

NOTE: In addition to any changes made to the 2020 OBMP Update Report based on the following comments, the text of Section 3.2.8.1 was edited to align with the final 2020 SMP published on December 11, 2019.

2020 OBMP Update Report Comments

Overlying Non-Agricultural Pool – Comments reported out of 12/12/19 Confidential Session

- 1. *The Pool requests further clarification on its comment #2 regarding conjunctive use and its definitions in the Storage Management Plan:***

Page 1-4 and Page 2-1 – Conjunctive-Use. Section 1.2 and Section 2.1 talk about conjunctive-use. How is conjunctive-use defined? What is included and excluded?

RESPONSE: Page 1-4 of the final 2020 Storage Management Plan describes the conjunctive use activities of the Parties as “storing Basin and Supplemental Waters that are in excess of their demands and subsequently recover that water as their individual needs arise”. More generally speaking, conjunctive use is the coordinated use of surface and groundwater resources such that surface water is used to augment groundwater storage (direct or in-lieu) in wet years and groundwater is used in dry years. For the SMP, this term is being used as a descriptive term, and not a term that requires definition.

City of Chino – Comments Provided by Dave Crosley (via email 12/19/19)

1. ***Typos are noted on scanned copies of pages 4, 8, 19, 24, and 35 (attached).***

RESPONSE: Typos have been noted and corrected.

2. ***The draft OBMP Update indicates that some of the described implementation actions are required for Watermaster to properly administer the Judgment. Stakeholder agreement that these actions are “required” may be the subject of some continuing discussion. We suggest the OBMP Update remain in draft form designation until such discussion has concluded.***

RESPONSE: The rationale for identifying implementation actions associated with the OBMP Update activities as “required” is described in part in Section 2 of the 2020 OBMP Update Report. During the forthcoming drafting sessions for the Implementation Plan Update, Watermaster will respond to questions about the basis for any specific action. To provide additional clarity, a new table (Exhibit 17) has been added to Section 4 of the final report that includes a description of the rationale for each required action in the management plan.

3. ***It would be helpful to expand Program Element tables 11 -17, describing proposed 2020 OBMP Implementation Actions, to include an additional column describing anticipated/estimated annual expense associated with the implementation of each activity (e.g. as presented in various tables included in the scoping report).***

RESPONSE: The cost estimates for the activity scopes of work in the 2020 OBMP Update Scoping Report (TM1) were developed based on many assumptions, and should be used as very general guidance as to potential costs based a specific scope of work. These estimates have been provided only to describe a concept, i.e. the conceptual phases envisioned by Watermaster staff/consultants in developing the Implementation Actions’ scope, and are not a fixed number or a budgetary commitment. The Committees envisioned to oversee the management processes will ultimately guide the actual efforts (i.e. scope, expense, schedule) similar to the GLMC. Estimated cost ranges have been described in TM1, which are included in the OBMP Update Report (TM2) as Appendix B. The draft OBMP IP Update (under preparation by Watermaster staff, to be released late January) will include a consolidated listing of the proposed new Implementation Actions and their associated cost estimates to assist the parties.

4. ***To the extent that information obtained from technical analyses performed in support of, and described in, the 2000 OBMP have been updated by more recent technical analyses, the more recently developed and updated information should be included in the draft 2020 OBMP Update to clarify the current understanding of basin circumstances.***

RESPONSE: We understand that your question is in regard to the concept of the Safe Storage Capacity (SSC). The SSC was part of the storage management construct in the 2000 OBMP. As described in the 2018 Storage Framework Investigation, and summarized in the 2020 OBMP Update Report, the new hydrogeologic understanding of the basin developed through implementation of the OBMP has indicated that the management construct in the 2000 OBMP is no longer valid and the concept of SSC is not included in the new 2020 Storage Management Plan. The text of Section 3.2.8.1 of the 2020 OBMP Update Report has been modified to more

clearly articulate this. This section was also edited to align with the final 2020 SMP published on December 11, 2019.

