

RESOLUTION 2024-49

ADOPTING A REVISED MODESTO SUBBASIN GROUNDWATER SUSTAINABILITY PLAN AND DOCUMENTING THE COMMITMENT TO DEVELOP AND IMPLEMENT A WELL MITIGATION PROGRAM AND MANAGEMENT ACTIONS IN THE MODESTO GROUNDWATER SUBBASIN

- A. WHEREAS, the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency (STRGBA GSA) consists of the City of Modesto, Modesto Irrigation District, City of Oakdale, Oakdale Irrigation District, City of Riverbank, City of Waterford and County of Stanislaus, and was formed on February 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); and
- B. WHEREAS, the STRGBA GSA coordinated with the County of Tuolumne GSA to develop a single, coordinated groundwater sustainability plan (GSP) for the Modesto Subbasin which was approved by both GSAs; 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 that groundwater levels may continue to decline temporarily during the initial years of GSP implementation while projects are brought online; and
- F. WHEREAS, the Modesto Irrigation District 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 Subbasin by or before 2042; and
- G. WHEREAS, the Modesto Irrigation District acknowledges 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 Modesto Irrigation District 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 during the 20-year GSP implementation period; and
- I. WHEREAS, the Modesto Irrigation District acknowledges that wet hydrologic conditions and faster implementation of projects may result in diminished need for management actions; and
- J. WHEREAS, the Modesto Irrigation District 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 GSAs that the GSP was considered incomplete and two deficiencies were identified; and

- L. WHEREAS, the GSAs are required to correct the deficiencies and submit a revised or otherwise amended GSP by July 16, 2024; and
- M. WHEREAS, on March 29, 2024, the GSAs 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; and
- N. WHEREAS, the GSAs 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 Modesto Irrigation District recognizes that in order to obtain a determination that the GSP is complete, DWR is seeking a firm commitment from the GSAs to develop a well mitigation program and management actions to address and mitigate impacts from groundwater level declines that may occur if water levels drop below the MTs defined in the Modesto Subbasin GSP; and
- P. 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
- Q. WHEREAS, the Modesto Irrigation District acknowledges that SGMA requires sustainable groundwater management based on a 2015 baseline but does not make GSAs responsible for injury caused by overdraft; and
- R. WHEREAS, the Modesto Irrigation District acknowledges that they cannot control groundwater conditions not caused by actions taken by the GSA; and
- S. WHEREAS, the STRGBA GSA revised GSP adoption resolution will also document the STRGBA GSA's commitment to develop and implement a well mitigation program and management actions along with the County of Tuolumne GSA; and
- T. 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; and
- U. WHEREAS, the final staff version of the revised GSP for the Modesto Subbasin was presented by reference to the Board of Directors on July 9, 2024; and
- V. WHEREAS, the Modesto Irrigation District understands its staff and consultant team may finalize the amended GSP by making non-substantive revisions to the final revised Modesto Subbasin GSP presented on July 9, 2024; and

W. WHEREAS, the final revised Modesto Subbasin GSP will be incorporated in its entirety by reference hereto this resolution.

THEREFORE, BE IT RESOLVED That the Board of Directors of the Modesto Irrigation District approves and adopts the final staff version of the revised Modesto Subbasin GSP.

THEREFORE, BE IT FURTHER RESOLVED, That the Board of Directors of the Modesto Irrigation District does hereby:

1. Authorize collaboration with the STRGBA GSA, its member agencies, consultants, stakeholders and the County of Tuolumne GSA to take such actions as may be reasonably necessary to:
 - a. Develop and implement a well mitigation program inclusive of the procurement of baseline funding amounting to \$300,000 no later than January 31, 2026. Upon implementation, the well mitigation program and baseline funding shall continue into perpetuity unless otherwise directed by the STRGBA 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 STRGBA GSA.

THEREFORE, BE IT FURTHER RESOLVED, That the Board of Directors of the Modesto Irrigation District authorizes the Modesto Subbasin Plan Manager and consultants to take such actions as may be reasonably necessary to:

- a. Finalize the staff draft version of the revised Modesto Subbasin GSP, barring any substantive changes to the document.
- b. Submit the final revised Modesto Subbasin GSP to DWR by July 16, 2024.

Moved by Director Frobose, seconded by Director Keating, that the foregoing resolution be adopted.

The following vote was had:

Ayes: Directors Blom, Boer, Byrd, Frobose and Keating

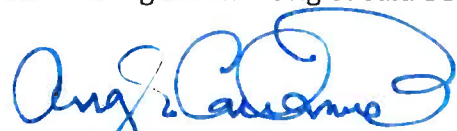
Noes: Director None

Absent: Director None

President Byrd declared the resolution adopted.

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I, Angela Cartisano, Board Secretary of the Modesto Irrigation District, do hereby CERTIFY that the foregoing is a full, true and correct copy of a resolution duly adopted at a regular meeting of said Board of Directors held the ninth day of July 2024.



Board Secretary of the
Modesto Irrigation District