

EMERGENCY ORDINANCE – E

AN EMERGENCY ORDINANCE LIMITING EXTRACTIONS FROM GROUNDWATER EXTRACTION FACILITIES, SUSPENDING USE OF CREDITS AND PROHIBITING CONSTRUCTION OF ANY GROUNDWATER EXTRACTION FACILITY AND/OR THE ISSUANCE OF ANY PERMIT THEREFOR

The Board of Directors of the Fox Canyon Groundwater Management Agency, State of California, ordains as follows:

ARTICLE 1. Findings

The Board of Directors hereby finds that:

- A. On January 17, 2014, the Governor of the State of California proclaimed a state of emergency due to current drought conditions and called on Californians to reduce their water usage by 20 percent. On March 1, 2014, the Governor signed into law emergency drought legislation that finds and declares that California is experiencing an unprecedented dry period and shortage of water for its citizens, local governments, agriculture, environment, and other uses.
- B. The U.S. Drought Monitor has designated the territory of the Agency to be currently in a condition of exceptional drought.
- C. The United Water Conservation District has reported that groundwater storage in the Oxnard Plain Basin Forebay dropped by 32,200 acre feet in the past year and groundwater levels are currently below sea level. Continued dry conditions and regulatory restrictions on diversions from the Vern Freeman Diversion will result in less water available for recharge of the Forebay.
- D. On February 25, 2009, the Fox Canyon Groundwater Management Agency Board of Directors in response to a serious water resource problem constituting a very real and immediate threat to groundwater quality and quantity to the West, East, and South Las Posas Basins and any and all basins tributary thereto adopted Emergency Ordinance D, entitled An Emergency Ordinance to Impose a Temporary Moratorium on Construction of New Wells and to Provide an Upper Limitation to Efficiency Extraction Allocation Within the West, East, and South Las Posas Groundwater Basins Pending Development of a Basin-Specific Management Plan.
- E. Emergency Ordinance D was replaced by Ordinance 8.6 which presumed the development of a Basin-Specific Management Plan. However, the threats to groundwater quality and quantity in the Las Posas Basins remain and have increased due to persistent drought conditions, and the lack of a Basin-Specific Management Plan.

- F. The Agency's 2007 Update to its Groundwater Management Plan established basin yield at 100,000 acre-feet per year; however, average annual total extractions within the Agency for Calendar Years 2003 through 2012 were 124,586 acre-feet.
- G. Due to persistent dry conditions, the Department of Water Resources on January 31, 2014, announced a 2014 State Water Project Allocation of zero percent.
- H. The cumulative use of conservation credits has reduced the benefit of previous reductions in historical allocations, and could limit any benefit derived through this Emergency Ordinance.
- I. The Board may adopt ordinances for the purpose of regulating, conserving, managing, and controlling the use and extraction of groundwater within the territory of the Agency.
- J. The measures adopted in this emergency ordinance are necessary in order to improve and protect the quantity and quality of groundwater supplies within the territory of the Agency, to prevent a worsening of existing conditions, to allow time to implement a definite and long-term solution to improve groundwater conditions in the Agency and to bring groundwater extractions into balance with recharge.
- K. This emergency ordinance is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15307 and 15308 as an action taken "to ensure the maintenance, restoration, or enhancement of natural resources or the environment."

ARTICLE 2. Reduction of Groundwater Extractions

- A. For the duration of this emergency ordinance, all Municipal and Industrial Operators' extraction allocations, regardless of type, shall be replaced with a Temporary Extraction Allocation (TEA) based on an operator's average annual reported extractions, not including any extractions that incurred surcharges, for Calendar Years 2003 through 2012.
- B. For the Port Hueneme Water Agency (PHWA), their TEA shall be established according to the Agency's approved July 24, 1996 agreement and allocations contained within.
- C. Temporary Extraction Allocations (TEA) shall be reduced in order to eliminate overdraft from the aquifer systems within the boundaries of the Agency for municipal and industrial uses. The reductions shall be as follows:

1. Beginning July 1, 2014	10% (TEA x 0.90/2)
2. Beginning January 1, 2015	15% (TEA x 0.85/2)
3. Beginning July 1, 2015	20% (TEA x 0.80/2)
4. Beginning January 1, 2016	20% (TEA x 0.80)

