FINAL
SUBSEQUENT ENVIRONMENTAL IMPACT REORT

FOR THE

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE

Prepared for:

Inland Empire Utilities Agency
6075 Kimball Avenue
Chino, California 91708
(909) 993-1600

Implementing Agency:

Chino Basin Watermaster
9641 San Bernardino Road
Rancho Cucamonga, CA 91730

Prepared by:

Tom Dodson & Associates
2150 North Arrowhead Avenue
San Bernardino, California 92405
(909) 882-3612

In association with Wildermuth Environmental, Inc.

July 2020

TABLE OF CONTENTS

COMMENT LETTERS / RESPONSES TO COMMENTS TO DRAFT SEIR

TOM DODSON & ASSOCIATES
PHYSICAL ADDRESS: 2150 N. ARROWHEAD AVENUE SAN BERNARDINO, CA 92405
MAILING ADDRESS: PO BOX 2307, SAN BERNARDINO, CA 92406
TEL (909) 882-3612 • FAX (909) 882-7015
E-MAIL TDA@TDAENV.COM

MEMORANDUM

June 12, 2020

From: Tom Dodson

To: Ms. Sylvie Lee

Subj: Completion of the Chino Basin Watermaster Final Subsequent Environmental Impact Report for the Optimum Basin Management Program Update (SCH#202020183)

The Inland Empire Utilities Agency (IEUA) distributed the Draft Subsequent Environmental Impact Report (DSEIR) for the Chino Basin Watermaster Optimum Basin Management Program Update (OBMPU) (SCH#202020183) for public review with the review starting on March 27, 2020 and ending on May 11, 2020. The IEUA received 7 written comment letters on the proposed OBMPU DSEIR, which are responded to herein. The contents of a Final SEIR are defined in Section 15132 of the State California Environmental Quality Act (CEQA) Guidelines and include the following requirements: the DSEIR; comments and recommendations received on the Draft; a list of parties commenting of the DSEIR; responses to comments by the CEQA Lead Agency (IEUA); a mitigation monitoring and reporting program; a set of facts, findings and statement of overriding considerations (SOOC, where required); and any other information added by the Lead Agency as part of its decision-making process for a project. Because this DSEIR identified unavoidable significant adverse impacts that could not be mitigated, a SOOC will be required as part of the decision-making package before the Final SEIR can be certified. This memorandum and the attached responses to comments contained herein constitute a portion of the Final EIR for the Authority on this proposed project.

The following parties submitted comments. The comments in this letter are addressed in the attached Responses to Comments:

1. City of Ontario
2. California Department of Fish and Wildlife (CDFW)
3. Monte Vista Water District (MDWD)
4. San Bernardino County Department of Public Works
5. Orange County Water District (OCWD)
6. Riverside County Flood Control and Water Conservation District
7. State of California Department of Justice

This memorandum, combined with the Draft EIR, the above list of commenters, the attached comment letters and responses, the Mitigation Monitoring and Reporting Program, SOOC, and other staff materials in the final administrative record constitute the Final SEIR for the IEUA. The IEUA will hold a meeting on July 15, 2020 at 10:00 AM or thereafter to consider certification

of the Final SEIR. The meeting will be held in the Board room at the IEUA located at the Agency Headquarters, Board Room 6075 Kimball Avenue Chino, CA 91708.

Do not hesitate to give me a call if you have any questions regarding the contents of this package.

Tom Dodson
Attachments

CITY OF ONTARIO

ONTARIO MUNICIPAL UTILITIES COMPANY

Comment Letter #1

PAUL S. LEON
MAYOR

DEBRA DORST-PORADA
MAYOR PRO TEM

ALAN D. WAPNER
JIM W. BOWMAN
RUBEN VALENCIA
COUNCIL MEMBERS

SCOTT OCHOA
CITY MANAGER

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
TREASURER

SCOTT BURTON
UTILITIES GENERAL MANAGER

May 11, 2020

VIA EMAIL AND FIRST CLASS MAIL
Slee@ieua.org
Ms. Sylvia Lee
Inland Empire Utilities Agency
6075 Kimball Avenue
Chino, CA 91708

Re: City of Ontario Comments on Draft Subsequent EIR for the Optimum Basin Management Program Update

Dear Ms. Lee,

1-1 The City of Ontario (City) submits the following comments related to the draft Subsequent Environmental Impact Report (DSEIR, Draft SEIR) for the Chino Basin Watermaster Optimum Basin Management Program Update (OBMP Update). We incorporate by reference the additional comments in the attached letter from Nossaman LLP.

1-2 The Draft SEIR raises a number of complex technical, legal and policy issues regarding the future long-term management of the Chino Basin and feasible alternatives and mitigation measures to avoid, minimize, and mitigate the environmental effects of the OBMP Update. The City objects to the certification of the Draft SEIR and the approval of the OBMP Update, unless and until (i) the parties develop an Implementation Plan and Agreement that serves as the Project Description, (ii) IEUA corrects the legal and factual errors identified in the City's comments; and (iii) IEUA recirculates a revised Draft SEIR for additional review and comment. In light of the issues identified below, the City again requests that IEUA and Watermaster complete CEQA review of storage management separately from the OBMP Update to allow for an increase in storage space up to 800,000 AF prior to the expiration of the current OBMP Programmatic EIR Addendum.

1425 SOUTH BON VIEW AVENUE • ONTARIO, CALIFORNIA 91761-4406 • (909) 395-2605 • FAX: (909) 395-2601
www.ontarioca.gov/omuc

Printed on recycled paper.

RESPONSE TO COMMENT
LETTER #1
CITY OF ONTARIO

1-1 The comment is noted and will be made available to the IEUA decision-makers as part of the Final EIR package prior to a decision on the proposed project.

1-2 The comment is noted and will be made available to the IEUA decision-makers as part of the Final EIR package prior to a decision on the proposed project. Please refer to responses below to specific issues raised by the commenter.

General Comments

1. The Approval of the Update Should Be Deferred to Allow the Parties to Develop an Implementation Plan and Agreement.

1-3 It is noteworthy that in 2000, after the OBMP was developed in a "collaborative public process," the parties then developed an Implementation Plan and an agreement *prior to* CEQA review. This process served to ensure that CEQA review covered the correct scope: that is, the projects intended to be implemented by the parties. In the current OBMP Update, Watermaster chose to embark on the OBMP Update CEQA without any agreement by the parties on an implementation plan. It is possible and likely that what the parties agree to in the Implementation Plan will be different from the Project Description included in the current Draft SEIR.

1-4 The DSEIR states that the "OBMPU Implementation Plan Update (OBMPU IP) is a revision of the implementation plans included in the Peace I and Peace II Agreements and incorporates the proposed activities and facilities identified in the 2020 OBMPU and ongoing activities from the 2000 OBMP." However, the parties have not yet drafted, reviewed or negotiated an implementation plan.

1-5 In addition, Appropriative Pool parties requested that Watermaster pursue CEQA review for storage management separately and in advance of the OBMP Update CEQA review. The primary driver for this request was the looming expiration of the current temporary storage excursion based on the 2017 Addendum. Instead, Watermaster inexplicably chose to delay CEQA review of storage management in order to concurrently evaluate the Storage Management Plan and the OBMP Update, despite the fact that these two documents were crafted in different processes and are not interdependent.

2. The Draft SEIR Fails to Address Issues Raised by the City of Ontario Regarding Discharge of Recycled Water to the Santa Ana River.

1-6 In an email related to the scope of the DSEIR following release of the Initial Study, the City pointed out that the topic of the Santa Ana River discharges and flows needed to be properly addressed. IEUA is currently engaged in re-negotiation of a regional wastewater contract that governs the use of recycled water. During these negotiations IEUA and its member agencies have taken contrary positions regarding the legal control over the disposition of recycled water. The Draft SEIR excludes any mention of ongoing conversations among Chino Basin stakeholders on an issue that is necessary for an adequate evaluation of the effects of the OBMP Update. The Draft SEIR's assumption that IEUA has ownership of and control over treated wastewater flows and diversions creates a false premise to the evaluation of potential physical changes to the environment from the implementation of various activities under the OBMP Update. As a result, the Draft SEIR appears to be structured to advance IEUA's position and does not provide an objective evaluation of the reasonable alternatives that are feasible and that could achieve most of the basic objectives of the OBMP Update.

1-7 The Draft SEIR is founded on incorrect assumptions regarding the legal regime governing continued discharge of recycled water to the Santa Ana River. The DSEIR improperly assumes that reclaimed water generated in the Chino Basin will continue to be used to comply with the Orange County Judgment. Rights to this recycled water are defined by a regional wastewater contract. The City, along with IEUA's other member agencies, has a priority claim to recycled water generated by the regional wastewater treatment system, to the extent it contributes wastewater to that system. This source of water is essential for the City to meet the water supply needs of its customers. Retaining recycled water generated in the Chino Basin for beneficial uses in the Chino Basin is necessary for the Update to achieve its first stated goal of increasing the water supply and reliability for the Chino Basin Parties.

1-3 As described in the DSEIR (pg. 1-1), the Chino Basin Watermaster is composed of a Board of Directors that consists of member agencies from three groups: an Appropriative Pool, Non-Appropriative Pool, and Agricultural Pool, and four other public agencies, effectively the water producers in the Chino Basin, as described in Appendix 1. The commenter is correct that the Watermaster member agencies have not agreed to an implementation plan for the OBMPU. It is also possible, as noted by the commenter, that what the Watermaster parties agree to will be different from the OBMPU analyzed in the DSEIR. The OBMPU Implementation Plan, as agreed upon in the future by the Parties, will provide a plan for programmatic activities and phasing of such activities with high level cost estimates. Ultimately, upon completion of conceptual design of a given project, the Applicant will present the project to the Watermaster for approval before implementation. If certain future projects under the OBMPU are not contained in the Implementation Plan, then the Watermaster or Implementing Agencies, where appropriate, can consider a follow-on CEQA document/determination, most likely through an Addendum. Where some projects are not carried forward under the OBMPU by the Watermaster or IEUA, other agencies in the Basin may avail themselves of the CEQA coverage afforded by the OBMPU SEIR to implement them. In either case the intrinsic value of the SEIR to provide a programmatic bridge to future projects will continue to have value.

1-4 The comment is noted and will be made available to the IEUA decision-makers as part of the Final EIR package prior to a decision on the proposed project. Please refer to response to comment 1-3 regarding scope of the SEIR and future projects.

1-5 Watermaster concluded that the Storage Management Plan (SMP) be included as one of several dependent components of the OBMPU. For example, the storage management plans are dependent on pipelines to deliver water; the ASR wells required to recharge water into and extract water from the Chino Groundwater Basin; some of the water available in the future may come from the new storage basins; pump stations to move water to areas of demand; and treatment plants to remove any contaminants. As should be obvious, the evaluation of the SMP requires evaluation of facilities that support the whole of the OBMPU. Hence, the scope of the environmental document is not reasonably segregated into two different documents as suggested in this comment. Further, the evaluation in the SEIR fully addresses the SMP facilities and activities, and certification of the SEIR in its present form allows implementation, and would not delay the facilities and activities of this Plan required to store of up to 1,000,000 acre feet (af) of additional water. Segregation of these documents would appear to be counterproductive.

1-6 Ownership and control over wastewater discharges is governed by contract, specifically the Chino Basin Regional Sewerage Service Agreement (Regional Contract) which has been in effect for almost 50 years. As correctly noted, the renewal of that contract is currently under negotiation, as it will lapse in 2023. It is neither the intent nor purpose of the SEIR to interpret contractual terms or resolve disputes between contracting parties, and certainly not to speculate on the outcome of dispute resolution. Further, what happens between IEUA and member agencies is still-in-progress, contract negotiations is inherently speculative, and until such negotiations are concluded it would be inappropriate for analysis or findings to be conducted. Local water supply and interpretation of contracts is beyond the scope of the OBMPU, as is the 1969 Judgment obligation to meet SAR base flow obligations. Consideration of acquisition of other supply sources is part of local supply development and not considered in the OBMPU.

For example, how much recycled water should be retained or diverted from IEUA's current discharges? Would such diversions occur on a continuous or periodic basis? What other supply sources should be used to meet baseflow obligations should alternatives to retain recycled water is included? The City did not provide any specifics or programmatic level project concepts as to what a project would or could consist of due to a lack of information at this stage of review. There are data available on Santa Ana River flows and discharges at various points along the River, but there are no specific project or proposals for diversions of wastewater discharges that were ripe for evaluation, even at the programmatic/subsequent EIR stage of review. Fundamentally, retention of recycled water would constitute a diversion of water from discharge to either Chino or Mill Creek, initially, and subsequently to the Santa Ana River in Prado Basin. When examining the issue of diversion of discharges (any type, including recycled water, stormwater, and non-point source urban discharges) in the DSEIR, the issue was deferred to future specific proposals because no such specific proposals were in the OBMPU and the complicated variables—only some of which are described above—make any future forecasts speculative. On page 4-90 of the DSEIR (Subchapter 4.3, Biological Resources), the issue of diversions and potential adverse impacts to Prado Basin habitat is addressed. Indirectly this section also applies to recycled water diversions, and the conclusion is that such diversions, until defined and evaluated in the broader context, can have a potentially significant adverse impact on biological resources of the Chino Basin. Mitigation measure (MM) **BIO-25** requires further CEQA evaluation of specific diversion proposals **when they are defined in sufficient detail to allow an evaluation.** Thus, based on the DSEIR evaluation, diversion of additional water as part of the OBMPU (including recycled water) was concluded to represent a potentially unavoidable significant adverse impact to Prado Basin biological resources until proven otherwise with a project specific CEQA evaluation. Regarding ownership and control of recycled water, the DSEIR takes no position other than that there is a potential for significant impacts on biological resources from any new diversions.

1-7 Ensuring a water supply sufficient for the current and future needs of local agencies is a matter of local concern and not within the subject matter considered in the SEIR. The SEIR does not undertake interpretation of the terms and conditions of the Orange County Judgment. As noted, the City's claim to recycled water is established in the Regional Contract, which grants the City an option to purchase available recycled water (Base Entitlement) from IEUA under express terms and conditions. The term of the option to purchase recycled water runs concurrently with the Regional Contract which will lapse in 2023. As noted above under response to comment 1-6, the DSEIR does not assume any future "legal regime" regarding recycled water, but the data clearly show that increased diversions and reduced discharge to the Prado Basin could cause significant impacts on important biological resources that are known to occur in Prado and that are dependent on the habitat of the area. Even though a primary goal of the OBMPU is to enhance water supplies, there is a potentially very high economic cost to reductions in flows that can adversely impact riparian/wetland habitat. Thus, explaining the inclusion of a requirement for further evaluation when a specific proposal is submitted for consideration. Before the City concludes that a diversion is economically feasible, it must understand the environmental costs of such a diversion versus other sources of water supply (which have their own environmental costs).

Page 3-27 of the DSEIR states, "Historically, the IEUA's operating plan has prioritized the use of recycled water…[first] to meet the IEUA's discharge obligation to the Santa Ana River (17,000 afy)…." This statement incorrectly describes both the historical and contractual management of recycled water in the following ways:

1-8

1. With limited exceptions, to date there has been sufficient recycled water in each year to meet direct use, recharge, and discharge requirements. In two recent years, IEUA discharged less than 17,000 AF of wet water to the river. By meeting direct use demands and recharging recycled water but not meeting its minimum discharge obligation in those instances, IEUA in practice prioritized direct use and recharge over the Santa Ana River obligation. Notably, this is consistent with the regional contract and the stance of IEUA's member agencies.

1-9

2. Recycled water is governed by the regional contract between IEUA and its member agencies. IEUA's "prioritization" of recycled water, whatever it may be, is subject to the terms of the regional contract. In the case of a conflict, the regional contract takes precedence over any policy that IEUA may unilaterally adopt.

1-10

Chino Basin Parties are in negotiations regarding revisions to the regional agreements governing recycled water. The DSEIR improperly and incorrectly presumes the result of those negotiations. For the DSEIR to meet the requirements of a program EIR, the DSEIR is required to be restructured to include in the Project Description the retention in the Chino Basin of recycled water generated by the Chino Basin Parties including the City.

3. The Draft SEIR Does Not Evaluate A Reasonable Range of Alternatives.

1-11

The DSEIR should evaluate an alternative that would allow for recycled water generated in the Chino Basin to be retained for use in the Chino Basin, rather than continuing to discharge recycled water to the Santa Ana River. This alternative is consistent with the City's rights to the use of reclaimed water, but the Draft SEIR fails to include any evaluation of an alternative that would retain recycled water for use in the Basin.

1-12

The Draft SEIR acknowledges that some elements of the original OBMP have not been implemented since its approval twenty years ago. It is therefore foreseeable that some elements of the OBMP Update will not be implemented during the planning horizon of the OBMP Update. Therefore, the Draft SEIR should also evaluate an alternative that assumes that some elements of the program will not be implemented during the program's planning horizon. The document appears to be written such that the activities are not only interrelated but also interdependent. For example, page 1-12 states that "no major changes in the program have been identified at this stage." One "major change" in the program could be a decision not to implement one or more activities. The OBMP Update consists of discrete activities that are independent and must not rely upon the completion of other activities.

