

2020 OBMPU Process Comments

San Antonio Water Company – Comments Provided by Brian Lee

Monte Vista Water District – Comments Provided by Mark Kinsey (duplicative of SAWCo comments)

- 1. The OBMP is Not a Basin Vision or Strategic Plan. Watermaster staff have approached the OBMP Update as a "visioning" process, similar to a strategic planning effort for Chino Basin management. We believe that this approach creates the potential for misunderstandings among parties regarding the purpose of the OBMP, which is to assist Watermaster in implementing the Physical Solution under the Judgment. In contrast, a more open-ended visioning or strategic planning process invites a broader discussion and proposed basin management and planning activities that may lie outside the scope of Watermaster's express authorities under the Judgment. We respectfully request that Watermaster staff focus discussions on OBMP elements necessary for Watermaster to effectively administer the Judgment.**

The Restated Judgment gives Watermaster discretionary powers to develop an optimum basin management program for Chino Basin, to preserve water quantity and quality of water resources and maximize the beneficial utilization of the Basin. Discussions of proposed Basin management concepts and planning activities are necessary for this purpose. For further clarification please refer to Questions 1, 4 and 6 in the 2020 OBMP Update Frequently Asked Questions document (FAQ):

<http://www.cbwm.org/docs/OBMP%20Update/OBMPU%20FAQ%20V2.pdf>.

- 2. The OBMP Should Only be Updated to Reflect Changed Conditions. The Chino Basin Judgment gives Watermaster the discretionary authority "to develop an optimum basin management program for Chino Basin" (¶41). An OBMP was developed in the late 1990s, followed by an OBMP Implementation Plan approved by Judgment parties and the Court in 2000 as part of the Peace Agreement settlement.**

Since that time, Watermaster and the parties have implemented the OBMP through various negotiated agreements and planning efforts, including Management Zone 1 management planning (both south and northwest), Peace II (including a Supplement to the OBMP Implementation Plan), the Recharge Master Plan (including multiple updates), the Safe Yield Reset Agreement, and a Storage Management Plan (in process).

The comprehensive planning and negotiation efforts arising from the OBMP- and the tens of million dollars expended by the parties to implement the OBMP over the past two decades – are evidence of an OBMP that is alive and well, and one that is being actively and successfully implemented.

The OBMP should only be updated to reflect changed conditions as they impact existing obligations under the OBMP Implementation Plan. This should consist of updating the OBMP Implementation Plan to accurately reflect these ongoing planning and implementation efforts,

document the past and ongoing costs associated with these efforts, and identify future efforts (and associated costs) required to maintain our OBMP commitments under the Judgment, Peace Agreements, and various orders of the Court.

Watermaster's intent to update the OBMP to reflect changed conditions has been presented since the beginning of the update process in late 2018. At the same time the update of the OBMP Implementation Plan will reflect changes to the original Implementation Plan. For further information please refer to Questions 1 and 2 in the FAQ.

- 3. Parties Need Time to Negotiate an Updated OBMP Implementation Plan. During the sixth listening session, Watermaster staff explained that the 2020 OBMP Update (i.e., Technical Memorandum #2) will consist of "harmonizing" the existing OBMP Implementation Plan with the new activities proposed by some parties. The result of this "harmonization" will be a draft 2020 OBMP Update (Technical Memorandum #2). Then Watermaster staff will draft an updated OBMP Implementation Plan that will require approval by all parties and the Court.**

We respectfully request that Watermaster not draft an updated OBMP Implementation Plan until parties are able to review and discuss the draft 2020 OBMP Update (Technical Memorandum #2) and determine which, if any, proposed new activities should be incorporated into a new OBMP Implementation Plan. Monte Vista Water District will not participate in any negotiations that discuss a new OBMP Implementation Plan drafted by Watermaster staff or consultants prior to discussion and agreement on terms amongst the parties.

