

# MEETING NOTES

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Joint Meeting of the Boards of Directors of the Merced Groundwater Subbasin Groundwater Sustainability Agencies:  
 Merced Subbasin Groundwater Sustainability Agency (MSGSA), Merced Irrigation-Urban Groundwater Sustainability Agency (MIUGSA), and Turner Island Water District Groundwater Sustainability Agency #1 (TIWD-1)

DATE/TIME: September 18, 2019 at 6:00 PM

LOCATION: Sam Pipes Room, Merced Civic Center, 678 West 18th Street Merced, CA 95340

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## GSA Board Members In Attendance:

<b>Board Members Attending</b>	<b>GSA</b>
Hicham Eltal	Merced Irrigation-Urban GSA
Justin Vinson	Merced Irrigation-Urban GSA
Daniel Chavez	Merced Irrigation-Urban GSA
Leah Brown (as alternate for Ken Elwin)	Merced Irrigation-Urban GSA
Brenda Wey	Merced Irrigation-Urban GSA
Carlos Gudino	Merced Irrigation-Urban GSA
Cynthia Benavidez	Merced Irrigation-Urban GSA
Dave Nervino (as alternate for Bob Kelley)	Merced Subbasin GSA
Mike Gallo	Merced Subbasin GSA
Nic Marchini	Merced Subbasin GSA
George Park	Merced Subbasin GSA
Kole Upton	Merced Subbasin GSA
Lloyd Pareira	Merced Subbasin GSA
Lawrence S. Skinner	Turner Island Water District GSA #1
Donald C. Skinner	Turner Island Water District GSA #1
Thomas C. Skinner	Turner Island Water District GSA #1

## Meeting Notes

1. Call to order
  - a. Alyson Watson (Woodard & Curran) invited the chair of each board to call their meeting to order.
  - b. Each board member introduced themselves.
  - c. Each chair confirmed they had a quorum.

- d. Alyson (W&C) reviewed the agenda.
2. Report Items
- a. Overview of GSP Development to Date
    - i. Alyson Watson (W&C) reviewed GSP development to date. This included a brief review of the 6 sustainability indicators. She described two objectives: bringing the basin into balance and doing this in a way that prevent Undesirable Results.
    - ii. She also reviewed the overall GSP Development timeline and highlighted the technical foundation items including the groundwater model, hydrogeologic analysis, historical current and projected water budget, and the data management system (creating a database for existing data and to store and manage data collected in the future). She explained the process of understanding undesirable results and establishing sustainable management criteria (e.g. establishing a minimum threshold to prevent domestic wells going dry), as well as establishing a monitoring network. Projects and Management Actions are used to get us to where we need to go, and we are looking into how to fund these actions.
    - iii. Question: Is this information (what is presented at the meeting) available online? A: Yes. All information including the written comments received on the draft GSP are available online at [www.mercedsgma.org](http://www.mercedsgma.org)
  - b. Public Engagement Process
    - i. Charles Gardiner (Catalyst) reviewed the Public Engagement Process. Outreach was guided by a Stakeholder Engagement Strategy developed early in the GSP process. Public workshops addressed elements of the plan and were conducted around the basin in different locations. Public meetings included 19 Coordinating Committee meetings, 15 Stakeholder Committee meetings, and 5 Public Workshops coordinated with Self-Help Enterprises (SHE) and Leadership Counsel. Spanish translation was made available for the **public workshops and for tonight's meeting** in coordination with SHE.
    - ii. Charles explained that the regulatory timeline drives the plan. The plan is due by 2020, the deadline for implementation is 2040. This GSP should be considered a first effort at what is needed for sustainable groundwater management in this basin and there will be regular updates. All of this is subject to update as we understand how the basin responds to actions that are taken.
    - iii. Charles explained the purpose of the Joint Board Meeting, and that the meeting provides the opportunity for the public to provide additional, supplemental comments. The consultant team will provide an overview of the comments received on major topics, provide an opportunity for additional public comments on the GSP, and provide an opportunity for a joint Board discussion and input to GSA staff who will guide the consultant team in revising the GSP for adoption. The meeting also includes a status update on the Prop 1 funded SDAC projects and consideration of authorization of funds for preparation of a Prop 68 grant application on behalf of the basin.
  - c. Summary of Public Comments Received (Opportunity for public comment following each topic)
    - i. Samantha Salvia (Woodard & Curran) provided a summary of the public comment process. She noted that SGMA does not require that GSAs hold a public comment period on the draft GSP, in part because DWR will hold a 60-day public comment period during their review process. However, the coordinating and stakeholder committees felt this was important and so time was built into the schedule for a 30-day review. She described how the public draft GSA was made available. She reviewed the list of NGOs, water agencies, State and Federal Agencies, and other entities who provided public comment to the draft