4. The Project Description is Unstable and Confusing.

1-13

The Project Description should be revised to clearly identify (i) the elements of the original OBMP that have been implemented and that will not be changed by the Update, (ii) the original elements of the OBMP that have been implemented, but that will be changed by the Update, (iii) the elements of the original OBMP that have not been implemented, but that are proposed to be changed by the Update, and (iv) the new elements proposed by the Update. Structuring the Project Description in this manner will allow the public to understand and distinguish the impacts of the existing and fully implemented OBMP elements from the impacts of original elements not implemented and from the impacts of new elements.

1-8 The statement contained in this comment is beyond the context or relevance to the SEIR. Nevertheless, historically IEUA has met the judgment obligations through recycled water. There are documents from the inception of the OC Judgment (Prado Settlement; Regional Contract Exhibit C), which identify recycled water from treatment plants as the means to satisfy the judgment obligation. As noted in response to comment 1-6, what happens between IEUA and member agencies in still-in-progress contract negotiations is inherently speculative, and until such negotiations are concluded it would be inappropriate for analysis or findings to be conducted.

1-9 Please refer to the responses to comments 1-6 and 1-8, which address the concerns raised in this comment completely. The commenter's corrections to the record are noted and will be included in the FSEIR.

1-10 IEUA disagrees that the DSEIR presumes the outcome of contract negotiations on regional agreements governing recycled water. To clarify that the OBMPU does not assume any particular use for recycled water, text has been added the FSEIR at page 3-27. IEUA also disagrees with the commenter's statement that the DSEIR is a program EIR. Please refer to response to comment 1-30.

1-11 The FSEIR has been revised to clarify that the OBMPU does not presume how recycled water will be used in the future. Please refer to response to comment 1-10. Accordingly, the alternative that is proposed by the commenter in this comment is unnecessary.

1-12 The commenter suggests that an alternative should be evaluated that assumes that some of the elements of the OBMPU will not be developed. The DSEIR considered, and rejected an alternative that would reduce the scope of the OBMPU, which is discussed under Chapter 5, Alternatives, on pages 5-2 through 5-4. The DSEIR acknowledges that minor tweaks or modifications to the OBMPU are likely to occur over the next 30 years, but that no major changes in the program have been identified at this stage that can be implemented without harming its ability to meet the essential program objective of enhancing the basin water supply through improving water supply reliability (DSEIR, pg. 5-3). Furthermore, the commenter suggests that "one 'major change' in the program could be a decision not to implement one or more activities"; here it appears that the reader assumes that the DSEIR, and ultimately the proposed certification of the FSEIR would mandate the development of each and every project proposed as part of the OBMPU. The CEQA process is discretionary in nature, and does not mandate that a given project be developed; for programmatic projects such as the OBMPU, individual elements may be installed, while others may be modified and further analyzed in subsequent CEQA documentation, or omitted from development based on future circumstances, etc. Ultimately, in response to this comment, Chapter 5 of the FSEIR analyzes a "Storage Management Plan only" (SMP) alternative, whereby only the facilities necessary to implement the SMP would be implemented. This alternative was also requested by the Monte Vista Water District, and has been added in response to both comments.

1-13 The comment is noted and will be made available to the IEUA decision-makers as part of the Final EIR package prior to a decision on the proposed project. The Project Description is arranged by describing the OBMP objectives and implementation actions established in 2000, OBMP implementation progress since 2000, and the implementation actions of the OBMPU, including the potential facility improvements that could result from implementation (DSEIR, pg. 3-9). Further, all of the new and improved

facilities proposed by the OBMPU are described in Section 3.5, “Summary of All Facilities.” In this way, the DSEIR accomplishes the goal of presenting a stable, defined description of the project.

Closing

1-14 The City appreciates your prompt and thorough attention to the items identified herein, including the attached letter from Nossaman LLP. Addressing these deficiencies is critical to the success of this project in whichever form it is ultimately implemented. I continue to offer my and my team's support as we move forward collaboratively.

Sincerely,

Katie Gienger

Katie Gienger, P.E.
Water Resources Manager

c: Scott Burton, Utilities General Manager, City of Ontario
Peter Kavounas, General Manager, Chino Basin Watermaster
Fred Fudacz, Partner, Nossaman LLP

Enc: Comment Letter from Nossaman LLP

1-14 IEUA acknowledges that the letter from Nossaman LLP is an extension of the City of Ontario's letter and has responded to and fully addressed each comment provided herein. IEUA appreciates the extension of further collaboration by the City of Ontario.

Comment Letter #1

NOSSAMAN LLP

ATTORNEYS AT LAW

18101 Von Karman Avenue
Suite 1800
Irvine, CA 92612
T 949.833.7800
F 949.833.7878

Robert D. Thornton
D 949.477.7600
rthornton@nossaman.com

Refer To File # 280856-0002

DRAFT

May 6, 2020

VIA FIRST CLASS MAIL AND EMAIL
Slee@ieua.org

Ms. Sylvia Lee
Inland Empire Utilities Agency
6075 Kimball Avenue
Chino, CA 91708

Re: City of Ontario Comments on Draft Subsequent EIR for Optimum Basin Management Plan Update

Dear Ms. Lee:

This letter is submitted on behalf of the City of Ontario (City). It provides comments on the Draft Subsequent Environmental Impact Report (DEIR) regarding the proposed Optimum Basin Management Plan Update (OBMPU or Update). This letter supplements other comments submitted by the City on the Update and/or DEIR.

1-15 The City Ontario owns water rights in the Chino Basin, and is a CEQA Responsible Agency regarding the OBMPU. As a CEQA Responsible Agency, the City has the authority to determine whether the DEIR is adequate for its use, to determine whether to prepare a subsequent EIR, and whether to challenge the DEIR in court. (14 Cal.Code.Regs., § 15096, subd. (e).)[1]

1-16 As currently structured, the DEIR is not adequate. The City respectfully requests that the lead agency revise the DEIR to address the comments of the City, and to recirculate the revised DEIR for additional public review and comment. The City also requests that the Inland Empire Utilities Agency (IEUA) and the Watermaster defer any action on the DEIR (including certification) and on the Update until the necessary parties reach agreement on the terms of the agreement to implement revisions to the Optimum Basin Management Plan. The lead agency and responsible agencies could then

[1] Hereinafter, "CEQA Guidelines."

1-15 The comment is noted and will be made available to the IEUA decision-makers as part of the Final EIR package prior to a decision on the proposed project. IEUA understands the City of Ontario's role as a CEQA Responsible Agency, and their authority under CEQA.

1-16 For the reasons outlined below and in the following comments, IEUA and the Watermaster do not agree with the conclusions stated in this comment. The City had an opportunity to comment on the scope of the OBMPU during the two years of meetings prior to compiling the OBMPU and subsequently during the Notice of Preparation (NOP) review period, and no formal input on a different OBMPU scope was provided. The Watermaster chose to take the most expansive view of the OBMPU projects and the DSEIR is fully consistent analyzes that project. Accordingly, it is inappropriate to delay action on the DSEIR until the Watermaster Parties agree on the terms of an implementation plan.

Where sufficient data is available the DSEIR analyses could address impacts comprehensively. Where actual locations or types of facility operations could not be specified, the DSEIR appropriately requires subsequent environmental evaluations to be prepared and processed in accordance with State CEQA Guidelines. It is important to keep two factors in mind. First, the DSEIR does not require all future facilities to be implemented, as CEQA is an enabling statute that does not force an agency to proceed with any facility or operation-activity in the future. Thus, the City's comment about the scope of the OBMPU should be have been addressed in some other forum, not at the end of the CEQA process. Second, the DSEIR is a Subsequent EIR that evaluates changes to the 2000 OBMP as analyzed in the 2000 OBMP PEIR and later CEQA documents tiering from that PEIR. CEQA states the following for a subsequent tier of a CEQA document: *Where a lead agency is using the tiering process in connection with an EIR for a large scale planning approval, such as a general plan or component thereof (e.g., an area plan or community plan), the development of detailed, site-specific information may not be feasible but can be deferred, in many instances, until such time as the lead agency prepare a future environmental document in connection with a project of a more limited geographical scale, as long as deferral does not prevent adequate identification of significant effects of the planning approval at hand* (CEQA Guidelines §15152(c).).

1-16 cont'd determine the appropriate scope of any CEQA evaluation of those elements agreed to by the parties to the implementation agreement.

1. **The DEIR Is Not Sufficient as an Informational Document. It is Therefore Inadequate as a Matter of Law.**

a. The DEIR Acknowledges that the 2000 Program EIR Is Out of Date and the Need for a Comprehensive Analysis of the Effects of the OBMPU.

The OBMPU is the proposed update of the Optimum Basin Management Program – a large and complex program governing the management of regional water resources and groundwater of the Chino Basin. As the DEIR readily acknowledges, the OBMPU is an "expansive" program that covers nine program elements and the construction and operation of multiple new and revised facilities in four project categories including: (1) Well Development and Monitoring; (2) Conveyance Facilities and Ancillary Facilities; (3) Storage Basins, Recharge Facilities, and Storage Bands; and (4) Desalters and Water Treatment Facilities.

1-17

The Optimum Basin Management Program and the 2000 Final PEIR are over twenty years old. The DEIR states that the existing OBMP and related 2000 Program EIR, as supplemented, (i) are out of date, (ii) do not reflect current information regarding the hydrology and hydrogeology of the Chino Basin, (iii) do not address important new environmental issues impacting the environmental resources of the Chino Basin such as the impact of climate change on the state's water supply and resulting impacts on Chino Basin stakeholders, and (iv) are not adequate to achieve the current objectives for the management of water resources of the Chino Basin. (Draft EIR, Initial Study, p. 3.) The Inland Empire Utilities Agency (IEUA) therefore determined that it was necessary to prepare a subsequent environmental impact report to comprehensively analyze the environmental effects of the OBMPU.

b. The DEIR Does Not Comply With CEQA Standards.

The basic purpose of an EIR is to "provide public agencies and the public in general with detailed information about the effect [that] a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project." (Pub. Resources Code, § 21061; see Guidelines, § 15003, subds. (b)–(e).) An EIR that complies with CEQA allows the public to know the basis on which the agency approved or rejected environmentally significant action, "so that the public, being duly informed, can respond accordingly to action with which it disagrees." (*Laurel Heights Improvement Assn. v. Regents* (1988) 47 Cal.3d 376, 392 [invalidating EIR for university expansion].) "The failure to comply with the law subverts the purposes of CEQA if it omits material necessary to informed decision making and informed public participation." (*Sierra Club v. County of Fresno (2018)* 6 Cal.5th 502, 515.) For the DEIR to comply with CEQA

1-18

1-17 The comment is noted and will be made available to the IEUA decision-makers as part of the Final EIR package prior to a decision on the proposed project. The decision to prepare a Subsequent EIR was a collective decision made by IEUA, Watermaster, and other stakeholders in Chino Basin groundwater management.

1-18 This comment references CEQA, the CEQA Guidelines, and case law interpreting CEQA and the CEQA Guidelines, which does not require a response.

requirements as an informational document, it must include sufficient detail to enable those who did not participate in its preparation to understand and to consider meaningfully the issues the proposed OBMPU raises. (*Id.* at p. 510 ["the adequacy of an EIR's discussion of environmental impacts is an issue distinct from the extent to which the agency is correct in its determination whether the impacts are significant."). This is a question of law that the courts review *de novo*. (*Id*; *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 514–515 [invalidating regional transportation program EIR]; (*RiverWatch v. Olivenhain Municipal Water Dist*. (2009) 170 Cal.App.4th 1186, 1201 ["If a final environmental impact report (EIR) does not 'adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project,' informed decision making cannot occur under CEQA and the final EIR is inadequate as a matter of law."].)

1-18 cont'd

For the reasons described in detail below and in the separate comments of the City, the DEIR fails to comply with CEQA standards as a matter of law. The DEIR:

1-19 • Does not meet the standards for a program EIR because it does not address adequately the water supply needs of the Chino Basin, and alternatives to achieve those needs, over the thirty-year life of the Update.

1-20 • Does not include a stable, finite, consistent, and comprehensible project description;

1-21 • Improperly tiers from prior EIRs that (i) analyze a different CEQA "project" and (ii) that the DEIR also contends are out of date;

1-22 • Fails to evaluate the significance of the effects of the Update as compared against a valid CEQA baseline of existing conditions;

1-23 • Defers evaluation of significant effects and mitigation measures;

1-24 • Does not evaluate adequately significant cumulative effects;

1-25 • Fails to explain in understandable terms the analytical route followed from evidence to the DEIR's conclusions;

1-26 • Does not analyze effects using the most current version of the Chino Basin Groundwater Model, and instead uses an outdated version of the Model;

1-27 • Does not disclose material uncertainties in the Chino Basin Model or the environmental effects of the uncertainties;

1-19 Please refer to responses to comments 1-30 and 1-31.

1-20 Please refer to responses to comments 1-47 and 1-48.

1-21 The project defined in the 2000 OBMP PEIR remains the same as the project defined in the DSEIR, as all of the project objectives and the nine Program Elements to implement those objectives remain the same. The specific activities being evaluated, including but not limited to pipelines, wells, groundwater recharge and available storage capacity, remain the focus of the DSEIR as they were in the 2000 OBMP SEIR, and 2010 SEIR, and 2017 Addendum environmental documents. The system improvements are extensions of those previously installed and therefore, it is wholly appropriate to tier off of the previous environmental documents.

1-22 Please refer to responses to comments 1-41 through 1-46.

1-23 Please refer to responses to comments 1-35 through 1-37. CEQA Statute 15126.4(a)(1)(B) states that "Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way." The OBMPU creates real performance standards through mitigation to be met by the Implementing Agency for a given project. Many mitigation measures set a performance standard that a future project can either meet or otherwise, if it cannot meet the performance standard, would require subsequent project-specific CEQA evaluation to allow a final determination on each future project's specific impacts. This approach is deemed appropriate and consistent with utilization of a program environmental document in accordance with Sections 15162 and 15168 of the State CEQA Guidelines. Ultimately, the OBMPU has provided comprehensive mitigation measures designed to mitigate potential environmental impacts that may occur from OBMPU implementation within the range of sites that projects may be located as part of the diverse area that makes up the Chino Basin. No mitigation measures defers formulation of actions that would minimize impacts to a future time.

1-24 Cumulative effects are evaluated for each of the issues addressed in the OBMPU DSEIR and specific references to cumulative issues are addressed in the following text within these responses to comments. Please refer to response to comment 1-37.

1-25 This comment does not specify which impact conclusions lack explanation of the analytical route followed by the DSEIR. Without more guidance as to which section or sections of the DSEIR suffer from this alleged infirmity, IEUA is unable to respond to this comment further.

1-26 Please refer to response to comments 1-49 through 1-51.

1-27 Please refer to responses to comments 1-49 through 1-51.

1-28
- Does not evaluate a reasonable range of alternatives to the Update, including an alternative that would retain recycled water for use within the Chino Basin consistent with the City's water rights to recycled water; and

1-29
- Fails to identify valid mitigation measures.

2. The DEIR Does Not Meet the Standards for a Program EIR.

a. Program EIR Standards.

1-30
The purposes of a program EIR are to (a) provide a more thorough consideration of environmental effects and alternatives than could be provided in an EIR for an individual action, (b) ensure that cumulative impacts are fully considered, and (c) allow policy alternatives and program wide mitigation measures to be considered at an early stage. (CEQA Guidelines, § 15168, subd. (b).) The Draft EIR fails to accomplish the purposes of a program EIR because it (i) defers the evaluation of many effects of the Update to later project-level CEQA evaluations, (ii) fails to include an adequate evaluation of the cumulative effects of the program, (iii) defers the identification of enforceable measures to mitigate the significance of impacts of the program, and (iv) fails to evaluate a reasonable range of alternatives to the program.

1-31
Program EIRs are subject to the same CEQA standards of legal sufficiency that apply to "project-level" EIRs. A program EIR is required to include "sufficient analysis to intelligently consider the environmental consequences of the project." (*Cleveland Nat'l Forest Foundation v. San Diego Ass'n of Governments* 17 Cal.App.5th, *supra,* at p. 426 [invalidating program EIR for regional transportation plan].) A program EIR does not decrease the level of analysis otherwise required by CEQA. The agency is required to disclose what it reasonably can, and any determination that it is not feasible to provide sufficient information is required to be supported by substantial evidence.

b. Failure To Evaluate Retention of Recycled Water in Chino Basin.

