

**MODESTO CITY COUNCIL
RESOLUTION NO. 2024-270**

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

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

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

WHEREAS, the final Modesto Subbasin GSP was submitted to the California Department of Water Resources (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 City of Modesto 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, the City of Modesto 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

WHEREAS, the City of Modesto 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, the City of Modesto acknowledges that wet hydrologic conditions and faster implementation of projects may result in diminished need for management actions, and

WHEREAS, the City of Modesto 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 GSA that the GSP was considered incomplete and two deficiencies were identified; and

WHEREAS, the GSA is required to correct the deficiencies and submit a revised or otherwise amended GSP by July 16, 2024; and

WHEREAS, on March 29, 2024 the 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; and

WHEREAS, the GSA has 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 City of Modesto recognizes that in order to obtain a determination that the GSP is complete, DWR is seeking a firm commitment from the 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 City of Modesto acknowledges that SGMA requires sustainable groundwater management based on a 2015 baseline but does not make GSAs responsible for injury caused by overdraft; and

WHEREAS, the City of Modesto acknowledges that they cannot control groundwater conditions not caused by actions taken by the GSA; and

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; 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; and

WHEREAS, the final staff version of the revised GSP for the Modesto Subbasin was presented by reference to the Council of the City of Modesto on July 9, 2024; and

WHEREAS, the City of Modesto 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;

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

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto finds as follows:

1. The City of Modesto hereby approves and adopts the final staff version of the revised Modesto Subbasin GSP.
2. The City of Modesto authorizes collaboration with the STRGBA GSA, its member agencies, consultants, stakeholders and the County of Tuolumne 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 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.
3. The City of Modesto authorizes the Modesto Subbasin Plan Manager and consultants to take such actions as may be reasonably necessary to:
- a. finalize the staff version of the Modesto Subbasin GSP, barring any substantive changes to the document:
 - b. submit the final revised Modesto Subbasin GSP to DWR by July 16, 2024;

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2024, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

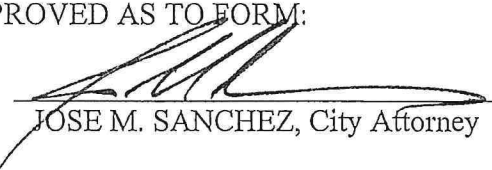
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
DIANE NAYARES-PEREZ, CMC,
City Clerk

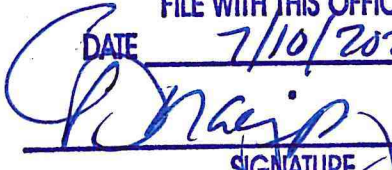
(SEAL)

APPROVED AS TO FORM:

BY: 
JOSE M. SANCHEZ, City Attorney

THIS IS TO CERTIFY THAT THIS
IS A TRUE COPY OF THE DOCUMENT ON
FILE WITH THIS OFFICE.

DATE 7/10/2024


SIGNATURE
CITY CLERK
CITY OF MODESTO, CA