Proposed Drought Emergency Ordinance E

Item 1

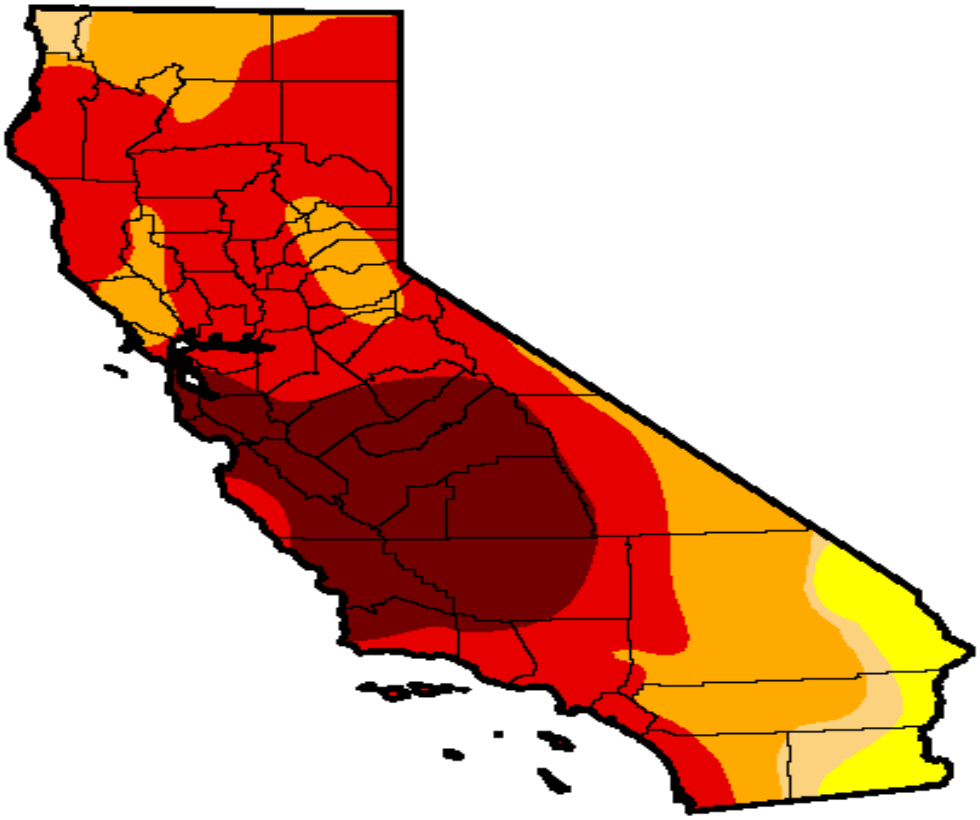
March 26, 2014

Gerhardt Hubner
Deputy Director

Current Conditions

Statewide and Locally

U.S. Drought Monitor
California



March 11, 2014
(Released Thursday, Mar. 13, 2014)
Valid 7 a.m. EDT

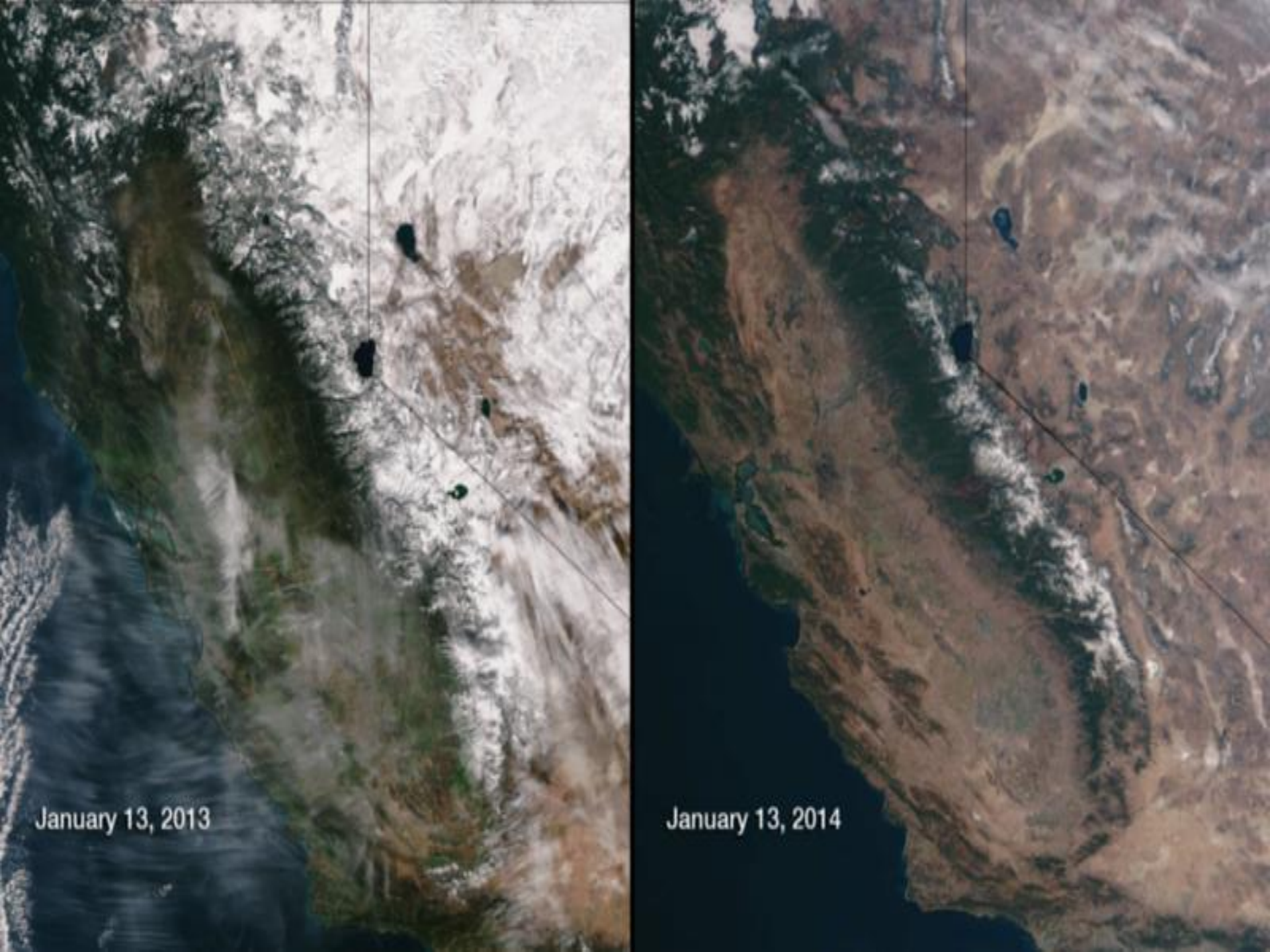
Intensity:

- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

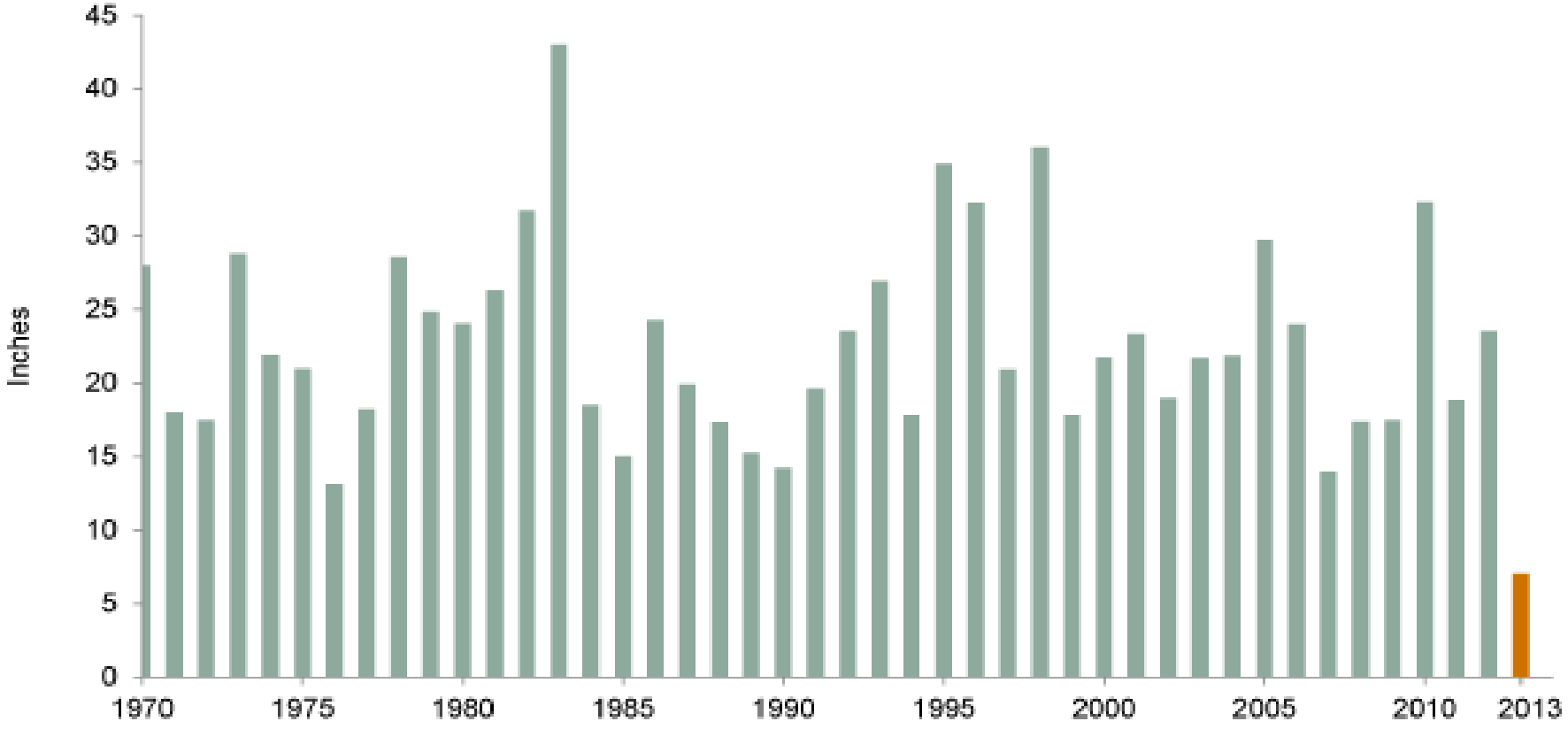
The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See accompanying text summary for forecast statements.

Author:
Richard Tinker
CPC/NOAA/NWS/NCEP

http://droughtmonitor.unl.edu/


January 13, 2013
January 13, 2014

2013 was the driest calendar year on record



Source: Western Regional Climate Center.

Note: Statewide average precipitation in California based on calendar year (January-December).

From: Just the Facts: California's Latest Drought, PPIC, 2014.