1-32
The first stated project objective and goal of the Update is "to increase the water supplies available for Chino Basin Parties and improve water supply reliability." (DEIR, p. 1-4.) The DEIR acknowledges that projected climate change impacts on the region's water supply necessitates a reevaluation of the OBMP. (DEIR, p. 3-2.) The California Department of Water Resources estimates that "[b]y the end of this century, California's Sierra Nevada snowpack is projected to experience a 48-65% loss from the historical April 1 average." (https://water.ca.gov/Programs/All-Programs/Climate-Change-Program/Climate-Change-and-Water [visited 4.29.20]. Reductions in the Sierra Nevada snowpack, and increasingly stringent environmental restrictions on State Water Project exports are projected to reduce materially the reliability of water deliveries from the State Water Project. Reductions in precipitation in the Colorado River basin are also

1-28 Please refer to responses to comments 1-39 through 1-40.

1-29 Please refer to responses to comments 1-35 through 1-37. To the extent that the commenter is alleging that the DSEIR did not include feasible mitigation measures, it is up to the commenter to identify additional mitigation measures so that IEUA can evaluate their feasibility and determine whether to add them to the FSEIR. Without more, IEUA is not able to respond to this comment further.

1-30 The comment summarizes State CEQA Guidelines Section 15168(b), which does not require a response. The comment suggests that the DSEIR does not accomplish the purposes of a program EIR because it defers the evaluation of effects of the OBMPU to later project-level CEQA evaluations. First, the DSEIR is not a program EIR, but rather is a subsequent EIR tiered from the 2000 OBMP PEIR, the 2010 SEIR, and the 2017 Addendum. (CEQA Guidelines §§15152, 15168(c), (d).) Please refer to Chapter 1, which has corrected the incorrect and accidental use of "Program DSEIR" within this Chapter to omit the term Program, as it does not apply to this project. Second, the DSEIR analyzes environmental effects to the extent information exists to enable such an evaluation, even when such an evaluation requires forecasting, but the DSEIR terminates analysis where evaluation of the impact is too speculative for evaluation (CEQA Guidelines §§15144, 14145). Generally, environmental analysis was terminated where the particular location of future projects encompassed in the OBMPU is not known, and an environmental analysis without location-specific information would be speculative.

With respect to the DSEIR's identification of mitigation measures, please refer to responses to comments 1-35 through 1-37. With respect to the range of alternatives considered in the DSEIR, please refer to responses to comments 1-38 through 1-40.

1-31 This comment summarizes CEQA principles and caselaw, and therefore does not require a response.

1-32 The comment is noted and will be made available to the IEUA decision-makers as part of the Final EIR package prior to a decision on the proposed project.

1-32 cont'd estimated to result in reductions of delivery of Colorado River water to southern California. Collectively, climate change and changes in state law require the development of local water supplies, including the use of reclaimed surface and groundwater, to meet southern California's water supply needs.

1-33 The DEIR improperly assumes that reclaimed water generated in the Chino Basin will continue to be used to comply with the Orange County Judgment. The City has a priority claim to recycled water to the extent contributed to the regional wastewater treatment system. This source of water is essential for the City to meet the water supply needs of its citizens. Retaining recycled water generated in the Chino Basin for beneficial uses in the Chino Basin is necessary if the Update is to achieve its first stated goal of increasing the water supply and reliability for the Chino Basin Parties.

1-34 The Chino Basin Parties are in negotiations regarding revisions to the regional agreement governing recycled water. The DEIR improperly and incorrectly presumes the result of those negotiations. For the DEIR to meet the requirements of a program EIR, the DEIR is required to be restructured to include in the project description the retention in the Chino Basin of recycled water generated by the Chino Basin Parties including the City.

c. Improper Deferral of Analysis of Regional Impacts and Mitigation Measures.

1-35 A primary function of a program EIR is to evaluate the regional effects of the program activities. This important function is defeated because the DEIR defers a quantitative evaluation of the regional impacts of program activities. While CEQA authorizes the use of tiered EIRs in some circumstances, CEQA does not allow the lead agency to defer an analysis of reasonably foreseeable significant impacts to a later EIR. (CEQA Guidelines, § 15152, subd. (b); *Vineyard Area Citizens for Responsible Growth v. City of Ranch Cordova* (2017) 40 Cal.4th 412, 441 [invalidating EIR for long-range development plan that deferred water supply analysis].) The DEIR defers any detailed evaluation of a number of regional effects of program activities. The following is a partial list of the Draft EIR's invalid deferral of the evaluation of impacts:

- Air quality impacts related to operation of Update facilities (DEIR, p. 4-27);
- Biological resource impacts (DEIR, p. 4-64);
- Archaeological resource impacts (DEIR, p. 4-92); and
- Greenhouse gas emission impacts (DEIR, p. 4-145).

1-36 CEQA requires that an EIR discuss mitigation measures that minimize or avoid the project's significant effects. (Pub.Res.Code, §§ 21002, 21002.1, subd. (a); CEQA Guidelines, § 15126.4.) CEQA generally prohibits the deferral of the identification of feasible and enforceable mitigation measures to address the significant effects. (CEQA

1-33 The comment is noted and will be made available to the IEUA decision-makers as part of the Final EIR package prior to a decision on the proposed project. Please refer to responses to comments 1-7 and 1-10.

1-34 Please refer to responses to comments 1-6 and 1-10. The DSEIR does not presume any outcome of current negotiations; it relies on current factual conditions within the Chino Basin. If these circumstances change, new factual conditions can be addressed at that time. At this point any assumptions about the future would be speculative.

1-35 For each of the issues listed in the comment there is an evaluation of the resources at risk.

Operational Air Quality Emissions (DSEIR, pg. 4-27): The DSEIR analyzes operational air quality emissions, including sources from motor vehicles for periodic maintenance, electrical use from OBPMU facilities, and emissions from emergency diesel generators. Motor vehicle emissions for periodic maintenance were deemed not to result in a substantive new long-term emissions source due to the minimal number of trips per day. With one exception (emergency generators), operational activities related to OBMPU projects will utilize electricity or natural gas to provide energy for operations. Due to the variety of electricity sources (including solar and wind energy) and the disparate locations of energy generation, it is not possible to identify specific emissions associated with electricity use within the South Coast Air Basin (SCAB)—this clarification has been added to the text of the FSEIR. This becomes even more complex with the trend (as a State requirement) to obtain electricity from alternative energy sources in the future. Regarding natural gas use, this is usually consumed for building heating purposes, which are not being proposed under the OBMPU. With regard to emergency generators, they are stationary sources that operate and generate air emissions only when power is needed and electricity is not available. Such units do not generate air emissions daily, and would comply with SCAQMD permits for operating such equipment, so they are not considered a predictable annual emission source. Accordingly, the DSEIR did not improperly defer analysis OBMPU operational air quality emissions.

Biological Resource Impacts (DSEIR, pg. 4-64): The biological resources at risk from the OBMPU implementation are clearly identified in Subchapter 4.3 of the DSEIR. As required in Section 15152 of the State CEQA Guidelines, specific findings were made for each biology issue based on sensitivity of known resources in the Chino Basin, and specific mitigation measures were identified to address specific types of impacts. A potential to adversely impact Prado Basin habitats, particularly riparian/wetland habitat, was concluded to be unavoidable because certain construction or operation activities, such as diversion of additional surface runoff or essential construction in an area with unmitigable biological resources, may not be capable of mitigation. Consequently, a finding that the OBMPU could cause an unavoidable significant adverse or cumulatively considerable impact on biological resources was reached in the DSEIR. The DSEIR properly truncates any further, project-specific analysis, however, because the specific locations of facilities are presently unknown, or, if known, site-specific investigations have not yet begun because the proposed project is at a conceptual level of planning. Analysis of site specific biological resource impacts can only occur once a site is identified or in the case of water diversions, once a water diversion project is identified (CEQA Guidelines §§15144, 15145).

Archaeological Resource Impacts (DSEIR, pg. 4-92): As is the case with biological resources, cultural resources are highly specific to location. Because the location for many OBMPU projects is unknown at this time, or if known, site-specific investigation has not yet begun because the proposed project is at a conceptual level of planning, the cultural resources evaluation focused on the level of sensitivity for different areas of the Chino Basin. Cultural resources apply to prehistoric or archaeological materials and historical resources. Under these two broad categories the Cultural Resources Evaluation provided as Subchapter 4.4 of the DSEIR identifies the types of impacts that can result from OBMPU implementation, not site specific impacts but based on sensitivity for cultural resources. Sensitivity analyses are appropriate when specific locations of proposed facilities is not known. Mitigation includes a requirement for site specific cultural resource surveys; avoidance of sensitive sites through relocation; or mitigation through recovery and recordation. MM **CUL-2** provides a detailed (step-by-step) procedure to protect cultural resources is presented that will apply to all future OBMPU projects. The net result is that a finding of less than significant adverse impact to cultural resources is justified. As with biological resources issues, this is a prospective impact forecast because the specific location of facilities is at present unknown and analysis of site specific cultural resource impacts can only occur once a site is identified or in the case of water diversions, once a water diversion project is identified (CEQA Guidelines §§15144, 15145).

Greenhouse Gases / Global Climate Change (DSEIR, pg. 4-145): Operational GHG emissions were analyzed at a general level, rather than through generation of specific operational emissions calculations as with construction emissions. While construction emissions can be estimated utilizing basic assumptions that apply to the whole of the types of OBMPU facilities that are being proposed, operational emissions cannot be estimated utilizing these same assumptions for the following reasons: (1) For certain types of facilities that are being proposed as part of the OBMPU, the IEUA and Watermaster have not collected sufficient data to predict operational energy demands, as such, for facilities such as ASR wells, the energy required is dependent on several factors (how deep the well is drilled, the type of equipment required to operate the well, where the water is delivered to/from, etc.), that cannot be known until project-level design has been completed; (2) The exact type and number of facilities that are considered appurtenances—such as booster pump stations, reservoirs, etc.—defined under Project Category 2: Conveyance Facilities and Related Infrastructure, have not been defined, and as such the operational energy demands thereof cannot be known until project-level design has been completed; (3) The exact type and number of new groundwater treatment facilities, and regional groundwater treatment facilities have not been defined, and as such the operational energy demands thereof cannot be known until project-level design has been completed; (4) the proposed upgrades to the Chino Desalters, to the WFA Agua de Lejos Treatment Plant, and to existing groundwater treatment facilities have not been defined, and as such the operational energy demands thereof cannot be known until project-level design has been completed; (5) and finally, until a specific project is proposed at the design level, it is not known what source of energy will be utilized to operate said facility, which renders determining the energy-related operational emissions a speculative matter given that energy is anticipated to be increasingly generated by alternative sources over the planning horizon for the OBMPU. As such, the OBMPU proposes vast range of facilities, the project-level design for which has not yet been defined such that previous data gathered by the Watermaster, IEUA, and stakeholders could be utilized to generate a Program-specific operational emissions calculation.

With one exception (emergency generators), operational activities related to projects will utilize electricity or natural gas to provide energy for operations. Due to the variety of electricity sources (including onsite solar and wind energy) and the disparate locations of energy generation, it is not possible to identify specific GHG emissions associated with electricity use within the South Coast Air Basin (SCAB) for this Project. Regarding natural gas use, this is usually consumed for building heating purposes, and we have no data on any structures being proposed under the OBMPU. This becomes even more complex with the trend (as a State requirement) to obtain electricity from alternative energy sources in the future. With regard to emergency generators, they are stationary sources that are permitted by SCAQMD and operate only when power is needed and electricity is not available. Thus, these units are permitted by SCAQMD, which cannot allow stationary sources to cause significant impact on air quality of the SCAB and such units do not generate emissions daily, only in emergencies, so they are not considered a daily emission source. The limited mobile source emissions related to project operations (at less than 50 round trips per day) would be *de minimus* within the SCAB. Because of the preceding factors, it was not necessary to provide formal emission calculations at this time. The deferred calculations for a high energy consuming project with related high GHG emissions can only be reasonably forecast when a specific project is brought forward. Hence, deferral is unavoidable for this resource category consistent with Section 15152 of the State CEQA Guidelines.

1-36 This comment summarizes CEQA principles and caselaw, and therefore does not require a response.

1-36 cont'd

Guidelines, § 15126.4, subd. (a)(1)(B).) Agencies may defer identification of the details of a mitigation measure where it is impractical to devise a specific measure. But in this circumstance the agency is require to commit to implementation of enforceable mitigation measures that will achieve identified performance standards articulated in the EIR. (*Id.; Sacramento Old City Ass'n v. City Council* (1991) 229 Cal.App.3d 1011, 1029.)

1-37

The DEIR defers the identification of specific mitigation measures to address significant effects of the Update and does not commit to enforceable performance standards. A partial list of examples of invalid, deferred mitigation include measures addressing the following:

- Biological Resources (DEIR, p. 4-68, 4-70);
- Cultural Resources (DEIR, p. 4-94);
- Energy (DEIR, p. 4-117);
- Cumulative hydrology effects (DEIR, p. 4-201);
- Subsidence effects (DEIR, p. 4-189);
- Net recharge effects (DEIR, p. 4-190);
- Hydraulic control effects (DEIR, p. 4-193);
- Hydrology effects (DEIR, p. 4-197-199);
- Erosion and siltation effects (DEIR, p. 4-204);

To comply with CEQA, mitigation measures must be effective and enforceable. Conditioning implementation of mitigation measures to the extent "feasible" renders the measure unenforceable in violation of CEQA. (*King & Gardner Farms, LLC v. County of Kern* 220 Cal.App.LEXIS 161 [invalidating oil and gas permitting ordinance where mitigation only required where "feasible."].) In several other instances, the Draft EIR identifies mitigation measures, but then conditions the implementation of the measure only to the extent "feasible." (DEIR, p. 4-65 [biological resources mitigation "if feasible"].)

3. The DEIR Does Not Evaluate a Reasonable Range of Feasible Alternatives.

a. Limiting the Alternatives Analysis to the No Project Alternative Does Not Comply With the "Reasonable Range" Obligation.

1-38

CEQA requires a DEIR to evaluate a reasonable range of alternatives which would feasibly "attain most of basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project." (CEQA Guidelines, § 15126.6, subd. (a); (*Watsonville Pilots Ass'n v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1087 [invalidating general plan EIR that included two alternatives with the same level of increased development as the proposed plan].)

1-37 The comment alleges that the DSEIR improperly defers identification of specific mitigation measures to address significant impacts and does not commit to enforceable performance standards. The comment generally cites to pages in the DSEIR, but does not specify which of the numbered mitigation measures included in the DSEIR alleged suffer from this infirmity. IEUA disagrees with the commenter's characterization of the DSEIR, and without specific references to mitigation measures, cannot respond further in detail.

The commenter also alleges that there are several instances where the term "feasible" is used in conjunction with a mitigation measure, and cites DSEIR, pg. 4-65, as an example. The DSEIR discusses impacts to critical habitat on pgs. 4-64 and 4-65. The DSEIR states, "The primary mitigation for potential impacts to critical habitat will be avoidance. Where avoidance is not feasible, mitigation measures **BIO-1** and **BIO-7** will be implemented." The DSEIR does not say that mitigation measures **BIO-1** and **BIO-7** will be implemented "if feasible," it indicates that these measures will come into play if avoidance itself is not feasible. This does not in any way render these mitigation measures unenforceable.

1-38 The commenter asserts that the DSEIR lacks a reasonable range of alternatives to the OBMPU project. IEUA disagrees, however, in response to comments by the commenter and the Monte Vista Water District, a SMP-only alternative has been added to Chapter 5 of the FSEIR. The commenter also alleges that the No Project/Baseline Alternative is not properly defined. IEUA disagrees. The no project alternative is the continuation of the OBMP, as directed by CEQA Guidelines §15126.6(e)(3)(a), which pertains to a project that is a revision to an existing ongoing operation. The OBMP was adopted 20 years ago as an integrated management plan to maintain a sustainable Chino Basin groundwater resource. Logical extrapolation all of the natural (such as surface water flows and natural recharge) and human activities (such groundwater extractions and man-made pollution) that can affect the Basin's groundwater aquifer were incorporated into the OBMP. Even without achieving all of the OBMP program objectives/projects, it has resulted in sustainable management of the Chino Basin over the intervening 20 years. However, when combined with the environmental and regulatory circumstances that have evolved and that currently exist, including the need to re-determine the storage and recovery capacity of the Basin, the scope of the Basin management programs and projects has also evolved. Hence, the Watermaster and Basin stakeholders redefined the Basin management programs and projects as an update, i.e., the OBMPU. In the meantime, the existing OBMP is the existing management plan that guides Watermaster and stakeholder Basin activities, and therefore, it was appropriately identified as the No Project/Baseline Alternative.

During the approximate two-year review process spent developing the basic elements of the OBMPU, and through the NOP process for the OBMPU SEIR, no alternatives to the OBMPU were presented as a comprehensive management program for the Chino Basin groundwater resources. This partly reflects the comprehensive nature of the management activities included in the OBMPU and the difficulties with defining a fact-based feasible alternative. This is further discussed regarding a recycled water alternative discussed in response to comment 1-11.