GSP. All comments are available on the [mercedsgma.org](http://mercedsgma.org) website. All comments were provided to each Board member in advance of tonight's meeting. She explained the approach to responding to comments will involve placing the comments into 3 groups: minor corrections/clarifications will be addressed directly by edits within the GSP, substantive comments will be responded to with a master responses and edits to GSP under direction from GSAs, and comments on future considerations for GSP implementation will be noted for GSA Board consideration and future Coordinating Committee meeting discussions).

- ii. Comments were received on many parts of **GSP. Given time constraints, for tonight's** meeting, discussion will be focused on the following seven areas of comments: water level, subsidence, demand management, water allocation, water quality, groundwater dependent ecosystems, and stakeholder outreach. Samantha described the meeting format for the review of public comments: she will describe the relevant GSP section, background on the approach taken in the GSP, who commented, key concerns raised, and the potential response. Readers are encouraged to see presentation slides available on the [mercedsgma.org](http://www.mercedsgma.org) website for full summary details (link to Meetings page: <http://www.mercedsgma.org/meetings>). After each comment the public will be invited to comment, with a limit of 3 minutes per person, per topic. This will be followed by an opportunity for Board discussion and/or comment.
- iii. Water Level: Samantha (W&C) explained the approach in the GSP. The GSP took the approach of setting sustainable management criteria to be protective of the most sensitive beneficial use – shallow domestic wells. The GSAs will manage the basin to measurable objectives. The minimum thresholds are not the threshold for action, they are used to define undesirable conditions and they are the trigger for state intervention. Samantha reported that the GSP team has heard both from stakeholders and the coordinating committee a strong desire to manage groundwater locally and avoid state intervention. The representative monitoring network was developed based on previous CASGEM (California Statewide Groundwater Elevation Monitoring) monitoring. (Since 2009, the CASGEM Program has tracked seasonal and long-term groundwater elevation trends in groundwater basins statewide.) Included in the implementation plan is action to develop a Data Gaps Plan in first year. Data gaps are largely within southwestern portion of basin and to lesser degree in Northeastern area.
  - Written comments were received from environmental organizations and organizations representing disadvantaged areas.
    1. Public Comments:
      - a. Keith Ensminger (Merced resident, small business owner): Keith is glad we have finally come to the point where we are starting to regulate our aquifers. We are the last western state to do this. Keith attended a farm show and folks there were surprised that it took until now for CA to regulate groundwater. Keith has been involved in the technical committee late in the process, used to be a farmer, had teaching as second career, translation now as the third (he and his wife have a local translation business). Explained that surface water (SW) has been a strong influence on groundwater (GW), a strong approach with will need to be taken with SW/GW interaction. The folks using irrigation systems with SW should use the SW first before pumping the GW. Keith also stated that Prop 68 funding should be used to bring SW into areas that are fallow or would have to go out of operation. He has talked to a few folks in the irrigation

districts but there needs to be money to do this activity. Keith thinks it's important that those in the irrigation districts should use all of the SW rights first before using GW. He stated all the pumps today need to be **regulated whether that's through GSP, meters**, or other means.

- b. Nataly Garcia (Leadership Counsel): Nataly asked that the groundwater level comments provided by Leadership Counsel in their letter be considered, as they do not see this on the summary. They want to make sure that this has been documented and considered.

