

RESOLUTION NO. 2024-03

RESOLUTION OF THE EAST TURLOCK SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY (ETS GSA) BOARD OF DIRECTORS (BOARD) ADOPTING THE REVISED TURLOCK SUBBASIN GROUNDWATER SUSTAINABILITY PLAN (GSP) INCLUDING A GROUNDWATER DEMAND REDUCTION PROGRAM AND COMMITMENT TO DEVELOP AND IMPLEMENT A WELL MITIGATION PROGRAM IN THE TURLOCK SUBBASIN AND AUTHORIZING THE DOCUMENT BE SUBMITTED TO THE DEPARTMENT OF WATER RESOURCES (DWR) PURSUANT TO THE REQUIREMENTS OF THE SUSTAINABLE GROUNDWATER MANAGEMENT ACT (SGMA)

WHEREAS, in August 2014, the California Legislature passed, and in September 2014 the Governor signed, legislation creating the Sustainable Groundwater Management Act (“SGMA”) “to provide local groundwater sustainability agencies with the authority and technical and financial assistance necessary to sustainably manage groundwater” (Wat. Code, § 10720, (d)); and

WHEREAS, SGMA requires sustainable management through the development of a groundwater sustainability plan (“GSP”) (Wat. Code, § 10727); and

WHEREAS, SGMA requires a groundwater sustainability agency (“GSA”) to manage groundwater in all basins designated by the Department of Water Resources (“DWR”) as a medium or high priority, including the Turlock Subbasin (designated basin number 5-22.03); and

WHEREAS, the East Turlock Subbasin Groundwater Sustainability Agency (“ETS GSA”) is the GSA for a portion of the Turlock Subbasin and holds responsibility for sustainably managing groundwater within its portion in the Turlock Subbasin, pursuant to the requirements of SGMA; and

WHEREAS, the East Turlock Subbasin Groundwater Sustainability Agency (“ETS GSA”) is the other GSA for a portion of the Turlock Subbasin and holds responsibility for sustainably managing groundwater within its portion in the Turlock Subbasin, pursuant to the requirements of SGMA; and

WHEREAS, the ETS GSA and the WTS GSA (collectively referred to as the “Turlock GSAs”) developed one GSP for the Turlock Subbasin, and work collaboratively to implement the GSP within their respective areas of the subbasin as outlined in the GSP; and

WHEREAS, a final Turlock Subbasin GSP was approved by the Turlock GSAs on January 6, 2022 for submittal to DWR no later than January 31, 2022; and

WHEREAS, Minimum Thresholds (MTs) were established in the Turlock Subbasin GSP to define where long-term Undesirable Results would start to occur; and

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

WHEREAS, the Turlock GSAs acknowledge that during the 20-year GSP implementation period, it will be necessary to implement Projects and Management Actions (PMAs) to achieve and maintain sustainable groundwater conditions in the subbasin by or before 2042; and

WHEREAS, the Turlock GSAs acknowledge that successful implementation of planned PMAs to achieve their intended recharge and demand reduction during the 20-year GSP implementation period (prior

to 2042) is dependent in part on variable hydrologic conditions, including precipitation and snowpack, and available water supply during that time period; and

WHEREAS, the Turlock GSAs acknowledge that escalated and accelerated implementation of planned PMAs will be necessary if monitoring data indicates that Sustainable Management Criteria (SMC) are not being achieved or at risk of not being achieved to ensure that sustainable groundwater conditions are achieved in the subbasin by or before 2042; and

WHEREAS, the Turlock GSAs acknowledge that wet hydrologic conditions and faster implementation of PMAs may result in diminished need for escalated or accelerated demand management actions or mitigation implementation, and

WHEREAS, the Turlock GSAs acknowledge that dry hydrologic conditions, prolonged drought, and delayed implementation of PMAs may result in an increased need for escalated or accelerated implementation of demand management actions and mitigation; and

WHEREAS, on January 18, 2024, DWR provided notification to the GSAs that the GSP was considered incomplete and two deficiencies were identified; and

WHEREAS, the Turlock GSAs are required to correct the deficiencies and submit a revised or otherwise amended GSP to DWR by July 16, 2024; and

WHEREAS, on March 4, 2024, the Turlock 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

WHEREAS, the Turlock GSAs have addressed the deficiencies through the development of a revised GSP, which has been reviewed by the Turlock GSAs member agencies and presented at public meetings; and

WHEREAS, the Turlock GSAs recognize that in order to obtain a determination that the GSP is complete, DWR is seeking a firm commitment from the Turlock GSAs to develop and implement a well mitigation program, management actions to address and mitigate impacts from groundwater level declines that may occur when groundwater levels drop below the MTs defined in the Turlock Subbasin GSP, and management actions to ensure that chronic groundwater level decline is arrested by 2027 and MTs are achieved by 2032; and