- D. For reported extractions starting on August 1, 2014, all Agricultural Operators' extraction allocations, regardless of type, shall be replaced with an Annual Efficiency Allocation as provided in Section 5.6.1.2. of the Agency Ordinance Code, except that the annual irrigation allowances used to calculate the Irrigation Allowance Index shall be adjusted downward 25% from the allowances set forth in Resolution No. 2011-04 (Exhibit No. 1). For computing the irrigation allowance, the definition of Planted Acre may include designated areas that grew irrigated crops in the twelve months prior to August 1, 2014, but have subsequently been fallowed or are growing a non-irrigated crop.
- E. On February 1, 2015, the Board may by Resolution undertake an additional adjustment to the annual irrigation allowances used to calculate the Irrigation Allowance Index, or other pumping restrictions in order to achieve a cumulative 10% reduction in pumping by Agricultural Operators.
- F. On August 1, 2015, the Board may by Resolution undertake an additional adjustment to the annual irrigation allowances used to calculate the Irrigation Allowance Index, or other pumping restrictions in order to achieve a cumulative 20% reduction in pumping by Agricultural Operators.
- G. Notwithstanding the extraction allocations established pursuant to Chapter 5.0 of the Agency Ordinance Code, all extractions in excess of the allocations established and adjusted by this emergency ordinance shall be subject to extraction surcharges.
- H. The Executive Officer may, on written request from a land owner or operator, grant a variance from the requirements of this article based on a showing:
 - 1. That there are special circumstances or exceptional characteristics of the owner or operator which do not apply generally to comparable owners or operators in the same vicinity; or
 - 2. That strict application of the reductions as they apply to the owner or operator will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of this emergency ordinance; or
 - 3. That the granting of such variance will result in no net detriment to the aquifer systems.

ARTICLE 3. Limitation on Accrual and Use of Credits

Notwithstanding Section 5.7 of the Agency Ordinance Code, conservation credits shall not be obtained and may not be used to avoid paying surcharges for extractions while this emergency ordinance is in effect.

ARTICLE 4. Prohibition on New Extraction Facilities

The Board prohibits the issuance of any permit for construction of a groundwater extraction facility, other than a replacement, backup or standby facility which does not allow the initiation of any new or increased use of groundwater, within the territory of the Agency. The prohibition set forth shall not apply to any permit for which a completed application is on file with the Agency on or before February 26, 2014, or for any permit in furtherance of a pumping program approved by the Board. For the purpose of this Article 4, a new or increased use is one that did not exist or occur before the effective date of this emergency ordinance. The Board may grant exceptions to the prohibition set forth in this Article 4 on a case-by-case basis. Applications for exceptions shall conform to the requirements of Section 5.2.2.3. of the Agency Ordinance Code and will be approved only if the Board makes the findings set forth in Section 5.2.2.4. of the Agency Ordinance Code.

ARTICLE 5. Duration

This emergency ordinance shall remain in effect from the date of adoption and reviewed every eighteen months, unless superseded or rescinded by action of the Board or a finding by the Board that the drought or emergency condition no longer exists.

ARTICLE 6. Effective Date

This ordinance shall become effective immediately upon adoption by the vote of at least four members of the Board; otherwise it shall become effective on the thirty-first day after adoption.

PASSED AND ADOPTED this 11th day of April 2014 by the following vote:

AYES: 5

NOES: 0

ABSENT: 0

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 Emergency Ordinance E.

By:

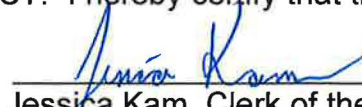

Jessica Kam, Clerk of the Board

Exhibit No. 1 – Current Irrigation Allowance Index and - Proposed Allowance Index Values
(Adjusted 25%)