2. Board Comments:

- a. Dave Nervino (MSGSA): In response to the comments, Dave stated that with the Minimum Thresholds (MTs) there was a comment that the MTs should be based on the best water quality and not just the level. Dave **agrees with this comment and commented: what's the point if the water quality is not good.**
- iv. Subsidence: Samantha (W&C) explained the approach for subsidence. The measurable objectives for subsidence were based on recent measured subsidence levels. The coordinating committee considered using groundwater level as a proxy and decided it was most appropriate to set targets based on direct measurements of subsidence. She reiterated that the minimum thresholds are not where the basin wants to be. The GSP acknowledges that there has been subsidence and some loss of flood capacity, but the CC did not consider those significant and unreasonable. The objectives were set with the objectives of balancing the desire to reduce subsidence, avoid state intervention, and focus on ways to reduce stress on the deep aquifer while allowing some economic activity and beneficial use to continue.
- v. Samantha identified who submitted written comments and summarized them: concerns raised on whether adequate protection is provided, acknowledgement of undesirable results related to subsidence, and request for immediate reduction in sub-Corcoran pumping. A potential response including clarifying and adding information for the El Nido area and continued coordination with neighboring basins was described.

1. Public Comments:

- a. Keith Ensminger (Merced resident, small business owner): Keith stated the key issue to discuss is the water trading. There are essentially three key aquifers in the basin, and sometimes these flow in different directions. First, our water should not be traded outside of this district at all. When it comes to trading, this should be done and limited to trade amongst adjacent properties as much as possible. It does not make sense for folks in Stevinson to be trading with folks in Planada because they are in a different environment. This relates to subsidence. This could create problems for the irrigation districts, the canals and different entities. Mr. Ensminger stated that water trading is an important part of managing the aquifers

2. Board Comments:

- a. Kole Upton (MSGSA): SW is the key to GW sustainability. There needs to be trade, but like Keith said, this needs to be done with one land next to another.

- b. Dave Nervino (MSGSA): Stated we should not waste time trading outside the basin or discussing this.
- vi. Demand Management: Samantha explained that because the basin is in overdraft, there is a recognition that pumping in the basin must be reduced. Demand management is discussed in the Projects and Management Actions section of the GSP both generally and as a specific action proposed by Merced Subbasin GSA. Many of the comments were about managing pumping reductions in general **and not necessarily specific to Merced's** proposed action. Comments were provided by water districts, NGOs, individuals, and businesses and the CA Poultry Federation. Conflicting comments on timing of implementation were submitted. Concerns also included encouraging public participation in decisions potentially excluding some users from reductions. This topic is still a work in progress with GSAs, more detail and refinement may be added prior to adoption as information becomes available.
1. Question from SHE: Is this (the potential response) what is going to be put forward? Answer (W&C): The potential response is a starting point. The consultant team will be working with the Board and the GSA staff on in developing the responses to comments.
  2. Public Comments:
    - a. David Hobbs (Merquin County Water District): Appreciates the work that has gone into creating the GSP. He was surprised that at the first stakeholder meeting residents of areas of subsidence said they recognized they were responsible for the issue. Merquin County Water District is asking for consideration that the resolution be equitable. If the decision upon implementation is that every pumper gets the same reduction, this is not equitable. That is subsidizing sustainability. Merquin is located in the Stevinson area. Stevinson has historically had high GW in part because they are the bathtub of basin and in part because of surface water they import. Merquin brings in over 14,000 AF annually, and asks that when the implementation decisions be made that this be taken into account. They also want to look into enacting management zones and not have a one-size-fits-all approach to the basin. There is a joke in Stevinson that there are some parts **of year that you can't dig a** posthole. It is not equitable or fair to cut pumping back the same for everyone in the basin as someone who has overpumped.
    - b. Keith Ensminger (Merced resident, small business owner): Keith stated that we are overdrafting over 175K AF/yr and we need to deal with this. As far as land use goes, we need to cut back on the amount of farm **land that's there and one way to do that is to fallow land, and another way** to do that is to pay farmers to fallow land from time to time and make this part of their rotational schedule with their crops. Perhaps with Prop 68 and other legal structures we have we can support this and also help the irrigation districts to run water through their canals on those fallow lands in order to recharge those basins. There are differences in places like Stevinson and Planada. Pasture land on the east side of the Santa Fe railroad should probably remain pasture land and once orchards that are out there have reached end of useful life, they should go back to pasture land. The key is to create a water storage program that helps everyone.
  3. Board Comments:

- a. George Park (MSGSA): General discussions have been in the MSGSA that we would like to see some form of demand management and that this will be the subject of some of the next meetings.
  - b. Dave Nervino (MSGSA): In implementing demand management, we need to have an adequate time considered how to implement infrastructure needed for this.
- vii. Allocation Framework: Samantha (W&C) explained that the allocation framework refers to the way that the GSAs are going to determine how much water to allocate throughout the basin. The coordinating and stakeholder committees have been discussing this topic since last October. This is one of the most challenging part of the GSP and it is understandable that it is taking time to develop. The draft document includes estimates of sustainable yield and developed supply for illustrative purposes. Comments received included the need to consider non-irrigated lands, economics, equity, and incentives. There was a comment to include habitats in the framework and a request to have more information in the GSP and opportunity to comment. More specifics may be added to the GSP prior to adoption. It is likely the full details of the allocation will be finalized after the GSP is submitted to DWR.
1. Public Comments:
    - a. Eric Swenson Consulting Engineer (~~Shannon Pump~~, on behalf of Merquin Water District): Requested and strongly encouraged that the MSGSA area establish a minimum of 3 management zones for the 2020-2025 update. Believes that there are risks faced by DACs, natural habitats, and others. The first zone could be a subsidence zone centered around El Nido. The second zone, which would be east of subsidence zone, is significantly different than the other two zones. Natural GW recharge rates appear to be significantly different in this area. There is greater potential for domestic and small water wells to go dry, and not adequate water for nut production. The third zone has different habitats with significantly greater recharge occurring in this area. He would like to also request that GW recharge from canals be included in the model developed by W&C. Mr. Swenson stated that he has maps of the three zones that can and has provided those to officials in the past. Full comment writeup and map have been attached to meeting minutes.
  2. Board Comments:
    - a. Nic Marchini (MSGSA): Agrees with comments from Eric. The zones will inevitably and likely be more than 3, but generally agrees with the comments.
    - b. Dave Nervino (MSGSA): Stated we could also consider that these are priority zones and could move resources from wet areas to where this they are needed.
- viii. Water Quality: Samantha (W&C) provided a summary of the GSP approach, reiterating that drinking water is an important issue and has been the subject of discussions during Stakeholder and Coordinating Committee meetings. The GSP developed sustainable management criteria for water quality constituents where there is a clear causal nexus between groundwater activities and water quality - salinity. The GSAs sought input from the Merced County Environmental Health Division and set management criteria for salinity based on drinking water standards. The other key part of the GSP approach is coordination with agencies already tasked with monitoring water quality. Board members

strongly agreed that the GSAs should avoid duplicating efforts with programs already underway by agencies tasked with protecting drinking water quality. Comments were received from SHE, LC, and environmental organizations with main concerns including: MTs do not adequately address drinking water quality, need more regulation and monitoring of wider range of constituents, and not enough monitoring wells. The potential response includes clarifying and better defining coordination with other monitoring programs, ensuring GSP related projects evaluate water quality impacts, and incorporating the under development IRWM DAC Water Needs Assessment when available.

1. Public Comments:

- a. Nataly Garcia (LC): Believes the responses do not address what Leadership Counsel provided in the comment letters.
- b. Maria Herrera (SHE and SC member): Wants to encourage the board to consider the comments they have submitted because the current plan does not address drinking water for communities. She is concerned that there is not enough content connected to constituents with the MTs section and is concerned that the plan is at risk of not being deemed adequate by DWR. She also reminded Board members that SGMA requires input and participation from stakeholders in this region. States that the GSP as written would not respect the human right to drinking water.
- c. Keith Ensminger (Merced resident, small business owner): Used to live in Southeastern Montana, where lot of wells were non-potable. His **wells were not potable, and neither were his neighbors' wells. Nearest** potable well was 5 miles away. Maybe one way to find a solution is to provide potable water to folks now to ensure that they have what they need if they currently do not have potable water from their wells. This could be a potential solution.