Local Effects - Ventura County

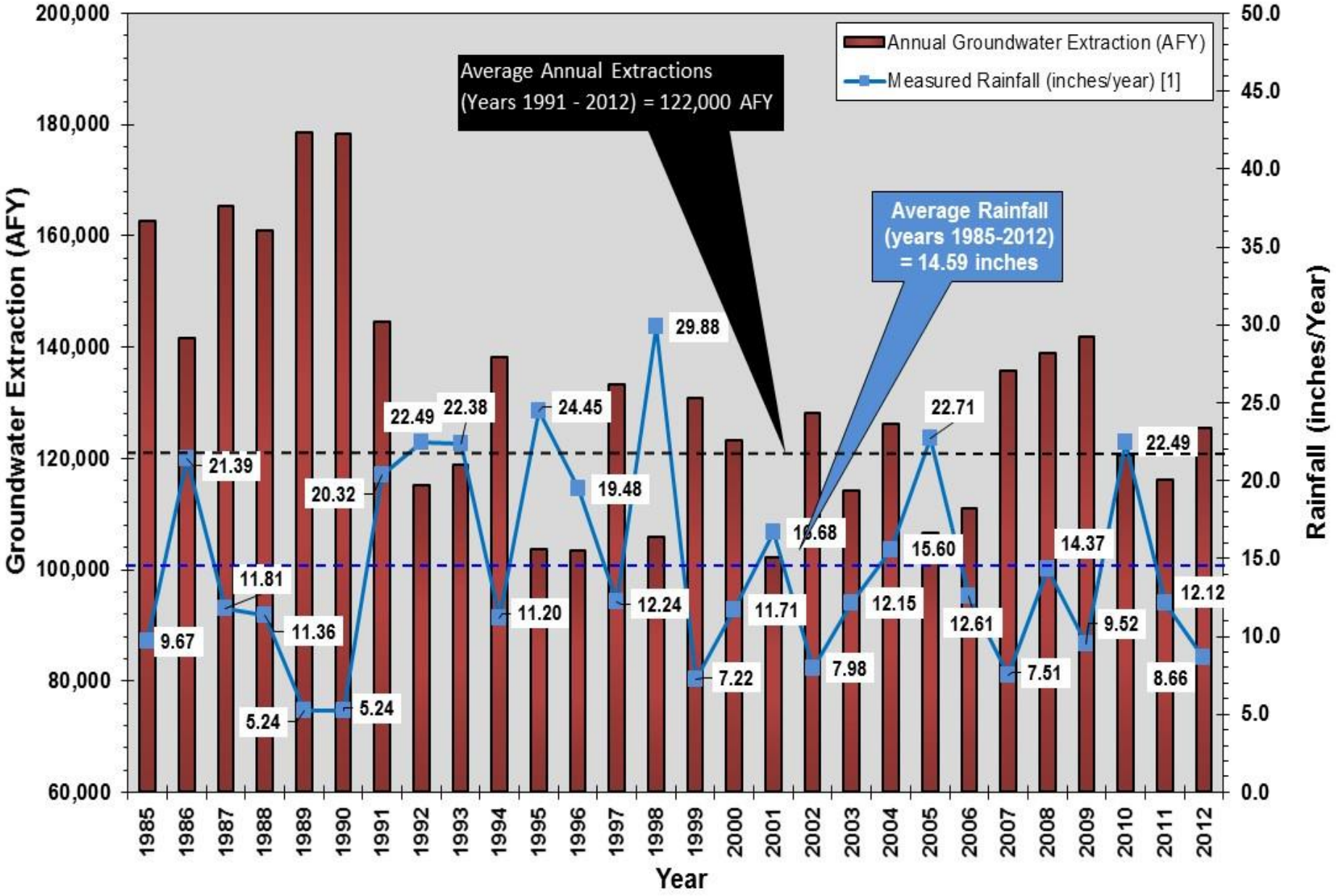
- So far this wet season 5.36 inches (12.25 inches normal) of precipitation has fallen at the County Government Center.
- The rain received at the end of February storm event ranged from 5 to 6 inches throughout the Agency.
- The short term forecast, at the time of preparation of this Board letter, predicts minimal rain through the rest of the month of March.
- The Department of Water Resources (DWR) has not changed its zero (0%) State Water allocation for State Water Project Contractors. As noted in the February 26, 2014 Agency staff report, this the first time in the State Water Project's 54-year history the state will not allot water to the State Water Project Contractors.

Drought Only Magnified Agency Issues

- Sustainability of Current Practices Has Been Raised by Stakeholders
- Emergency Ordinance Not a Knee Jerk Reaction
- Short and Long Term Issues

FCGMA Act Required Safe Yield by 2010

FIGURE 4
2012 Annual Rainfall and Reported Groundwater Extractions in the FCGMA

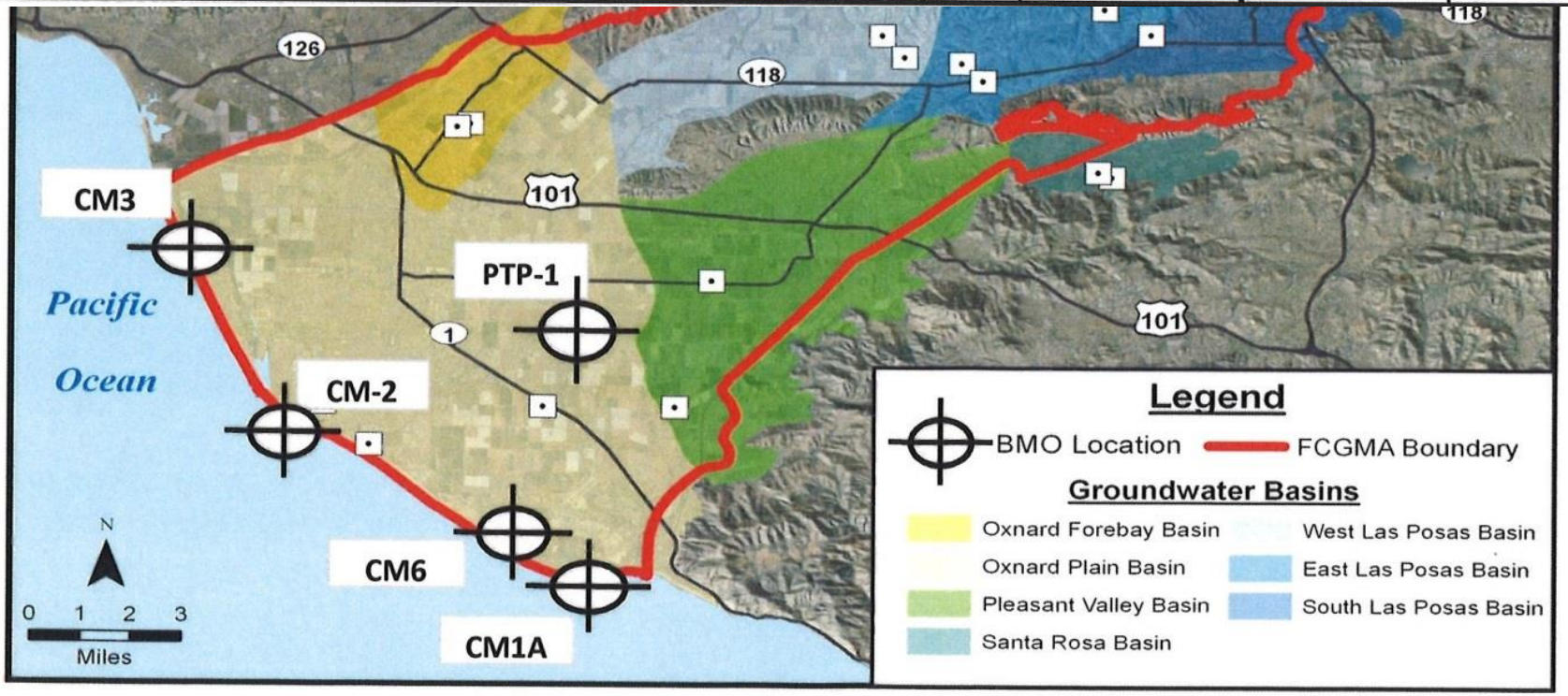


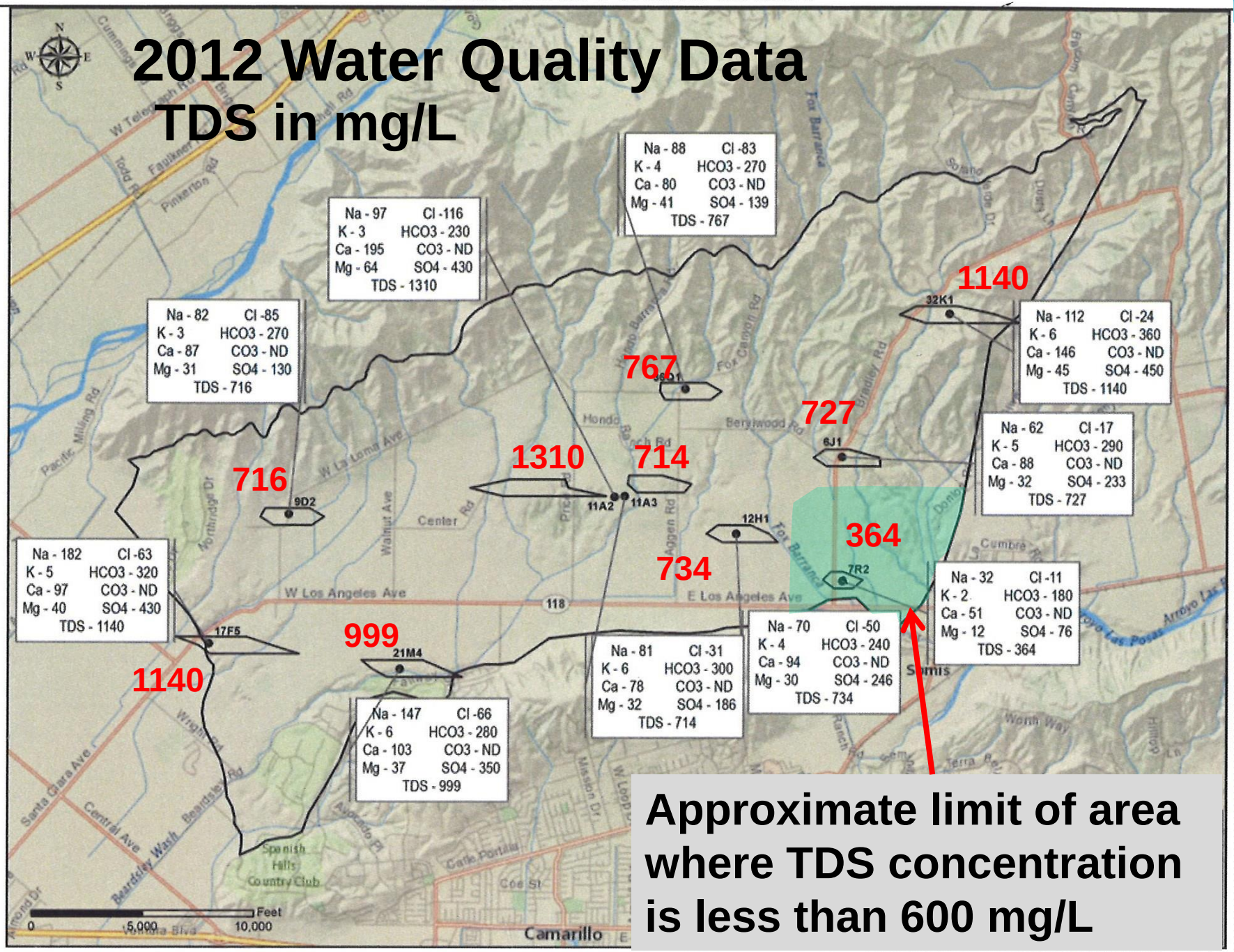
2007 Groundwater Management Plan BMOs Not Being Met

