

AN ORDINANCE TO AMEND EMERGENCY ORDINANCE E TO RESTORE TEMPORARY EXTRACTION ALLOCATIONS FOR MUNICIPAL AND INDUSTRIAL OPERATORS

ARTICLE 1. FINDINGS

1.1. The Fox Canyon Groundwater Management Agency Board of Directors in response to persistent drought conditions in the territory of the Agency on April 11, 2014, adopted an emergency ordinance limiting extractions from groundwater extraction facilities, etc. (Emergency Ordinance E) which, among other things, established temporary extraction allocations for municipal and industrial operators based on average annual extractions during a base period of 2003 to 2012.

1.2. The same drought conditions that led to the adoption of Emergency Ordinance E resulted in the passage of the Sustainable Groundwater Management Act of 2014 (SGMA) which requires that the Agency adopt and implement a groundwater sustainability plan that includes measures to ensure that each of the basins within the territory of the Agency is operated within its sustainable yield.

1.3. The Agency has been engaged since 2015 in a stakeholder-driven process to develop allocation systems for each of its groundwater basins to help meet the sustainability goal under SGMA for the basins and intends to implement those allocation systems as of October 1, 2020.

1.4. The allocation systems to be adopted by the Agency will replace the temporary extraction allocations established under Emergency Ordinance E and provide a foundation for the long-term sustainable management of the groundwater basins within the territory of the Agency.

1.5. The implementation of Emergency Ordinance E resulted in a reduction in groundwater extraction allocations for municipal and industrial operators that exceeded the reduction imposed on agricultural operators which was contrary to the intent of Emergency Ordinance E. In accordance with the Agency's guiding principles for fair, firm and consistent groundwater regulation, the Board wishes to restore the temporary extraction allocations for municipal and industrial operators to the amounts initially established under Emergency Ordinance E.

1.6. Notwithstanding the improvement in conditions that led to the lifting of the Governor's proclamation of a drought state of emergency, dry conditions and other challenges to sustainable yield and sustainable groundwater management continue to persist within the territory of the Agency and support a continued need for all other measures in Emergency Ordinance E to improve and protect the quantity and quality of groundwater supplies and to facilitate development of a long-term plan for groundwater management.

1.7. This ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Water Code section 10728.6 and CEQA Guidelines sections 15301, 15307 and 15308.

ARTICLE 2. AMENDMENT OF EMERGENCY ORDINANCE E

Article 2.C. of Emergency Ordinance E is hereby repealed with respect to groundwater extractions

subject to temporary extraction allocations beginning on January 1, 2020. All other provisions of Emergency Ordinance E shall remain in full force and effect.

ARTICLE 3. EFFECTIVE DATE

This ordinance shall become effective on the thirty-first day after adoption.

PASSED AND ADOPTED this 13th day of December, 2019, by the following vote:

AYES: 4 _____

NOES: 1 _____

ABSENT: 0 _____

Chair, Board of Directors
Fox Canyon
Groundwater
Management Agency

ATTEST:

By: Jamie Malos
Clerk of the Board Acting