

MERCED AREA GROUNDWATER POOL INTERESTS

BOARD MEETING MINUTES

July 30, 2008

CALL TO ORDER AND WELCOME

At 2:04 P.M., Chair Eltal welcomed those present and called the meeting to order.

The sign in sheet showed the following present:

Position/Organization	Name
Chairman/Merced Irrigation District	Hicham Eltal
Vice Chairman/Secretary/ Stevinson Water District	Bob Kelley
CA Dept. of Water Resources	Ben Igawa
CA Dept. of Water Resources	Tom Lutterman
Chowchilla Water District	Doug Welch
City of Atwater	Jeff Mondloch
City of Atwater	Len Guillette
Community Alliance of Family Farmers	Bill Thompson
Black Rascal Water	Dave Hamm
Dauids Engineering	Grant Davids
East Merced Resource Conservation Dist.	Cindy Lashbrook
Geomatrix Consulting	David Bean
Le Grand-Athlone W. D.	Kole Upton
City of Livingston	Vickie Lewis
Magneson Dairy/Valley Land Alliance	Charles Magneson
Mason, Robbins, Browning and Godwin	Art Godwin
Merced Alliance for Responsible Government	Tom Grave
City of Merced	David Tucker
Merced County Environmental Health	Jeff Palsgaard
Merced County Environmental Health	Brent Cronk
Merced County Farm Bureau	Diana Westmoreland Pedrozo
Merced County Planning	Bill Nicholson
Merced/Mariposa County Asthma Coalition	Melissa Kelly-Ortega
Merquin County W.D.	David Nervino
Protect our Water	Steve Burke
San Joaquin et al.	Maureen McCorry
San Joaquin Raptor Rescue Center	Lydia Miller
San Joaquin Valley Conservancy	Bill Hatch
Valley Land Alliance	Jean OKuye
Winton Water and Sanitary District	Johnnie Baptista

ROLL CALL

See above.

WRITTEN PETITIONS AND COMMUNICATIONS

Chair Eltal stated there were some written communications that would be covered under the Discussion/Action items.

ORAL COMMUNICATIONS

Ms. Lashbrook stated the County of Merced is about half way through its General Plan Update process and stated additional input from interested parties would be appreciated.

BOARD ADDITIONS/DELETIONS TO THE AGENDA

None

BOARD CONSENT CALENDAR

1. Acceptance of Draft Minutes by consensus: Board Meetings of February 20, 2008, and June 16, 2008.

Mr. Tucker requested the Vice Chairman/Secretary position be corrected to reflect Mr. Kelley as holding this office instead of him. On motion of Mr. Tucker, seconded by Vice Chair Kelley, the Board unanimously approved the above referenced minutes with the correction noted above.

REPORTS

1. Review MAGPI 2008 through 2010 activities plan.

Chair Eltal reviewed the activities schedule and estimated budget discussed at previous meetings including the Groundwater Management Plan (GWMP) Update. Chair Eltal briefly discussed the GWMP Update, regional hydro-model development, Integrated Regional Water Management Plan (IRWMP), CEQA and public involvement/outreach included in the activities schedule. Mr. Welch inquired who would put together the IRWMP. Chair Eltal stated this would be a collaborative effort. Mr. Welch inquired if the same basin area used for the GWMP would be used for the IRWMP. Chair Eltal stated that would be preferred.

Ms. Miller inquired who the lead agency would be for CEQA. Mr. Davids stated most likely MAGPI. Ms. Miller inquired if CEQA would be performed for site-specific or project-specific items. Chair Eltal stated MAGPI would perform CEQA requirements for its supported grants, but other agencies would perform CEQA for their own projects. Chair Eltal stated usually whoever has the most interest in a project would perform CEQA.

2. Department of Water Resources (DWR) Status report on items pertinent to MAGPI's activities.

Mr. Lutterman stated there was not much to report until the State of California fiscal budget passes. He stated there is positive feedback from the Legislature that there may be funds available for planning and implementation. Mr. Davids inquired if there is anything MAGPI could do now to prepare. Mr. Lutterman stated draft requirements are still in formation. He stated evidence of regional planning can improve a portfolio. He stated MAGPI is viewed as a regional entity. Chair Eltal inquired regarding disadvantaged communities. Mr. Lutterman stated there have been no determinations regarding disadvantaged communities at this time.

3. Water Statistics Report

Chair Eltal reviewed MID groundwater pumping from 1980 – 2007. He stated in normal years pumping is usually around 30,000 acre-feet (AF), while in dry years, as in the late 80s, it spiked at 92,000 AF. He stated this year MID is estimating pumping 100,000 AF and reviewed 2008 monthly pumping. He reviewed MID average static water depths, urban static water levels, total municipal use from 1998 – 2007 and individual agency information. He stated it is important to monitor static levels and in some areas dynamic water levels as well.

Chair Eltal stated MAGPI attempted to get a grant under AB303 to monitor the behavior of wells for static and dynamic water levels. He stated MAGPI will try again, but it is expected competition for these grant funds will get more intense.

