

**Resolution 2017-02**  
**of the**  
**Fox Canyon Groundwater Management Agency**

**A RESOLUTION INCREASING TIERED GROUNDWATER EXTRACTION SURCHARGE RATES**

**WHEREAS**, the mission of the Fox Canyon Groundwater Management Agency (Agency) includes the protection and preservation of groundwater resources within the boundary of the Agency; and

**WHEREAS**, the Agency is charged with bringing the groundwater basins within its jurisdiction into safe yield; and

**WHEREAS**, the Agency is authorized to establish an extraction allocation for each groundwater extraction facility located within the Agency, and to impose extraction surcharges for extractions in excess of a facility's extraction allocation; and

**WHEREAS**, extraction surcharges are necessary to reduce excessive pumping from the aquifer systems within the Agency and to bring the groundwater basins within the Agency to safe yield; and

**WHEREAS**, extraction surcharges are intended to discourage the use of groundwater beyond the extraction allocation and are not taxes, user charges or user fees; and

**WHEREAS**, the Agency is authorized to set the extraction surcharge rate at an amount that is necessary to achieve safe yield; and

**WHEREAS**, the Agency Ordinance Code provides that the extraction surcharge rate shall be based on: (1) the cost to import potable water from the Metropolitan Water District of Southern California (MWD), or other equivalent water sources that can or do provide non-native water within the Agency; and (2) the current groundwater conditions within the Agency; and

**WHEREAS**, Calleguas Municipal Water District (CMWD) is a member agency of MWD and is the largest purveyor of imported water within the Agency; and

**WHEREAS**, MWD's imported water supplies are being diminished due to ongoing pumping restrictions in the Sacramento-San Joaquin Delta; and

**WHEREAS**, CMWD has set its Tier 2 supply rate at \$1,461 per acre-foot; and

**WHEREAS**, some of the groundwater basins within the Agency have significantly low water levels; and

**WHEREAS**, the existing groundwater surcharge rate is not sufficient to deter over-pumping or excessive groundwater extractions when compared to a well operator's ability to purchase retail or imported water, or treat otherwise unusable water; and

**WHEREAS**, certain operators continually exceed their extraction allocation by over forty-two percent; and

**WHEREAS**, an economic disincentive is deemed the best means to discourage over over pumping of groundwater and a single tier surcharge rate has not been effective with respect to those operators who greatly exceed their extraction allocation; and

**WHEREAS**, the Agency Ordinance Code provides for setting groundwater extraction surcharge rates by Resolution and provides that such rates may be tiered; and

**WHEREAS**, this Resolution is exempt from the provisions of the California Environmental Quality Act as an action taken to assure the maintenance, restoration, or enhancement of a natural resource and the environment.

**NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED THAT:**

1. Tiered Surcharge Rates are hereby established as follows:

Tier I: A surcharge rate of \$1,461.00 per acre-foot shall be imposed on all groundwater extractions that exceed the combined allocation for all water wells within the Agency by 25 acre-feet or less.

Tier II: An additional surcharge of \$250.00 per acre-foot shall be imposed on all groundwater extractions that exceed the combined allocation for all water wells within the Agency by more than 25 acre-feet but less than 100 acre-feet.

Tier III: An additional surcharge of \$500.00 per acre-foot shall be imposed on all groundwater extractions that exceed the combined allocation for all water wells within the Agency by 100 acre-feet or more.

2. These Tiered Surcharge Rates shall become effective on January 1, 2018.

On a motion by Director Borchard and seconded by Director Craven, the foregoing Resolution was duly passed and adopted by the Board of Directors at a regularly scheduled meeting of the Board held on this 27th day of September 2017 in Ventura, California.

  
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Eugene F. West, Chair, Board of Directors  
Fox Canyon Groundwater Management Agency

ATTEST: I hereby certify that the above is a true and correct copy of Resolution No. 2017-02.

By:   
Keely Royas, Clerk of the Board