

**RESOLUTION****OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TUOLUMNE****RESOLUTION ADOPTING A REVISED GROUNDWATER SUSTAINABILITY PLAN AND DOCUMENTING THE COMMITMENT TO DEVELOP AND IMPLEMENT A WELL MITIGATION PROGRAM AND MANAGEMENT ACTIONS WITHIN THE TUOLUMNE COUNTY GROUNDWATER SUSTAINABILITY AGENCY JURISDICTION IN THE MODESTO SUBBASIN**

**WHEREAS**, the Tuolumne County Groundwater Sustainability Agency (GSA) was formed on May 16, 2017, for the purpose of sustainably managing groundwater in the Modesto Subbasin, within its jurisdictional boundaries, pursuant to the requirements of the Sustainable Groundwater Management Act (SGMA);

**WHEREAS**, the Tuolumne County GSA coordinated with the STRGBA GSA to develop a single, coordinated groundwater sustainability plan (GSP) for the Modesto Subbasin which was approved by both the STRGBA GSA and Tuolumne County GSA; and

**WHEREAS**, the final Modesto Subbasin GSP was submitted to DWR on January 31, 2022; and

**WHEREAS**, Minimum Thresholds (MTs) were established in the Modesto Subbasin GSP as a basis of where long-term Undesirable Results would start to occur; and

**WHEREAS**, 2027 Interim Milestones (IMs) were established in the Modesto Subbasin GSP to acknowledge the continued groundwater level decline anticipated to occur temporarily during the initial years of GSP implementation; and

**WHEREAS**, the Tuolumne County GSA acknowledges that during the 20-year GSP implementation period it will be necessary to implement projects and management actions to achieve and maintain sustainable groundwater conditions in the Subbasins by or before 2042; and

**WHEREAS**, it is acknowledged that successful implementation of planned GSP projects to achieve their intended recharge benefits during the 20-year GSP implementation period (prior to 2042) is dependent in part on uncertainties related to hydrologic conditions, including precipitation and snowpack, and available water supply during that time period, and

**WHEREAS**, the Tuolumne County GSA acknowledges that implementation of management actions will be necessary to offset these uncertainties related to project implementation and project benefits to ensure that sustainable groundwater conditions are achieved in the subbasin by or before 2042; and

**WHEREAS**, it is acknowledged that wet hydrologic conditions and faster implementation of projects may result in diminished need for management actions, and

**WHEREAS**, the Tuolumne County GSA acknowledges that dry hydrological conditions, prolonged drought, and delayed implementation of projects may result in an accelerated need for management actions, and

**WHEREAS**, on January 18, 2024, DWR provided notification to the STRGBA GSA and Tuolumne County GSA that the GSP was considered incomplete and two deficiencies were identified; and

**WHEREAS**, a revised GSP to address the deficiencies identified by DWR must be submitted to DWR by July 16, 2024 to avoid the state intervention process provided for in SGMA; and

**WHEREAS**, on March 29, 2024 the STRGBA GSA and Tuolumne County GSA released the Notice of Intent to Adopt the Revised GSP to cities and counties in the plan area pursuant to Water Code section 10728.4;

**WHEREAS**, the STRGBA GSA and Tuolumne County GSA have addressed the deficiencies through the development of a revised GSP which has been reviewed by the GSA member agencies and presented at public meetings; and

**WHEREAS**, the STRGBA GSA and Tuolumne County GSA have reviewed and responded to comments on the revised Modesto Subbasin GSP; and

**WHEREAS**, the Tuolumne County GSA recognizes that in order to obtain a determination that the GSP is complete, DWR is seeking a firm commitment from the STRGBA GSA and Tuolumne County GSA to develop a well mitigation program and management actions to address and mitigate impacts from groundwater level declines that may occur when water levels drop below the MTs defined in the Modesto Subbasin GSP; and

**WHEREAS**, such management actions to be considered as outlined in the GSP include, but are not limited to:

- A groundwater allocation and pumping management program
- A groundwater extraction and surface water reporting program
- Groundwater extraction fees
- A groundwater pumping credit market and trading program
- Voluntary conservation/land fallowing
- Conservation practices; and

**WHEREAS**, the Tuolumne County GSA acknowledges that SGMA requires sustainable groundwater management based on a 2015 baseline but does not make STRGBA GSA and Tuolumne County GSA responsible for injury caused by overdraft; and

**WHEREAS**, the Tuolumne County GSA acknowledges that they cannot control groundwater conditions not caused by actions taken by the GSA; and

**WHEREAS**, the Tuolumne County GSA commits to develop a well mitigation program and management actions along with the STRGBA GSA; and