4. Update on IGSM Development

Chair Eltal stated if the GWMP passes today, MAGPI will begin work in moving forward on a groundwater model. He stated this will generate a lot of activity and board member agency support. He stated a lot of information is needed to prepare the model. He stated the intent is to integrate surface water with groundwater. He stated the model will reflect surface water supply, agricultural cropping and urban water usage to measure the resulting impact on groundwater. He stated, based on said components, MAGPI could generate an effective model that would help plan more efficiently and set protocols for the use of the basin. He stated these efforts would lead eventually into a Joint Powers Authority (JPA) comprised of elected officials versus the current AB3030 framework. He stated the accuracy of the model we are about to embark on depends on those who sit at this table.

DISCUSSION/ACTION ITEMS

1. Request Adoption of Resolution 2008-3 concerning adoption of the Merced Groundwater Basin GWMP 2008 Update.

Chair Eltal introduced Mr. David Bean. Mr. Bean reviewed the purpose of the Update to the existing 10-year-old GWMP. He reiterated that due to the time lapse, growth, and increased demand for water precipitated the need to pass the proposed SB1938 plan. The law under said

plan provides improved definition of the plan's goals and guidelines with an objective to specifically maintain water quality and quantity of the basin and develop sound management practices. He stated the update process began in January and was reviewed in June where comments were received through July 1, 2008. He stated the plan, if adopted, will be posted on the MAGPI website. Mr. Bean stated management practices include a formalized monitoring program with data to a central clearing house. He stated such practices will be used for quantifiable processes. He stated the plan is not a CEQA document to be used as a component for projects. Chair Eltal stated the first page of the plan under purpose emphasizes that the GWMP is only a guideline for the community. Mr. Bean stated projects should have their own independent CEQA processes, which should prove that they are not in conflict with the approved SB1938 GWMP. Mr. Bean discussed a summary of the status of the basin over the past 20 years along with guidelines for moving into the future.

Chair Eltal explained that the plan has an emphasis on water quality that was lacking in the prior version. He stated, for example, the plan recommends that no recycled water be applied up-gradient of the point of discharge due to water quality concerns relating to pharmaceutical constituents. He stated Merced County Ordinances relating to environmental health were incorporated into the plan. Chair Eltal also emphasized that the plan is qualitative and is not cast in concrete. He stated the plan will be revisited once the Integrated Groundwater & Surface Water Model is completed if necessary.

Chair Eltal stated MAGPI and the GWMP activities demonstrate to the State Water Resources Control Board (SWRCB) that local agencies are cooperating in an effort to properly manage the basin.

Ms. McCorry inquired regarding what triggers revisiting the plan since it is a "living document." Chair Eltal responded that there are no set dates. Ms. McCorry stated who would determine when the plan should be revisited. Chair Eltal stated the MAGPI board would make this determination as work on the model may find additional information that may impact the plan.

Mr. Hatch inquired regarding the relationship between the GWMP and the IRWMP. Chair Eltal stated the desire is to have the IRWMP remain in line with the objectives of the GWMP. Mr. Davids noted that although the GWMP is not an enabling plan, the IRWMP will be. Mr. Hatch inquired if changes to the GWMP would also influence the IRWMP. Mr. Davids stated there should be consistency between the two plans.

Chair Eltal stated a GWMP public hearing regarding MAGPI's intent to prepare an update to its 1997 Merced GWMP was held on January 30, 2008. He stated at that meeting the process to adopt a GWMP update per SB1938 was presented. He stated at the February 20, 2008, meeting a Technical Working Group (TWG) was created and several TWG meetings followed. He stated on June 16, 2008, another public hearing was held and comments were received through July 1. He stated the update must be adopted within 35 days or it cannot be reconsidered for one full year. He stated this is the time and place to make a decision on adoption of the GWMP. He stated the approved SB1938 GWMP will open the opportunity for Proposition 50 and 84 funding. Chair Eltal stated MID and the City of Merced collectively have

pledged \$1 million over three years to enable the process to receive funds. He stated after the GWMP is approved, MAGPI can begin preparing an IRWMP which is a lengthy and laborious process that will help the basin constituents prioritize projects aimed at optimizing available water resources. Mr. Tucker stated adoption of the GWMP is crucial at this time in order to get the necessary funding for a groundwater model which will be used for the IRWMP. Vice Chair Kelley expressed the importance of updating available information in an effort to keep the plan dynamic and to ensure local control.

Chair Eltal stated he represents MID as a member of the Association of California Water Agencies Groundwater Committee, which over the years has fought bill after bill aimed at establishing one standard for the entire state for groundwater management rather than basin-specific management. He stated MAGPI's ultimate goal is to establish a JPA to avoid adjudication and/or state control.

Chair Eltal stated comments from the GWMP public hearing were received from Ben Sanders, Dave Tucker, San Joaquin Raptor Rescue Center and the San Joaquin et al. He stated the last two commenting parties sent opposition letters based on the process rather than the content of the GWMP. Chair Eltal stated both shared concern that the plan could be used as a CEQA document. Chair Eltal stated a response was sent. Ms. McCorry inquired if the comments were available to the public. Chair Eltal stated that they were.