The DEIR fails to analyze any alternative to the Update other than the No Project alternative. The No Project alternative does not satisfy the requirement for a reasonable range of alternatives because the alternative is defined as the continuation of the OBMP without the new and revised program activities. (DEIR, p. 5-4.) The DEIR states that the goals of the Update are the "same as" the goals of the OBMP. (DEIR, p. 3-4.) At the same time, the DEIR concludes that continuation of the OBMP will not achieve the goals and objectives of the Update. (DEIR, p. 5-7 ["under the No Project/Baseline alternative, the ability to attain the goals and objectives . . . would be virtually eliminated."].) Thus, the DEIR does not include an evaluation of a reasonable range of alternatives that could attain most of the objectives of the Update.

1-38 cont'd

The DEIR acknowledges that material elements of the twenty-year old OBMP have not been implemented. Nevertheless, the Draft EIR makes the implausible assumption that all elements of the Update will be implemented within the thirty-year planning horizon of the Update. There is no substantial evidence to support this dubious assumption. Indeed, given the continuing disagreement among the applicable parties regarding implementation of the OBMP, and the need for all of the applicable parties to agree to the implementation agreement, it is not reasonable for the DEIR to assume full implementation of the Update, which requires the agreement of all the Chino Basin Parties. Given the substantial possibility that not all elements of the OBMP Update will be agreed to, and the documented inability of timely implementation of OBMP elements, the DEIR should evaluate alternatives that assume that not all program elements will be implemented within the planning horizon of the Update.

1-39

b. The DEIR Should Evaluate An Alternative that Retains Recycled Water in the Basin.

The City has a priority claim to recycled water generated by the regional wastewater treatment system to the extent it contributes wastewater to the system. Retaining recycled water in the Basin would attain one of the most important objectives of the Update: increasing the water supply and reliability for the Chino Basin Parties. The DEIR should evaluate an alternative to the Update that retains recycled water generated by the regional wastewater treatment system for beneficial uses in the Basin. This alternative is feasible. It would attain the major objectives of the Update identified in the DEIR.

1-40

4. The DEIR Baseline Does Not Comply with CEQA.

CEQA requires the EIR to identify a "baseline" of environmental conditions against which the significant impacts of the proposed project are identified and evaluated. The baseline is required to reflect actual and realistic, not hypothetical, conditions. The EIR must employ a realistic baseline that will give the public and decision makers the most accurate picture practically possible of the project's likely impacts. (*Communities for a*

1-41

1-39 IEUA disagrees that the DSEIR should have assumed that some elements of the OBMPU would not be implemented during the project's thirty-year life. When a General Plan is compiled, for example, it represents a jurisdiction's vision for the ultimate build-out of the community. It is not an assumption that within that planning period, every parcel of land will be developed. This applies equally to the OBMPU. Not every program or project needs to be implemented to be successful in making progress to Basin sustainability. The key issue is defining an overarching program and projects to guide actions towards the "build-out" concept of sustainability. CEQA analysis requires that the DSEIR examine the "whole of the proposed action" not just the individual elements or actions. If not every element or action is implemented over the planning period, that is not failure, it represents incremental progress towards the concept of build-out sustainability. Thus, it is appropriate for the CEQA document to consider all elements of the concept/program as it is presented in the DSEIR. Please refer to response to comment 1-38, which discusses the addition of the SMP alternative.

1-40 Please refer to responses to comments 1-11.

1-41 IEUA disagrees with the commenter's characterization of the proper environmental baseline to analyze the OBMPU project. As discussed in response to comment 1-30, the DSEIR tiers from the 2000 OBMP PEIR, 2010 Peace II SEIR, and 2017 Addendum. Accordingly, the DSEIR analyzes a change to a project previously analyzed in prior EIRs, specifically the OBMP. When analyzing a change to a project previously analyzed in a prior EIR, CEQA directs that the subsequent EIR analyze the incremental differences between the original project as if it has been implemented against the modifications to that project. Accordingly, the DSEIR properly compares the environmental impacts of continuing the OBMP as modified by the Peace II SEIR, against the changes proposed in the OBMPU.

Better Environment v. South Coast Air Quality Mngmt. Dist. (2010) 48 Cal.4th 439, 322, 325, 328 [invalidating baseline based on existing permitted, but unrealistic emission levels from refinery].)

1-41 cont'd

With very narrow exceptions not applicable here, the baseline is required to be the "existing conditions" at the time of the preparation of the EIR. (CEQA Guidelines, § 15125, subd. (a); (*Neighbors for Smart Rail v. Exposition Metro Line Construction Auth.* (2013) 57 Cal.4th 439, 448 [DEIR may not rely solely on a future conditions baseline unless the existing conditions baseline would be misleading].) An agency that elects not to provide an analysis based on existing conditions must provide an adequate justification for doing so. (*POET, LLC v. State Air Resources Bd.* (2017) 12 Cal.App.5th 52, 80 [baseline invalid because it overestimated NOx emission levels, resulting in underestimate of NOx emissions from change in air regulation].) The future impacts of full implementation of a proposed project are required to be compared against the "existing conditions" baseline. Thus, the DEIR should be evaluating the future impacts (i.e., impacts at the horizon year) of all elements of the Update against a baseline of existing conditions that are realistic -- not hypothetical.

Because the planning horizon for the Update is very lengthy (30 years) it is also necessary that the DEIR analyze the short-term and mid-term effects of the Update against the existing conditions baseline. A short and mid-term analysis is necessary to provide the public with a realistic analysis of how the effects of the Update will change over time. (*Neighbors for Smart Rail, supra,* 57 Cal.4th at p. 456.)

1-42

Where, as here, the "project" is a change to an existing plan or program, the future impacts of the changes to the program are **also** required to be compared against the impacts of the existing program. (CEQA Guidelines, §§ 15125, subd. (e), 15126.6 subd.(e)(3)(A); *Woodward Park Homeowners Ass'n v. City of Fresno* (2007) 150 Cal.App.4th 683, 707 [invalidating EIR that compared impacts of zone change against impacts of development under existing zoning]; (See also (*Environmental Planning & Info. Council v. County of El Dorado* (1982) 131 Cal.App.3d 350 [invalidating baseline based on no project conditions].) Thus, CEQA is required to compare the future effect of all elements of the Update against both an existing conditions baseline, and to compare the future effects of the Update elements against the future effects of the existing OBMP.

1-43

The DEIR suffers from the same errors identified in *Woodward Park Homeowners Ass'n. v. City of Fresno* and *Environmental Planning & Info Council v. County of El Dorado* because the DEIR determines the significance of effects by comparing the Update against the OBMP, rather than against existing conditions. The DEIR exacerbates this error by assuming effects of the OBMP that are not implemented, and that are therefore not reflected in the existing conditions baseline.

1-42 The commenter suggests that the DSEIR should analyze “short-term and mid-term effects” of the OBMPU, although it does not define what it believes the “short-term and mid-term” periods should be. IEUA disagrees with the commenter’s suggestion because based on the OBMPU as defined in the DSEIR, there is no mid-term to deal with. Instead, all of the project components are evaluated against the identified baseline as if they would be implemented in the near-term.

The commenter also indicates that future impacts of the OBMPU required to be analyzed against the impacts of the OBMP. Please refer to response to comment 1-41.

1-43 Please refer to response to comment 1-41.

1-44 The baseline used in the Draft EIR is confusing. The Draft EIR does not clearly describe the baseline used to identify significant impacts. In several sections, the baseline appears to be conditions in the absence of the OBMP. In other sections, the baseline appears to be conditions with implementation of the OBMP, but without the new facilities and activities proposed in the Update. The DEIR does not clearly describe the existing conditions or explain the time period used to determine the appropriate existing conditions baseline.

1-45 Regulations adopted by the Watermaster require safe yield reset calculations to be based on precipitation from 1921 to the date of the reset. The Draft EIR should disclose and explain any differences between the precipitation baseline required by the Watermaster regulations and the "existing conditions" baseline required to comply with CEQA.

Where, as here, the existing conditions varied over time (e.g. as result of variations in precipitation and water-year type, groundwater storage and extraction levels etc), the baseline should be defined to allow the public to understand the potential for worst-case effects (e.g. during drought years). For example, it is not appropriate to use an average or other similar generalizations of baseline conditions when doing so masks the project's real effects.

1-46 The confusion created by the baseline is made worse because of the DEIR's heavy reliance on complex, uncertain, and opaque computer and statistical models of groundwater and surface water. The California Supreme Court warned that reliance on complex computer or statistical models in the identification of future baseline conditions create the risk of, intentionally or unintentionally, obfuscating public understanding of environmental effects. (*Neighbors for Smart Rail, supra,* 57 Cal.4th at p. 456 ["an agency must not create unwarranted barriers to public understanding of the EIR by unnecessarily substituting a baseline of projected future conditions for one based on actual existing conditions"].)

For all of the above reasons, the baseline used by the DEIR to evaluate environmental effects is fatally flawed.

5. The Project Description is Not "Accurate, Stable and Finite."

1-47 CEQA requires an EIR to include an "accurate, stable and finite" description of the project under review. Where there is a potential for varying levels of implementation of a project, the project description must clearly disclose the level proposed by the agency.

The "project" here is the Update to the OBMP. The DEIR Project Description includes the existing OBMP program elements, and the changes to the nine program elements proposed by the OBMPU. In several sections, the DEIR describes the Project

1-44 Please refer to response to comment 1-41. The commenter also states that the baseline appeared to change between sections of the DSEIR, but does not specify which changes to which the commenter is referring. Without more guidance as to which section or sections of the DSEIR suffer from this alleged infirmity, IEUA is unable to respond to this comment further.

1-45 Please refer to response to comment 1-41. In regards to the first paragraph of this comment, the comment conflates the Court-ordered Safe Yield reset methodology with the modeling methodology used to assess the basin response to projected groundwater management scenarios that include a best estimate of pumping, managed artificial recharge, replenishment and managed storage. The methodology used in the 2018 Storage Framework Investigation, the document used to analyze hydrologic impacts, uses a long-term historical record of precipitation and current and projected future cultural conditions to estimate the long-term average net recharge to the Basin. The model used in the 2018 Storage Framework Investigation used long-term precipitation data from 1921 to the 2017 (current at the time of the evaluation and consistent with the Court-ordered Safe Yield reset methodology).

In regards to the second paragraph of this comment, a review of historical groundwater level data indicates that the Chino Basin does not rapidly respond to extreme wet and dry periods and that the use of "expected value recharge" and projected groundwater pumping provides a reasonable basis for project evaluation. This occurs because the amount of storage in the basin is large when compared to variations in recharge and pumping. Additionally, mitigation measures have been prepared to ensure that monitoring data are used in addition to model-projections to assess potential MPI and adverse impacts and to assess the efficacy of mitigation measures that are implemented.

1-46 Please refer to response to comment 1-41. IEUA disagrees with the commenter that the models used to analyze groundwater and surface water are uncertain and opaque. While the models utilized to forecast groundwater hydrology impacts are complex, they have also been extensively validated by comparison with actual monitored conditions. In fact, the historical basin response predicted by the model used in the 2018 Storage Framework Investigation closely reflects the basin response as seen in actual monitoring data and it is the combined model results and monitored groundwater characteristics that were used to establish the groundwater hydrology baseline conditions. The model development included: extensive peer and stakeholder reviews, the latter group included water agency managers and elected decision makers that are neither scientists or modelers; and, the subsequent model applications to support the Safe Yield reset in 2015 and the 2018 Storage Framework Investigation involved stakeholder reviews. Extensive documentation of these efforts including extensive stakeholder outreach is available to the public on the Chino Basin Watermaster ftp site:

- https://cbwm.syncedtool.com/shares/folder/e83081106c3072/?folder_id=896, and
- https://cbwm.syncedtool.com/shares/folder/e83081106c3072/?folder_id=1406.

The modeling work used in the 2015 recalculation of the Safe Yield was accepted by these stakeholders and it was relied upon by the Superior Court in 2018 when it ordered the Safe Yield to be reset. The modeling work for the 2018 Storage Framework Investigation was also accepted by the Watermaster Board of Directors (Board) and the

Board relied upon it when it authorized the development of the 2020 SMP and the SMP inclusion in the OBMPU.

1-47 The OBMPU follows the OBMP format and general content, for example the goals remain the same and the program elements remain the same. However, the OBMPU project clearly delineates between new facilities, not previously analyzed by prior OBMP CEQA documents, and the OBMP facilities already analyzed under CEQA. For example, with respect to biological monitoring, the DSEIR states: "Under the OBMPU, Watermaster will continue these efforts, which will not involve any new or upgraded facilities. Since the 2000 OBMP PEIR and related CEQA documents have already evaluated the environmental impacts associated with the OBMP and the OBMPU will simply continue this previously analyzed program component, this activity will be treated as part of the baseline against which the OBMPU is evaluated." (DSEIR at 3-15.) This is an example of how the DSEIR informs the reader as to what features of the OBMPU are being analyzed in the DSEIR. Section 3.5 Summary of All Facilities, clearly delineates all of the facilities and activities envisioned under the OBMPU over the next 30 years. Further, the analyses contained within each Subchapter of the DSEIR identify the facilities of concern and their general, not specific location. The impact forecast analyses are performed on these facilities and operations, not the more general goals and program elements carried over from the OBMP to the OBMPU.

as continuing the OBMP (e.g., DEIR, p. 3-30.) The description of the Project as "continuing" implementation of the OBMP results in a flawed impact analysis that fails to distinguish clearly between the impacts of the OBMP that have been fully implemented and the impacts of the new features of the OBMP proposed in the Update.

1-47 cont'd

In some sections, the DEIR appears to analyze the impact of the continued implementation of the OBMP including the new and revised components of the Update. In other sections, the DEIR appears to limit the analysis to the impacts of the new facilities proposed in the Update. The errors in the project description are similar to the errors identified in the seminal project description case. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192 [invalidating LADWP Owens Valley groundwater project because of inconsistent description of project elements].) The confusing and inconsistent project description results in a very confusing analysis of the impacts of the Update.

1-48

For example, the evaluation of hydrology impacts refers to a "baseline" scenario "based on expected groundwater pumping and recharge activities of the parties in the absence of storage and recovery programs." (DEIR, p. 4-172.) This baseline scenario is then compared against three scenarios of "increasing bands of storage, alternative facility and operating plans." (DEIR, p. 4-173.) The project description does not select or propose a particular scenario. The Project Description is required to describe clearly the level of storage, facility and operation plans proposed by the lead agency. Failure to do so violates CEQA's require for a "stable and finite" description of the project. (*Washoe Meadows Community v. Department of Parks and Recreation* (2017) 17 Cal.App.5th 277 [Invalid project description where agency did not propose specific level of discharge to river].)

6. The DEIR Does Not Use the Best Available Model and Fails to Disclose Uncertainties in the Groundwater Model.

a. The DEIR Does Not Use the Current Groundwater Model.

1-49

CEQA requires the Draft EIR to evaluate the impacts of the Update using the best available data and methods. (*Berkeley Keep Jets Over the Bay v. Board of Port Comm's* (2001) 91 Cal.App.4th 1344.) The Draft EIR evaluates the hydrology and water quality impacts of the Update using outdated elements of, and assumptions in, the 2013 version of the Chino Basin Groundwater Model (Model). Over the last several years, consultants to the Watermaster have revised the Model to prepare the 2020 Safe Yield Reset. The revisions to the Model have resulted in material changes to the estimated safe yield, but the 2020 Model revisions are not evaluated in the Draft EIR. The Draft EIR should be revised to incorporate the most recent revisions to the assumptions and elements of the Model, and should disclose any differences between the versions of the Model used in the preparation of the Draft EIR and in the 2020 Safe Yield Reset Report.

1-48 The commenter suggests that including three possible scenarios for increasing groundwater storage violates CEQA's requirement to present a "stable and finite" project description. IEUA disagrees. It is common in CEQA documents to analyze variations as to how the project may be implemented, depending on future circumstances. The scenarios presented under Hydrology and Water Quality, issues (a) and (b) encompass the various impacts related to actions within different storage bands to demonstrate the specific impacts that would occur with utilization of these storage bands as OBMPU facilities are developed. As such, the scenarios are not presented as a selection, but rather are presented to enable stakeholder use of storage space up to 700,000 af and conjunctive-use by Storage and Recovery Programs from 700,000 af to 1,000,000 af.

1-49 Wildermuth Environmental, Inc. (WEI) has prepared a technical memorandum dated June 14, 2020 (WEI Technical Memo), to respond to comments 1-49 through 1-51. The WEI Technical Memo has been appended to the Final SEIR as an appendix, and revisions to Chapter 4.7, Hydrology and Water Quality, have been made to clarify information presented in the DSEIR with respect to the model used, conclusions reached, and inherent uncertainty in any modeling process.

The commenter is correct that WEI has prepared the 2020 Chino Valley Model (2020 CVM), which was submitted to the Watermaster Board in May 2020. The model used to analyze hydrology and water quality in the DSEIR, however, was the 2017 Watermaster Chino Basin groundwater model (2017 model), not a 2013 model, as alleged by the commenter. The WEI Technical describes the differences between the 2017 model and the 2020 CVM.

