

June 27, 2024

*Via Electronic Mail Only*

STRGBA  
1231 Eleventh Street  
P.O. Box 4060  
Modesto, CA 95354  
[strgba@mid.org](mailto:strgba@mid.org)

Re: Comments on STRGBA Revised Groundwater Sustainability Plan (Revised GSP)

Dear STRGBA Member Agencies:

Thank you for the opportunity to comment on the STRGBA Revised GSP. The Revised GSP does a great job of addressing the Department of Water Resources' concerns and charts a strong path forward for the subbasin. As an initial matter, it was encouraging to see STRGBA's acknowledgement of the importance of management actions to achieving and maintaining sustainability in the subbasin. The revised GSP adopts a more proactive approach for the subbasin which is even more important now given the continued overdraft occurring in the Non-District East Management Area (NDE).

The development and implementation of management actions should continue to be a priority in light of the lack of progress on the projects identified in the initial STRGBA GSP submitted in January 2022. Unfortunately, while there has been some success with regard to Oakdale Irrigation District's (OID) In-Lieu and Direct Recharge Project, the Modesto Irrigation District (MID) project has so far been unsuccessful in attracting the participation necessary to realize the recharge benefits envisioned in the GSP. Moreover, given the commitment in the revised GSP to "tangible results by 2027" STRGBA does not have the luxury of continuing to wait for cooperation from the NDE to address the overdraft, which has yet to materialize in a meaningful way.

In the development, funding, and implementation of the proposed management actions, it will be vital to remember the varied conditions that exist throughout the Modesto subbasin. Such conditions are incompatible with a "one subbasin" / "one size fits all" approach to achieving sustainability, hence STRGBA's wise decision to utilize management areas. Despite 2023 being a historic wet year, the subbasin was still overdrafted by 24,000 acre-feet (af). The impact of the recharge efforts in the MID, OID, and Non-District West (NDW) management areas, was significantly undermined by the 70,500 af overdraft that occurred in the NDE. I continue to urge STRGBA to avoid any

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temptation to shift responsibility, financial or otherwise, for addressing overdraft conditions caused by the NDE, to the GSA as a whole or to the other three management areas who are already doing their part to make the subbasin sustainable. Management actions should be imposed on and funded only by those groundwater users that must be managed.

Additionally, as the management actions are developed, public participation and input will be critical. Discussions and decisions on triggers for management actions, groundwater allocations, and extraction fees must take place in an open and transparent manner. Importantly, local knowledge of conditions and practices are not homogenous across the entire subbasin. For instance, there are portions of the subbasin where groundwater is high enough that it intrudes on the root zone and must be pumped to maintain crops. Factors such as this should be taken into consideration during implementation of the GSP. Further, as a public agency subject to the Brown Act, STRGBA must ensure that the discussions and decisions on these important issues occur only at properly noticed, public meetings, where the public can participate and provide input. Closed-door discussions among Board members should be limited in accordance with the Brown Act's requirements.

Thank you again for the opportunity to provide these comments and for your continued work for the betterment of the Modesto subbasin.

Sincerely,



Alexis K. Stevens  
Attorney

cc: TODD Groundwater, c/o Liz Elliott ([LElliott@toddengineers.com](mailto:LElliott@toddengineers.com))  
Oakdale Irrigation District, c/o Eric Thorburn ([ethorburn@oakdaleirrigation.com](mailto:ethorburn@oakdaleirrigation.com))  
Oakdale Irrigation District Board of Directors, c/o Casse White  
([cwhite@oakdaleirrigation.com](mailto:cwhite@oakdaleirrigation.com))  
Modesto Irrigation District, c/o Gordon Enas ([gordon.enas@mid.org](mailto:gordon.enas@mid.org))  
Modesto Irrigation District Board of Directors, c/o Angela Cartisano  
([Angela.Cartisano@mid.org](mailto:Angela.Cartisano@mid.org))  
City of Oakdale, c/o Michael Renfrow ([mrenfrow@ci.oakdale.ca.us](mailto:mrenfrow@ci.oakdale.ca.us))  
City of Modesto, c/o Miguel Alvarez ([malvarez@modestogov.com](mailto:malvarez@modestogov.com))  
City of Waterford, c/o Michael Pitcock ([mpitcock@cityofwaterford.org](mailto:mpitcock@cityofwaterford.org))  
City of Riverbank, c/o Michael Riddell ([mriddell@riverbank.org](mailto:mriddell@riverbank.org))  
Stanislaus County, c/o Christy McKinnon ([cmckinnon@envres.org](mailto:cmckinnon@envres.org))  
Modesto Chamber of Commerce ([info@modestochamber.org](mailto:info@modestochamber.org))  
Modesto City Council ([council@modestogov.com](mailto:council@modestogov.com))  
Stanislaus County Farm Bureau, c/o Caitie Diemel ([caitiec@stanfarmbureau.org](mailto:caitiec@stanfarmbureau.org))

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