

RESOLUTION R2024-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANTECA, STATE OF CALIFORNIA APPROVING THE STATEMENT OF CONSISTENCY PURSUANT TO EXECUTIVE ORDER N-7-22 AND FINDINGS OF FACT FOR CONSTRUCTION OF A NEW GROUNDWATER IRRIGATION WELL IN THE YOSEMITE SQUARE SUBDIVISION FOR IRRIGATION OF THE PARK CONSTRUCTED AS PART OF THE SUBDIVISION, AND AUTHORIZE THE CITY ENGINEER OR DESIGNEE TO TAKE ALL APPROPRIATE ACTIONS NECESSARY TO COMPLY WITH THE TERMS OF THE EXECUTIVE ORDER

WHEREAS, on October 6, 2003, the City of Manteca (City) adopted its 2023 General Plan; and

WHEREAS, in 2011 and 2016, respectively, the City amended its General Plan; and

WHEREAS, the City, in its General Plan, contemplated, anticipated, and planned for the development of the Yosemite Square subdivision, including, constructing a park that would require a groundwater irrigation well; and

WHEREAS, in 2014, the California legislature passed the Sustainable Groundwater Management Act (SGMA), which requires designated medium- and high-priority groundwater basins to develop a Groundwater Sustainability Plan (GSP) to achieve sustainability within a 20-year timeframe; and

WHEREAS, the Eastern San Joaquin Subbasin (Basin) is classified as a high-priority basin and underlies much of San Joaquin County including the City of Manteca; and

WHEREAS, on December 6, 2016, as allowed by SGMA, the City of Manteca elected to become the Groundwater Sustainability Agency (City of Manteca GSA) for that portion of the Basin within the City limits; and

WHEREAS, on March 21, 2017, the City of Manteca GSA elected to become a member of the Eastern San Joaquin Groundwater Authority which is comprised of several GSAs to ensure the Basin's compliance with SGMA; and

WHEREAS, on December 3, 2019, the City of Manteca GSA adopted the Basin's GSP; and

WHEREAS, on March 29, 2022, Governor Newsom adopted Executive

Order N-7-22 to address ongoing drought conditions and included language that any county, city or other public agencies not approve a permit for a new groundwater well or for alteration of an existing well without first: 1) obtaining written verification from a GSA managing the basin or area of the basin where the well is proposed to be located; 2) that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable GSP adopted by that GSA and; 3) would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan; and

WHEREAS, the GSP provides in Section 1.1.2:

The sustainability goal description for the Eastern San Joaquin Subbasin is to maintain an economically-viable groundwater resource for the beneficial use of the people of the Eastern San Joaquin Subbasin by operating the Subbasin within its sustainable yield or by modification of existing management to address future conditions. This goal will be achieved through the implementation of a mix of supply and demand type projects consistent with the GSP implementation plan (see Chapter 6: Projects and Management Actions) (emphasis in original); and

WHEREAS, the GSP provides in Section 3.1:

Groundwater levels in the Subbasin may continue to decline during the implementation period. However, as projects are implemented and basin operations are modified, sustainable groundwater management will be achieved, and levels will stabilize on a long- term average basis. The Subbasin will be managed to prevent undesirable results throughout the implementation period, despite the possible decline of groundwater elevations. This sustainability goal is supported by locally-defined minimum thresholds that will avoid undesirable results. Demonstration of stable groundwater levels on a long-term average basis combined with the absence of undesirable results will ensure the Subbasin is operating within its sustainable yield (see Section 2.3.6) and the sustainability goal will be achieved; and

WHEREAS, the GSP provides in Section 6.1:

Achieving sustainability in the Subbasin requires implementation of projects and management actions. The Eastern San Joaquin Subbasin will achieve sustainability by implementing water supply projects that either replace (offset) or supplement (recharge) groundwater to achieve the estimated pumping offset and/or recharge need of 78,000 acre-feet per year (AF/year), identified as the sustainable yield estimate Currently, no pumping restrictions have been proposed for the Subbasin; however, Groundwater Sustainability Agencies (GSAs) maintain the flexibility to implement such

demand-side management actions in the future if need is determined; and

WHEREAS, the GSP provides in Section 6.3:

Management actions are generally administrative, locally implemented actions that the GSAs could take that affect groundwater sustainability. Management actions typically do not require outside approvals, nor do they involve capital projects. No management actions currently related to pumping activities or groundwater allocations have been proposed for the Subbasin; however, GSAs maintain the flexibility to implement such demand-side management actions in the future if need is determined; and

WHEREAS, the GSP provides in Section 7.5:

Each of the 16 GSAs are administered independently and involve meetings and oversight of individual GSA projects and programs. Other administrative actions may involve tracking and evaluating GSP implementation and sustainability conditions as well as assessing the benefit to the Subbasin; and