**WHEREAS**, funding sources may be subject to the Proposition 218 process and may include GSA fees and assessments, landowner groundwater pumping fees and penalties, agency funds, and grant funding;

THEREFORE, BE IT RESOLVED THAT that the Tuolumne County GSA finds as follows:

- 1. Tuolumne County GSA hereby adopts this resolution approving the revised Modesto Subbasin GSP and committing to develop a well mitigation plan and management actions in the Modesto Subbasin to ensure long-term groundwater sustainability.
- 2. Tuolumne County GSA authorizes collaboration with consultants, stakeholders, the STRGBA GSA and its member agencies to take such actions as may be reasonably necessary to:
  - a. Develop and implement a well mitigation program for all wells within the TCGSA jurisdiction (if any) inclusive of the procurement and funding commensurate with the unique conditions of the Tuolumne County GSA no later than January 31, 2026. Upon implementation, the well mitigation program shall continue into perpetuity unless otherwise directed by the Tuolumne County GSA.
  - b. Develop management actions, inclusive of a fee structure and/or identified sources of funding, no later than January 31, 2026. Such management actions shall be implemented no later than January 31, 2027, and upon implementation, shall continue into perpetuity unless otherwise directed by the Tuolumne County GSA.
- 3. The Tuolumne County GSA authorizes the Modesto Subbasin Plan Manager to submit the revised GSP to DWR by July 16, 2024.

ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF TUOLUMNE ON JUNE 18th, 2024

|                 |                           |          |       |       |
|-----------------|---------------------------|----------|-------|-------|
| AYES: 1st Dist. | <u>DAVID GOLDEMBERG</u>   | NOES:    | _____ | Dist. |
| 2nd Dist.       | <u>RYAN CAMPBELL</u>      |          | _____ | Dist. |
| 3rd Dist.       | <u>DANIEL ANAIAH KIRK</u> | ABSENT:  | _____ | Dist. |
| 4th Dist.       | <u>KATHLEEN HAFF</u>      |          | _____ | Dist. |
| 5th Dist.       | <u>JARON BRANDON</u>      | ABSTAIN: | _____ | Dist. |

David R. Goldberg

CHAIR OF THE BOARD OF SUPERVISORS

ATTEST: [Signature] No. 49-24

[Signature] Board Clerk of the Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

HEATHER D. RYAN  
Board Clerk

BY: [Signature]

**TUOLUMNE COUNTY  
GROUNDWATER SUSTAINABILITY AGENCY  
RESOLUTION NO. 2024- 49**

**RESOLUTION ADOPTING A REVISED GROUNDWATER SUSTAINABILITY PLAN  
AND DOCUMENTING THE COMMITMENT TO DEVELOP AND IMPLEMENT A  
WELL MITIGATION PROGRAM AND MANAGEMENT ACTIONS WITHIN THE  
TUOLUMNE COUNTY GROUNDWATER SUSTAINABILITY AGENCY  
JURISDICTION IN THE MODESTO SUBBASIN**

- A. WHEREAS**, the Tuolumne County Groundwater Sustainability Agency (GSA) was formed on May 16, 2017, for the purpose of sustainably managing groundwater in the Modesto Subbasin, within its jurisdictional boundaries, pursuant to the requirements of the Sustainable Groundwater Management Act (SGMA);
- B. WHEREAS**, the Tuolumne County GSA coordinated with the STRGBA GSA to develop a single, coordinated groundwater sustainability plan (GSP) for the Modesto Subbasin which was approved by both the STRGBA GSA and Tuolumne County GSA; and
- C. WHEREAS**, the final Modesto Subbasin GSP was submitted to DWR on January 31, 2022; and
- D. WHEREAS**, Minimum Thresholds (MTs) were established in the Modesto Subbasin GSP as a basis of where long-term Undesirable Results would start to occur; and
- E. WHEREAS**, 2027 Interim Milestones (IMs) were established in the Modesto Subbasin GSP to acknowledge the continued groundwater level decline anticipated to occur temporarily during the initial years of GSP implementation; and
- F. WHEREAS**, the Tuolumne County GSA acknowledges that during the 20-year GSP implementation period it will be necessary to implement projects and management actions to achieve and maintain sustainable groundwater conditions in the Subbasins by or before 2042; and
- G. WHEREAS**, it is acknowledged that successful implementation of planned GSP projects to achieve their intended recharge benefits during the 20-year GSP implementation period (prior to 2042) is dependent in part on uncertainties related to hydrologic conditions, including precipitation and snowpack, and available water supply during that time period, and
- H. WHEREAS**, the Tuolumne County GSA acknowledges that implementation of management actions will be necessary to offset these uncertainties related to project implementation and project benefits to ensure that sustainable groundwater conditions are achieved in the subbasin by or before 2042; and
- I. WHEREAS**, it is acknowledged that wet hydrologic conditions and faster implementation of projects may result in diminished need for management actions, and
- J. WHEREAS**, the Tuolumne County GSA acknowledges that dry hydrological conditions, prolonged drought, and delayed implementation of projects may result in an accelerated need for management actions, and