Watermaster will require certain elements (see summary activity sheets) of the updated OBMP to be included in an Implementation Plan and wants to make it clear to the parties which elements are deemed required. Watermaster's intent is to distribute an Implementation Plan outline to the parties after TM2 has been produced, thus giving an opportunity for all parties to review in advance of any Implementation Plan discussions.

For a detailed list of the required elements by Watermaster to administer the Physical Solution please refer to the Activity Summary sheets in the following link:

<http://www.cbwm.org/docs/OBMP%20Update/FINAL/LS6/LS6%20Activity%20Handouts.pdf>

- 4. The Scope of OBMP CEQA Coverage Lacks Clarity. During the listening sessions, Watermaster has expressed a need to obtain coverage for proposed OBMP activities under the California Environmental Quality Act (CEQA). However, there is a lack of clarity as to whether CEQA coverage will apply to all OBMP proposed activities or only activities that are incorporated into an updated OBMP Implementation Plan.**

We respectfully request that Watermaster staff clarify the scope of the proposed CEQA coverage for the OBMP Update.

The CEQA analysis will be performed for the implementation activities, and possible future projects, described in very general terms. Since the scope of CEQA analysis will cover all activities in the OBMP Implementation Plan, the scope will be determined after TM2 is produced. CEQA analysis will enable future implementation of projects, if the stakeholders choose to move forward, similar to the Desalters in the 2000 OBMP IP.

City of Chino – General Comments on Scoping Report Part 1 Provided by Dave Crosley
(Specific comments provided on the Scoping Report will be addressed in the final Scoping Report)

- 1. The memo indicates that various “committees” (e.g. see proposed scope of work Task 1 for Activity B pertaining to Storage & Recovery, see also see proposed scope of work Task 1 for Activity D pertaining to Recycled Water) shall convene meetings to further discuss ideas for inclusion in the OBMP Update. It is unclear how (or to what extent) such committees would coordinate with stakeholders who have already begun deliberations of Activity B and D subjects (e.g. IEUA and its regional contracting agencies are currently negotiating a new service agreement to replace the existing contract which includes provisions pertaining to the availability and utilization of recycled water). The OBMP Update scope should be refined to guard against duplication of effort (between stakeholder groups) and acknowledge the likelihood of determinations/recommendations by stakeholders possessing entitlements.**

There are a number of ongoing planning efforts, which address various aspects of resource management in Chino Basin. The 2020 OBMP will only focus on planning activities that complement other ongoing efforts, as they affect groundwater basin management.

In the Scoping Report, the recommended scope of work and cost to implement each OBMP activity in a manner that achieves the desired outcomes were developed assuming that the activities were unrelated, or that they could be implemented independently. Once the final set of activities is selected for inclusion in the 2020 OBMP IP, the scopes of work will be reviewed prior to implementation to identify overlapping tasks and will be refined to integrate the work and reduce costs.

Additionally, the recommended scopes of work and costs described in the Scoping Work leverage existing work being performed through Watermaster, but not by others. There may be opportunities to leverage work done by other agencies to reduce the cost of implementing the recommended scope of work. At the time of implementation, when the activity objectives and scopes of work are being refined, the ability to leverage the work of others will be identified and considered to eliminate redundancies and reduce cost. These assumptions are described on page 10 of the Scoping Report under “Assumptions Applied in Defining the Scope of Work, Schedule, and Cost of the OBMP Activities.”

- 5. It is our understanding that the in-progress Storage Management Plan discussions are envisioned to provide for the establishment of objectives pertinent to Storage & Recovery activities. It seems that Activity B represents a subset of the Storage Management Plan deliberations that are in-progress.**

The Storage Management Plan will include a set of rules by which to manage storage. Activity B is specifically designed to identify optimized S&R programs that can guide the development of future applications. the Activity is deemed necessary by Watermaster.