BMOs Oxnard Plain Basin – Lower

Status Summary Table

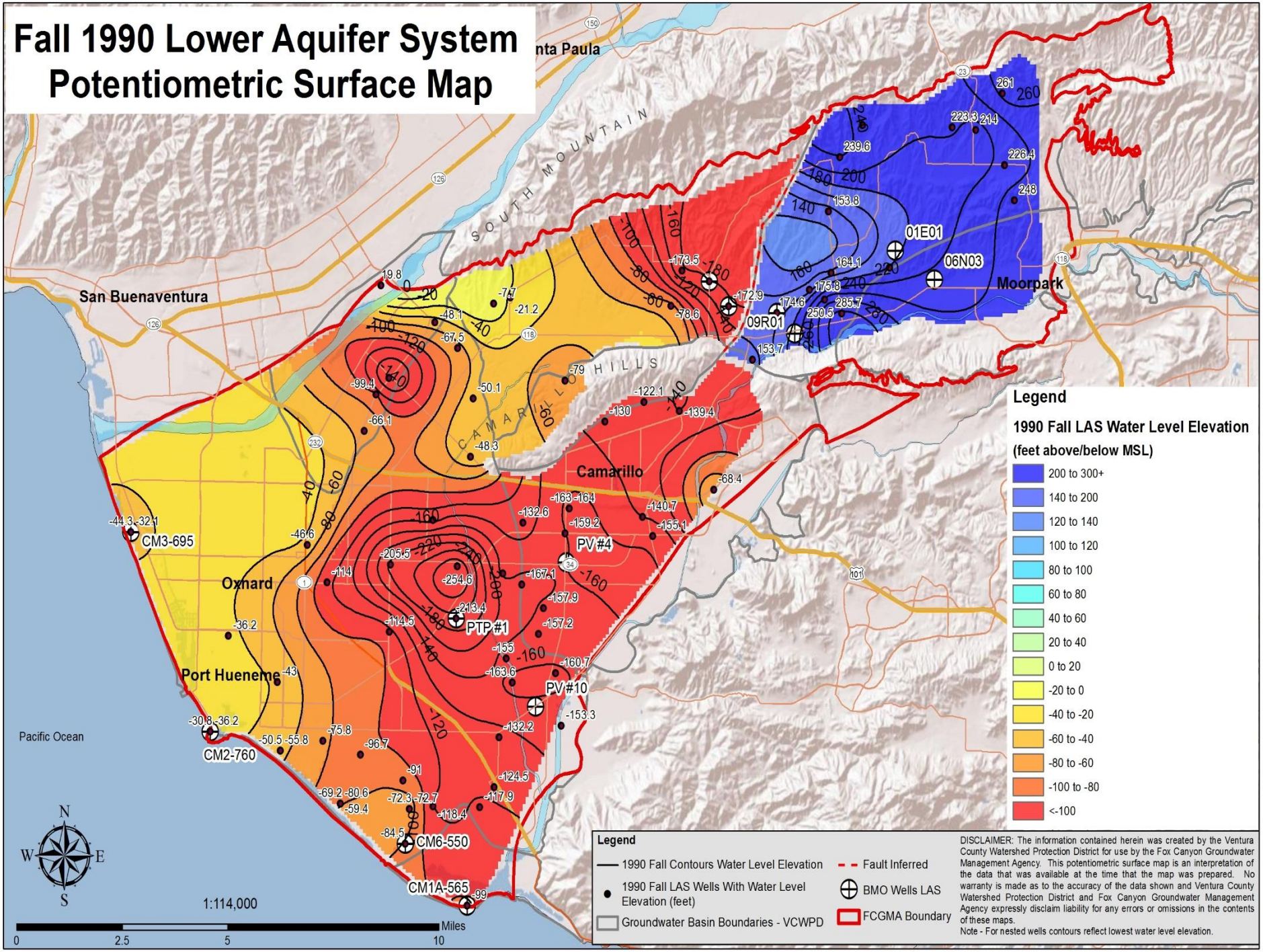
State Well Number (name)	Depth (ft)	Water Level (ft msl)		Chloride (mg/L)		5-yr Trend	
		BMO	2012 Ave	BMO	2012 Ave	Water Level	Chloride
01N23W01C04S (**CM3**-695)	630-695	17	13	150	37	→	→
01N22W29D02S (**CM2**-760)	720-760	19	3	150	11,800	→	→
01S22W01H01S (**CM6**-550)	490-550	13	-26	150	465	↑	↓
01S21W08L03S (**CM1A**-565)	525-565	14	-40	150	5,260	↓	↑
01N21W07J02S (**PTP #1**)	590-1280	20	-51	150	41	→	→



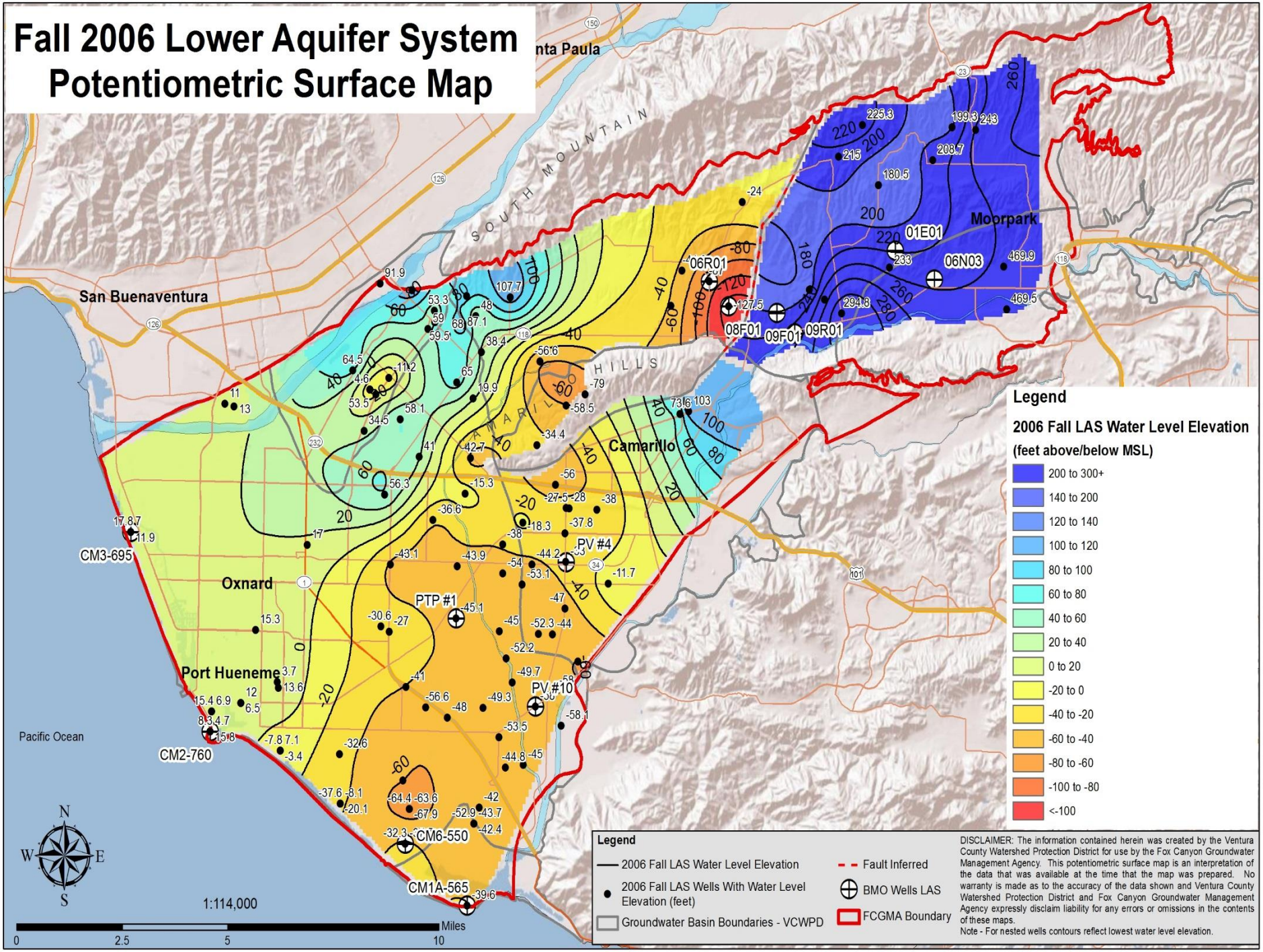

2012 Water Quality Data
TDS in mg/L
Na - 88 Cl -83
K - 4 HCO3 - 270
Ca - 80 CO3 - ND
Mg - 41 SO4 - 139
TDS - 767
Na - 97 Cl -116
K - 3 HCO3 - 230
Ca - 195 CO3 - ND
Mg - 64 SO4 - 430
TDS - 1310
1140
32K1
Na - 112 Cl -24
K - 6 HCO3 - 360
Ca - 146 CO3 - ND
Mg - 45 SO4 - 450
TDS - 1140
Na - 82 Cl -85
K - 3 HCO3 - 270
Ca - 87 CO3 - ND
Mg - 31 SO4 - 130
TDS - 716
767
727
6J1
Na - 62 Cl -17
K - 5 HCO3 - 290
Ca - 88 CO3 - ND
Mg - 32 SO4 - 233
TDS - 727
1310
714
716
9D2
11A2
11A3
12H1
364
734
7R2
Na - 182 Cl -63
K - 5 HCO3 - 320
Ca - 97 CO3 - ND
Mg - 40 SO4 - 430
TDS - 1140
Na - 32 Cl -11
K - 2 HCO3 - 180
Ca - 51 CO3 - ND
Mg - 12 SO4 - 76
TDS - 364
W Los Angeles Ave
E Los Angeles Ave
118
17F5
999
21M4
Na - 70 Cl -50
K - 4 HCO3 - 240
Ca - 94 CO3 - ND
Mg - 30 SO4 - 246
TDS - 734
Na - 81 Cl -31
K - 6 HCO3 - 300
Ca - 78 CO3 - ND
Mg - 32 SO4 - 186
TDS - 714
1140
Na - 147 Cl -66
K - 6 HCO3 - 280
Ca - 103 CO3 - ND
Mg - 37 SO4 - 350
TDS - 999
Approximate limit of area where TDS concentration is less than 600 mg/L
Feet
0
5,000
10,000
Camarillo

Water Levels Declining in All Basins

Fall 1990 Lower Aquifer System Potentiometric Surface Map

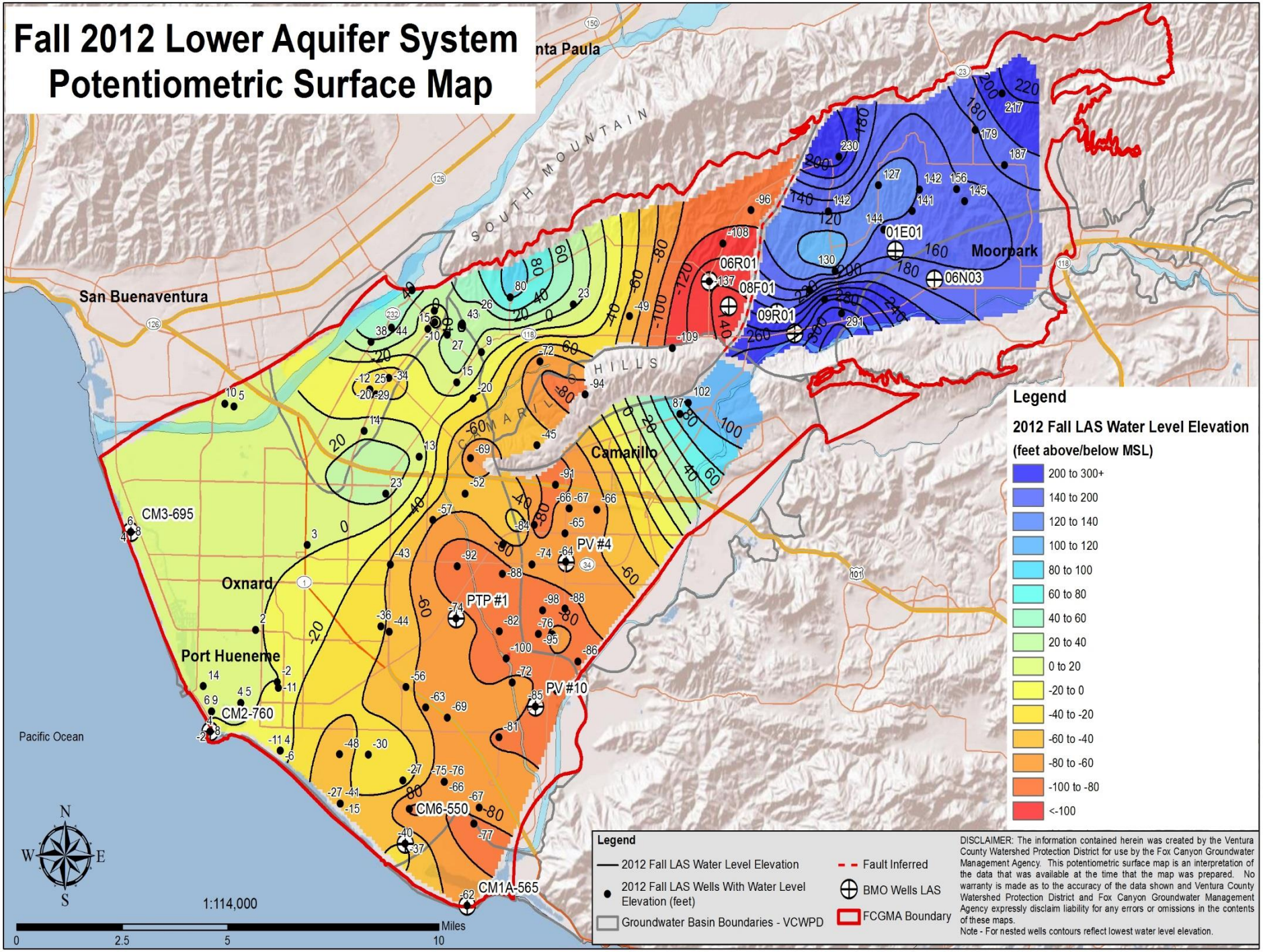


Fall 2006 Lower Aquifer System Potentiometric Surface Map



DISCLAIMER: The information contained herein was created by the Ventura County Watershed Protection District for use by the Fox Canyon Groundwater Management Agency. This potentiometric surface map is an interpretation of the data that was available at the time that the map was prepared. No warranty is made as to the accuracy of the data shown and Ventura County Watershed Protection District and Fox Canyon Groundwater Management Agency expressly disclaim liability for any errors or omissions in the contents of these maps.
Note - For nested wells contours reflect lowest water level elevation.