2. Board Comments:

- a. Kole Upton (MSGSA): Is also concerned with water quality and testing and thinks we could expand coordination with the existing agencies and make use of the data that is out there.
  - b. Lloyd Pareira (MSGSA): We should coordinate with existing agencies.
  - c. Hicham Eltal (MIUGSA): This is our first cut of the GSP, a lot is not known. His concern is unless you have information that leads the way, effort is made in vain. There are pumpers where there are no monitoring wells. It is difficult to know what the implications will be in making things stricter or not stricter for pumping. He does not disagree with anything that has been said, but states that the Subbasin will need to proceed with caution. All of these things have to be vetted, especially when there is missing data.
- ix. Groundwater Dependent Ecosystems: Samantha (W&C) explained that the approach assessed Natural Communities Commonly Associated with Groundwater (NCCAG) dataset against groundwater depth, supplemental water, irrigated fields, losing streams, and vernal pools to identify potential GDEs in subbasin. GDEs were considered as beneficial users of groundwater. She noted that the relationship between groundwater levels and GDEs is not well understood. Most of the areas that were identified as potential GDEs are near the San Joaquin River and in areas with clay layers – how, if at all, deep aquifer pumping affects them is not well understood. All comments received were from



environmental organizations. Concerns raised were expanding areas considered GDEs and making the GSP more protective of GDEs. Potential responses include considering GDE locations in developing plan to fill data gaps for shallow groundwater monitoring and evaluating incorporation of **The Nature Conservancy's** GDE Pulse Tool into GSP annual report process.

1. Public Comments: None.
  2. Board Comments: None.
- x. Stakeholder Outreach: Samantha (W&C) explained the consulting team believes the approach made good use of time and resources available. Because Charles Gardiner (Catalyst) described the outreach approach in detail earlier in the meeting, she focused on plans for future outreach. The implementation plan describes the current plan for ongoing outreach and involvement. Comments were received from environmental orgs, LC, and SHE. Concerns included inadequate outreach to disadvantaged communities and environmental interests and a lack of balance on SC of all stakeholders especially for environmental representation. Potential response includes adding SC membership and who they represent in GSP and including the Stakeholder Engagement Strategy in appendix, as well as updating the Stakeholder Engagement Strategy for the implementation phase.
1. Public Comments:
    - a. Maria Herrera (SHE and SC member): Maria thanked the Boards members and said that the letter of support from the GSAs enabled her organization to access state funding to cover translation services at this and other key meetings. It also paid for SHE in translating documents and conducting outreach in the basin. The State funding for their services is coming to an end early next year. She encouraged the boards to consider including funding in their operating budgets for translation services. She also encouraged using consultants with connection to local communities and providing adequate time for comments (30 days was not enough).
    - b. Nataly Garcia (LC): Nataly states that it is great that there is a joint meeting, but there should have been a public workshop where the GSP was walked through with the public. This should have taken place prior to this meeting.
  2. Board Comments:
    - a. Dave Nervino (MSGSA): In getting the public involved, we also have the farm bureaus and other groups who will and have circulated information.
- d. Next Steps in GSP Adoption Process
- i. Alyson Watson (W&C) described the next steps and timeline for review & submission of the GSP to DWR. W&C will be working with GSA staff on revising the GSP in response to comments, including those received this evening.). The earliest the GSP can be adopted is late October, because the adoption hearings cannot begin until 90 days after filing a Notice of Intent to adopt (filed in July). Hearings are anticipated to take place Nov./Dec. Submission in January 2020 to DWR.
- e. Update on progress of the Severely Disadvantaged Community grant projects.