5. ***The draft 2020 Storage Management Plan (SMP) indicates a reduction in net recharge is believed (based on modeling) to be caused by storage, and that Watermaster considers this impact to be mitigated by the prospective calculation of Safe Yield. [a] Related to this circumstance, the SMP indicates that storage accounts may be adjusted based on findings of the 2020 Safe Yield recalculation. As the 2020 Safe Yield recalculation is currently a work-in-progress, the suggestion that storage accounts may be adjusted is premature at this time. [b] Additionally, the OBMP Update should clarify that storage is only one of several contributing factors (cultural conditions) that may have an effect on net recharge.***

RESPONSE: 5(a) The final 2020 SMP does not state that Watermaster will adjust the storage accounts of the Parties based their water in managed storage. It does say that it will debit the storage accounts for each Storage and Recovery Program for its storage impact on net recharge and Safe Yield caused by the Storage and Recovery Program. The loss rate (reduction in net recharge caused by storage) will be established uniquely for each Storage and Recovery Program and is independent of the 2020 Safe Yield recalculation.

5(b) Comment noted. Please see the final 2020 SMP, Appendix B2, City of Chino comment number 3 and Watermaster staff response.

6. ***The draft OBMP Update describes, pertinent to various Activities, the formation of new, or re-convening of past/existing, specific committees for the purpose of focusing attention on matters related to the subject Activity. These committees should have responsibility for recommending the scope and frequency of tasks pertinent to Activity implementation.***

REPNSE: Comment noted. This is the intent for implementation of each management process, as articulated in Section 2, page 12, in the last paragraph, sub-bullet (1).

Overlying (Agricultural) Pool – Comments Provided by Robert Feenstra (12/20/19 letter)

7. ***Watermaster staff have requested comments on the draft 2020 OBMP Update Report (Technical Memorandum 2) (Update Report) by close of business on Friday, December 20, 2019. The Overlying (Agricultural) Pool (Ag Pool) has reviewed the draft Update Report, which incorporates the 2020 Storage Management Plan. The Ag Pool has consistently expressed concern regarding water storage that has been accumulating and used without adequate storage management, including contesting the Watermaster's continued approval of water storage and transfer/sale agreements of the Appropriative Pool. The 2020 Storage Management Plan is not complete as it must still be finalized and approved as part of the 2020 OBMP Update. The Ag Pool urges Watermaster to move forward expeditiously with the final adoption and approval of the OBMP Update including storage management.***

RESPONSE: Comment noted

8. ***Section 1.2 of the Update Report (at page 8) uses two new terms, "water management space" and "Chino Basin water space." These new terms should be defined.***

RESPONSE: The terms are being used as descriptive terms, and not terms that require definition.

9. ***Section 2.1. Page 11 in the Updated Report describes the attached Exhibit 3 as "a matrix, summarizing the needs and wants of the stakeholders..." But the attached Exhibit 3 does not accurately represent the Ag Pool's needs and wants as a Pool or as Pool subgroups of "Crops, Dairy, and State." The items shown in Exhibit 3 represent comments made by individuals in an early OBMP listening session/workshop that included comments from most of the other Basin stakeholders. After the initial meeting/listening session, the Ag Pool indicated to Watermaster that it preferred to report out its needs and wants as a Pool rather than as subgroups, but the Ag Pool did not complete the matrix after seeing the progress and direction of the OBMP Update process in subsequent listening sessions/workshops. Consequently, Exhibit 3 for the Ag Pool's "needs and wants" should be considered incomplete because not all needs and wants are represented and there is also mutual support between each Ag Pool subgroup (i.e., Crops, Dairy, and State) for the needs and wants indicated by the other subgroups.***

RESPONSE: Comment noted; the OAP has been invited to offer edits to Exhibit 3 that would fully represent its Issues/Needs/Wants.

10. ***Section 3.2.3.1. At page 28 in the draft Updated Report, the first sentence of the first full paragraph uses the term "brackish." However, the term "brackish" covers a wide range of total dissolved solids (TDS), from freshwater to sea water (500 to 30,000 milligrams per Liter). We suggest being more specific or defining the general range of TDS concentrations.***

COMMENT: The text will be adjusted for clarity.