Fall 2012 Lower Aquifer System Potentiometric Surface Map



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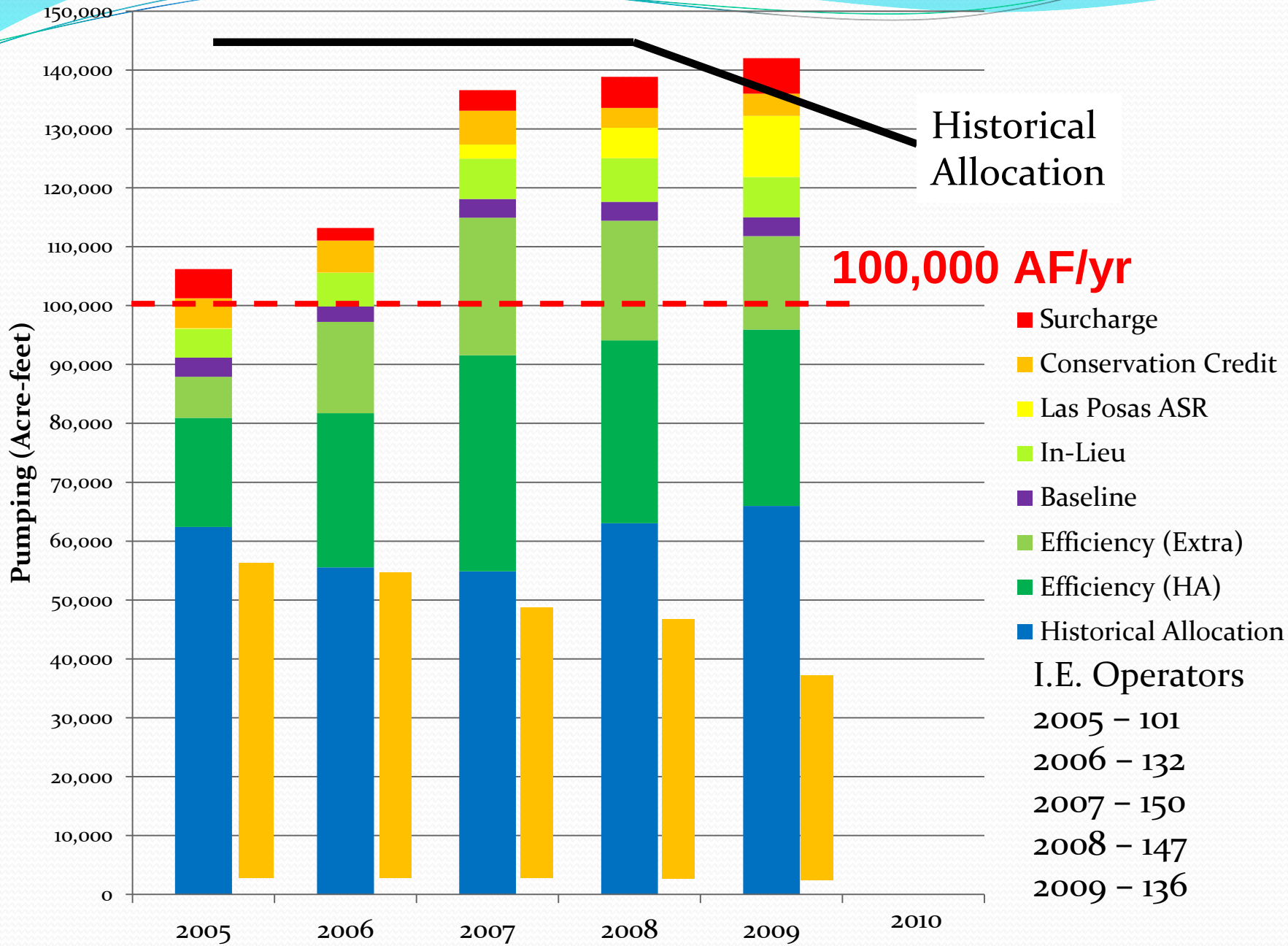
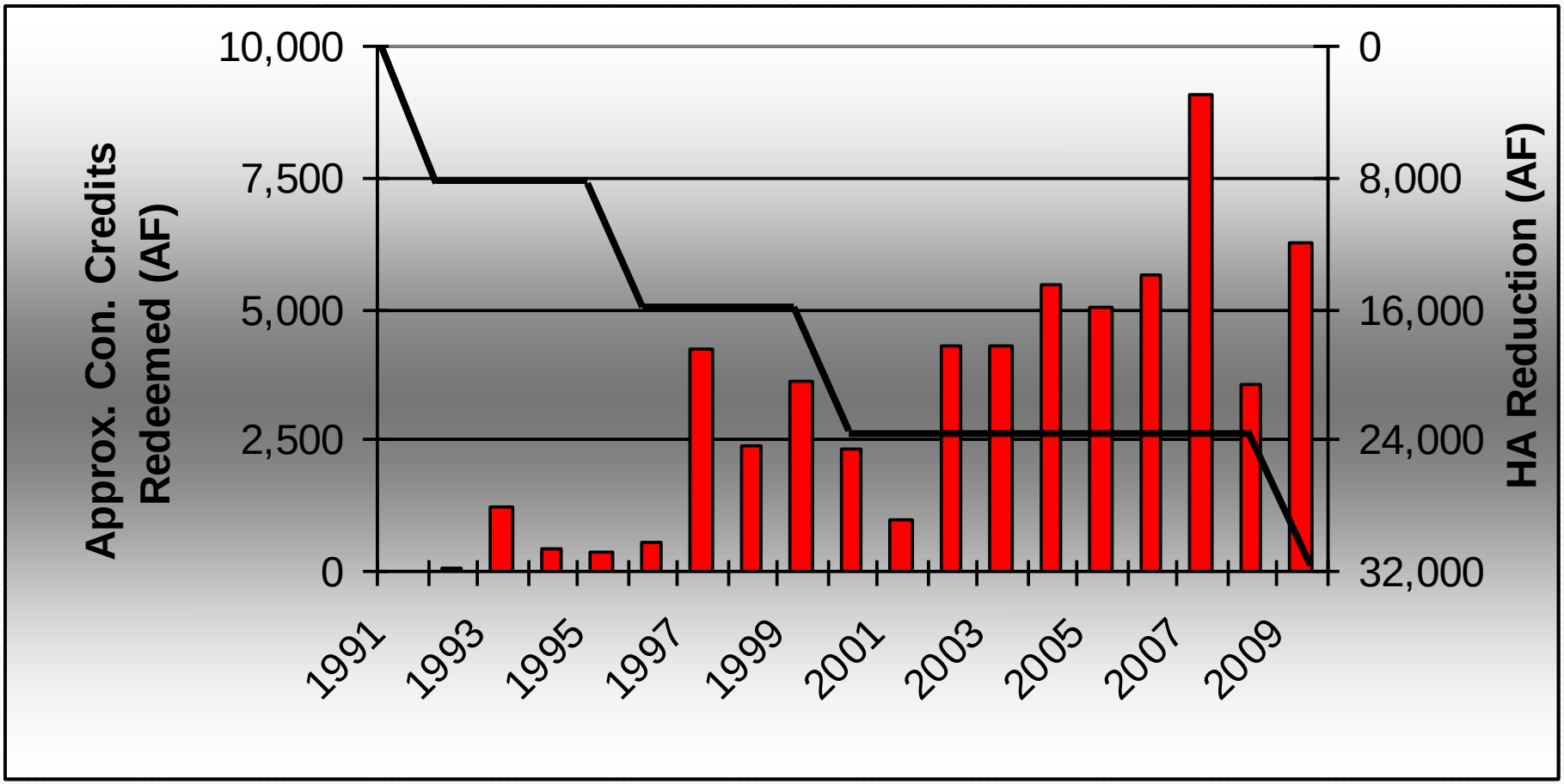
Unsustainable Allocation Scheme

Aggravating Factors:

- Historical Allocation (25% Reduction)
- Irrigation Allowance
- Credits (Conservation, In-lieu, Storage)

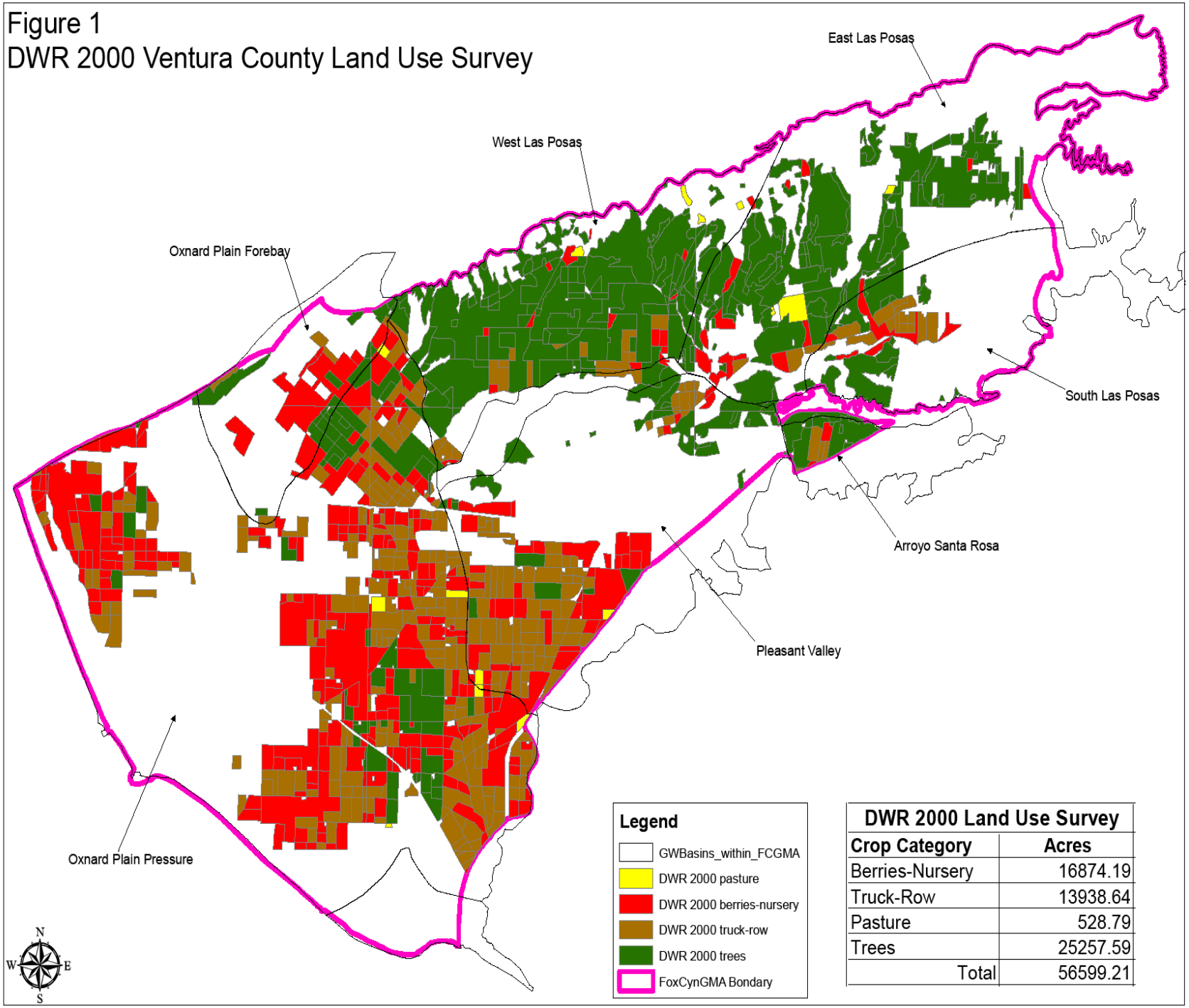

150,000
140,000
130,000
120,000
110,000
100,000
90,000
80,000
70,000
60,000
50,000
40,000
30,000
20,000
10,000
0
Pumping (Acre-feet)
2005
2006
2007
2008
2009
2010
Historical Allocation
100,000 AF/yr
Surcharge
Conservation Credit
Las Posas ASR
In-Lieu
Baseline
Efficiency (Extra)
Efficiency (HA)
Historical Allocation
I.E. Operators
2005 – 101
2006 – 132
2007 – 150
2008 – 147
2009 – 136