- i. Hicham Eltal (MIUGSA) described the funding source for the DAC projects and provided an overview of the locations of the projects (see slides for map of projects). The updates were as follows:
    1. Planada Groundwater Recharge Pilot Basin & Monitoring Well: We have secured a parcel of land and are moving forward with experimenting with certain soils in this area. We are honing in on the best soils. The location is not far from Mariposa Creek.
    2. El Nido Groundwater Monitoring Wells: The other project is supposed to have two wells, the first well we are still working on. We are still working with the owner of the land. The other monitoring well likely be at the fire station. The County has given the approval to install the well.
    3. Meadowbrook Intertie Feasibility Study: This project looks into providing a connection to the Franklin-Beechwood area. We are hoping in the next few months to have the results of the study.
    4. Questions from Dave Nervino (MSGSA): How deep are the monitoring wells. Answer (Hicham): each of these are deep wells. They will be multiple completion wells. They will go to almost 600 ft.
3. Action Item
    - a. Prop 68 Funding Opportunity – Consider authorization of funding of \$50,000 for consultant support to prepare Prop 68 Grant Application
      - i. Alyson (W&C) explained that the funding used for the SDAC projects and the GSP development were under Proposition 1. There is a new Proposition 68 and the basin is eligible for up to \$500K and should qualify for a DAC waiver meaning no local match. The application is due on November 1, 2019. The Planning Grants Proposal Solicitation Package (PSP) and final guidelines have now been released by DWR. The updated timeline was also provided by DWR. The final review and funding award are anticipated in the March 2020 timeframe.
      - ii. In their last meeting the CC recommended that the Boards authorize up to \$50K for W&C to prepare the application for Prop 68 funding.
      - iii. MSGSA motions and approves of the action.
      - iv. TIWD GSA-1 makes a motion, the motion is seconded, and approved.
      - v. MIUGSA makes a motion, the motion is seconded, and approved.
  4. Public Comments
    - a. Question from Maria Herrera (SHE and SC member): Has the working group for Prop 68 content started? When are those meetings? Answer (W&C): They are just starting this process. We understand SHE (Maria) has expressed interest in this and she will be included in working group.
    - b. Nataly Garcia (LC): Will the updated GSP also be provided to the public? Answer (Catalyst): Yes, it will go to each GSA board and they will do their own public process. It will also be available on the website.
  5. Meeting Adjournment
    - a. **Meeting is adjourned by the GSA chairs in accordance with their boards' protocols.**

# Eric Swenson Consulting Engineer

P.O. Box 3585, Merced CA 95344

Phone: 209-658-6931

September 18, 2019

Comments on *Merced Groundwater Sustainability Plan DRAFT*

I would like to primarily direct my comments to the Merced <sup>Sub-basin</sup> GSA Board. My name is Eric Swenson and I am a professional civil and mechanical engineer in the State of California. This evening I am representing Merquin Water District.

We wish to strongly encourage the Merced <sup>Sub-basin</sup> GSA Board to insert language into the GSP requiring that a minimum of 3 <sup>Sub-basin</sup> Zones of Groundwater Management be created in the GSP for the Merced <sup>Sub-basin</sup> GSA during the 2020 – 2025 revision and update.

