

Resolution 2022-06
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 Fox Canyon Groundwater Management Act authorizes the Agency 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, CMWD has set its Tier 2 supply rate at \$1,841 per acre-foot effective January 1, 2023; and

WHEREAS, according to the Agency's most recent annual reports, groundwater levels were below the minimum thresholds in all the key wells measured in the Oxnard Subbasin, in all but one of the key wells measured in the Pleasant Valley Basin, below the measurable objectives in three key wells measured in the East Las Posas Management Area, and below the minimum threshold in all but one of the key wells measured in the West Las Posas Management Area; 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, an economic disincentive is deemed the best means to discourage 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:

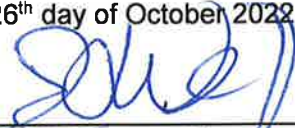
Tier I: A surcharge rate of \$1,841.00 per acre-foot shall be imposed on annual groundwater extractions that exceed the allocation for an extraction facility, or the sum of allocations for combined facilities, for all water wells within the Agency by 25 acre-feet or less.

Tier II: An additional surcharge of \$250.00 per acre-foot shall be imposed on annual groundwater extractions that exceed the allocation for an extraction facility, or the sum of allocations for combined facilities, 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 annual groundwater extractions that exceed the allocation for an extraction facility, or the sum of allocations for combined facilities, for all water wells within the Agency by 100 acre-feet or more.

2. These Tiered Surcharge Rates shall become effective on January 1, 2023.

On a motion by Director Long and seconded by Director Perello, the foregoing Resolution was duly passed and adopted by the Board of Directors at a regularly scheduled meeting of the Board held on this 26th day of October 2022, in Ventura, California.



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. 2022-06.

By: Keely Royas
Keely Royas, Clerk of the Board