WHEREAS, the Turlock GSAs have jointly developed a draft well mitigation Memorandum of Understanding (MOU), included in the revised GSP, setting out a number of commitments, including financial commitments by both GSAs for the development and implementation of a Well Mitigation Program which will be completed by January 31, 2025; and

WHEREAS, the revised GSP includes a program adopted by the ETS GSA referred to as the Groundwater Demand Reduction Plan which outlines demand management programs that will be ready for full implementation in 2025, including the following:

- A Groundwater Use Allocation and Fee Program, including the following components:
 - Groundwater allocations and escalating (i.e. decreasing) use reduction targets;
 - Volume-based groundwater use fees charged at rates that increase based on the quantity of groundwater used, with the highest rates charged if use reduction targets are exceeded;
 - An internet-based Groundwater Accounting Platform to administer and track the program; and

- Rules and regulations that govern groundwater use allocations, measurement, and implementation
- A Groundwater Demand Reduction Program funded by the fee program and including the following components:
 - Multibenefit Land Repurposing to be implemented under a program that is being developed under a block grant from the California Department of Conservation and will be implemented in summer 2025 and will be self-funded when grant funding runs out;
 - Land Retirement starting in 2024; and
 - Direct and in lieu recharge projects

WHEREAS, the Turlock GSAs acknowledge 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 Turlock GSAs acknowledge that they cannot control groundwater conditions not caused by actions taken by the Turlock GSAs; and

WHEREAS, the Turlock GSAs acknowledge that this revised GSP adoption resolution also documents the Turlock GSAs' commitment to develop and implement a well mitigation program and various management actions to address and mitigate the impacts of overdraft and declining groundwater levels; and

WHEREAS, funding sources may be subject to the Proposition 218 process in the ETS GSA and may include GSA fees and assessments, landowner groundwater use fees and penalties, funds from member agencies, and grant funding; and

WHEREAS, the final staff version of the revised GSP for the Turlock Subbasin was presented to the Board of Directors of both the ETS and ETS GSAs on July 11, 2024; and

WHEREAS, the Turlock GSAs understand that the staff and consultant team may finalize the amended GSP by making non-substantive revisions to the final revised Turlock Subbasin GSP presented on July 11, 2024; and

WHEREAS, the final revised Turlock Subbasin GSP will be incorporated herein in its entirety by this reference.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Turlock Subbasin Groundwater Sustainability Agency finds as follows:

1. The above stated Recitals are deemed true and correct and are fully incorporated into this Resolution.
2. The ETS GSA hereby approves and adopts the final staff version of the revised Turlock Subbasin GSP.
3. The ETS GSA authorizes collaboration amongst its member agencies and with the WTS GSA, its member agencies, consultants, and stakeholders to take such actions as may be reasonably necessary to do the following:
 - a. Develop and implement a well mitigation program, including an initial budget in the amount \$200,000 no later than January 31, 2025.
 - b. Implement its management actions, as contained in the revised GSP, inclusive of fee structures and/or identified sources of funding, no later than January 31, 2026.

- c. Provide supporting assistance to ETS GSA to facilitate the timely implementation of their projects and management actions, as contained in the revised GSP.
- 4. The Board of Directors of the ETS GSA authorizes the Turlock Subbasin Plan Manager and consultants to take such actions as may be reasonably necessary to:
 - a. Finalize the staff version of the revised Turlock Subbasin GSP, barring any substantive changes to the document; and
 - b. Submit the final revised Turlock Subbasin GSP to DWR no later than July 16, 2024.

Moved by Director Dirk Ulrich, seconded by Director Lloyd Pareira that the foregoing resolution be adopted.

Upon roll call, the following vote was had:

Ayes: Alternate Member Matt Beaman, Member Ward Burroughs, Alternate Member Christy McKinnon, Member Lloyd Pareira, and Member Dirk Ulrich.

Noes: None.

Absent: Member Vito Chiesa and Member Hicham El Tal.

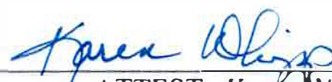
Abstain: None.

The Chair declared the resolution adopted.

I, Ward Burroughs, Chair of the Board of Directors of the EAST TURLOCK SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY, do hereby CERTIFY that the foregoing is a full, true, and correct copy of a resolution duly adopted at a special meeting of said Board held the 11th day of July, 2024.



Ward Burroughs, Chair
Board of Directors
East Turlock Subbasin GSA



ATTEST: Karen Whipp, Secretary
Board of Directors
East Turlock Subbasin GSA