Monte Vista Water District – Comments Provided by Justin Scott-Coe (12/23/19 letter)

- 11. If a subsequent and new OBMP Implementation Plan is agreed to by the Peace Agreement parties, will all parties initially be required to pay for the planning and management efforts (not including CEQA costs) envisioned in the OBMPU Update? If so, how will future project participants reimburse non-participants for their share of associated CEQA coverage and OBMPU planning and management costs (i.e., beneficiary pays)?**

RESPONSE: The development of the OBMP Update to date has assumed that the existing methodology for sharing OBMP expenses will continue. Should the parties wish to share costs differently in the future, Watermaster will assess the parties accordingly.

- 12. As part of Program Element No.6, the implementation action of "develop and implement an initial emerging contaminants monitoring plan and prepare a water quality assessment of the Chino Basin to evaluate the need for a Groundwater Quality Management Plan and prepare a long-term emerging contaminants monitoring plan" has been identified as a required Watermaster action. The language of Judgment paragraph 41 does not seem to require Watermaster to perform this action. Please identify what court approved document and its language make the said implementation action a requirement.**

RESPONSE: Paragraph 41 of the Judgment states: "*Watermaster Control. Watermaster, with the advice of the Advisory and Pool Committees, is granted discretionary powers in order to develop an optimum basin management program for Chino Basin, including both water quantity and quality considerations. Withdrawals and supplemental water replenishment of Basin Water, and the full utilization of the water resources of Chino Basin, must be subject to procedures established by and administered through Watermaster with the advice and assistance of the Advisory and Pool Committees composed of the affected producers. Both the quantity and quality of said water resources may thereby be preserved and the beneficial utilization of the Basin maximized.*" (Pgs. 19-20 of the Restated Judgment)

Paragraph 41 states that maximization of the beneficial use of the Basin requires consideration of both water quantity and water quality considerations. The Judgment could not and does not prescribe every conceivable water quality management action necessary to address every potential contaminant. It does recognize that If water quality is not effectively managed, Parties may not be able to utilize their water rights, which could result in negative impacts to the basin, such as reductions in net recharge, loss of hydraulic control, and movement of contaminant plumes. Program Element 7 of the 2000 OBMP, the salt and nutrient management plan, is an example of a water quality management program not specifically named in the Judgment that has been a successfully implemented to avoid the negative impacts of reduced/re-located pumping to avoid high-TDS and high-nitrate groundwater. Effective management of water quality in the Basin to preserve maximum beneficial use can only be accomplished through a systematic assessment of the emerging contaminant threats to the use of groundwater resources, and thoughtfully preparing a plan to respond to those threats.

- 13. The Storage and Recovery Master Plan, found in Program Elements 8/9, should not be considered required by Watermaster, and request that the "required" label be removed from this proposed activity in the final version of the OBMP Update and associated documentation.**
- 14. RESPONSE: Please refer to the response to City of Chino comment #2. MVWD encourages the Watermaster to pursue the CEQA process which will allow the up to 1 million acre-feet of storage within the basin, premised in part on the completed Storage Framework Investigation.**

RESPONSE: Comment Noted. Watermaster is proceeding with the analysis of storage of up to 1 million acre-feet, consistent with the Appropriative Pool recommendation.

- 15. Our understanding is that, while Watermaster has discretion in managing storage through agreements, the current Storage Management Plan that Watermaster has agreed and been ordered by the Court to follow is part of the OBMP Implementation Plan, which is a component of a negotiated settlement and agreement among the parties to the Peace Agreement. Therefore, adoption of a new Storage Management Plan should be seen as an amendment to this negotiated settlement/agreement and follow the process for amending the Peace Agreement. Please confirm if this understanding is correct.**

RESPONSE: Updating the Storage Management Plan, an element of the 2000 OBMP IP that is an Exhibit to the Peace Agreement, is an update of the OBMP IP. Other than the Peace Agreement's requirement of unanimous approval for amendments, as have been done on two past occasions, Watermaster is not aware of any specific procedures for amending the Peace Agreement.