The WEI Technical Memo considers whether reevaluating the hydrology and water quality impacts disclosed in the DSEIR using the 2020 CVM would disclose any new or substantially more severe environmental impacts with respect to net recharge and safe yield, pumping sustainability, land subsidence, hydraulic control, and groundwater quality, and concludes that no new or substantially more severe environmental impacts would occur. Further, the WEI Technical Memo notes that any future storage and recovery projects proposed under the OBMPU would apply to Watermaster for approval, and would be evaluated using the most current of the groundwater model in effect, whether that is the 2020 CVM or a future updated version of the model.

b. Failure to Disclose Uncertainties in the Model and Disagreements Regarding the Model.

CEQA requires an EIR to disclose uncertainties in the analysis of environmental effects, and is also required to disclose disagreements with analytical methods employed by the EIR. (CEQA Guidelines, § 15151 [requiring "good faith effort at full disclosure"]; *Berkeley Keep Jets Over the Bay, supra* at p. 1367 [invalidating EIR for airport expansion that relied on outdated profile of aircraft emissions].) The obligation to use the best available data and methods is particularly important where, as here, the project has a long-term planning horizon, and the EIR is relying on statistical and computer modeling to forecast project effects. (*Neighbors for Smart Rail, supra,* 57 Cal.4th at p. 456.)

The 2013 version of the Chino Basin Model used in the DEIR includes numerous assumptions and parameters to forecast future groundwater conditions in the Chino Basin and downstream impacts of the Update. The author of the model (WEI) has acknowledged that some important elements of the 2013 version of the Model are outdated, and have been replaced by the 2020 version of the Model. (WEI Technical Memorandum, April 27, 2020 [incorporated by reference].) Indeed, WEI is relying on the 2020 version of the Model to calculate the 2020 Safe Yield Reset required by the judgment. If a ten-year adjustment in the Safe Yield Rest requires the use of the latest version of the Model, *a fortiori,* the lead agency should be using the most current version of the Model to evaluate the significant effects of the thirty-year Update. The WEI Technical Memorandum documents that the 2020 version of the Model includes material changes to the 2013 version:

1-50

- "Since the prior Safe Yield re-calculation, the number of hydraulic subareas has substantially increased to more accurately estimate precipitation/runoff processes and stormwater recharge."
- "In the 2020 CVM, the method for estimating daily precipitation for each hydrologic subarea was improved from past reliance on interpolating daily precipitation at precipitation stations across the watershed . . . ."
- "Subarea surface flows from the Cucamonga and Riverside Basins are greater in the 2020 CVM relative to the 2013 Model . . . "
- "Streambed infiltration in the Santa Ana River has also increased."
- "The pumping projections used in the 2020 safe yield calculation are about 6,000 to 27,000 afs less for 2015 through 2035 . . . ."

(WEI, Technical Memorandum at p. 2-3.)

1-50 Please refer to response to comment 1-49.

As documented in the April 23, 2020 comments of Thomas Harder & Co. on the 2020 Safe Yield Reset (incorporated by reference), there is significant uncertainty in the Chino Basin Model. Predictive uncertainty analysis is a standard practice in groundwater modeling, and is a best management practice identified by the Department of Water Resources for groundwater analyses prepared pursuant to the Sustainable Groundwater Management Act. 1-51

The Draft EIR fails to disclose any of the uncertainties in the Model, and fails to evaluate the potential for errors in the impact evaluation related to modeling uncertainties. The Draft EIR is required to disclose fully the uncertainties in the Model and disclose the range of potential impacts of the Update in light of the uncertainties.

c. The DEIR is Not Written in Plain Language. It Fails to Explain the Model in Terms that the Public is Able to Understand.

EIRs are required to be organized and written in a manner that will make them "meaningful and useful to decision-makers and the public." (Pub.Res.Code, § 21003(b). EIRs must be written in plain language. (CEQA Guidelines, § 15140.) Documents that are "hypertechnical and confusing in their presentation may be incomprehensible to the very people they are meant to inform." (*San Franciscans for Reasonable Growth v. City & County of San Francisco* (1987) 193 Cal.App.3d 1544, 1548.) 1-52

The Chino Basin Model is the central analytical device used by the DEIR to evaluate hydrologic and water quality impacts of the Update. But the DEIR does not explain the Model, or the analysis of hydrologic and water quality effects in a manner that is clear and comprehensible to the public. The following are just a few of many representative examples of the DEIR's opaque and confusing language:

- "A Baseline planning scenario (Scenario 1A) based on expected groundwater pumping and recharge activities of the parties in the absence of Storage and Recovery Programs (as of 2017) was developed as a point of comparison to the Storage and Recovery Programs. And Storage and Recovery Program scenarios based on the two bands (FMSB and the 2000,000 af for use by future Storage and Recovery Programs) were also developed to compare against the Baseline and identify their impacts (Scenarios 2, 3 and 4)." 1-53

- "The Programs do not specifically address the facilities proposed as part of the OBMPU, and outline in the Project Description under Summary of All Facilities. However, these facilities fall under the same general project categories as those included as part of the OBMPU, and the impacts are assumed to correspond equally unless otherwise specified." (DEIR, p. 4-

1-51 Please refer to responses to comment 1-49. The commenter incorporates by reference April 23, 2020 comments by Thomas Harder & Co. regarding the 2020 CVM. As those comments do not concern the 2017 model and do not concern the analysis presented in the DSEIR, no further response is required. Further, the Final SEIR has been updated to provide a discussion about model uncertainty, as discussed in the WEI Technical Memo.

1-52 The comment is noted and will be made available to the IEUA decision-makers as part of the Final EIR package prior to a decision on the proposed project. Please refer to responses to comments 1-46, 1-49, and 1-53.

1-53 IEUA disagrees that the DSEIR uses language that is hyper-technical and confusing. The commenter provides three examples that it suggests are indicative of the lack of clarity in the DSEIR. Yet one of the problems with abstracting text from a document is that the preceding and following text are not provided. The text on pages 4-172 and 4-173 of the DSEIR would demonstrate that all of the terms that the commenter may find confusing or opaque are defined in the preceding and following paragraphs, including Table 4.7-4. Storage and recovery programs are defined for Stakeholders in the Basin and for additional programs beyond Stakeholders. The only confusing term in this whole paragraph is FMSB, which is defined in the preceding paragraph to mean "First Managed Storage Band" (700,000 to 800,000 acre-feet). The Baseline planning scenario was developed from actual historic pumping patterns by the groundwater pumpers in the Chino Basin. Also, the number is not 2000,000 af, it is 200,000 af. The language used is clearly not hyper-technical, but uses plain words or defined acronyms.

Regarding the second bullet, this is also a selected quote taken out of context. The language is plain and not opaque or confusing. It simply states that the facilities identified in one document (the 2018 SFI) are not exactly the same as in the OBMPU, but the effect of implementing the OBMPU facilities correspond "equally" to those discussed in the SFI.

Regarding the third bullet, this quote is taken out of context from a paragraph that concerns Projected Recharge and Replenishment Capacity. The acronym "ASR" is defined in the acronym list in the DSEIR's Table of Contents, and Exhibit 4.7-6 on the following page (DSEIR, pg. 4-177) presents a table showing how various types of water will be used for different recharge sources, and what amounts of recharge the OBMPU estimates will occur.

Regarding the fourth bullet, again there are no hydrology or model technical jargon in this quote, only references to supplemental water supplies. When examined in the context of the paragraph as a whole and the adjacent Table 4.7-6, this statement presents a clear discussion of the different available water supplies that can supply supplemental water to the Chino Basin.

Regarding the fifth bullet, there are hydrology or model technical jargon in this quote, only references to previously defined terms. For example, "MPI" (Material Physical Injury) is defined in the list of acronyms and at several locations in Chapter 3, Project Description. "MZ-1" is Management Zone 1 which is also defined Chapter 3 and at several points in the in the Hydrology Subchapter. This quote clearly references the basis for determining whether new land subsidence has been initiated.

Regarding the final bullet, the circumstances are similar to the previous five instances referenced in this comment. Baseline scenarios have been previously defined in this Subchapter and if the reviewer has any confusion section 4 can be referenced (beginning on page 4-172) to refresh the memory of what each scenario proposes. The intent is to use the information to determine under what circumstances new land subsidence can be initiated.

173.)

- "The ASR and in-lieu recharge capacities are estimated to be about 5,480 afy and 17,700 afy, respectively (WEI 2018). The initial OBMP recharge master plan was developed in 2002; its current version is the 2013 Amendment to the 2010 Recharge Master Plan Update (2013 RMPU) (WEI 2013)." (DEIR at p. 4-176.)

- "Future supplemental water recharge capacity requirements are estimated using future supplemental water recharge projections in the context of the availability of supplemental water for recharge." (DEIR, p. 4-177.)

1-53 cont'd

- "To evaluate the risk of MPI due to subsidence over the entirety of MZ-1, historical groundwater levels were used to develop a groundwater level control surface (new land subsidence metric throughout MZ-1 that define the likelihood of initiating new subsidence." (DEIR, p. 4-164.)

- "The new land subsidence projections described above indicate, for the baseline scenarios described in section 4 and in Storage and Recovery Program scenarios described in this section that new land subsidence could occur by 2056 under baseline conditions (Scenarios 1A) and with Storage and Recovery Programs operating (Scenarios 2C through 4B)." (DEIR, p. 4-185.)

1-54 It is impossible for anyone without a familiarity with hydrologic engineering and experience with hydrologic modeling to understand text such as the above. The language seems designed to obfuscate the analysis of the Update's effects rather than provide an analysis that is "meaningful and useful" to the public.

7. Conclusion.

1-55 The City respectfully requests that the lead agency revise the DEIR to address the comments above, and to recirculate the revised DEIR for additional public review and comment. The City also requests that the Inland Empire Utilities Agency (IEUA) and the Watermaster defer any action on the DEIR and on the Update until the necessary parties reach agreement on the terms of the agreement to implement revisions to the Optimum Basin Management Plan. The lead agency and responsible agencies could then determine the appropriate scope of any CEQA evaluation of those elements agreed to by the parties to the implementation agreement.

1-54 IEUA disagrees with the commenter's statement that it is impossible for anyone without familiarity with hydrologic engineering and experience with hydrologic modeling to understand the bulleted text discussed in response to comment 1-53. The OBMPU is undoubtedly a complex document. But the language used in the DSEIR text is consistent with the text of the standard Initial Study Environmental Checklist Form, Appendix G of the State CEQA Guidelines. The DSEIR does reference several complex environmental issues, but they are clearly explained and well referenced as the basis for making impact forecasts. There is no complex technical jargon in any of the referenced quotes under response 1-53, and the reader is able to reference previous text where acronyms such as "ASR," and "MPI," are defined and terms such as "Scenarios" are described. There is no inappropriate use of obfuscation or jargon to confuse the public. Please also refer to response to comment 1-46.

1-55 The comment is noted and will be made available to the IEUA decision-makers as part of the Final EIR package prior to a decision on the proposed project.

Very truly yours,

D R A F T

Robert D. Thornton
Nossaman LLP

RDT:lmb

DocuSign Envelope ID: 2B5FC055-AC85-4B1C-A85F-9E15EA864C98

State of California – Natural Resources Agency
CDFW OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

Comment Letter #2

May 8, 2020
Sent via email

Ms. Sylvie Lee, P.E.
Inland Empire Utilities Agency
6075 Kimball Avenue, Chino, CA 91708
Slee@ieua.org

Subject: Chino Basin Watermaster, Optimum Basin Management Program Update Draft Subsequent Environmental Impact Report - State Clearinghouse No. 2020020183

Dear Ms. Lee:

The California Department of Fish and Wildlife (CDFW) received the Subsequent Environmental Impact Report (SEIR) from the Inland Empire Utilities Agency (IEUA; the CEQA lead agency) for the Optimum Basin Management Program Update (OBMPU; Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

2-1 Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the OBMPU that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the OBMPU that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife,
2-2 native plants, and habitat necessary for biologically sustainable populations of those species. *(Id.,* § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. For example, to the
2-3 extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

RESPONSE TO COMMENT
LETTER #2
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
INLAND DESERTS REGION

2-1 The comment is noted and will be made available to the IEUA decision-makers as part of the Final EIR package prior to a decision on the proposed project. IEUA acknowledges the role of the California Department of Fish and Wildlife's (CDFW) as a commenter on this Project.

2-2 IEUA acknowledges the CDFW's role as a Trustee Agency under CEQA for this Project, and understands that authorization as provided by the Fish and Game Code for several Project-related activities may be required.

2-3 IEUA acknowledges the CDFW's role as a Responsible Agency under CEQA for this Project, and understands that authorization as provided by the Fish and Game Code for several Project-related activities may be required.

DocuSign Envelope ID: 2B5FC055-AC85-4B1C-A85F-9E15EA864C98

PROJECT DESCRIPTION

The OBMPU covers the Chino Basin which includes approximately 235 square miles in the Upper Santa Ana River Watershed and lies within portions of San Bernardino, Riverside, and Los Angeles counties. The Chino Basin is mapped within the USGS – Corona North, Cucamonga Peak, Devore, Fontana, Guasti, Mount Baldy, Ontario, Prado Dam, Riverside West and San Dimas Quadrangles, 7.5 Minute Series topographic maps. The center of the Chino Basin is located near the intersection of Haven Avenue and Mission Boulevard at Longitude
2-4 34.038040N, and Latitude 117.575954W.

The Chino Basin Watermaster (Watermaster) developed a regional water resources and groundwater management program for the Chino Basin (Optimum Basin Management Program; OBMP). The update to the OBMP is intended to address possible program activities and projects at a programmatic level over the next 30 years. The current draft SEIR (herein referred to as 'OBMPU SEIR') addresses the current environmental setting, assesses the impacts related to the construction and operation of the regional program, and provides information to support required permitting process.

PROJECT BACKGROUND

The original OBMP and the accompanying Programmatic EIR (PEIR; July 2000) described the physical state of the groundwater basin and defined a set of management goals and actions. Agreements to implement the OBMP (termed 'Peace I Agreement' and 'Peace II Agreement'),
2-5 and their associated CEQA analysis (Peace II SEIR, 2010; SEIR amendment, 2017) were also approved. The OBMP identified and described several management activities that, if implemented, could achieve the OBMP goals. These activities, and associated objectives and tasks defined in the 2000 OBMP, have been retained for the OBMPU. The OBMPU Implementation Plan Update is a revision of the implementation plans included in the Peace I and Peace II Agreements and incorporates the proposed activities and facilities identified in the 2020 OBMPU and ongoing activities from the 2000 OBMP.

COMMENTS AND RECOMMENDATIONS

2-6 CDFW is concerned about the adequacy of the OBMPU SEIR in identifying potentially significant impacts and establishing adequate and enforceable mitigation measures. CDFW's comments and recommendations are presented below.

<u>Impact Analysis</u>

The SEIR describes the intent of the document as follows: "*This document assesses the impacts, including unavoidable adverse impacts and cumulative impacts, related to the construction and operation of the proposed Project. This Program (*Draft*) SEIR is also intended*
2-7 *to support the permitting process of all agencies from which discretionary approvals must be obtained for particular elements of this Project*." (SEIR, p. 1-2). Such analysis would allow CDFW to provide specific input on the adequacy of the analysis, and whether that analysis was sufficient for use in future discretionary actions, such as Fish and Game Code section 1602 Lake and Streambed Alteration Agreements or Fish and Game Code section 2081 Incidental Take Permits. However, the SEIR does not identify or assess any impacts to biological resources, and in most cases, defers this analysis to some future action. In the case of direct

2-4 The comment is noted and will be made available to the IEUA decision-makers as part of the Final EIR package prior to a decision on the proposed project.

2-5 The comment is noted and will be made available to the IEUA decision-makers as part of the Final EIR package prior to a decision on the proposed project.

2-6 As demonstrated below, the IEUA believes that the potentially significant impacts and extensive mitigation measures, specifically those meant to minimize biological resource impacts, are adequate; thus, IEUA disagrees with CDFW's assertion made in this comment.

2-7 The IEUA does not agree with the commenter's statement that the DSEIR does not identify or assess impacts to biological resources. The OBMPU proposes projects that fit into four Project Categories outlined under Section 3.5 of Chapter 3, Project Description, of the DSEIR (pages 3-42 and 3-43). The specific locations for the majority of the facilities outlined in the OBMPU are unknown, and furthermore, where a specific location is proposed (CIM, Jurupa Basin, Chino Desalters, etc.), specific proposals containing design or proposed improvements thereof have not yet been defined. Therefore, analysis of site specific biological resource impacts can only occur once a site is identified and a project has been defined. IEUA prepared the OBMPU as a Subsequent EIR, and CEQA states the following for a subsequent tier of a CEQA document: *Where a lead agency is using the tiering process in connection with an EIR for a large scale planning approval, such as a general plan or component thereof (e.g., an area plan or community plan), the development of detailed, site-specific information may not be feasible but can be deferred, in many instances, until such time as the lead agency prepare a future environmental document in connection with a project of a more limited geographical scale, as long as deferral does not prevent adequate identification of significant effects of the planning approval at hand.* IEUA would like to point out that the original OBMP was implemented under similar circumstances for projects such as Chino Desalters, recycled water programs, hydraulic control, and other facilities/programs. Regardless, the Chino Basin stakeholders have worked closely with CDFW over the past 20 years to minimize impacts to important biological resources from direct ground disturbance and the Watermaster's Prado Basin Habitat Sustainability Program (PBHSP) was developed to provide sufficient information to manage Prado Basin's important resources from indirect impacts to from groundwater production. Please refer to the response to comment 2-8, below for a continued discussion of the concerns raised in this comment.

