

**Resolution 2009-07**  
**of the**  
**Fox Canyon Groundwater Management Agency**

**A RESOLUTION CONCERNING ALLOCATION TRANSFER AND USE OF GOOD DEED CREDIT TRUST ACCOUNT IN CONJUNCTION WITH UNITED WATER CONSERVATION DISTRICT'S ACQUISITION OF VULCAN MATERIALS COMPANY'S FERRO PROPERTY**

**WHEREAS**, the Fox Canyon Groundwater Management Agency ("Agency") was established to preserve the integrity of the quality and quantity of groundwater resources within its boundaries; and

**WHEREAS**, the Agency exercises its regulatory authority through ordinances, resolutions, and implementation of its adopted groundwater management plan; and

**WHEREAS**, the current groundwater management plan ("Management Plan") was updated and adopted in May 2007; and

**WHEREAS**, The Management Plan provides an extensive evaluation of the varying conditions in aquifers within the Agency, and an assessment of the water management strategies that various entities propose for implementation within the Agency; and

**WHEREAS**, the Management Plan finds that the Oxnard Plain Forebay Basin ("Forebay") is impaired by nitrate contamination from agricultural operations and septic sources, and concludes that preventing further nitrate contamination in the Forebay from potential agricultural activities within reclaimed gravel pits should be a high priority for the Agency; and

**WHEREAS**, the Management Plan identifies groundwater management strategies that are focused on increasing recharge into the Forebay so that additional water can be delivered to overdrafted areas within the Agency, and concludes that additional spreading facilities in the Forebay may be needed to implement such strategies; and

**WHEREAS**, United Water Conservation District ("UWCD") proposes to purchase from Calmat Co. doing business as Vulcan Materials Company ("Vulcan") the Ferro Property consisting of approximately 231 acres located above the Forebay which involves reclaimed gravel pits and agricultural land; and

**WHEREAS**, ultimate purchase of the Ferro Property by UWCD will benefit the Forebay by: (1) limiting the long-term expansion of groundwater use, (2) limiting water quality degradation associated with the expansion of agricultural activities, and (3) providing a potential for increased groundwater recharge from surface and/or recycled water; and

**WHEREAS**, UWCD currently holds 10,949 AF of storage credits from the use of State Water Project water to recharge the Forebay and will earn additional storage credits for the importation of State Water in 2007 and 2008; and

**WHEREAS,** UWCD and Vulcan propose the transfer of 867 acre-feet of historical allocation from Vulcan's wells located on its recycle plant site to the wells located at the Ferro Property for use by UWCD; and

**WHEREAS,** UWCD proposes as a funding source the delivery of 19,000 AF of supplemental groundwater extracted from the Forebay or transfer of allocation or credits to the City of Oxnard ("City") over a ten-year period. UWCD will receive payment for this supplemental water that can be used by UWCD to pay financial obligations, including purchase of the Ferro Property. UWCD further proposes to avoid the assessment of surcharges on these extractions through the transfer of allocation to the wells located at the Ferro Property and the redemption of storage credits; and

**WHEREAS,** UWCD's proposal will contribute to the resolution of a unique groundwater issue of concern to both agencies by limiting the long-term expansion of groundwater use, limiting water quality degradation from agricultural activities, and by providing a future potential opportunity to increase recharge into the Forebay;

**NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND RESOLVED AS FOLLOWS:**

1. The Agency approves the transfer of 867 AF of historical allocation from Vulcan's recycle plant wells to the Ferro Property wells, subject to the conditions and contingencies set forth in this Resolution.

2. UWCD's proposed use of the Good Deed Credit Trust represents a unique, non-precedent setting use of credits to promote a program to improve water quality and water supply conditions in the Forebay. The Agency will approve the redemption of 11,000 AF from the Good Deed Credit Trust, subject to the conditions described below. The Agency will grant this approval at such time as UWCD and/or the City, as lead agency for compliance with the California Environmental Quality Act ("CEQA") approves the sale of groundwater extracted from the Forebay, transfer of credits from the Good Deed Credit Trust Account, or transfer of allocation to the City, any required mitigation and monitoring and, subject to a finding by the Agency that the proposed use will result in "no net detriment" to any basin, sub-basin, or aquifer within the Agency's boundaries. The conclusion of "no net detriment" will be based on the results of the technical analyses described in this Resolution and comply with the terms and conditions herein.