- 16. Before drafting and publishing the Draft OBMP Implementation Plan, MVWD encourages Watermaster to have dialog with Peace Agreement parties to determine what elements those parties would want included in such plan.**

RESPONSE: The implementation actions arising from the parties identification of their issues, needs, and wants have been publicly available and were last distributed during the December Advisory Committee meeting. The planned process of developing a draft Implementation Plan, as has been discussed during the Listening Sessions, and Committee meetings, includes the initiation of drafting sessions (as needed) in early February where all concerns related to the implementation plan can be openly discussed amongst all stakeholders.

City of Ontario – Comments Provided by Scott Burton (12/20/19 letter)

17. The draft Optimum Basin Management Plan (OBMP) Update report represents a comprehensive set of ideas related to water management in the region including topics such as water resources, water infrastructure, emerging water quality requirements and protecting the groundwater basin. The listening sessions and guided input have provided ample opportunity for participating stakeholders to share their ideas. It is important to note that while stakeholders have had the opportunity to comment, the disposition, vetting and deliberation of varying stakeholder views was largely deferred to a later date. Currently, the draft OBMP Update report reflects the recommendations of Watermaster staff planned for the Watermaster Board.

RESPONSE: The OBMP Update reflects stakeholder input received by Watermaster during Listening Sessions held in 2019. The document is a compilation of all input and Watermaster staff and consultants believes it represents a collective view of what could be done to manage the Basin. The document reflects Watermaster staff conclusions of which implementation actions (management processes) are required for Watermaster to perform its duties, and captures all the suggestions offered by stakeholders.

18. The draft OBMP Update report includes a list of activities whose outcomes are identified as either optional or necessary for Watermaster. A number of these activities are already underway in various retail and regional forums peripheral to Watermaster. Examples include storage and recovery, movement of water between retail agencies, regional water treatment and conveyance, water supply reliability and water quality management. While the City of Ontario (Ontario) agrees that there are necessary activities in managing this critical water resource, there are some activities defined by Watermaster staff as necessary which we think may be more at the option of the stakeholders. It is highly recommended that this definitional distinction be vetted and deliberated with the stakeholders prior to the Watermaster Board acting on the OBMP Update report.

RESPONSE: Please refer to the response to the City of Chino comment #2.

19. Ontario supports the effort to consider and update the OBMP implementation with some of these new and continued ideas and believes that, consistent with the Peace Agreement, it is a step toward the meet and confer process in the 25th year of the agreement to discuss any new or modified terms. While Watermaster staff seems to consider the draft OBMP Update report substantially complete, the most critical and in-depth phase of the OBMP implementation update is just beginning. The next step is for the stakeholders to develop an Implementation Plan and Implementing Agreement(s) that reflect the common interests of the parties to the Judgement. This may differ from what is envisioned by Watermaster staff. It is Ontario's hope that to the extent there are differences, they can be reconciled prior to Watermaster Board action on the OBMP Update report.

RESPONSE: As with prior amendments to the Peace Agreement, Watermaster staff understands that an update of the 2000 OBMP IP can be undertaken through a focused effort as to this narrow set of issues, without addressing unrelated portions of the Peace Agreement.

Watermaster staff envisions the same next steps of creating an IP Update and crafting an amendment to the Peace Agreement to move forward. The process will begin in early February, during which all the stakeholders can weigh in on their interests and concerns on each component of the implementation plan.

- 20. As we have discussed, there are activities within the draft OBMP Update report that Ontario believes are either not necessary, already underway or may be more appropriately stakeholder managed outside of the Watermaster forum. As part of determining the OBMP implementation scope, Ontario intends to consider things such as cost-benefit analysis, prioritizing available financial resources in the context of other retail agency needs, the optimal forum for various activities to occur, avoidance of redundant efforts, determination of appropriate stakeholder funding, impact on the cost to produce groundwater, and assurance towards a reliable and sustainable groundwater basin. For activities currently required by the Peace Agreements, the Stakeholders may decide to modify or otherwise update the requirement. In addition, Ontario will need to complete its internal review process and timeline to facilitate Ontario's City Council making an informed decision on behalf of the public they represent.**

RESPONSE: Comment noted.