DocuSign Envelope ID: 2B5FC055-AC85-4B1C-A85F-9E15EA864C98

impacts to biological resources, the OBMPU SEIR defers this analysis to future CEQA analysis, stating, "*Because it is difficult to determine the number or extent of these kinds of impacts, direct impacts on special-status wildlife species will be addressed in subsequent, project specific environmental reviews once a specific component of the OBMPU has been defined for design and implementation*." (SEIR, p. 4-62). In the case of indirect impacts to biological resources, the OBMPU SEIR conceded that "*potential indirect impacts associated with future OBMP facilities include alteration of jurisdictional water hydrology, host plant stress, destruction of native vegetation, habitat fragmentation, and noise and light pollution*", but concluded that it would be "*difficult to quantify and measure these kinds of impacts, indirect impacts on special-status wildlife species are described qualitatively and will be quantitatively addressed in project specific second tier environmental evaluations*". (SEIR, p. 4-62). Similarly, for ongoing operations or maintenance activities requiring ground disturbance, clearing, and grubbing, the OBMPU SEIR concluded that these actions "*could cause erosion and sedimentation or could indirectly affect the hydrology of nearby jurisdictional waters and the species that depend on these resources*." However, the OBMPU SEIR determined that "*maintenance activities that would have potential impacts on special-status wildlife species are limited to the program right-of-way areas that are currently in service or that will be added to normal program operations and maintenance through separate design, environmental review and construction of such facilities at a later date*" (SEIR, p. 4-62).

2-7 cont'd

While CDFW recognizes the programmatic nature of the SEIR, some level of analysis could be completed at this time based on the data and information collected within the previous 20 years of OBMP implementation, information gathered in biological surveys for proposed Project areas, and the foreseeable impacts associated with future, contemplated projects. If the SEIR will defer biological analysis to future, second tier environmental analysis, the SEIR should specify the threshold that will be relied on for requiring additional environmental review, and which of the projects contemplated will be required to complete additional environmental review. If the threshold for triggering additional environmental review is low, or if additional environmental reviewed is not anticipated, CDFW requests that the lead agency recirculate this SEIR and include the results of an appropriate level of analysis for which CDFW may rely on for future discretionary actions. Regardless of the lead agency's approach for analyzing specific biological impacts, the SEIR must address the 'whole of the action', as it is inappropriate under CEQA review to divide a project into smaller, separate projects. The SEIR must address the cumulative effects of the Project as a whole.

2-8

The SEIR claims that, "*To the extent feasible, this document utilizes conservative (worst case) assumptions in making impact forecasts based on the assumption that, if impacts cannot be absolutely quantified, the impact forecasts should over-predict consequences rather than under-predict them*." CDFW disagrees that the SEIR provides conservative assumptions in forecasting impacts and argues that potential impacts may have been understimated. According to the OBMPU SEIR (Section 4.3 Biological), direct impacts from construction of any facility should "*only result in mostly minimal impacts on special-status wildlife species, because only a limited amount of marginal habitat for special-status wildlife species would be impacted by construction activities. All facilities would impact barren, urban, or agricultural areas, and thus construction would potentially impact only the special-status wildlife species that use mostly urban areas (e.g., special-status bird species, special-status mammal species, special-status bat species or species present in wetland or streambed habitats)*. Adjacency to urban areas does not necessarily determine habitat value or the use of these areas by special-status species. CDFW is concerned that the SEIR has trivialized the significance of the Project's potential impacts on

2-9

2-8 Please refer to responses to comments 1-35 and 1-40. The scope of the OBMPU is such that many projects could be developed within a diverse range of areas within the Chino Basin, which is a vast area within which to identify specific biological resources impacts that would result from the proposed Program. As required in Section 15152 of the State CEQA Guidelines, specific findings were made for each biology issue based on sensitivity of known resources in the Chino Basin, and specific mitigation measures were identified to address specific types of impacts. The suggested approach in this comment was actually used in evaluating the potential for direct impacts from construction of storage basins in the Mill Creek area (found to be a potentially significant impact to biological resources) and initially the same conclusion was envisioned for the indirect effects of future water diversion projects. Refer to response to comment 5-7 which addresses the direct and indirect effects of diverting surface water (stormwater flows, recycled water flows, and urban dry-weather flows). Due to the lack of data on how such a diversion program could be implemented in the future, however, this topic was deferred to second-tier CEQA evaluations.

The DSEIR identified the specific steps that would determine the level of significance for a given OBMPU facility on page 4-64, and acknowledges that there are many areas within the Chino Basin that may support candidate, sensitive, or special status species. As such, it is not possible, as the commenter suggests, to provide site-specific impacts related to future OBMPU Projects, as the level of specificity for OBMPU Projects required to make such findings has yet to be determined. Further, where facilities have some locational flexibility the primary mitigation is to avoid by relocating to a site without significant biological resources.

The commenter suggests that the DSEIR should "specify the threshold that will be relied on for requiring additional environmental review, and which of the projects contemplated will be required to complete additional environmental review." CEQA Guidelines sections 15162, 15163, and 15164 provide standards for when subsequent environmental analysis is required, and if required, what type of CEQA document should be prepared. Further, the bullet points outlined on page 4-64 of the DSEIR clearly outline the manner in which thresholds for future Projects would be used to determine the level of significance for a given OBMPU facility.

1. For each new project, biological resources and supporting habitat will be reviewed for presence or absence.
2. Impacts will be determined using a habitat-based approach utilizing a combination of background review, habitat mapping during field surveys, and aerial photograph interpretation.
3. Impacts to critical habitat will be determined based on the location of such habitat to a given project footprint and the presence of primary constituent elements.
4. Construction and operational impacts will be considered temporary if they can be fully restored to pre-disturbance conditions following construction.
5. Impacts will be considered permanent when they have lasting effects beyond the project construction period, or cannot be fully restored following construction.
6. Impacts on wetlands/jurisdictional waters will be considered permanent where these features cannot be restored to their pre-project condition due to the permanent loss of jurisdictional features caused by new infrastructure.

For a detailed discussion of the biological resource mitigation measures and performance standards thereof, please refer to response to comment 1-37, which

demonstrates the that the OBMPU DSEIR does not defer mitigation, and is committed to adhere to stringent performance standards.

IEAU disagrees that the DSEIR fails to analyze the "whole of the action." The DSEIR analyzes direct, indirect, and cumulative impacts associated with the OBMPU, as required by CEQA. For example, cumulative impacts related to biological resources are discussed on page 4-74 of the DSEIR. The DSEIR determined that, there are certain areas, such as the Mills Wetlands and Prado Basin within the overall project area of potential impact where the resource impacts from constructing new infrastructure may cause unavoidable significant adverse impacts on biological resources. Because a specific proposal to develop a project within these and other areas of the Basin known to contain sensitive resources has not been submitted to the Watermaster, there is a potential that an individual OBMPU facility may be developed and have operations within an area containing biological resources that cannot be avoided, even at the design level. Consequently, a finding that the OBMPU could cause an unavoidable significant adverse or cumulatively considerable impact on biological resources was reached in the DSEIR. However, this is a prospective impact forecast because the specific location of facilities is at present unknown and analysis of site specific biological resource impacts can only occur once a site is identified. As such, the IEUA believes that the DSEIR has fully addressed the cumulative effects of the project as a whole.

2-9 CDFW appears to assume that, based on this quote, the OBMPU assumes that special status species do not utilize urban areas. However, within the quote abstracted from the DSEIR, the DSEIR states that "construction would potentially impact only the special-status wildlife species that use mostly urban areas," which acknowledges that future OBMPU Projects may impact special status species and habitat. IEUA would like to amend that, the suggestion that construction of OBMPU facilities would occur within barren, urban, or agricultural areas, does not negate the fact that special status species, critical habitat, and habitat supporting special status species exists within the Chino Basin. Furthermore, IEUA has amended MM **BIO-1** in the FSEIR to expand the requirement for site surveys to encompass various types of OBMPU project sites, not just undeveloped land to ensure that impacts that may occur within all valuable habitat— in urban areas, or otherwise— are mitigated completely as part of the FSEIR (see underline, strikeout changes, below):

BIO-1 ***All future OBMPU Projects shall be required to consult with a qualified professional to determine the need for site-specific biological surveys. Where a site has been determined to require a site-specific survey by a qualified professional, in any case in which a future OBMPU project ~~Where future project-related impacts~~ will affect undeveloped land, or in which the Implementing Agency seeks State Funding, site surveys shall be conducted by a qualified biologist/ecologist. If sensitive species are identified as a result of the survey for which mitigation/compensation must be provided in accordance with regulatory requirements, the following subsequent mitigation actions will be taken:***

- ***a. The project proponent shall provide compensation for sensitive habitat acreage lost by acquiring and protecting in perpetuity (through property or mitigation bank credit acquisition) habitat for the sensitive species at a ratio of not less than 1:1 for habitat lost. The property acquisition shall include the presence of at least one animal or plant per animal or plant lost at the development site to compensate for the loss of individual sensitive species.***
- ***b. The final mitigation may differ from the above values based on negotiations between the project proponent and USFWS and CDFW for any incidental take permits for listed species. The project proponent shall retain a copy of the incidental take permit as verification that the mitigation of significant biological***

resource impacts at a project site with sensitive biological resources has been accomplished.

c. Preconstruction botanical surveys for special-status plant communities and special-status plant species will be conducted. in areas that were not previously surveyed because of access or timing issues or project design changes, pre-construction surveys for special-status plant communities and special-status plant species will be conducted before the start of ground-disturbing activities during the appropriate blooming period(s) for the species.

Additionally, IEUA has amended MM **BIO-6** in the FSEIR to expand the requirement for burrowing owl surveys to various types of OBMPU project sites, not just undeveloped land to ensure that potential impacts to burrowing owl at all potential areas containing burrowing owl habitat—within urban areas, or otherwise—are addressed and mitigated completely as part of the FSEIR (see underline, strikeout changes, below):

BIO-6 ***All future OBMPU Projects shall be required to consult with a qualified professional to determine the need for site-specific protocol burrowing owl surveys. Prior to commencement of construction activity where a site has been determined to require a protocol burrowing owl surveys survey by a qualified professional, or in locations that are not fully developed, protocol burrowing owl survey will be conducted using the 2012 survey protocol methodology identified in the "Staff Report on Burrowing Owl Mitigation, State of California, Natural Resources Agency, Department of Fish and Game, March 7, 2012", or the most recent CDFW survey protocol available. Protocol surveys shall be conducted by a qualified biologist to determine if any burrowing owl burrows are located within the potential area of impact. If occupied burrows may be impacted, an impact minimization plan shall be developed and approved by CDFW that will protect the burrow in place or provide for passive relocation to an alternate burrow within the vicinity but outside of the project footprint in accordance with current CDFW guidelines. Active nests must be avoided with a 250-foot buffer until all nestlings have fledged.***

The intent of these modifications is to broaden the scope of analysis for site specific impacts to include all potential OBMPU project sites. IEUA believes that, with the above changes to MMs **BIO-1** and **BIO-6**, potential impacts to any special status species within a future OBMPU project sites will be mitigated to the greatest extent feasible. These responses to comments demonstrate that the DSEIR has not underestimated potential biological resource impacts.

DocuSign Envelope ID: 2B5FC055-AC85-4B1C-A85F-9E15EA864C98

2-9 cont'd

special-status species that could use such aeras. Many special-status species, including burrowing owl (*Athene cunicularia*) and tricolored blackbirds (*Agelaius tricolor*) use disturbed areas, such as agricultural fields and manmade structures (burrowing owls) that could be indirectly and/or directly impacted by the Project. Impacts to special-status species, regardless of habitat quality or location, must be identified, evaluated and mitigated to a level below significance.

Analysis of Cumulative Effects to Biological Resources

2-10

The Watermaster prepared and circulated a Notice of Preparation (NOP) for the OBMPU. As part of the review process, Orange County Water District (OCWD) requested that the OBMPU SEIR evaluate within Prado Basin the following:

1) The groundwater levels (e.g., groundwater pumping, groundwater storage, or groundwater overdraft) and the distribution of groundwater dependent ecosystem, such as riparian vegetation and wetlands;
2) Any changes or effects to surface flow rates in Chino Creek, Mill Creek, and the Santa Ana River;
3) The potential impacts of increased fire risk, riparian habitat loss, and riparian habitat conversion to non-native plant species; and
4) A quantitative analysis of impacts on Santa Ana River flows.

According to the OBMPU SEIR, impacts to biological resources have been assessed in the Biological Resources Subchapter 4.3 and in the Biological Resources Assessment (Volume 2 of the SEIR), with mitigation being identified "*where applicable to address impacts of OBMPU Projects on groundwater levels and potential related habitat impacts*".

2-11

The comments below are separated to reflect the distinction between the entire watershed within the Chino Basin and the 'Prado Basin'.

Prado Basin

Under Section 4.3.6(a).1 Prado Basin Habitat, it was concluded that: "***a reasonable assumption of the volume of water consumed by Prado Basin wetland/riparian habitat is about 18,000 AFY (****emphasis added). The IEUA and Western Municipal Water District (WMWD) are responsible for an average annual flow of 42,000 afy at Prado. However, when their cumulative credits exceed 30,000 afy (which they currently do and will continue to do so for the foreseeable future), they are responsible for a minimum annual flow of 34,000 afy. IEUA and WMWD split this responsibility 50/50, thus each agency is responsible for 17,000 afy of flow at Prado. The OBMPU is not anticipated to result in the inability of either IEUA or WMWD to meet this obligation, **and is therefore not anticipated to result in a significant impact to the health of the habitat supported at Prado Basin*** (emphasis added)".

CDFW is concerned that "reasonable assumptions", rather than data and detailed analyses, were used to determine whether significant impacts to habitat are anticipated to occur. The Watermaster, on behalf of the Chino Basin stakeholders and parties, is to maintain habitat in the Prado Basin as defined in the Peace II SEIR. Specifically, within the Peace II SEIR (Section 4.3.8 Cumulative Impacts), it states that "*the proposed OBMPU may result in a reduction in surface flows into Prado Basin. In addition, Low Impact Development ordinances, local policies,*

2-10 The comment is noted and will be made available to the IEUA decision-makers as part of the Final EIR package prior to a decision on the proposed project.

2-11 IEUA and Watermaster are unaware of any higher "assumptions" for the volume of water required to meet the evapotranspiration demands of the Prado Basin habitat. Since water diversion evaluations are deferred to a second-tier CEQA evaluation, detailed analyses will be able to incorporate the data from the Upper Santa Ana Watershed Habitat Conservation Plan (HCP) and other studies conducted specifically for proposed diversions. IEUA and Watermaster have partnered with CDFW in the development of the HCP, and are working towards the same goal, which is to protect sufficient habitat to support species of concern in the HCP. As noted in the DSEIR, the potential impact of any diversion will depend on specific content of the diversion proposal. As indicated in the DSEIR a proposal to install diversion facilities to capture periodic excess stormwater runoff flows may have minimal impact, while continuous diversions during drought years may have greater impact. The commenter is correct that a monitoring process is in place to evaluate the effects of diversions by all water agencies in the Upper Santa Ana River Watershed. Further, based on communications with Valley District, the HCP EIR should be available in the near future, and the published data can then be used in conjunction with any future proposal in the Chino Basin to divert surface water, unless they are already included in the Santa Ana River HCP EIR.

DocuSign Envelope ID: 2B5FC055-AC85-4B1C-A85F-9E15EA864C98

2-11 cont'd

and municipal storm water detention regulations will encourage water conservation and flow detention, resulting in a cumulative reduction in surface flows reaching Prado Basin. ***These cumulative flow reductions may result in reduced acreage of healthy riparian forest that supports special-status species such as least Bell's vireo as well as aquatic species such as Santa Ana sucker and Southern California arroyo chub*** (emphasis added)*. To mitigate the effects of the cumulative diversions on habitat values and conservation objectives, regional organizations such as the Santa Ana Watershed Project Authority (SAWPA) and San Bernardino Valley Water District have developed local programs and partnerships to address cumulative impacts to habitat within Prado Basin.*" Pursuant to the OBMP Implementation Plan, long-term plans for monitoring groundwater production, groundwater level, groundwater quality, ground level (including remote sensing), surface water, and well construction/destruction have been developed and implemented to not only meet the OBMP requirements, but to also meet other regulatory requirements and Watermaster obligations under agreements, Court orders, and CEQA.

