross SZ or GSA boundaries whereby the Sustainable Yield or Transition Water value may be adversely impacted.
 - The land use category as determined by the Assessor's Office.
 - A change in ownership and effect on the allocation and limitations on the subject parcel(s).
 - The application of historic groundwater conditions when compared to then current groundwater conditions.

Strategic Ad-hoc Committee Update:

The Ad-Hoc Committee continues to meet and discuss further details to the allocation framework. At its most recent meeting, it developed options for Board consideration and direction, and some specific questions to be answered.

Options for Framework to address Spatial Variances

The Guiding Principles (approved by the Board in October 2022) included: "Recognize Spatial Disparity: allow for variances in policies that reflect differing hydrogeologic and other baseline conditions throughout the MSGSA service area to assure projects and management actions achieve tangible benefits toward GSP sustainability objectives."

The Ad-Hoc Committee is asking for Board direction on two options for the framework that would reflect this particular principle, with the intention of recognizing areas in the subbasin with stable groundwater conditions:

- Option 1: Allow Sustainable Yield values to vary by Sustainability Zone (SZ), where the variance reflects current local conditions such as proximity of groundwater levels to those reported during Fall 2015 (approximately October 2015 through January 2016) groundwater levels (as represented in the adopted GSP to define Minimum Thresholds).
 - Intent is that there would be more native groundwater available (Sustainable Yield) for a SZ not experiencing groundwater level declines.
 - For illustrative purposes, this option could result in circumstances where one SZ may have a Sustainable Yield value of 0.5 af/ac/yr while another may have 2.5 af/ac/yr.
 - Adjustments to Sustainable Yield may occur on a 5-year basis, depending on the progress toward achieving GSP objectives.
 - Additional limitations to pumping any portion of the Sustainable Yield below the Corcoran Clay layer may be required based upon technical evaluation of conditions in the SZ.
 - This may impact whether Transition Water would be needed in a SZ if the Sustainable Yield is enough to continue existing crop mixes (noting that Transition Water is intended to help shift from high consumptive use of groundwater to a lower consumptive use condition).

- Option 2: Create a third allocation term, potentially labeled “Sustainability Zone Surplus”, where the surplus would be available to a SZ depending on the groundwater conditions in that SZ.
 - Sustainable Yield allocations would be consistent for all SZs,
 - Additional limitations to pumping any portion of the Sustainable Yield below the Corcoran Clay layer may be required based upon technical evaluation of conditions in the SZ.
 - If groundwater levels in any SZ are at or above those reported during Fall 2015 (approximately October 2015 through January 2016) and average conditions have remained stable for a defined period of years, then a calculable volume of Sustainability Zone Surplus would be made available to the SZ and allocated to the agricultural lands similar to the Sustainable Yield.
 - The Sustainability Zone Surplus would be re-evaluated every 5 years (or other reasonable timeframe) to capture any trending away from groundwater stability.
 - Sustainable Yield would also be re-evaluated every 5 years and adjusted depending on the progress toward achieving GSP objectives.
 - This may impact whether Transition Water would be needed in a SZ if the Sustainable Yield is enough to continue existing crop mixes (noting that Transition Water is intended to help shift from high consumptive use of groundwater to a lower consumptive use condition).
 - The volume of Sustainability Zone Surplus would be determined based upon hydrogeologic conditions present in the SZ as determined through a technical evaluation.

Questions for MSGSA Board

During recent discussions and based upon input from the TAC, the Ad-Hoc Committee has the following questions for the Board to address:

- Should the land use designation to determine irrigated acres be limited to conditions between January 1, 2015, and January 30, 2020, or should more recent land use conditions be included (especially for lands that converted from non-irrigated to irrigated since January 2020)?
 - What about lands previously irrigated but were fallowed prior to and after 2015?
- Should irrigated agricultural lands that were fallow between January 1, 2015, and December 31, 2022, but irrigated prior to January 1, 2015, also receive Transition Water? If yes, what is the minimum period of continuous irrigation that would be acceptable to receive transition water?
- Will lands that participate in the MSGSA Land Repurposing Program be adversely impacted if the period of the land use condition is expanded such that they are deemed “non-irrigated”?
- If Option 1 is the direction, and one SZ is allocated a lower Sustainable Yield quantity than another, the TAC would like to understand how the Board may consider lands that might be considered as “net contributors” to native yield when calculating the Sustainable Yield quantity (e.g. grazing lands that do not pump groundwater for irrigation purposes).