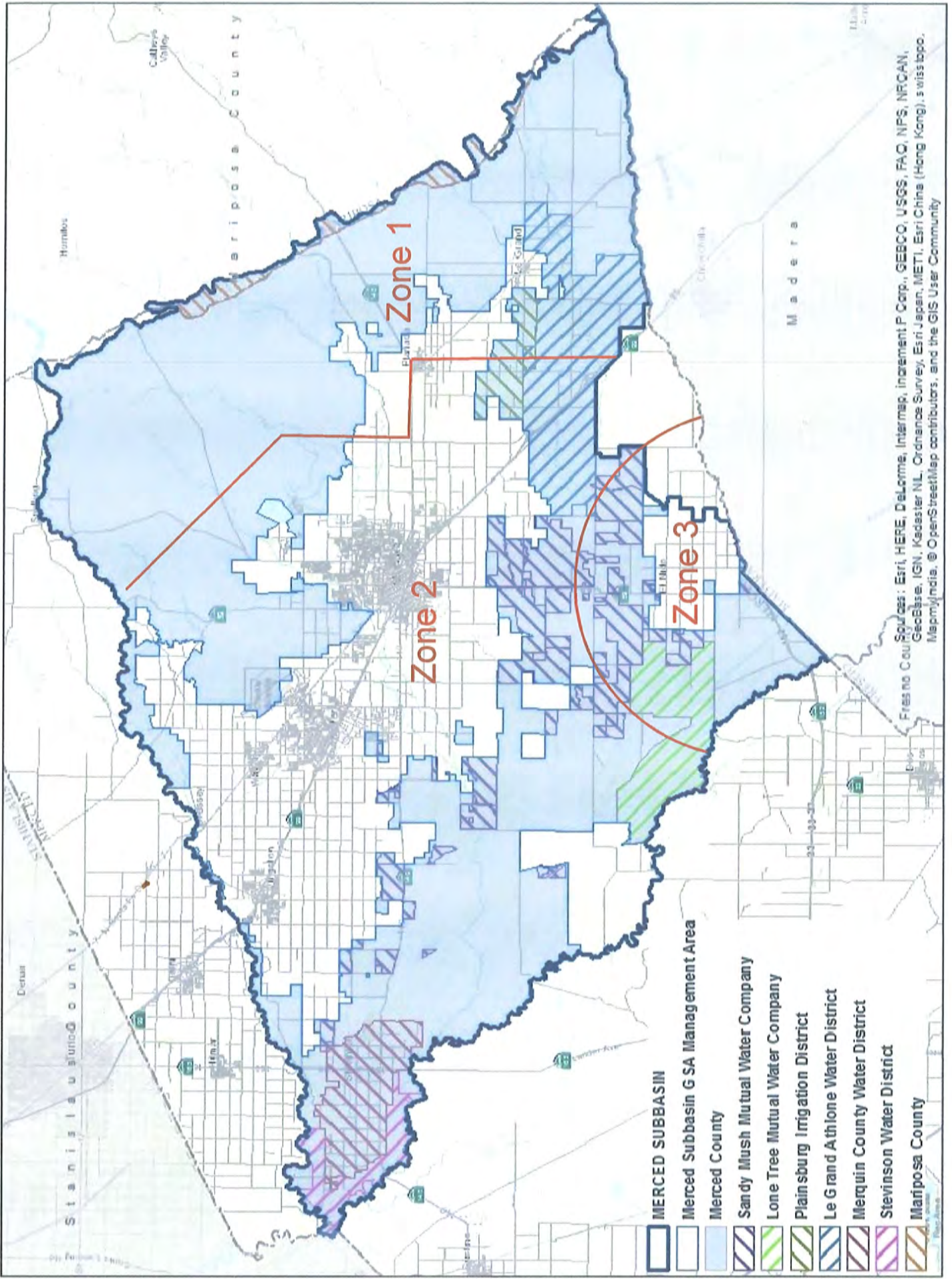
We believe that the significant <sup>exists</sup> variation in hydrogeologic conditions, ~~variations in~~ riparian habitats, and the risks faced by disadvantaged communities within the boundaries of the Merced <sup>Sub-basin</sup> GSA. We believe that there are a minimum of 3 Zones of Groundwater Management that <sup>Sub-basin</sup> exist within the Merced <sup>Sub-basin</sup> GSA boundary: <sup>logically</sup>

1. The subsidence zone centered about the community of El Nido. This zone will likely have unique requirements different than other zones to minimize future subsidence.
2. An eastern zone generally east of the subsidence zone. This zone characteristics are significantly different than the other 2 others I will name:
  - a. Natural groundwater recharge rates appear to be significantly lower.
  - b. Depth to groundwater, both static and pumping, are deeper.
  - c. Remaining volumes of usable water for nut crops is significantly smaller.
  - d. Greater potential for domestic or small water system wells to go dry and impact small disadvantaged communities and individuals.
3. A western zone generally west of the subsidence area and south of Merced ID:
  - a. Some areas require dewatering to continue to be productive agricultural ground.
  - b. Different habitat concerns and opportunities.
  - c. Significantly greater availability of stored groundwater.
  - d. Significantly greater recharge of groundwater.

We would also like to request that groundwater recharge from distribution canals with the Merquin Water District be included in credits calculated by the Groundwater Model that has been developed by Woodward Curran.

Eric Swenson, PE  
Civil and Mechanical Engineer  
esconsultengr@gmail.com





- MERCED SUBBASIN
- Merced Subbasin G SA Management Area
- Merced County
- Sandy Mush Mutual Water Company
- Lone Tree Mutual Water Company
- Plainsburg Irrigation District
- Le Grand Athlone Water District
- Merquin County Water District
- Stevinson Water District
- Mariposa County

File no. Cou Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community