Conservation Credit Redemption



Planted Acres of Water Intensive Crops Has Increased

Figure 1
DWR 2000 Ventura County Land Use Survey



DWR 2000 Land Use Survey	
Crop Category	**Acres**
Berries-Nursery	16874.19
Truck-Row	13938.64
Pasture	528.79
Trees	25257.59
Total	56599.21

DWR 2000 Land Use Survey	
Oxnard Pressure Plain	
Crop Category	**Acres**
Berries-Nursery	11848.40
Truck-Row	8801.65
Pasture	176.08
Trees	3536.11
Total	24362.25

Oxnard Plain Forebay	
Crop Category	**Acres**
Berries-Nursery	1232.18
Truck-Row	147.68
Pasture	5.14
Trees	665.29
Total	2050.29

Pleasant Valley	
Crop Category	**Acres**
Berries-Nursery	2486.62
Truck-Row	3287.27
Pasture	68.26
Trees	1610.78
Total	7452.92

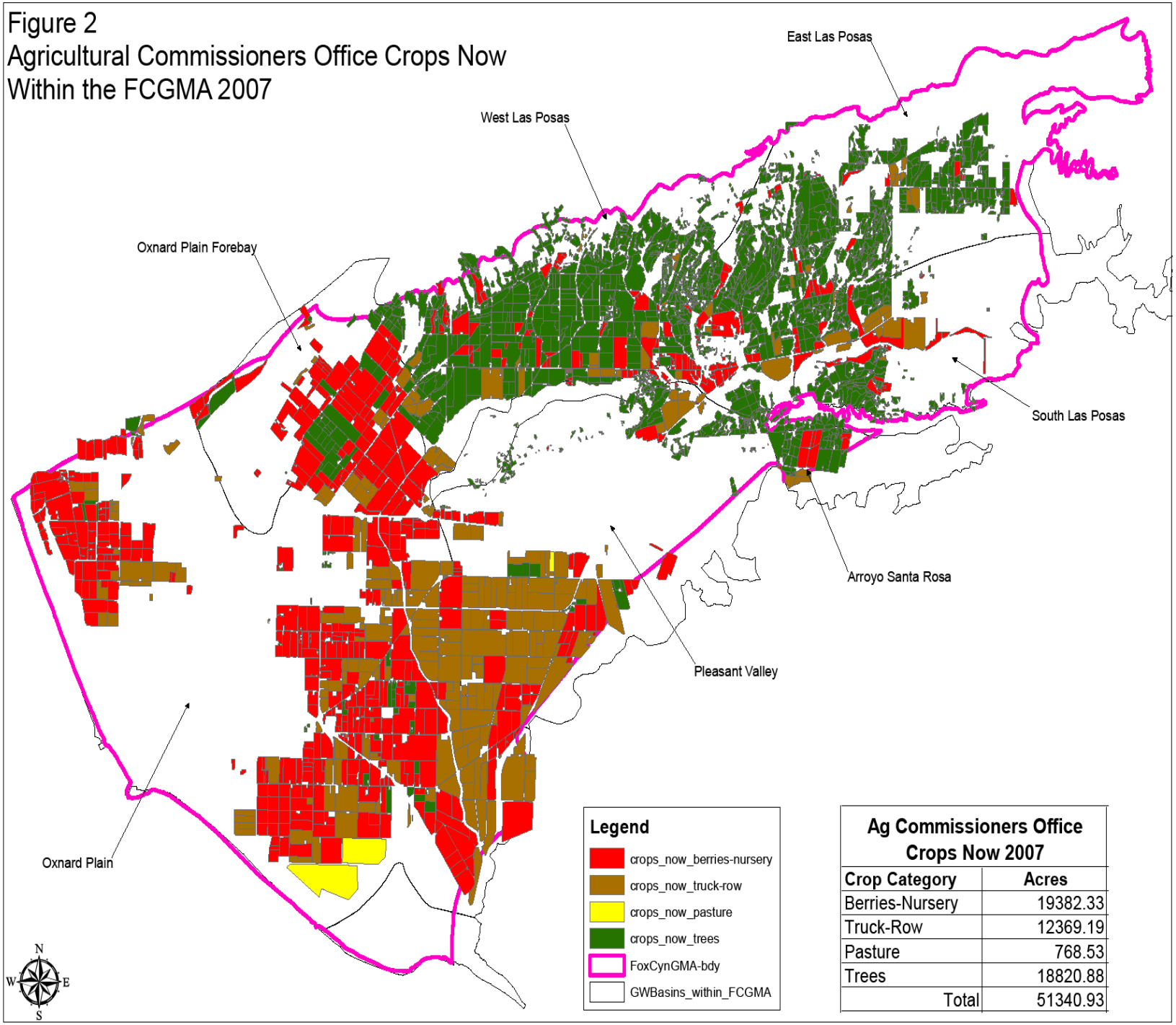
East Las Posas	
Crop Category	**Acres**
Berries-Nursery	582.91
Truck-Row	149.44
Pasture	198.63
Trees	7676.11
Total	8607.10

West Las Posas	
Crop Category	**Acres**
Berries-Nursery	311.54
Truck-Row	703.93
Pasture	80.40
Trees	9530.25
Total	10626.12

South Las Posas	
Crop Category	**Acres**
Berries-Nursery	323.46301
Truck-Row	624.32364
Pasture	0
Trees	1216.4905
Total	2164.2771

Arroyo Santa Rosa (Confined)	
Crop Category	**Acres**
Berries-Nursery	53.629528
Truck-Row	151.50627
Pasture	0
Trees	746.17964
Total	951.31544

Figure 2
Agricultural Commissioners Office Crops Now Within the FCGMA 2007



Ag Commissioners Office Crops Now 2007

Crop Category	Acres
Berries-Nursery	19382.33
Truck-Row	12369.19
Pasture	768.53
Trees	18820.88
Total	51340.93

Oxnard Pressure Plain

Crop Category	Acres
Berries-Nursery	13954.11
Truck-Row	6508.08
Pasture	744.27
Trees	1017.57
Total	22224.03

Oxnard Plain Forebay

Crop Category	Acres
Berries-Nursery	1172.88
Truck-Row	28.29
Pasture	0
Trees	428.9
Total	1630.07

Pleasant Valley

Crop Category	Acres
Berries-Nursery	1411.94
Truck-Row	3976.6
Pasture	23.54
Trees	982.9
Total	6394.98

East Las Posas

Crop Category	Acres
Berries-Nursery	936
Truck-Row	405.22
Pasture	0.72
Trees	6422.38
Total	7764.32

West Las Posas

Crop Category	Acres
Berries-Nursery	970.43
Truck-Row	692.97
Pasture	0
Trees	7629.64
Total	9293.04

South Las Posas

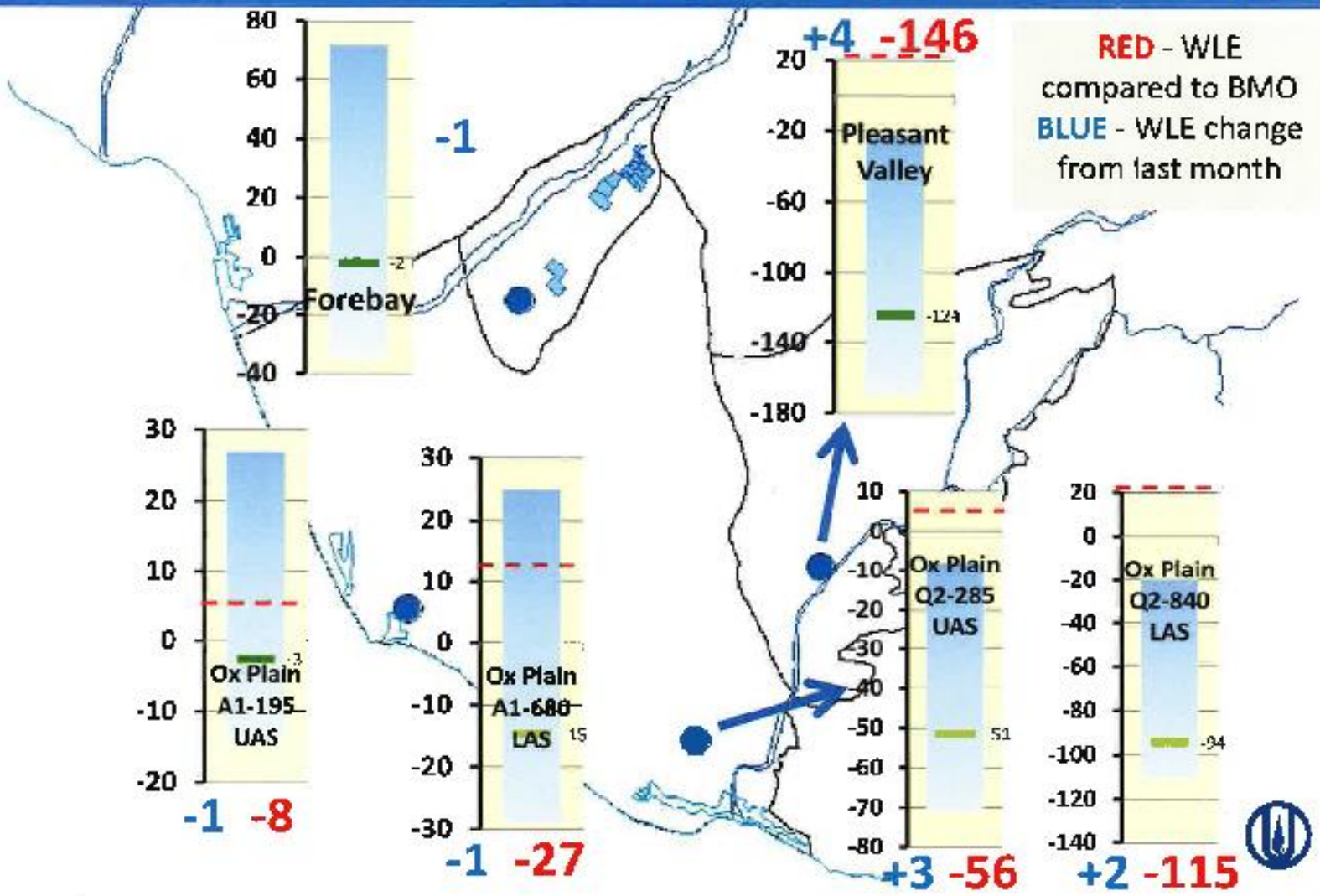
Crop Category	Acres
Berries-Nursery	445.85
Truck-Row	520.24
Pasture	0
Trees	1214.02
Total	2180.11