2-12

For example, the Prado Basin Habitat Sustainability Program (PBHS) has produced a time series of data and information on the extent and quality of the riparian habitat in the Prado Basin over a historical period that includes both regional mapping using multi-spectral remote-sensing data and air photos. In particular, the 2017 Annual Report determined that: 1) discharge in the Santa Ana River and its tributaries has declined since 2005; 2) decreases in the normalized difference vegetation index (NDVI) observed from 2015-2017 at several areas occurred during the growing-season for both Chino Creek and Mill Creek; and 3) northern reaches above the Mill Creek and the Santa Ana River confluence are "losing reaches" characterized by streambed recharge, while most other areas along Chino Creek and Mill Creek are "gaining reaches" characterized by groundwater discharge. This and other available data should be used in analyzing the potential cumulative impacts of the Project. CDFW realizes that the full extent of OBMPU may not be known at this time, but maintains that in order to determine significant environmental impacts and feasible mitigation measures, meaningful analyses need to be conducted and disclosed prior to Project approval.

2-13

While the results of the PBHS were not included in the OMBPU SEIR, it did clarify that "*the monitoring within the PBHS itself is not considered mitigation, but the commitment of Watermaster to initiate adaptive management programs to prevent significant loss of habitat (due to hydraulic control) serves as the mitigation to offset such damage or loss of Prado Basin Habitat*". As this monitoring program is intended to prevent impacts to habitat, it would be beneficial to discuss the monitoring results, adaptive management actions taken as a result of adverse effects identified, and strategies to mitigate potential future impacts that may occur from this proposed Project. To be effective, CDFW recommends that adaptive management should include: (1) objectives describing the desired condition; (2) management that is designed to meet the objectives; (3) monitoring to determine if the objectives are, or have been, met; and (4) management that is adapted if the objectives are not reached. To avoid irreversible change, detection of smaller changes may be important while they are still relatively minor. CDFW is available to assist the IEUA to identify 'adverse impacts to the riparian habitat or special-status species' and coordinate with all parties on future adaptive management action(s) that may need to be implemented.

2-14

Burrowing owl
The OBMPU SEIR discusses the need and availability of water to sustain certain vegetation communities and the species that depend on these habitats. The SEIR should also address

2-12 Please refer to response to comment 2-11. In addition, MM **BIO-25** commits Watermaster to continuing the Prado Basin Habitat Sustainability Program (PBHSP), and requires use of that dataset to evaluate potential impacts to Prado Basin habitat that may be caused by proposed diversion projects. At this time, no specific diversions in the Chino Basin have been proposed, and proposals being considered in other portions of the Upper Santa Ana River Watershed have not yet been collectively identified. Based on communications with Valley District, the HCP EIR should be available in the near future, and the published data can then be used in conjunction with any future proposal in the Chino Basin to divert surface water, unless they are already included in the Santa Ana River HCP EIR.

2-13 Please refer to response to comment 2-12, referencing MM **BIO-25**, and a similar comment and response, 5-4, from OCWD. As indicated in response to comment 2-12, Mitigation BIO-25 incorporates the PBHSP and requires use of that dataset to evaluate potential impacts caused by proposed diversion projects.

The commenter notes that it would be beneficial to discuss the results of monitoring within the PBHS, adaptive management actions taken as a result of adverse effects identified, and strategies to mitigate potential future impacts. IEUA and Watermaster previously agreed to implement MM 4.4-3 as part of the 2010 Peace II EIR, which stated *"IEUA, Watermaster, OCWD and individual stakeholders, that choose to participate, will jointly fund and develop an adaptive management program that will include, but not be limited to: monitoring riparian habitat quality and extent; investigating and identifying essential factors to long-term sustainability of Prado Basin riparian habitat; identification of specific parameters that can be monitored to measure potential effects of Peace II Agreement implementation effects on Prado Basin; and identification of water management options to minimize the Peace II Agreement effects on Prado Basin. This adaptive management program will be prepared as a contingency to define available management actions by Prado Basin stakeholders to address unforeseeable significant adverse impacts, as well as to contribute to the long-term sustainability of the Prado Basin riparian habitat."* MM 4.4-3 is being implemented under the supervision of the Prado Basin Habitat Sustainability Committee. As of this time, no adverse effects have been identified through monitoring within the PBHS, and as such, no adaptive management actions have been taken as a result. IEUA and Watermaster are open to discuss "adaptive management" options on a watershed-wide basis with the commenter and any other interested parties under the supervision of the Prado Basin Habitat Sustainability Committee in a collaborative manner. The framework is in place to do so through MM 4.4-3 of the 2010 Peace II EIR. Furthermore, as stated throughout these responses to comments, water diversion evaluations are deferred to a second-tier CEQA evaluation, which will enable further collaboration with CDFW and other agencies where a specific project is being proposed, such that tangible mitigation and adaptive management can be developed. As such proposals are developed, more detailed analyses will be able to incorporate the data from the Upper Santa Ana Watershed HCP and other studies conducted specifically for proposed diversions, enabling a greater range of data from which to develop adaptive management strategies.

2-14 This and the following comment summarize activities related to the operations of the Prado Dam that may adversely impact burrowing owl (BUOW) habitat in the Chino Basin. While the OBMPU may affect the amount of water that flows into Prado Dam, the OBMPU as defined does not anticipate capturing additional water behind Prado Dam and raising the reservoir's water level. Accordingly, the DSEIR does not analyze the

impacts of potential inundation behind Prado Dam on BUOW habitat because that is not part of the OBMPU project. With the exception of the proposed storage basins in the OBMPU, the majority of projects will cause minimal disturbance within undeveloped land in the southern portion of the Chino Basin. This does not mean the proposed OBMPU projects will not encounter BUOW, but with implementation of MM **BIO-6** direct adverse impacts to BUOW can be fully mitigated. In order to address cumulative or indirect impacts to BUOW, CDFW may need to assess distribution and constituent elements so that habitat loss affecting this species may also be offset.

DocuSign Envelope ID: 2B5FC055-AC85-4B1C-A85F-9E15EA864C98

areas where flooding and water inundation is not preferred. The primary purpose of Prado Reservoir is flood control for the Santa Ana River Watershed, with water conservation being secondary. CDFW is aware that an agreement between OCWD, the United States Army Corps of Engineers (USACE) and the United States Fish and Wildlife Service was reached in 1993 that allowed for increased water conservation from March through September each year to store up to 26,000 acre-feet of water at elevation 505 feet. In 2006, a subsequent agreement was made to capture additional water behind Prado Dam to store more water from October through February each year by increasing the conservation pool for recharge of groundwater from elevation 494 feet to 498 feet. It is CDFW's understanding that a deviation to the Prado Dam Water Control Plan to increase the flood season water surface elevation of the pool behind Prado Dam from an elevation 498 feet to 505 feet for a period of five years has occurred. More water storage, particularly during winter, may increase the extent of areas subject to inundation, including burrowing owl occupied and/or suitable breeding and wintering habitat.

2-14 cont'd

Much of the land contained below the 566-foot inundation line behind Prado Dam is intended to accommodate natural open space, wildlife preserves, and crop farming. Within the area previously known as the 'Dairy Preserve', large housing and industrial developments, including the Preserve (City of Chino), as well as, the Ontario Ranch (City of Ontario) have collected development fees over the last two decades to offset impacts to burrowing owls. The CEQA documents for these large planning developments proposed the creation, enhancement, and/or expansion of 300 acres (600 acres total) of high-quality wildlife habitat located generally below the Prado Dam 566-foot inundation line. While CDFW is unclear whether the proposed increase of water storage will affect habitat suitable for burrowing owl, given the past increases of storage to meet stakeholders demands, CDFW would like to have a better understanding of how burrowing owls and their habitat will be monitored and mitigated for over the next 30 years.

2-15

Watershed

Within the OBMPU SEIR Section 4.3 Biological Resources, the "*potential impacts on jurisdictional waters, special-status plant communities, protected trees, special-status plant, and wildlife species (including critical habitat) will be analyzed for each facility as site-specific design has been established. Once a particular facility area of potential effect (APE) is established,* ***a detailed second-tier evaluation to assure resource impacts are quantified, and site-specific measures are identified. Where none of the biological resource impacts occur in Prado Basin will occur, no further biological resource impact analysis may be necessary*** *(emphasis added).*" Furthermore, Section 4.3.6(a).1 Prado Basin Habitat concluded that for any future surface water diversions, "*mitigation is required to continue the monitoring program and to conduct detailed environmental reviews of future diversion impacts on* ***Prado Basin habitat prior to approval of such projects*** *(emphasis added). Thus, no specific diversion project can be implemented until an appropriate second-tier, public CEQA review is completed*".

2-16

CDFW is concerned that potential impacts will only be addressed if those impacts will occur within the Prado Basin, even though the project covers the entirety of the Chino Basin. Under Section 15355 of the CEQA Guidelines, cumulative effects refers to "*two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts*". Physical changes caused by a project can contribute incrementally to cumulative effects that are significant, even if individual changes resulting from a project are limited. The Lead Agency must determine whether the cumulative impact is significant, as well as whether an individual effect is 'cumulatively considerable'. This means "*the incremental*

2-15 Please refer to response to comment 2-14.

2-16 The commenter misquotes language found on page 4-62 of the DSEIR. The omitted portions of the segment quoted in comment 2-16 are indicated in underline: "Once a particular facility area of potential effect (APE) is established, the following steps will be taken during a detailed second-tier evaluation to assure resource impacts are quantified, and site specific measures are identified: Where none of the biological resource impacts discussed under the 4.3.6(a).1 Conclusion below, will occur, no further biological resource impact analysis may be necessary; Where potentially significant impacts may occur, but specific mitigation outlined under 4.3.7 Avoidance, Minimization, and Mitigation Measures, below, can reduce such impacts to a less than significant level." This discussion is not intended to indicate that only biological resource impacts in the Prado Basin are analyzed and mitigated by the DSEIR. In fact, the impact conclusion at the end of the section states, "Ultimately, because the Chino Basin contains many areas that may support candidate, sensitive, or special status species, and the specific sites in which future OBMPU facilities will be developed is presently unknown, a significant impact may occur."

Nevertheless, MM **BIO-25** in the FSEIR has been revised, as follows, to remove any doubt that it should apply to affected sensitive habitat:

BIO-25 Permanent Water Diversion Projects: The Watermaster shall continue to prepare the annual Prado Basin Habitat Sustainability Monitoring Program. A second-tier CEQA evaluation shall be conducted for proposed water diversion projects associated with the OBMPU. The potential impacts to Prado Basin and sensitive habitat (for example riparian, wetland, or critical habitat) from implementation of such diversion projects shall receive public review, including pertinent wildlife management agencies and interested parties.

DocuSign Envelope ID: 2B5FC055-AC85-4B1C-A85F-9E15EA864C98

effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects" (Guidelines Section 15064(h)(1)).

2-16 cont'd

The OBMPU SEIR includes storage basin projects that would divert flows that ultimately reach Prado Basin (Project Category 3). Also, groundwater pumping can alter how water moves between an aquifer and a stream, lake, or pond by either intercepting groundwater flow that discharges into the surface-water body under natural conditions, or by increasing the rate of water movement from the surface-water body into an aquifer (e.g., draw down, cone of depression, etc.). Finally, diversion of surface water, recycling of water, and other water manipulation can alter and affect biological resources throughout the watershed. Thus, CDFW strongly encourages IEUA to consider the entire watershed and how the OBMPU will affect vegetation communities and the species that depend on those habitats.

Mitigation

2-17

The SEIR states, "*if the regulatory agencies determine an alternative, equivalent mitigation program during acquisition of regulatory permits, such measure shall be deemed equivalent to the avoidance and minimization measures listed in SEIR Section 4.3.7… no additional environmental documentation shall be required to implement a measure different than the listed avoidance measures*". CEQA requires environmental review of discretionary projects at the earliest *meaningful* stage to analyze and plan for the reduction and/or avoidance of environmental impacts *before* deciding to approve the project(s). While there are often discrepancies between CEQA's mandate for *early* review and its requirement of *detailed* discussions of impacts and mitigation measures, postponing the analysis of impacts to a future date is not appropriate. CEQA Guidelines §15126.4, subdivision (a)(1)(8) states formulation of feasible mitigation measures should not be deferred until some future date. The Court of Appeal in *San Joaquin Raptor Rescue Center* v. *County* of *Merced* (2007) 149 Cal.App.4th 645 struck down mitigation measures which required formulating management plans developed in consultation with State and Federal wildlife agencies after project approval. Courts have also repeatedly not supported conclusions that impacts are mitigatable when essential studies, and therefore impact assessments, are incomplete *(Sundstrom* v. *County* of *Mendocino* (1988) 202 Cal. App. 3d. 296; *Gentry* v. *City* of *Murrietta (1995)* 36 Cal. App. 4th 1359; *Endangered Habitat League, Inc.* v. *County* of *Orange* (2005) 131 Cal. App. 4th 777). Therefore, CDFW strongly suggests the SEIR incorporate sufficient, specific, and current biological information on the existing habitat and species at the Project site; measures to minimize and avoid sensitive biological resources; and mitigation measures to offset the loss of native flora and fauna and State waters. The CEQA document should not defer impact analysis and mitigation measures to future regulatory discretionary actions, such as a Lake or Streambed Alteration Agreement.

FURTHER COORDINATION

2-18

The CDFW appreciates the opportunity to comment on the SEIR for the OBMPU (State Clearinghouse No. 2020020183) and recommends that the IEUA address the CDFW's comments and concerns.

If you should have any questions pertaining to the comments provided in this letter, or wish to schedule a meeting and/or site visit, please contact Kim Romich at (909) 980-3818 or at kimberly.romich@wildlife.ca.gov.

2-17 Please refer to response to comment 2-8 above. Additionally, this comment appears to suggest that the DSEIR defers mitigation and does not commit to enforceable performance standards. The following responses are provided to demonstrate lack of deferral and commitment to performance standards. Response to comment 1-37 demonstrates that the OBMPU DSEIR does not defer mitigation, and is committed to adhere to stringent performance standards. Furthermore, the specific location of OBMPU facilities is presently unknown and analysis of site specific biological resource impacts can only occur once a site is identified. As such, no one given project has been defined that would require a Lake or Streambed Alteration Agreement (LSAA) at this time; once a proposal for a given project is defined, an analysis as to whether a second-tier environmental document would be required. If a LSAA is required, that second-tier environmental document would be used to satisfy the environmental review necessary for the LSAA.

2-18 The comment is noted and will be made available to the IEUA decision-makers as part of the Final EIR package prior to a decision on the proposed project. The contact information provided in this comment will be retained in the project file.

DocuSign Envelope ID: 2B5FC055-AC85-4B1C-A85F-9E15EA864C98

Sincerely,

DocuSigned by:
Patricia Moyer
CAB3EB907AD84A9...

Patricia Moyer
Environmental Program Manager

cc: Office of Planning and Research, State Clearinghouse, Sacramento
ec: HCPB CEQA Coordinator

Comment Letter #3

Monte Vista Water District

Dedicated to Quality, Service and Innovation

Justin Scott-Coe, PhD
GENERAL MANAGER

May 11, 2020

Sylvia Lee
Inland Empire Utilities Agency
6075 Kimball Avenue
Chino, CA 91708

Delivered via email to Sylvia Lee, slee@ieua.org

Comments on Draft March 2020 Subsequent Environmental Impact Report for the Chino Basin Optimum Basin Management Program Update

Dear Ms. Lee,

3-1 Monte Vista Water District (District) appreciates this opportunity to provide comments on the Draft Subsequent Environmental Impact Report (SEIR) regarding the proposed Optimum Basin Management Plan Update (OBMPU).

1. **The District opposes the portion of the proposed OBMPU project that removes 25,000 acre-feet per year of production from Management Zone 1 of the Chino Basin.**

   3-2 The Chino Basin Judgment includes a Court-ordered adherence to a "Physical Solution" that provides for "the maximum reasonable beneficial use of the waters of Chino Basin…to meet the requirements of water users having rights in…Chino Basin." The Judgment further clarifies this provision: "A fundamental premise of the Physical Solution is that all water users dependent upon the Chino Basin be allowed to pump sufficient waters from the Basin to meet their requirements." (¶39, 42)

   The Draft SEIR proposes a project that is inconsistent with the Physical Solution. The proposed project seeks to "relocate up to 25,000 afy of pumping from [Management Zone 1]" (page 3-26 and elsewhere). This proposed relocation of production out of Management Zone 1 of the Chino Basin would directly impact the ability of the District and other Judgment parties who produce groundwater from Management Zone 1 to "pump sufficient waters from the Basin to meet their requirements."