WHEREAS, the GSP provides in Section 7.6:

SGMA requires that GSPs be evaluated regarding their progress towards meeting the approved sustainability goals at least every 5 years and to provide a written assessment to DWR. An evaluation must also be made whenever the GSP is amended. A description of the information that will be included in the 5-year report is provided below and would be prepared in a matter consistent with CCR Title 23 § 356.4; and

WHEREAS, the GSP provides in Section 7.1 that annual reports required by SGMA will continually monitor movement towards sustainability and will:

. . . contain a description of current groundwater conditions for each sustainability indicator and will include a discussion of overall Subbasin sustainability. Progress towards achieving interim milestones and measurable objectives will be included, along with an evaluation of groundwater quality and groundwater elevations (being used as direct or proxy measures for several sustainability indicators) in relation to minimum thresholds . . . describe the current status of project and management action implementation since the previous 5-year report; and

WHEREAS, Section 7.6 of the GSP provides that each 5 year report:

will include a reconsideration of GSP Elements. As additional monitoring data are collected during GSP implementation, land uses and community characteristics change over time, and GSP projects and management

actions are implemented, it may become necessary to revise the GSP. This section of the 5-year report will reconsider the basin setting, management areas (if applicable), undesirable results, minimum thresholds, and measurable objectives. If appropriate, the 5-year report will recommend revisions to the GSP. Revisions would be informed by the outcomes of the monitoring networks, and changes in the Subbasin, including but not limited to, changes to groundwater uses or supplies and outcomes of project implementation; and

WHEREAS, Section 7.6.7 of the GSP states that each GSA may take enforcement or legal actions to support sustainability; and

WHEREAS, Section 7.6.8 of the GSP notes that “[a] description of amendments to the GSP will be provided in the 5-year report, including adopted amendments, recommended amendments for future updates, and amendments that are underway during development of the 5-year report”; and

WHEREAS, on July 19, 2022, the City of Manteca GSA adopted the Revised Eastern San Joaquin Groundwater Subbasin Groundwater Sustainability Plan (Revised GSP); and

WHEREAS, in March 2023, the Department of Water Resources (DWR) approved the Revised GSP; and

WHEREAS, in October 2024, the City and the GSA received written notification of an application for a new irrigation well at the Yosemite Square subdivision, in the City, which falls within the boundaries of the GSA; and

WHEREAS, the application indicates that this new well is for irrigation use to irrigate the park planned for the Yosemite Square subdivision; and

WHEREAS, this resolution is for the new irrigation well application for the Yosemite Square Subdivision; and

WHEREAS, Section 10726.4(b) of the Water Code provides that GSAs are not authorized to issue permits for the construction, modification, or abandonment of groundwater wells, except as authorized by a county with authority to issue those permits; and

WHEREAS, Section 10726.8(b) of the Water Code provides that GSAs do not have the authority make a binding determination of the water rights of any person or entity; and

WHEREAS, this document constitutes written verification pursuant to Executive Order N-7-22; and

WHEREAS, nothing in this Statement shall be read as interfering with the authority of San Joaquin County to approve, disapprove, or condition any groundwater well permit project pursuant to its permitting authority; and

WHEREAS, the City Council has considered all information related to this matter as presented at the public meetings of the City Council identified herein, including any supporting reports by City Staff and any information provided during public meetings.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manteca, as follows:

1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct and establish the factual basis for the City Council's adoption of this Resolution.
2. Based on the projects and management actions set forth in the Revised GSP, the continual monitoring and 5-year updates to the Revised GSP, and the GSAs' commitment to implementing all projects, management actions or pumping restrictions required to achieve sustainability, the City of Manteca makes the following findings:
 - A. Groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in the Revised GSP; and
 - B. Groundwater extraction by the proposed well would not decrease the likelihood of achieving a sustainability goal for the Basin.
3. Be it further resolved that all well owners within the GSA shall be aware that if projects and management actions do not achieve the desired sustainability goals outlined in the Revised GSP, the GSA may be forced to implement demand-side management actions in the future if need is determined, including, but not limited to, pumping restrictions.
4. Be it further resolved that the City Council authorizes the City Engineer or designee to take any steps necessary for the implementation of the Resolution, including, without limitation, signing any additional documents required by San Joaquin County Environmental Health to effectuate the Resolution.
5. This Resolution shall take effect immediately upon its adoption.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Manteca at a public meeting of said City Council held on the 19th day of November, 2024, by the following vote:

AYES:

ATTACHMENT 1

NOES:

ABSENT:

ABSTAIN:

MAYOR: _____
GARY SINGH
Mayor

ATTEST: _____
CASSANDRA CANDINI-TILTON
City Clerk