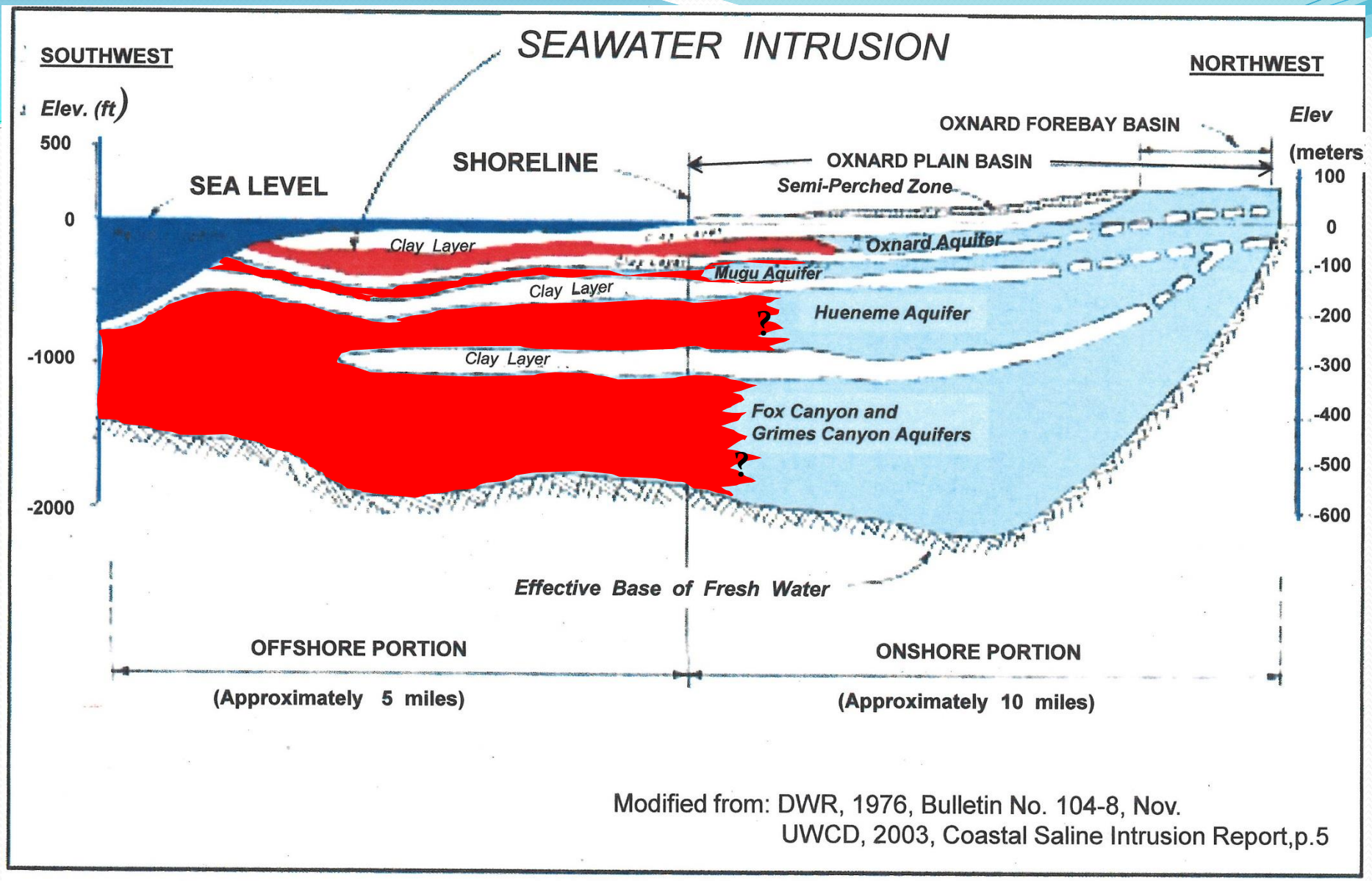
Arroyo Santa Rosa (Confined)

Crop Category	Acres
Berries-Nursery	225.65
Truck-Row	20.69
Pasture	0
Trees	568.52
Total	814.86

Unabated Threat to Resource

United Water Conservation District





Modified from: DWR, 1976, Bulletin No. 104-8, Nov.
UWCD, 2003, Coastal Saline Intrusion Report,p.5

Simplified cross section of the aquifers of the Oxnard Plain; saltwater intrusion also exists in the Mugu, Hueneme and Fox Canyon aquifers, not illustrated in this schematic

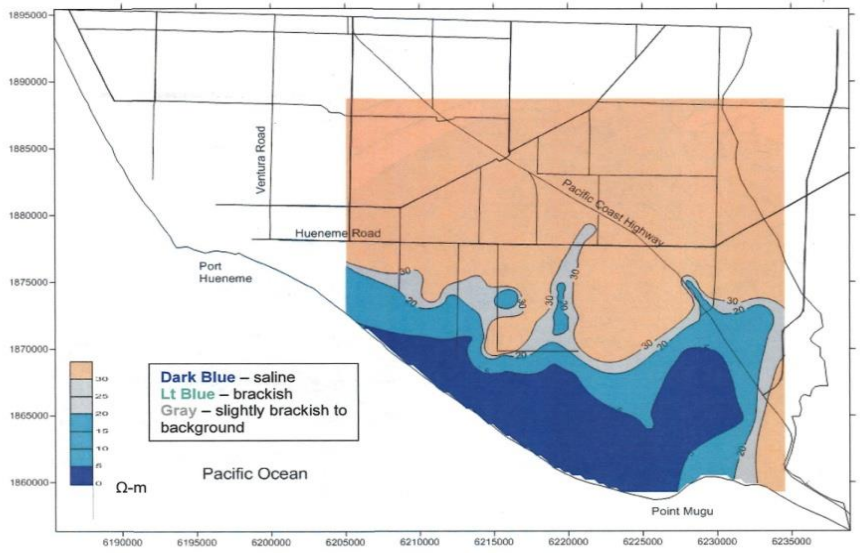


Figure 4-2: Computer Generated Resistivity Contours for Lower UAS - Protem 47 Soundings for Saline Intrusion Project

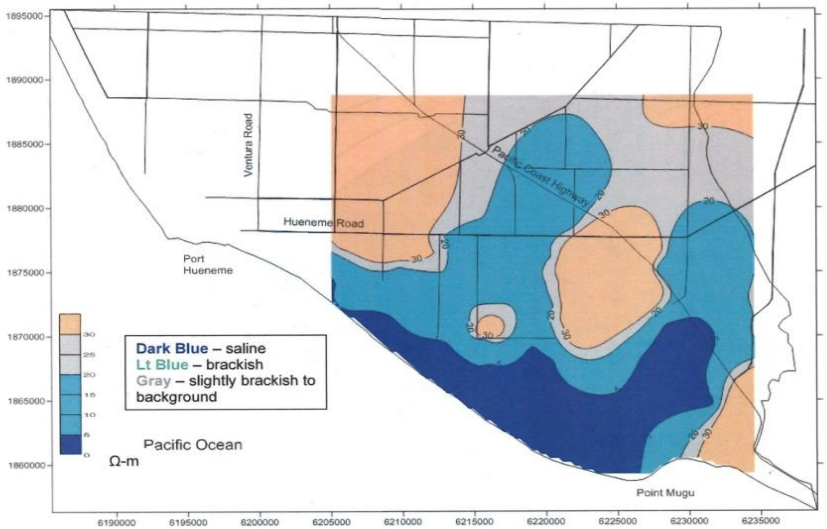


Figure 4-4: Computer Generated Resistivity Contours for Upper UAS - Protem 47 Soundings for Saline Intrusion Project

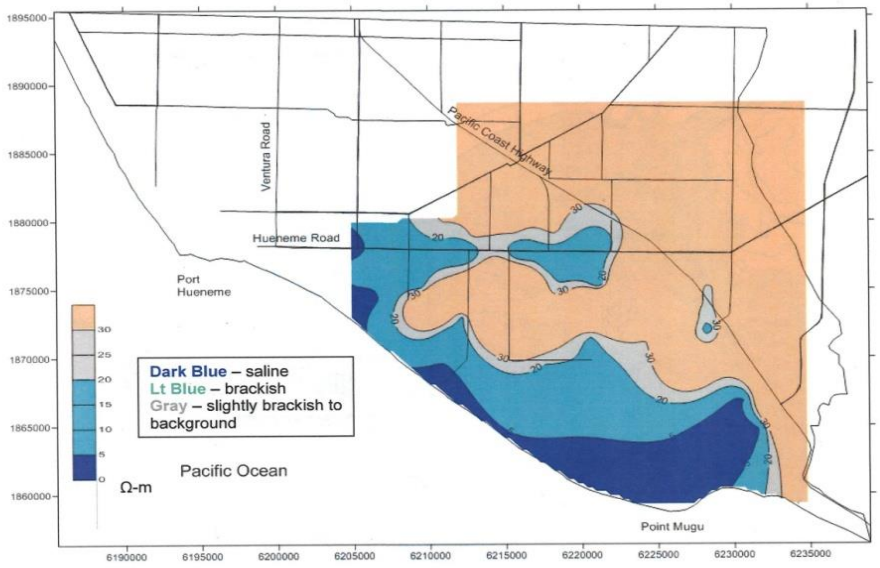


Figure 4-6: Computer Generated Resistivity Contours for Lower LAS - Protem 57 Soundings for Saline Intrusion Project

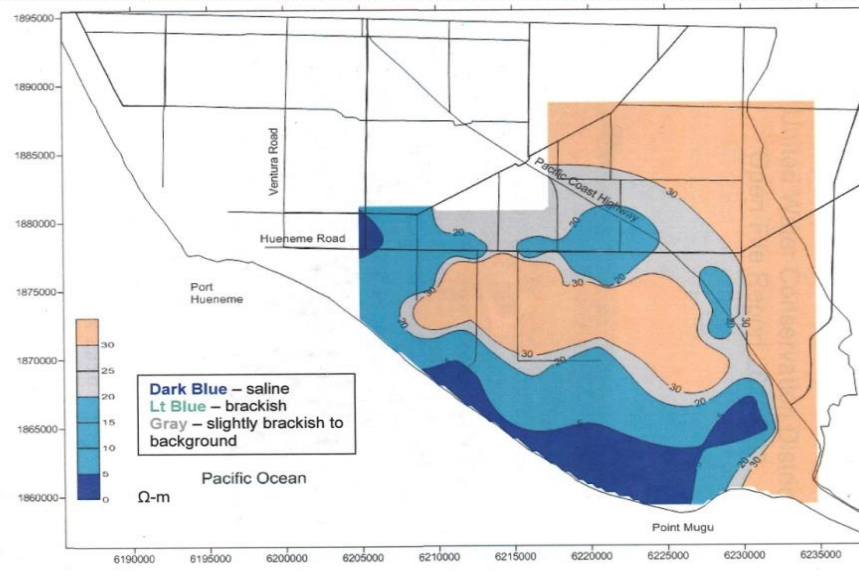


Figure 4-8: Computer Generated Resistivity Contours for Upper LAS - Protem 57 Soundings for Saline Intrusion Project