- 21. The very important work ahead includes decisions still to be discussed, deliberated, and formalized in an amended Peace Agreement. Taking the technical ideas from draft report to a completed Implementation Plan and Implementing Agreement(s) requires flexibility, finesse and collaboration. Ontario is concerned that prioritizing the schedule above all else may compromise the result. As a next step, Ontario requests that the stakeholders be provided the opportunity to collaborate with Watermaster staff in setting a reasonable and realistic schedule and approach to enhance a successful outcome for this effort and the investments that will follow.**

RESPONSE: Watermaster has engaged the stakeholders in a process designed to meet the short term needs as well as enable long term management of the Basin for the interest of the stakeholders. The City, as all stakeholders, is encouraged to provide feedback on the schedule and approach necessary to achieve a successful outcome for this effort.

Appropriative Pool – Comments provided by Tom Harder (01/22/2020 letter)

22. Section 3.2.8 Program Element 8. Develop and Implement a Storage Management Program and Program Element 9. Develop and Implement Storage and Recovery Programs

In Table 10 or preceding text, please define UGRR

Answer: The term means “Uniform Groundwater Rules and Regulations”. The UGRR is now part of the Watermaster Rules and Regulations. A footnote will be added to the table for clarification.

Section 3.2.8.1 Implementation Progress Since 2000 and Ongoing Implementation Actions for the 2020 OBMP

Pg. 47, section that starts, “The 2020 SMP includes the following provisions specific to the Parties and Storage and Recovery Program:” Second minor bullet under second major bullet:

- With regard to the storage management activities of the Parties:
 - o The Any reduction in net recharge caused by storage in the FMSB is an adverse impact, and Watermaster considers this adverse impact to be mitigated by the prospective calculation of Safe Yield.

As written, this sentence makes it sound like reduction in net recharge is a given if the volume of groundwater in storage changes. Groundwater pumping patterns also impact net recharge. This is why the change indicated in red above is recommended.

Answer: The text has been modified to reflect this suggested change.

Pg. 47, last bulleted item, “Watermaster will periodically review current and projected basin conditions and compare this information to the projected basin conditions...”

It is recommended that future reviews of the impact of storage and recovery projects be done on an annual basis.

Answer: Comment noted

23. Section 4 2020 OBMP Update Management Plan

In general, it is noted multiple places in Section 4 reference the preparation of work plans and management plans. Program Element 1 (Table 11) describes the need to prepare an OBMP Monitoring and Reporting Work Plan. Elsewhere in the document, there are other water quality and monitoring/management work plans identified under Program Element 6, including:

- Emerging Contaminants Monitoring Plan (Table 15 – 2nd and 3rd Row)
- Groundwater Quality Management Plan (Table 15 – 5th Row).

In addition, the Salt and Nutrient Management Plan (SNMP) under Program Element 7 includes monitoring and reporting of groundwater quality data. [A] Is it possible to combine the monitoring and reporting work plans into one comprehensive document instead of multiple individual plans? [B] Are there any negative consequences of doing so? [C] Would the existing OBMP Maximum Benefit Monitoring Program 2014 Work Plan be replaced by the OBMP Monitoring and Reporting Work Plan?

Answer:

[A] and [B] The intent is to have one single monitoring program work plan, the OBMP Monitoring and Reporting Work Plan, that covers all of the Watermaster programs listed in

Table 2 of the OBMP Update Report, with the exception of the initial emerging contaminant (EC) monitoring program included in PE 6. The initial EC monitoring program is envisioned as a stand-alone work plan as it is intended to be a short-term, one-time effort to collect the data needed to evaluate ECs in the Chino Basin. PE 6 also provides for the development of a long-term EC monitoring plan as part of the development of the Groundwater Quality Management Plan. This long-term EC monitoring plan, once developed, would be incorporated into the OBMP Monitoring and Reporting Work Plan.

[C] Yes, if the Parties elect to prepare the OBMP Monitoring and Reporting Work Plan, the existing 2014 OBMP Maximum Benefit Monitoring Program Work Plan would be incorporated as part of the new work plan. Note that Watermaster and IEUA are currently working on an update to the Chino Basin maximum benefit SNMP commitments, which could result in changes to the monitoring plan described in the 2014 OBMP Maximum Benefit Monitoring Program Work Plan. Once the SNMP update work is completed and any recommended changes are approved by the Regional Board, these changes would be documented in the governing work plan.