- 6. The suggested ground rule that silence is considered assent is concerning. While all the stakeholders most assuredly desire to keep the OBMP update discussions moving forward at a reasonable pace in order to attain the ultimate goal of creating an appropriately scoped and updated document within a reasonable timeframe, and also desire to prevent the potential for untimely interruptions to progress along the way, there should be an acknowledgement that there may instances when previously presented material ought to be re-visited. As development of the OBMP Update takes shape via the continuation of stakeholder discussions, concepts and ideas shall become better defined and understood. A concept or outlined idea that may seem okay at the time of initial presentation, may lose its appeal and support as a result of continuing discussions that refine and provide greater definition/understanding of the idea. The notion that silence is assent implies a rigidity against re-consideration of ideas. Further, a stakeholder may not be sure of its view pertaining to a particular idea until more definition of that idea is provided at a later time, and so may be inclined to not prematurely object to an idea.**

As discussed subsequent to LS5, Watermaster staff and consultants are capturing input provided by stakeholders; the suggestion that silence is considered assent, is meant to ask the question “did we capture your input correctly?”. Watermaster is looking for some indication that the feedback provided was captured accurately.

City of Ontario – General Comments on Scoping Report Part 1 Provided by Katie Gienger
(Specific comments provided on the Scoping Report will be addressed in the final Scoping Report)

- 1. There appears to be considerable duplication of effort between current practices and what is proposed in the TM. For example, the tasks in Activities B and D are duplications of the work being done by the Chino Basin Water Bank and existing recycled water planning efforts being done by IEUA, member agencies, Jurupa Community Services District, and the City of Pomona. To the extent that efforts are duplicated within the Chino Basin, efficiency is lost and additional ratepayer money is spent. One of Ontario’s requests in scoping the OBMP update is to understand what is required and what is more elective in nature. To the extent that an effort is elective and/or already being addressed elsewhere, at least in part, the stakeholders should discuss the best course of action so as to avoid duplication and overlap.**

Please refer to the answer to City of Chino Comment 1.

- 2. The Parties must be intentional regarding what is included in the final product, and therefore the scope of work, as the OBMP will serve as a springboard for implementation agreements (to be submitted to and ordered by the Court) and Watermaster actions. This important document will shape Watermaster activities for decades. Distillation of an ideal list of activities into a workable management plan must occur prior to finalization of the OBMP.**

The objectives of this first Technical Memorandum *2020 OBMP Update: Scoping Report – Development of Activities for Consideration* (Scoping Report) are: (1) to describe the stakeholder process to develop the 2020 OBMP Update, (2) to document the key outcomes of the stakeholder process to date, and (3) to describe the proposed scope of work, implementation actions, schedule, and cost to perform the activities developed for consideration for inclusion in the 2020 OBMP Update.

The second Technical Memorandum, *2020 OBMP Update Report*, to be released on November 22, 2019, includes a management plan that integrates the existing 2000 OBMP Program Elements and the 2020 OBMPU Activities. The implementation actions described in the *2020 OBMP Update Report* are, partly, based on the detailed scope of the Scoping Report, but are condensed to simpler and flexible implementation actions. The 2020 OBMP Implementation Plan will contain a generalized schedule for implementing these actions. The OBMP Implementation Plan does not compel that projects be implemented; rather it enables projects, subject to conditions that can be defined in implementation agreements.

- 3. Each of the four activities outlined and scoped in the TM resulted in a management plan (or in one case, a master plan). Creating such documents may not be the right-size fit for the benefit expected from the activities that are deemed feasible and desirable by the Parties. It is critical that the paying stakeholders weigh in affirmatively on whether or not each activity should be included and to what extent. Currently activities are presumed included unless parties indicate otherwise, and it is not apparent how many parties have responded affirmatively or negatively. Ontario's comments at workshops on the inclusion or exclusion of activities do not seem to be reflected to date.**

Please refer to the answers to City of Ontario Comment 2 and SAWCo Comment 2.