



APPROVED BOARD OF DIRECTORS MEETING MINUTES

June 8, 2022

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 AND WELCOME

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

ROLL CALL

Roll call showed the following MIUGSA representatives present:

| Name | Organization |
|-------------------|---|
| Hicham Eltal | Merced Irrigation District (Chair) |
| Ken Elwin | City of Merced (Vice Chair) |
| Justin Vinson | City of Atwater |
| Carlos Valencia | Winton Water and Sanitary District (WWSD) |
| Phillip McMurray | General Counsel |
| Jennifer McMaster | Board Coordinator |

Roll call showed the following MIUGSA representatives absent:

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| Vacant | City of Livingston |
| Cynthia Benavidez | Le Grand Community Services District (LGCSD) |
| Daniel Chavez | Planada Community Services District (PCSD) |

CORRECTIONS OR ADDITIONS TO THE AGENDA

General Counsel Phillip McMurray noted that the Board would be taking the agenda items somewhat out of order today for efficiency and to accommodate Board member schedules. He also stated that since Board members are participating in the meeting by teleconference, any action taken at today's meeting would be taken by roll call vote.

PUBLIC COMMENT

None.

REPORTS

None.

ACTION/DISCUSSION

Chair Eltal provided the Board with an update regarding response to the California Department of Water Resources (DWR) comments on the Merced Groundwater Sustainability Plan (GSP). He discussed and summarized communications between MIUGSA, DWR, the Merced Subbasin GSA (MSGSA) and Turner Island Water District GSA-1. He highlighted, in particular, a significant discussion amongst the GSAs regarding how to define minimum thresholds for groundwater levels in the revised GSP.

Chair Eltal reminded the Board of the position MIUGSA has taken in regard to setting minimum thresholds following communication with DWR regarding the GSP and the issues raised in their determination. He noted at a GSP Coordination Committee meeting on June 1, 2022, representatives from the MSGSA requested a formal communication from MIUGSA providing additional detail regarding options for minimum thresholds to include in the final revised GSP. Chair Eltal noted staff has responded to that request. He then shared and discussed in detail the communication with the Board.

The Board discussed briefly, especially in regard to potential ramifications if the basin elects to set a minimum threshold using something other than the 2015 groundwater levels proposed by MIUGSA.

The Board received a presentation provided by Mr. Matthew Beaman regarding MIUGSA's outreach efforts to agricultural water users. Mr. Beaman noted staff, consultants and the Stakeholder Advisory Committee are working toward drafting regulations and policies for Board review, adoption and implementation within MIUGSA. He said that a significant component to the development and implementation of those rules is efforts to engage and provide outreach to water users within the boundaries of the GSA. He discussed current efforts and a proposed plan for short and long term outreach opportunities.

Mr. Beaman noted MIUGSA's outreach efforts will be conducted separately but in coordination with Merced Irrigation District's outreach efforts moving forward. He noted tasks would include distribution of outreach materials and continued public meetings and workshops. The initial outreach project is anticipated to run through approximately December 2023. MIUGSA's consultant leading the project, Schaelene Rollins, noted she is looking forward to continuing work with MIUGSA and remains available to answer any questions the Board may have.

General Counsel, Phillip McMurray discussed updates to the well permitting process due to changes to Merced County's Groundwater Ordinance and California Governor Newsom's recent Executive Order (EO N-7-22). Mr. McMurray discussed EO N-7-22 and noted that MIUGSA is not a land use agency or permitting authority and is not required to make a determination on the installation of wells. He discussed the continued concerns of MIUGSA, including concerns regarding permitting obligations being placed by the County onto the GSA. He discussed a number of attempts by MIUGSA staff to communicate with the County in an effort to work with them to address concerns with the new process. Mr. McMurray also noted staff's ongoing discussions with other similarly situated GSAs regarding similar circumstances.

Mr. McMurray then discussed a draft letter to Merced County, including a draft Groundwater Well Consistency Acknowledgement and Verification Form. He noted Governor Newsom's Executive

Order creates an obligation on the County to consult with the GSAs regarding whether a well is consistent with the GSP. He indicated the draft letter and form reflect MIUGSA's efforts to try and coordinate with the County, and address the Governor's Executive Order. He discussed MIUGSA's authority over groundwater extraction. Mr. McMurray provided an in-depth overview of the proposed letter before asking the Board to take action to approve the letter in its substantial form. He noted that it is important to address soon as staff has already been contacted by several folks wanting to drill a well.

The Board asked and Mr. McMurray responded to a number of questions generally focused on CEQA. Mr. McMurray noted Merced County has been made aware that MIUGSA staff will be providing certifications of consistency in its role as a responsible agency. The County remains the lead agency responsible for compliance with CEQA.

Following a brief discussion, the Board indicated a desire to act and approve the letter as presented. The Board also indicated a desire to authorize staff to finalize and begin using the draft Groundwater Well Consistency Acknowledgement and Verification Form.

On motion by Director Elwin, seconded by Director Vinson; the Board voted unanimously to approve the substantial form of the letter to Merced County and the Groundwater Well Consistency Acknowledgement and Verification Form, and authorize other actions relating thereto, as presented. A roll call vote was taken, the votes were as follows:

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

CONSENT CALENDAR

1. Meeting Minutes: May 11, 2022

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

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

ADJOURN

Meeting adjourned at approximately 9:45 AM