2010 Chloride

Site Conditions

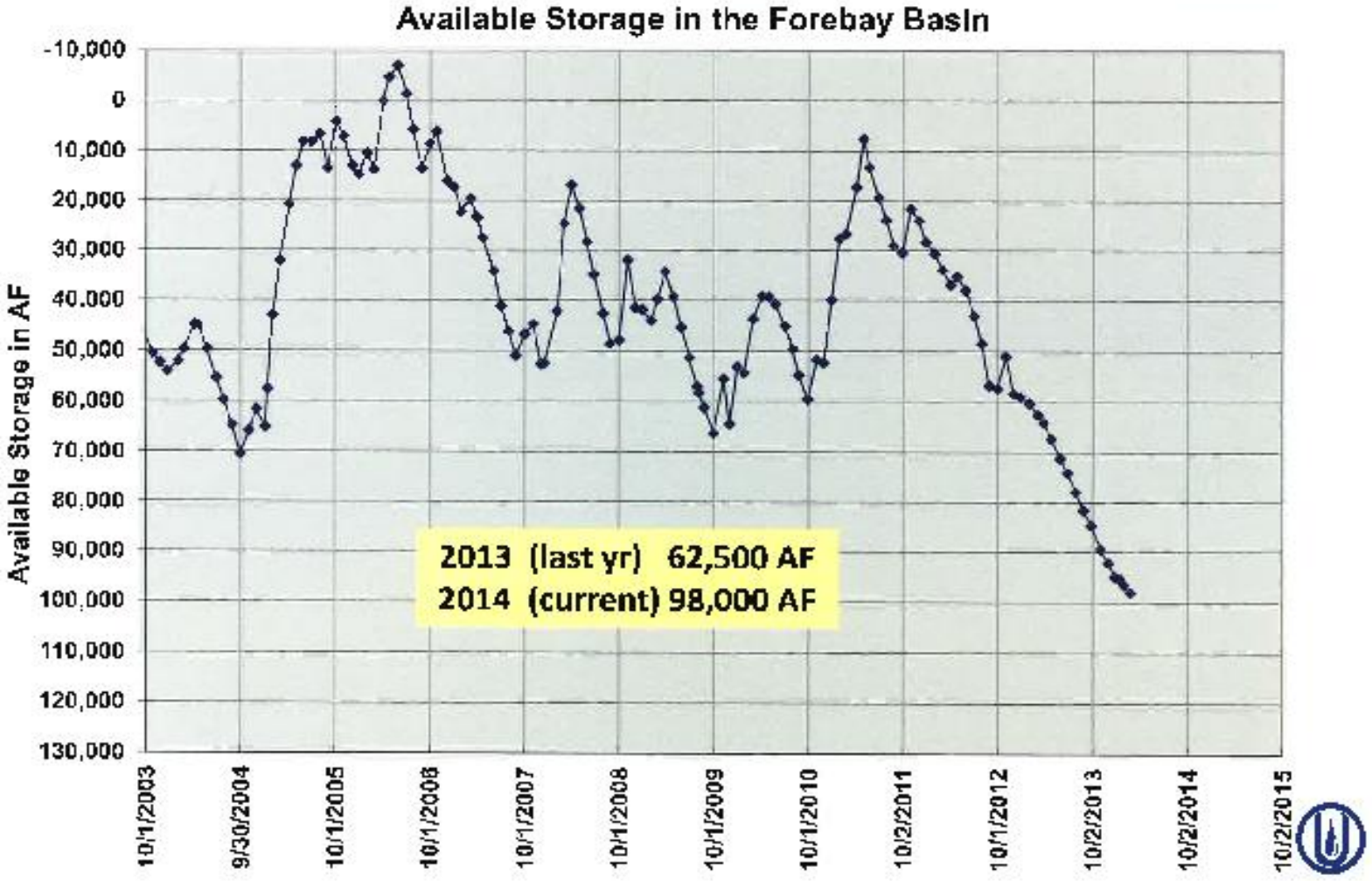
- Water level continue to be below sea level (and in some basins substantially) for the Forebay, Oxnard Plain, Pleasant Valley and West Las Posas Basins.

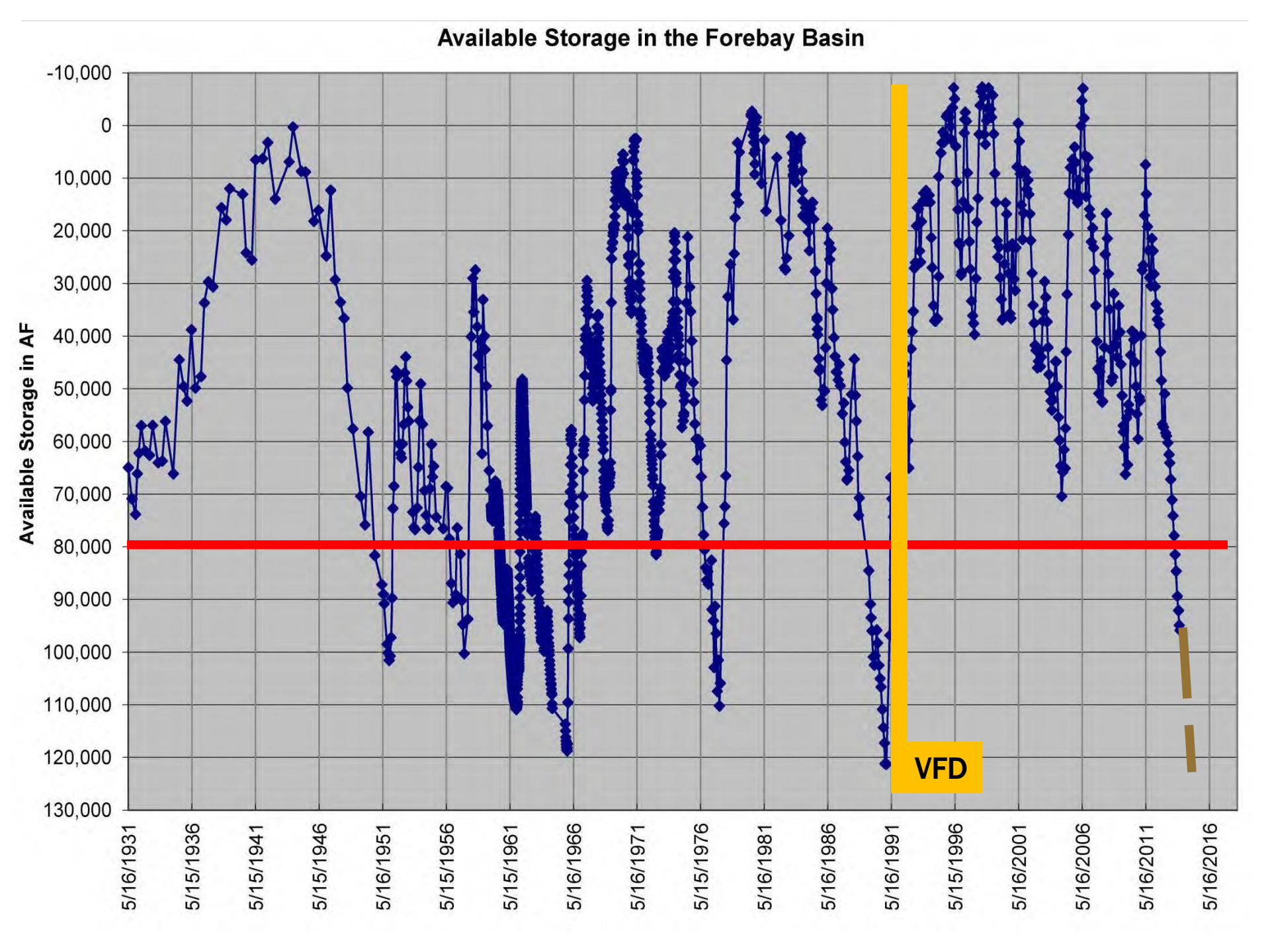
- The Forebay storage value is now 98,000 acre-ft, 1500 acre-ft more than last month, and 35,500 acre-ft greater than last year. For comparison, a value of 80,000 acre-ft of storage equals to groundwater levels at mean sea level.

- Dry weather flows in the Arroyo Las Posas stopped flowing out of the South Las Posas basin in mid-2013, an indication that pumping is exceeding recharge rates in the East and South Las Posas basins.

- Over last six years water levels have dropped in Las Posas Basins.

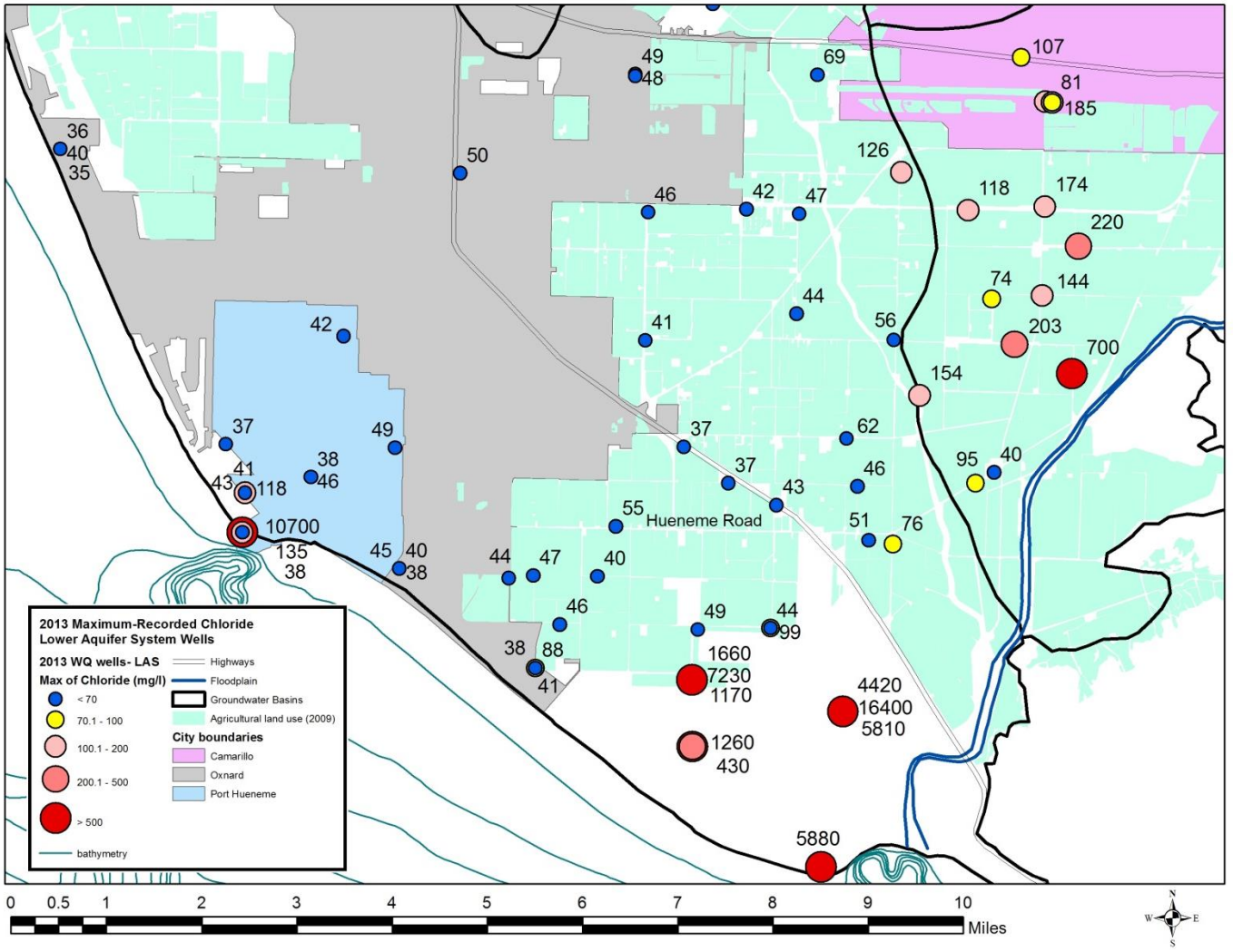
United Water Conservation District




Available Storage in the Forebay Basin
Available Storage in AF
-10,000
0
10,000
20,000
30,000
40,000
50,000
60,000
70,000
80,000
90,000
100,000
110,000
120,000
130,000
5/16/1931
5/15/1936
5/15/1941
5/15/1946
5/16/1951
5/15/1956
5/15/1961
5/16/1966
5/16/1971
5/15/1976
5/16/1981
5/16/1986
5/16/1991
5/15/1996
5/16/2001
5/16/2006
5/16/2011
5/16/2016
VFD

SEA WATER INTRUSION MONITORING

LAS 2013 Maximum Recorded Chloride Concentration, mg/L



Land Subsidence

- Subsidence = Downward movement of a relatively large amount of land caused by the withdrawal of subsurface water and/or petroleum and earthquakes .
- Portions of the Oxnard Plain and City of Oxnard have subsided at least one foot/Near Hueneme Road and State Route 1 subsidence has been up to 12 feet.
- Once subsidence occurs aquifer storage lost permanently

Board Direction at January 22, 2014 Board Meeting

- Special Legislation;
- **Emergency Ordinance or Ordinance Change;**
- Resolution;
- Proclamation; and/or
- Special Meeting, Workshop or Forum on the Topic

Emergency Ordinance – Goals and Objectives

- Protect remaining groundwater resources (reserves) by reducing groundwater extractions;
- Fair and equitable in any reductions and restrictions (shared sacrifice principle);
- Recognize certain areas/basins have other water supplies available (i.e. imported water) to assist;

Emergency Ordinance – Goals and Objectives

- Implementable;
- Minimal Administrative Burden to Operators and Agency;
- Clear, Understandable and Straightforward to All Stakeholders; and
- Measurable in Effectiveness.

