



Hicham Eltal – *Chair*
Stephanie Dietz – *Vice Chair*

Merced Irrigation-Urban Groundwater Sustainability Agency

BOARD OF DIRECTORS MEETING

AGENDA

January 10, 2024

9:00 AM

Merced Irrigation District
Franklin Yard Facility
3321 North Franklin Road
Merced, CA 95348

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- A. CALL TO ORDER
 - B. PLEDGE OF ALLEGIANCE
 - C. ROLL CALL
 - D. CONSIDER CORRECTIONS OR ADDITIONS TO THE AGENDA

The Board will consider corrections or additions to the agenda of items requiring immediate action that have come to the attention of the Board after posting of the agenda.

- E. OPPORTUNITY FOR PUBLIC COMMENT (5 MINUTES PER SPEAKER)

Interested persons in the audience are welcome to introduce any topic within MIUGSA's jurisdiction. Matters presented under this heading may be discussed but no action will be taken by the Board at this meeting.

F. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered routine by the Board and will be adopted by one action of the Board unless any Board Member has any questions or wishes to make a statement or discuss an item. In that event, the Chair of the Board will remove that item from the Consent Calendar and place it for separate consideration.

1. Minutes – December 13, 2023

G. REPORTS

1. The Board will receive a status update regarding Merced County's Proposed Amendment to its Groundwater Mining and Export Ordinance.
2. The Board will receive a status update regarding MIUGSA's Well Registration Policy.
3. The Board will receive a status update regarding issues associated with accounting of groundwater extraction.

H. ACTIONS/DISCUSSION ITEMS

1. The Board will discuss potential formation of an additional Groundwater Sustainability Agency in the Merced Subbasin.

I. CLOSED SESSION

None.

J. ADJOURN

Any material that are public records that relate to an agenda item and that are distributed to representative parties of MIUGSA less than 72 hours prior to the meeting shall be available for public inspection at the offices of the Merced Irrigation District, 744 West 20th Street, Merced, CA 95340 during normal business hours. In addition, any materials presented during open session are available for public inspection at the same address.



UNAPPROVED BOARD OF DIRECTORS MEETING MINUTES

December 13, 2023

The Board of Directors for the Merced Irrigation-Urban Groundwater Sustainability Agency (MIUGSA) met on the above date, pursuant to notice, at 9:00 A.M.

CALL TO ORDER

At 9:00 A.M., Chair Hicham Eltal called the meeting to order.

ROLL CALL

Roll call showed the following MIUGSA representatives present:

Name	Organization
Ken Elwin	City of Merced (Vice Chair)
Justin Vinson	City of Atwater
Tony Avina	City of Livingston
Cynthia Benavidez	Le Grand Community Services District (LGCSD)
Daniel Chavez	Planada Community Services District (PCSD)
Phil McMurray	General Counsel
Jennifer McMaster	Board Coordinator

Roll call showed the following MIUGSA representatives absent:

Hicham Eltal	Merced Irrigation District (Chair)
Carlos Valencia	Winton Water and Sanitary District (WWSD)

CORRECTIONS OR ADDITIONS TO THE AGENDA

None.

PUBLIC COMMENT

None.

CONSENT CALENDAR

1. Minutes – October 11, 2023
2. Cash Transaction Report – September 2023 and October 2023

On a motion by Director Vinson, seconded by Director Benavidez; the Board voted unanimously to adopt the Consent Calendar, as presented. The votes were as follows:

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

REPORTS

Mr. Matthew Beaman provided a general review of Merced County’s Groundwater Mining and Export Ordinance, followed by an update regarding the status of ongoing discussions relating to Merced County’s proposed amendments to the Ordinance. He provided a summary of the proposed amendment, and discussed how the amendment would remove existing safeguards preventing groundwater exports from originating subbasins; and would add a new exemption, requiring GSAs to approve the export activity.