CURRENT Irrigation Allowance Index Values

Acre-Feet/Acre

		Oxnard (Z1)			Camarillo (Z2)			Santa Paula (Z3)		
		Typical	Dry	Wet	Typical	Dry	Wet	Typical	Dry	Wet
		Total AF/A	Total AF/A	Total AF/A	Total AF/A	Total AF/A	Total AF/A	Total AF/A	Total AF/A	Total AF/A
Includes leaching and DU = 0.8		# of Crops								
Spring Veg./Fall Celery	2	3.6	3.8	3.3	4.0	4.2	3.7	4.3	4.6	4.0
Summer Veg./Fall Veg	2	3.4	3.6	3.2	3.8	4.0	3.6	4.1	4.3	3.9
Spring Veg./Late Summer Veg./+part Late Fall Veg*	2+plus	3.9	4.1	3.7	4.4	4.6	4.2	4.8	5.0	4.6
		Oxnard (Z1)			Camarillo (Z2)			Santa Paula (Z3)		
		Typical	Dry	Wet	Typical	Dry	Wet	Typical	Dry	Wet
		Total AF/A	Total AF/A	Total AF/A	Total AF/A	Total AF/A	Total AF/A	Total AF/A	Total AF/A	Total AF/A
Crop										
Avocado - 20% Ground Shading	1	1.9	2.0	1.7	2.1	2.3	1.9	2.3	2.5	2.1
Avocado - 50% Ground Shading	1	2.7	3.0	2.5	3.1	3.4	2.8	3.3	3.7	3.0
Avocado - 70% Ground Shading	1	3.7	4.1	3.5	4.1	4.6	4.0	4.5	5.1	4.3
Blueberries 20% Ground Shading	1	1.8	1.9	1.8	2.1	2.3	2.0	2.3	2.5	2.2
Blueberries 50% Ground Shading	1	2.6	2.7	2.6	3.0	3.1	2.9	3.3	3.4	3.2
Blueberries 70% Ground Shading	1	3.6	3.8	3.5	4.1	4.3	3.9	4.5	4.7	4.3
Celery - Single Crop	1	2.0	2.1	1.8	2.2	2.3	2.0	2.4	2.5	2.2
Citrus - 20% Ground Shading	1	1.9	2.1	1.8	2.1	2.4	2.0	2.3	2.6	2.2
Citrus - 50% Ground Shading	1	2.5	2.7	2.4	2.9	3.0	2.7	3.1	3.3	2.9
Citrus - 70% Ground Shading	1	3.4	3.6	3.2	3.9	4.0	3.6	4.3	4.4	3.9
Lima Beans	1	1.0	1.1	1.0	1.2	1.2	1.2	1.3	1.3	1.3
Misc. Veg Greenhouse - Fall	1	1.2	1.3	1.1	1.3	1.4	1.2	1.4	1.5	1.3
Misc. Veg Greenhouse - Spr	1	1.3	1.4	1.2	1.5	1.6	1.4	1.6	1.7	1.6
Misc. Veg Greenhouse - Summer	1	1.6	1.6	1.6	1.8	1.8	1.8	1.9	1.9	1.9
Misc. Veg Single Crop - Fall	1	1.4	1.5	1.3	1.5	1.7	1.4	1.6	1.8	1.5
Misc. Veg Single Crop - Spr	1	1.6	1.7	1.5	1.8	1.9	1.7	1.9	2.1	1.8
Misc. Veg Single Crop - Summer	1	2.0	2.0	1.9	2.2	2.3	2.2	2.5	2.5	2.4
Nursery (Non-Greenhouse)	1	4.3	4.5	4.1	4.9	5.1	4.6	5.3	5.6	5.1
Nursery (Greenhouse)	1	4.5	4.6	4.3	5.1	5.2	4.9	5.6	5.7	5.4
Raspberries - Tunnel	1	4.3	4.5	4.2	4.9	5.1	4.7	5.4	5.5	5.2
Sod	1	4.0	4.2	3.9	4.5	4.8	4.4	5.0	5.2	4.8
Strawberries-Main Season	1	3.1	3.3	2.9	3.4	3.6	3.2	3.7	3.9	3.4
Strawberries-Summer	1	1.8	1.9	1.8	2.0	2.1	1.9	2.1	2.2	2.0
Tomatoes - Peppers	1	2.3	2.3	2.2	2.6	2.6	2.5	2.8	2.8	2.7

Proposed Irrigation Allowance Index Values (Adjusted 25%)

Acre-Feet/Acre

		Oxnard (Z1)			Camarillo (Z2)			Santa Paula (Z3)		
		Typical	Dry	Wet	Typical	Dry	Wet	Typical	Dry	Wet
		Total AF/A	Total AF/A	Total AF/A	Total AF/A	Total AF/A	Total AF/A	Total AF/A	Total AF/A	Total AF/A
Includes leaching and DU = 0.8	# of Crops									
Spring Veg./Fall Celery	2	2.7	2.8	2.5	3.0	3.2	2.8	3.3	3.4	3.0
Summer Veg./Fall Veg	2	2.5	2.7	2.4	2.8	3.0	2.7	3.0	3.2	2.9
Spring Veg./Late Summer Veg./+part Late Fall Veg*	2+plus	2.9	3.1	2.8	3.3	3.5	3.1	3.6	3.8	3.4
		Oxnard (Z1)			Camarillo (Z2)			Santa Paula (Z3)		
		Typical	Dry	Wet	Typical	Dry	Wet	Typical	Dry	Wet
		Total AF/A	Total AF/A	Total AF/A	Total AF/A	Total AF/A	Total AF/A	Total AF/A	Total AF/A	Total AF/A
Crop										
Avocado - 20% Ground Shading	1	1.4	1.5	1.3	1.6	1.7	1.5	1.7	1.9	1.6
Avocado - 50% Ground Shading	1	2.0	2.2	1.9	2.3	2.5	2.1	2.5	2.8	2.3
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Lima Beans	1	0.8	0.8	0.8	0.9	0.9	0.9	1.0	1.0	0.9
Misc. Veg Greenhouse - Fall	1	0.9	0.9	0.8	1.0	1.0	0.9	1.0	1.1	1.0
Misc. Veg Greenhouse - Spr	1	1.0	1.1	0.9	1.1	1.2	1.1	1.2	1.3	1.2
Misc. Veg Greenhouse - Summer	1	1.2	1.2	1.2	1.3	1.3	1.3	1.4	1.4	1.4
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Misc. Veg Single Crop - Spr	1	1.2	1.3	1.1	1.3	1.4	1.2	1.5	1.6	1.4
Misc. Veg Single Crop - Summer	1	1.5	1.5	1.5	1.7	1.7	1.6	1.8	1.9	1.8
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Strawberries-Main Season	1	2.3	2.5	2.2	2.6	2.7	2.4	2.8	2.9	2.6
Strawberries-Summer	1	1.4	1.4	1.3	1.5	1.6	1.4	1.6	1.7	1.5
Tomatoes - Peppers	1	1.7	1.7	1.6	1.9	1.9	1.8	2.1	2.1	2.0