What Others Are Doing

- Governor's Executive Order – Call for 20% Cutback
- Other agencies have issued Drought or Emergency Declarations, and
- Many others requesting Voluntary or Mandatory water conservation.
- March 12th - UWCD's Board adopted a Drought Declaration

February 26, 2014 Board Meeting

- Draft Emergency Ordinance E had several components including: 1) groundwater reductions percentages by Operator, 2) limitation on use of credits, 3) prohibition on new extraction facilities (wells), 4) ordinance duration, and 5) effective date.

- At conclusion, the Board continued the item to a March 14, 2014 Special Board meeting with instructions to consider feedback and input received at the hearing and revise Emergency Ordinance E as appropriate.

Comments and Feedback – Ordinance

- Las Posas exemption/Basin specific requirements
- Baseline year(s)
- Implementation date
- Access to State Water
- Disadvantaged communities
- Appeal process

Comments and Feedback - Ordinance

- Sunsets
- Pending permits & applications
- Pooling of allocations
- Use of credits
- Use of IAI
- Reduction percentage

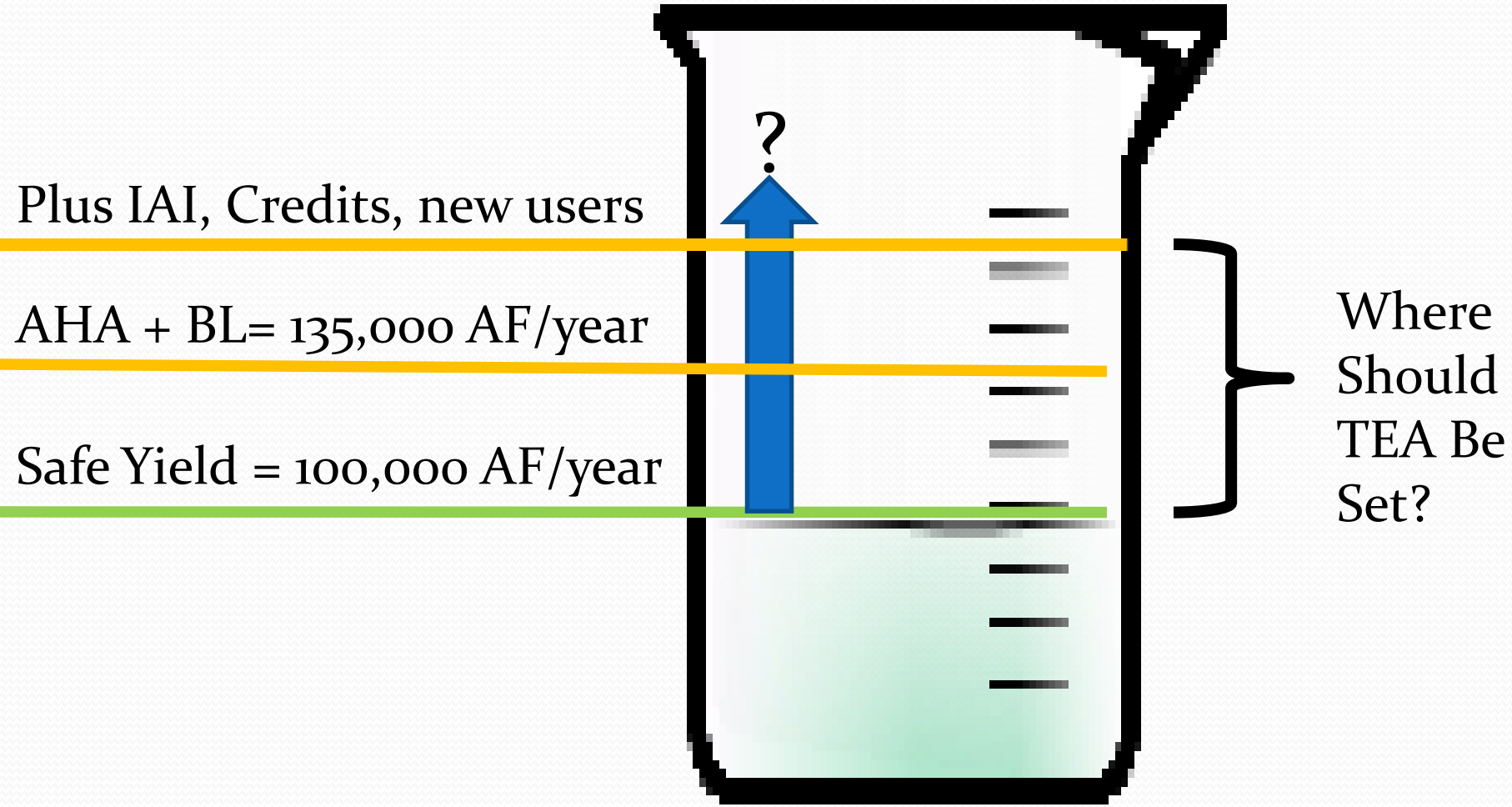
Comments and Feedback – Policy

- Structural problem in allocation
- Sustainable yield
- Stakeholder group
- Need more time
- Equitable Treatment
- Certainty & stability

Comments and Feedback – Policy

- Replenishment District
- What to do with surcharges?
- GMA raises its pump charges?
- Reporting may not be correct now- could get worse if fees go up.
- Growth - impacts of cutbacks on growth?

Structural Problem with Allocation



Reduction of Groundwater Extractions

- A phased 20% reduction over 18 months consistent with the Governor Brown's January Drought Declaration and other Agencies' efforts, and this Agency's need to achieve groundwater basin sustainability.

- The reduction schedule is step wise:

  - Starting on July 1st (three months from now)
  - Three (6) six month increments of 5% over an eighteen month period to give Agency operators (Municipal, Industrial and Agricultural Operators) time to prepare and plan their future activities.

Reduction of Groundwater Extractions

- Use of a three year average of Calendar Years 2010, 2011 and 2012 groundwater extractions vs. a single year calendar total.

- A new term labeled Temporary Extraction Allocation (TEA) replaces all allocations regardless of type, based on an operator's average 3 annual reported extractions, not including any extractions that incurred surcharges.

Reduction of Groundwater Extractions

Phased schedule for reductions and the formulas for calculating adjusted temporary emergency allocations:

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

Variance Process

- Executive Officer may, on written request from a land owner or operator, be granted a variance from the requirements of this article based on a showing that:
  - Special circumstances or exceptional practices of the owner or operator which create an inequity with owners or operators in the same vicinity; and
  - 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; and
  - No net detriment to the aquifer systems.

Appeal Process

- Per Agency Ordinance Code section 6.1, any determination by the Executive Officer may be appealed to the Board.

Limitation on Use & Accural of Credits

- No Conservation credits are proposed to be used. As described in Finding 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."* ;

- Other credits (storage and in-lieu) or authorized pumping allocation programs (City of Oxnard's GREAT program) are not affected;

- And conservation credits may still be obtained if annual extraction data shows that an operator extracted less groundwater than its TEA.

Prohibition on New Extraction Facilities (Wells)

- A prohibition on the construction of any groundwater extraction facility, other than a replacement well; and
- By definition, a new or increased use is one that did not exist or occur before the effective date of this Emergency Ordinance.
- Does not apply to any permit for which a completed application is on file with the Agency on or before February 26, 2014.
- In addition, language has been added to grant exceptions on a case-by-case basis.

Pending Well Applications (11)

GMA No.	WELL OWNER	APPLICATION RECEIVED	PROPOSED WATER USE (AF/yr)
0175	Kirpal S. Dhaliwal // APN 163-0-020-550 (ELP and PVB)	5/28/2013*	39.5
0179	Karen and Craig Groh // APN 110-0-060-725 (ELP)	7/24/2013*	16.5
0181	Glen and Kim Carmichael// APN 107-0-130-255 (WLP)	9/17/13	450
0191	Glen Carmichael and Glenn Barry // APN 110-0-100-025// (WLP)	1/31/2014	125
0196	Glen and Kim Carmichael// APN 107-0-100-105 (WLP)	2/25/2014**	80
0197	Bengard Debusschere Land Co. LLC// APN 218-0-020-040 ( )	3/7/2014	360
0199	Michael Bailey// APN 503-0-020-095 (ELP)	3/11/2014	72
0201	Bill Peterson // APN 110-0-370-020 ()	3/12/2014	6.19
REPLACEMENT WELLS			
0194	Sunshine Agriculture Inc.//APN 110-0-050-030// (ELP)	2/21/2014*	1,333
0198	AMS Melinda LLC/Ocean Breeze Ag Management// APN 147-0-050-375	3/5/14*	245
0200	UWCD / Craig Morgan // APN 144-0-010-065 (OFB)	3/11/2014	1,596

Additional

1,149.19 AF/yr

* On hold waiting for submittal of VC Water Well Application

** Well application submitted to County of Ventura approximately December 23, 2013

Duration

The term has been changed from one year, to performance based as follows:

- For the Oxnard Plain Area: The Forebay groundwater storage capacity, as reported and monitored by United Water Conservation District, returns the Forebay to 20,000 acre feet of stored water above sea level for at least an 18 months reporting period.

- For the Las Posas Basins: Water levels stabilize and reach mean sea level in the West Las Posas basin, and Basin Management Objectives, as described in the 2007 Agency Groundwater Management Plan are achieved in all.

- For all other basins: Water levels stabilize and reach mean sea level, and water quality Basin Management Objectives as described in the 2007 Agency Groundwater Management Plan.

Duration

- Furthermore, for each of the basins, the Board has the option to replace Emergency Ordinance E with another ordinance that would have the same purpose of eliminating overdraft from those aquifer systems.

Effective Date

- This article now states that the emergency ordinance will become effective immediately upon adoption by the vote of at least four members of the Board.

- It can also become effective after 30 days by vote of three members of the Board.

Findings

- Updated Findings A, B & G - Reflect new information about drought and Agency site conditions.
- New Findings: D & E – Describes previous Agency Ordinances regarding the Las Posas Basins, their water resource problems, threat to groundwater quality and quantity, & lack of a Basin Specific Management Plan.
- New Finding F – Describes 2007 Groundwater Management Plan, basin yield amount and average annual extractions for Calendar Years 2010, 2011 and 2012.
- Revised Finding H – Describes cumulative use of conservation credits, and the effect of their use in previous reductions in historical allocations, and potential for credit use to limit any benefit from reductions under this Emergency Ordinance.
- Deleted H – Redundant with Article 6, Effective Date

Policy Considerations/Clarifications

Dedicated Use of Surcharge Penalties

- **Response** –Board has the discretion through its regular budgeting and priority setting processes to direct surcharge penalties as it sees fit. Strict sequestration of those penalty monies may limit the Board's ability to direct those funds at a later date for other priority programs and projects.

Pooling of Wells/Allocations

- **Response** – Agency rules already allowed this (combcodes for example). Thus it was felt unnecessary to put this clarification explicitly into the Ordinance.

Exception(s) for Disadvantaged Communities

- **Response** – A variance process with criteria was added under Article 2.

Outreach

- On Friday March 7, 2014 – Copy of Revised Emergency Ordinance E mailed and emailed out to Agenda parties list per Direction of Board;
- Five Comment Letters received; and
- Responses received to date ranged from:
  - Enact reductions, well moratorium, limitation on credit usage;
  - Need more time/outreach;
  - Need more study/not sure what objective is;
  - No reductions/no limitations.

Conclusion

- Emergency Ordinance E was developed per your Board's direction and feedback to address:
  - Impacts to the Agency's groundwater basins due to the drought, and
  - Agency's groundwater reserves during drought

Recommendation

- After hearing input and feedback from various stakeholders today, and consideration of revisions as appropriate, we recommend adoption of Emergency Ordinance E.

Governor Brown's Quote:

"When God doesn't provide the water, it's not here"