Mr. Beaman said starting earlier this year, Merced County staff began meeting with GSAs within Merced County, including MIUGSA, to discuss potential changes to the Ordinance. Mr. Beaman noted MIUGSA staff provided significant feedback and requests for changes to the proposed amendments. Staff followed up with comment letters to the County on multiple occasions, with the latest set of comments provided in November 2023. Mr. Beaman provided a cumulative overview of comments submitted on behalf of MIUGSA and noted changes that have yet to be made that address MIUGSA’s concerns. He highlighted County-wide issues and the need to provide more sufficient safeguards against negative impacts to the groundwater basin before the amendments are adopted. Mr. Beaman responded to several questions from the Board.

Mr. Beaman reported the County’s proposed amendments to the Ordinance were presented to the Merced County Board of Supervisors at its meeting on November 28, 2023, and received the second reading on December 5, 2023. At the meeting on December 5, 2023, and in response to several public comments, including public comments from MIUGSA, Merced County staff and the Board decided to postpone any action on the proposed amendments until January 2024. Mr. Beaman indicated that MIUGSA staff will continue to coordinate with the County and other GSAs that may be affected by amendments to the Ordinance to continue to highlight general concerns for the basin and the need for specific changes before they are adopted.

The Board provided significant feedback and discussed at length the need for safeguards and how the County’s update to its ordinance could affect compliance with the GSP. Mr. Beaman thanked the Board for their feedback and said he will continue to provide updates to keep the Board informed as the item moves forward.

ACTION/DISCUSSION

Mr. Beaman provided a recap of development of MIUGSA’s Well Registration Policy and efforts to get agriculture wells within MIUGSA registered by the December 15, 2023 deadline.

Mr. Beaman discussed outreach efforts over the last couple of years, including workshops, Board and stakeholder meetings, mailers, and e-updates provided to assist agricultural well users in meeting the registration deadline. Mr. Beaman noted staff has been working tirelessly to provide both in-person and phone assistance to well owners. He noted approximately 791 wells had been registered as of December 12, 2023, although there was still significant work to do.

Mr. Beaman reminded the Board of the target for sending out invoices following the December 15, 2023 deadline. He also discussed potential challenges to the invoicing and penalty timeline given the upcoming holidays. He then asked for direction from the Board on how to proceed. The Board discussed at length staff efforts and limitations and potential flexibility for delaying the penalty.

Following thorough discussion, the Board directed staff to delay sending invoices until after December 22, 2023, and to directed staff to void penalty invoices if well owners receiving the invoice register their wells before January 31, 2024. The Board did not make any further adjustments to registration timelines or amounts of penalties, and did not rule out the ability for staff to send reminders to well owners of the timelines and penalties. Director Vinson made a motion with respect to the direction, seconded by Director Avina; the Board voted unanimously to approve the direction. The votes were as follows:

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

Mr. Beaman then provided the Board with an update regarding Merced County's well permitting process. He noted continued coordination efforts and MIUGSA's actions taken over the last year. He reported despite early difficulties dealing with Merced County's implementation of the well permitting process, the process now seems to be working well. Staff have responded to approximately 10 well consistency requests so far this year. Mr. Beaman mentioned recent challenges regarding Merced County Environmental Health staff requesting input for de minimis wells, and building destruction permits. Additionally, Mr. Beaman said, as discussed at a previous Board meeting, MIUGSA recently received a request to install a new well within MIUGSA that would pump and deliver groundwater to land outside of MIUGSA's boundaries.

Mr. Beaman said, although MIUGSA has a process for issuing consistency determinations for wells within its boundaries, neither MIUGSA nor the Groundwater Ordinance currently have policies that address wells that serve land in multiple GSA's. He discussed a couple of concerns with the scenario and the potential need to consider amending/modifying MIUGSA's current approach to address the request presented and similar future requests moving forward. Mr. Beaman then provided a presentation and overview of potential policy approaches for Board consideration.

The Board and staff discussed thoroughly, and Mr. Beaman responded to several questions from the Board. The Board then provided direction to draft language that would limit pumping from new wells to Board-approved allocation for use on MIUGSA-only parcels and to not allow the addition of outside parcels, with the caveat that the Board may revisit in the future as may be needed. Based on the direction of the Board, staff will update MIUGSA's policies, as needed.

CLOSED SESSION

None.

ADJOURN

The meeting was adjourned at approximately 10:30AM.