Vice Chair Kelley asked Mr. Palsgaard if Merced County Environmental Health had any comments. Mr. Palsgaard replied that he attended a TWG meeting and his comments, in addition to the entire wellhead protection County Ordinance, were included in the plan.

In response to Ms. Miller's inquiry regarding the adequacy of the notice for the public hearing Mr. Godwin stated the notices made in the Merced Sun-Star satisfied Water Code requirements.

Ms. Miller presented all correspondence from her group. She also asserted that the Brown Act was violated because the resolution and draft meeting minutes were not circulated to the public. Mr. Godwin stated that that is not a Brown Act violation. Ms. Miller also inquired regarding agendas and minutes relating to TWG meetings. Chair Eltal stated neither are required for such technical meetings.

Mr. Bill Thompson, representing the Community Alliance of Family Farmers, emphasized the importance of keeping the GWMP a living document. He stated he highly recommends adoption of the updated version. He also stated approving the plan is crucial in order to begin work on the resource model which is vital to the future of this basin.

Ms. Diana Westmoreland Pedrozo, representing the Merced County Farm Bureau, stated they have not been happy in the past as the existing plan was misused to meet CEQA requirements for urban growth. She stated they support moving forward with the proposed plan and working with the MAGPI board on the plan as a living document. She stated they hope the data in the update will be more realistic this time.

Mr. Charles Magneson expressed his support of the plan.

Ms. McCorry expressed concern regarding the openness of the process and that the plan was geared toward state funds. She also expressed concern regarding the phrase "...to be updated occasionally..." in Resolution 2008-3. Ms. Cindy Lashbrook suggested better definition of the word occasionally. Chair Eltal suggested updates should be triggered by the board possibly once a year if new findings warrant an update. Ms. Lashbrook suggested adding language to the Resolution could fix the vagueness of this statement. Mr. Tucker suggested the board review open the GWMP for potential update at least annually at the last board meeting during each calendar year beginning in 2009. On motion of Mr. Upton, seconded by Vice Chair Kelley, the board unanimously adopted Resolution 2008-3 with the suggested change to include annual review of the plan for potential update.

2. Request Adoption of Resolution 2008-2 Concerning Development, Maintenance and Management of the Merced Groundwater Basin Integrated Hydrologic Model

Chair Eltal expressed that DWR raised concern regarding the custody of the future model due to contention that occurred among other similar groups. He explained that MID has 10,000 acres in the Turlock Groundwater Basin and MID accepts Turlock Irrigation District (TID) custody of that basin model for consistency and accuracy. He stated that whenever MID participates in the cost of running the model it forwards payment to TID. He stated in an effort to protect consistency and accuracy the Merced model code must reside in one place as well. He stated the board would determine when changes to the model are necessary. Chair Eltal stressed that MID custody of the model is important as the model also relates to surface water. He stated that due to its expertise, MID is most suited to train staff and maintain the model. Chair Eltal assured the board that MID would work closely with the board or a future JPA when formed. Mr. Tucker stated the City of Merced is supportive of MID holding custody of the model.

Mr. Johnnie Baptista inquired how the creation of a JPA would affect MAGPI. Chair Eltal stated a JPA would provide political strength to enforce the protocols set for operating the basin. Vice Chair Kelley stated the model is necessary to establish zones of benefit and best management practices in leading to the creation of a JPA.

Mr. Bill Hatch expressed that the model needs protection. Mr. Godwin stated if the model code is not protected it could be modified. He stated that keeping it in one place will ensure its consistency and accuracy. Mr. Hatch inquired regarding the proprietary nature of the model. Chair Eltal stated the input and output of the model are public information.

On motion of Vice Chair Kelley, seconded by Mr. Tucker, the board unanimously approved Resolution 2008-2.

BUSINESS FROM THE BOARD

Vice Chair Kelley stated he is encouraged that we are learning to work together. He stated MAGPI has made strides since the beginning and has always functioned under an

open, public process. Mr. Baptista agreed. Vice Chair Kelley stated it is not in MAGPI's interest to hide anything.

Chair Eltal reported he made presentations to Wake Up Merced and the Merced River Stakeholders Group in May. He stated he and Mr. Tucker also made a presentation to the Merced City Planning Commission recently. Mr. Tucker stated this meeting's attendance was the best in a long time.

Vice Chair Kelley remarked on the importance of MAGPI obtaining more shared data from groundwater users. Chair Eltal agreed as the basin typically uses more groundwater than surface water.

NEXT MEETING

Chair Eltal recommended rotating MAGPI meetings between agencies as feasible. A tentative meeting date was set for October 22, 2008, at Merced County Environmental Health.

ADJOURN

At 4:00 P.M., on motion of Vice Chair Kelley, seconded by Mr. Upton, the meeting was adjourned.