3. Notwithstanding the support granted herein, the Agency and the UWCD acknowledge that: a) the UWCD and/or the City is the lead agency for compliance with CEQA; and b) approval of any future projects that may be proposed for the Ferro Property is subject to compliance with CEQA, and any required mitigation and monitoring. Nothing in this resolution is intended to limit the Agency's rights under CEQA as a responsible agency to participate in the CEQA compliance process for any future projects.

4. UWCD shall obtain Agency staff approval of a monitoring and contingency plan for the proposed pumping under this Resolution. The plan shall be submitted no later than 120 days after adoption of this Resolution. The plan shall include the following items:

- a. Description of the proposed extraction locations and anticipated pumping schedules.
- b. Description of potential impacts that may result from the proposed pumping, particularly during 2010 and 2011.

- c. Analysis of potential impacts, including, but not limited to:
  - i. Quantify the increase in the areal extent and magnitude of the cone of depression in the vicinity of the proposed pumping locations
  - ii. Analysis of the potential change in elevations and groundwater gradient in the Oxnard Pressure Plain Basin as it relates to potential sea water intrusion.
- d. Proposed groundwater monitoring program consisting of water level and water quality monitoring that is designed to detect the potential impacts identified in the plan. The monitoring program shall also be designed to collect data that may be used to assess the calibration of the Ventura Regional Groundwater Model. This may include monitoring at previously unmonitored locations and/or more frequent monitoring at currently monitored locations.
- e. Proposed contingency plan that identifies monitoring triggers and actions that will be taken to address or mitigate potential impacts.
- f. The plan shall be signed by a State of California Licensed Professional Geologist or Engineer.

5. UWCD shall provide to the Agency semi-annual reports during 2010 and 2011 for the reporting periods are January 1 through June 30 and July 1 through December 31. Beginning in 2011, UWCD shall provide an annual report for each year during which pumping under the Program exceeds 1,000 acre-feet. The reports are due 45 days following the reporting period, and shall include the following information:

- a. Summary of groundwater extractions made under the Program during the preceding reporting period;
- b. Summary and analysis of water level and water quality conditions in the Forebay and Oxnard Pressure Plain Basin;
- c. Description of any contingency actions taken during the reporting period;
- d. Estimate of the planned pumping for subsequent reporting periods; and
- e. All data collected during the reporting period, in electronic format.

6. Groundwater shall be extracted from registered UWCD extraction facilities located within the Forebay or the City may use its registered extraction facilities in the "near-Forebay" portion of the Oxnard Pressure Plain Basin to pump groundwater under this program, as identified in the Monitoring and Contingency Plan. UWCD and the City shall submit supplemental information to the Agency with each semiannual statement that identifies the quantity of groundwater pumped from each extraction facility under this Program.

7. Use of the Good Deed Credit Trust Account shall be limited to 11,000 credits for the purposes set forth in this Resolution but do not limit use of the Good Deed Trust Credits for any other approved purpose. Use of historical allocations previously held by Vulcan shall be limited to 8,000 acre-feet. No more than 5,500 AF of groundwater shall be extracted per year under this program, unless approved by the Agency Board.

8. If UWCD elects to transfer any portion of the 11,000 Good Deed Trust Account credits authorized by this resolution to the City, the City must use the Good Deed credits prior to using any other credits.

9. The Good Deed Credit Trust Account and historical allocations previously held by Vulcan shall not be used for any purposes other than to provide water to the City of Oxnard under this Program.

10. The Program shall be completed on or before December 31, 2019 at which time the Agency will retire the 1,464 acre-feet of historical allocation formerly held by Vulcan. Yearly extensions may be granted subject to Agency Board approval.

11. Neither UWCD nor the City shall earn conservation credits against any historical allocations previously held by Vulcan.

12. All conservation credits held by Vulcan, including any that may be earned during the 2009 calendar year are hereby retired by adoption of this resolution upon recordation of the transfer deed for real property from Vulcan to UWCD.

On motion by Director Craven, seconded by Director Bennett, the foregoing resolution was passed and adopted on this 28th day of October, 2009 in Ventura, California.

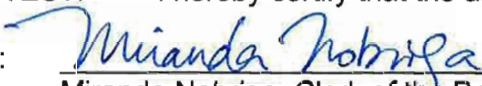
By:



Lynn Maulhardt, Chair, Board of Directors  
Fox Canyon Groundwater Management Agency

ATTEST: I hereby certify that the above is a true and correct copy of Resolution 2009- 07

By:



Miranda Nobriga, Clerk of the Board