**K. WHEREAS**, on January 18, 2024, DWR provided notification to the STRGBA GSA and Tuolumne County GSA that the GSP was considered incomplete and two deficiencies were identified; and

**L. WHEREAS**, a revised GSP to address the deficiencies identified by DWR must be submitted to DWR by July 16, 2024 to avoid the state intervention process provided for in SGMA; and

**M. WHEREAS**, on March 29, 2024 the STRGBA GSA and Tuolumne County GSA released the Notice of Intent to Adopt the Revised GSP to cities and counties in the plan area pursuant to Water Code section 10728.4;

**N. WHEREAS**, the STRGBA GSA and Tuolumne County GSA have addressed the deficiencies through the development of a revised GSP which has been reviewed by the GSA member agencies and presented at public meetings; and

**O. WHEREAS**, the STRGBA GSA and Tuolumne County GSA have reviewed and responded to comments on the revised Modesto Subbasin GSP; and

**P. WHEREAS**, the Tuolumne County GSA recognizes that in order to obtain a determination that the GSP is complete, DWR is seeking a firm commitment from the STRGBA GSA and Tuolumne County GSA to develop a well mitigation program and management actions to address and mitigate impacts from groundwater level declines that may occur when water levels drop below the MTs defined in the Modesto Subbasin GSP; and

**Q. WHEREAS**, such management actions to be considered as outlined in the GSP include, but are not limited to:

- A groundwater allocation and pumping management program
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- Voluntary conservation/land fallowing
- Conservation practices; and

**R. WHEREAS**, the Tuolumne County GSA acknowledges that SGMA requires sustainable groundwater management based on a 2015 baseline but does not make STRGBA GSA and Tuolumne County GSA responsible for injury caused by overdraft; and

**S. WHEREAS**, the Tuolumne County GSA acknowledges that they cannot control groundwater conditions not caused by actions taken by the GSA; and

**T. WHEREAS**, the Tuolumne County GSA commits to develop a well mitigation program and management actions along with the STRGBA GSA; and

**U. WHEREAS**, funding sources may be subject to the Proposition 218 process and may include GSA fees and assessments, landowner groundwater pumping fees and penalties, agency funds, and grant funding;

**NOW, THEREFORE,** BE IT RESOLVED that the Tuolumne County GSA finds as follows:

1. Tuolumne County GSA hereby adopts this resolution approving the revised Modesto Subbasin GSP and committing to develop a well mitigation plan and management actions in the Modesto Subbasin to ensure long-term groundwater sustainability.
2. Tuolumne County GSA authorizes collaboration with consultants, stakeholders, the STRGBA GSA and its member agencies to take such actions as may be reasonably necessary to:
  - a. Develop and implement a well mitigation program for all wells within the TCGSA jurisdiction (if any) inclusive of the procurement and funding commensurate with the unique conditions of the Tuolumne County GSA no later than January 31, 2026. Upon implementation, the well mitigation program shall continue into perpetuity unless otherwise directed by the Tuolumne County GSA.
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3. The Tuolumne County GSA authorizes the Modesto Subbasin Plan Manager to submit the revised GSP to DWR by July 16, 2024.

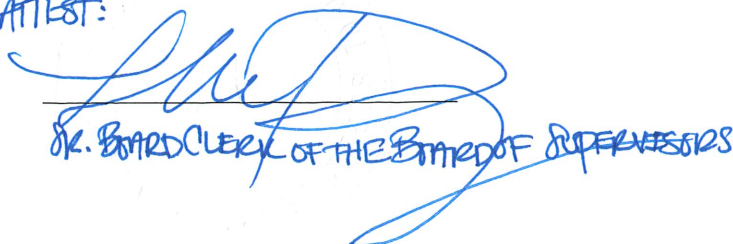
Upon motion of BRANDON, seconded by CHAMPAGNE, and duly submitted to the Tuolumne County GSA for its consideration, the above-titled Resolution was adopted this 19 day of JUNE, 2024.

**Tuolumne County GSA**



CHAIR OF THE BOARD OF SUPERVISORS

ATTEST:



CLERK OF THE BOARD OF SUPERVISORS

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

HEATHER D. RYAN  
Board Clerk

By: 