Sandra S. Rose, PRESIDENT
G. Michael Milhiser, VICE PRESIDENT
Manny Martinez, DIRECTOR / BOARD AUDITOR
Philip L. Erwin, DIRECTOR
Tony Lopez, DIRECTOR

RESPONSE TO COMMENT
LETTER #3
MONTE VISTA WATER DISTRICT

3-1 The comment is noted and will be made available to the IEUA decision-makers as part of the Final EIR package prior to a decision on the proposed project.

3-2 Monte Vista Water District (District) is focusing on a single aspect of the OBMPU and Watermaster's program to manage subsidence in Management Zone 1 (MZ-1) of the Chino Basin. The whole of the text discussing the subsidence in MZ-1 states: *A potential recommendation of the Subsidence Management Plan for Northwest MZ-1 is conducting wet-water and/or in-lieu recharge methods that will result in a net increase in recharge. Interim work performed in Northwest MZ-1 to support the development of a subsidence management plan for this area suggests that land subsidence could be reduced or abated if recharge in Northwest MZ-1 is increased by at least 20,000 afy, pumping is decreased by at least 20,000 afy, or some combination of both totaling about 20,000 afy. Exhibit 13 is a time-series chart of groundwater pumping, wet-water recharge, and land subsidence (represented as negative vertical ground motion) in Northwest MZ-1 from 1978-2019. Recent pumping in Northwest MZ-1 has decreased significantly: 2017-2019 pumping averaged about 12,000 afy compared to about 19,000 afy since the implementation of the OBMP (2001-2016), a reduction of about 7,000 afy. The reduced pumping is mainly due to water quality issues. Additionally, recent wet-water recharge in Northwest MZ-1 has increased: 2017-2019 recharge averaged about 15,000 afy compared to about 9,000 afy since the implementation of the OBMP (2001-2016), an increase of about 6,000 afy. Exhibit 13 shows that these recent decreases in pumping and increases in recharge, totaling about 13,000 afy, appear to coincide with reduced rates of land subsidence in Northwest MZ-1. This suggests that reduced pumping and/or increased recharge can abate land subsidence in Northwest MZ-1. If the Subsidence Management Plan for Northwest MZ-1 recommends a combination of reduced pumping and wet-water recharge to abate ongoing land subsidence, the pumpers in this area who elect to reduce pumping in accordance with the plan may have difficulty in fully utilizing their water rights with existing infrastructure.*

Under the OBMPU, facilities may be needed to: (1) relocate pumping from Northwest MZ-1 to MZ-2 and/or MZ-3, (2) replace some of their pumping with surface or recycled water as a form of in-lieu recharge, (3) facilitate increased wet-water recharge, or (4) a combination of some or all of the above. The operation of these facilities would result in increased groundwater levels that would impact the state of Hydraulic Control; thus, facilities and operations would be needed to ensure that Hydraulic Control is maintained.

Comment 3-2 touches on some of the complexity of maintaining the delicate balance between pumping rights and potential MPI effects. The District's position is clearly stated in the comment, but it will require a balanced approach based on pumping relocation, use of surface or recycled water, and increased wet water recharge to prevent further subsidence in MZ-1. In this process it may be necessary to use a wider concept than just pumping locally from MZ-1 to meet the District's water supply obligations. What is clear is that additional facilities as identified in the Project Description will be needed in the future to achieve the balance between water rights and potential MPI. By evaluating these facilities in the OBMPU DSEIR Watermaster, the

District and other groundwater producers in MZ-1 can proceed to quickly implement the future mutually agreed upon solution.

2. **The District requests that the SEIR include an alternative project that focuses on Chino Basin storage management.**

3-3 The SEIR states that "based on the integrated nature of the OBMPU programs, reducing its scope relative to the proposed project is not considered to be a 'feasible' alternative" (page 1-12). The District does not believe this to be the case. The District requests that the SEIR include an alternative project limited only to the storage management portions of the OBMPU project, consistent with Chino Basin Watermaster's 2019 Storage Framework Investigation. The SEIR should study this alternative project to ensure that storage management may move forward regardless of the fate of the remaining portions of the OBMPU project scope.

3-4 The District respectfully requests that the lead agency revise the Draft SEIR to address the above comments and then recirculate the revised SEIR for additional public review and comment.

Thank you for the opportunity to provide comments on the proposed document. If there are any questions, please feel free to contact me at (909) 267-2125 or jscottcoe@mvwd.org.

Sincerely,

Monte Vista Water District

Justin M. Scott-Coe
General Manager

cc: Monte Vista Water District Board of Directors

3-3 The CEQA Guidelines require that a lead agency identify any alternatives that were considered but rejected during the scoping process and to briefly explain the reasons underlying the lead agency's decision. "Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts." (CEQA Guidelines §15126.6(c)).

The DSEIR identified a "Reducing the Project Scope" alternative in its alternatives scoping process (DSEIR, pg. 5-2) but declined to discuss this alternative in depth in the DSEIR because the OBMPU "consists of a complex, complicated and integrated program that incorporates a mix of projects and operations that are designed to meet the primary re-stated objectives of the OBMPU to meet sustainable and sufficient water supply though 2050. Although minor tweaks or modifications to the OBMPU are likely to occur over the next 30 years, no major changes in the program have been identified at this stage that can be implemented without harming its ability to meet the essential program objective of increasing water supply in a sustainable manner." (DSEIR, pg. 5-3). The text in the paragraph above has been amended in the FSEIR to state, "Although minor tweaks or modifications to the OBMPU are likely to occur over the next 30 years, no major changes in the program have been identified at this stage that can be implemented without harming its ability to meet each of the essential OBMPU program objectives."

The commenter disagrees that a reduced project alternative would be infeasible and requests that the FSEIR analyze an alternative "limited only to the storage management portions of the OBMPU project, consistent with Chino Basin Watermaster's 2019 Storage Framework Investigation." The DSEIR incorporates the 2019 Storage Framework Investigation as part of the project description (DSEIR, pgs. 3-39 through 3-42). As discussed in the DSEIR, a number of new facilities and improvements to existing facilities would be required to achieve what the DSEIR analyzes with respect to the 2019 Storage Framework Investigation. This alternative would not include portions of the OBMPU project, including but not limited to the surface water storage basins described in the DSEIR at pgs. 3-19 through 3-21. By removing project elements, however, this reduced project alternative would violate the social and policy goals that underlie the OBMPU itself.

In response to the commenter and a comment received from the City of Ontario, a "Storage Management Plan-only" (SMP) alternative has been added to Chapter 5 of the FSEIR.

3-4 The comment is noted and will be made available to the IEUA decision-makers as part of the Final EIR package prior to a decision on the proposed project. Based on a review of the comments received and the responses to them, IEUA after conferring with the Watermaster does not intend to separate the storage management project from the OBMPU, nor is there a plan to recirculate the OBMPU DSEIR.

825 East Third Street, San Bernardino, CA 92415-0835 | Phone: 909.387.8109 Fax: 909.387.7876
www.SBCounty.gov

Comment Letter #4

SAN BERNARDINO COUNTY

Department of Public Works

- Flood Control
- Operations
- Solid Waste Management
- Surveyor
- Transportation

Brendon Biggs, M.S., P.E.
Interim Director

May 11, 2020

File: 10(ENV)-4.01

Sylvie Lee, P.E.,
Inland Empire Utilities Agency,
6075 Kimball Avenue,
Chino, CA 91708
Email: Slee@ieua.org **Transmitted Via Email**

RE: CEQA NOTICE OF COMPLETION OF A DRAFT SUBSEQUENT ENVIORNMENTAL IMPACT REPORT FOR THE CHINO BASIN WATERMASTER OPTIMUM BASIN MANAGEMENT PROGRAM PROJECT

Dear Ms. Lee:

Thank you for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. **We received this request on April 1, 2020** and pursuant to our review, the following comments are provided:

Flood Control Planning and Water Resources Division (Michael Fam,Chief, 909-387-8120):

4-1

1. From the information that was provided, it appears that the project proponent proposes to revise the existing Facility Master Plan in order to make facility improvements needed to meet IEUA's long-term planning objectives. Any revision to the drainage should be reviewed and approved by the jurisdictional agency in which the revision occurs. The need for any changes and their impacts should be addressed in the EIR prior to adoption and certification by the Lead Agency. The project is subject to the following District Comprehensive Storm Drain Plans (CSDP) and Master Plans of Drainage (MPD):

- CSDP 1
- Chino Airport MSDP
- Chino Hills Area MPD
- CSDP 2
- Ontario MPD
- Montclair MPD
- Rancho Cucamonga
- Chino MPD
- W. Cucamonga MPD
- Upland MPD
- Chino Hills MPD

4-2

2. According to the most recent FEMA Flood Insurance Rate Maps (FIRM), Panels 06071C7915H, 7920H, 8600H, 8605H, 8606H, 8607H, 8608H, 8615H, 8616H, 8620H, 8629H, 8638H, 8643H, 8644H, 8651H, 8652H, 8654H, 8656H, 8657H, 8658H, 8659H, 8665H, 8666H, 8667H, 9330H, 9335H, 9345H, 9375H, dated August 28, 2008; 7895J, 8634J, 8635J, 8642J, dated September 26, 2014; 8609J, 8617J, 8628J, 8630J, dated February 18, 2015; 7870J, 7890J, 8633J, 8637J, 8639J, 8641J, 8653J, dated September 2, 2016; the proposed site lies within Zones A, AE, AH, AO, D, X-shaded (500-yr. floodplain), X-unshaded, and the Regulatory Floodway.

RESPONSE TO COMMENT
LETTER #4
SAN BERNARDINO COUNTY DEPARTMENT OF PUBLIC WORKS

4-1 The comment is noted and will be made available to the IEUA decision-makers as part of the Final EIR package prior to a decision on the proposed project. Note that this project is being processed by IEUA as the lead agency on behalf of Watermaster; as such, the assumption made in this comment that the project proposes to revise the existing IEUA Facility Master Plan is incorrect. The project provides an update to the OBMP, revised as the OBMPU, which will meet the long-term planning objectives of in managing the Chino Groundwater Basin, not IEUA in particular. IEUA understands that the OBMPU encompasses an area containing multiple MDPs and CSDPs. The DSEIR evaluated impacts to flood control facilities under Hydrology and Water Quality (Subchapter 4.7), and in Utilities and Service Systems (DSEIR Subchapter 4.9 and IS). Mitigation has been identified in the DSEIR to ensure that either surface runoff shall be collected and retained or a grading and drainage plan would be developed during project design and implemented to ensure no increase in offsite discharges would occur (Mitigation Measure [MM] **HYD-13**). This measure will require the drainage plans to be developed in accordance with applicable regulations and requirements for the County and/or the City in which a given facility would be located, which will ensure that future OBMPU facilities meet the requirements of the County Department of Public Works (Flood Control). Additionally, MM **HYD-16** requires the Implementing Agency for a given recharge or stormwater retention basin to create a management plant established to the satisfaction of the appropriate County Flood Control. As such, the analysis contained in the DSEIR and further discussed herein demonstrates that impacts to County Flood Control facilities are contemplated and mitigated to the greatest extent feasible given the undefined nature of the location and scope of projects proposed as part of the OBMPU.

4-2 The DSEIR included all of the FEMA panels for the whole Chino Basin and all FEMA regulations will be observed in accordance with the type of project that will be implemented. IEUA hereby incorporates the additional FEMA panels listed within this comment that were not included as part of the DSEIR on page 4-159 by reference.

Permits/Operations Support Division (Melissa Walker, Chief, 909-387-7995):

4-3 1. The Project involves use of San Bernardino County Flood Control District (SBCFCD) right-of-way and facilities. Any new or altered activities on the District's right-of-way or facilities, will require a permit from the SBCFCD prior to start of construction and may require amendments to existing agreements between the SBCFCD and local water agencies. Also, SBCFCD facilities built by the Army Corps of Engineers (ACOE) will require the SBCFCD to obtain approval (408-Permit) from the ACOE. The necessity for any, or all of these permits, and any impacts associated with them, should be addressed in the DEIR prior to adoption and certification.

4-4 2. The proposed recommendations include potential conversion of the Lower Cucamonga Creek Basins (SBFCD System Number 1-310-2A) and Riverside Basin (SBCFCD System Number 1-604-4) into a multipurpose facility that would temporary store storm water. Operations Support is in concurrence with Mitigation Measure HYD-16. If there are any modification required for the Cucamonga Creek Channel (SBCFCD Number 1-310-1H), this system conveys flows from each basin and is under the co-jurisdiction of the United Stated Army Corps of Engineers (USACE) and may require permits from the USACE.

4-5 3. Page 4-208, Section HYD-16, correct the first sentence to read, "…SBCFCD, RCFCD, and/or Division of Safety…."

4-6 4. Section 3.4.3.2 Program Element 2. Develop and Implement Comprehensive Recharge Program and Section 3.4.3.2.3 OBMPU Project Description - The recommended recharge program outlined for the Lower Cucamonga Creek Basins and Riverside Basins, may require an Amendment to original Agreement 03-0083 (Between IEUA, CBWC, SBCFCD, & CBWM), and approval from the San Bernardino County Board of Supervisor acting as the governing body of the SBCFCD, since Lower Cucamonga Creek Basin and Riverside Basin were not included in the original Agreement 03-0083 or the Memorandum of Agreement that was included as part of Agreement 03-0083.

4-7 5. The Watermaster's Diversion Permits Number 19895 and 20753 with the Stater Water Resources Board do not include Lower Cucamonga Creek Basins or Riverside Basins, these permits MAY need to be updated with the State Water Resources Board.

4-8 We respectfully request to be included on the circulation list for all project notices, public reviews, or public hearings. In closing, I would like to thank you again for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. Should you have any questions or need additional clarification, please contact the individuals who provided the specific comment, as listed above.

Sincerely,

Michael Perry

Michael R. Perry
Supervising Planner
Environmental Management

4-3 Please refer to response to comment 4-2, which addresses mitigation identified in the DSEIR related to drainage and flood control management. Prior to any activities on SBCFCD right-of-way, the SBCFCD will be contacted and permit applications will be submitted for processing and permits acquired for the proposed activities; additionally, should a given project require a United States ACOE 408 permit, permit applications will be submitted for processing and permits will be acquired where appropriate. Regulatory permits related to discharge of fill or streambed alteration are addressed under Subchapter 4.3, Biological Resources; MM **BIO-3** will require minimization of impacts from any future project that must discharge fill into a channel or otherwise alter a streambed through requiring that impacts are minimized to the extent feasible, and any discharge of fill not avoidable shall be mitigated through compensatory mitigation. As stated above, the analysis contained in the DSEIR and further discussed herein demonstrates that impacts to SBCFCD facilities and that would require USACOE permits are contemplated and mitigated to the greatest extent feasible given the undefined nature of the location and scope of projects proposed as part of the OBMPU.

4-4 IEUA and Watermaster understand that any modifications required for the Cucamonga Creek Channel may require permits from the USACOE, and any USACOE permit applications will be submitted for processing and permits will be acquired if appropriate.

4-5 IEUA has amended the FSEIR to address the correction provided in this comment such that MM **HYD-16** will be altered as follows:

> ***HYD-16:*** ***Prior to implementation of any recharge or stormwater retention basin projects as either existing or new basins, a management plan will be established to the satisfaction of SBCFCD, RCFCD ~~Division of Safety of Dams (DSOD)~~, and/or Division of Safety. This plan shall be created specifically for each individual basin to ensure the safety of surrounding property and people from undue risks associated with water-related hazards (i.e. flooding). The management plan will firmly establish a priority of flood-control functions over and above recharge or retention-related operations. Weather forecasts of upcoming storm events will be carefully monitored and in the event of a significant forecasted storm-event, water deliveries the basins will be ceased until further notice is received from SBCFCD or RCFCD that it is safe for deliveries to resume. Additionally, each SBCFCD or RCFCD basin will have a specific management plan developed, so as to coordinate flood control with surface water recharge or retention. This mitigation measure will ensure that people and property are not subject to additional risk associated with water-related hazards in the Basin, and will allow SBCFCD or RCFCD to make full utilization of the basin's flood control capacity in the event of a storm.***

4-6 IEUA and Watermaster understand that the recommended recharge program outlined for the Lower Cucamonga Creek Basins and Riverside Basins may require an Amendment to original Agreement, and approval from the San Bernardino County Board of Supervisor on behalf of the SBCFCD. Additionally, IEUA and Watermaster understand that any Amendments must be submitted to, renewed by, and approved by the SBCFCD before such a project can be considered at the Lower Cucamonga Creek and Riverside Basins.

4-7 As stated under response to comment 4-6, IEUA and Watermaster understand that the Watermaster's Diversion Permits with the State Water Resources Control Board (SWRCB) do not include Lower Cucamonga Creek Basins or Riverside Basins, and as such the permits thereof may need to be updated. Should these permits require updating, SWRCB permit applications will be submitted for processing and permits will

be acquired or amended as appropriate before a project can be considered at the Lower Cucamonga Creek and Riverside Basins.

4-8 The comment is noted and will be made available to the IEUA decision-makers as part of the Final EIR package prior to a decision on the proposed project. IEUA will include the SBCFCD the circulation list for all future project notices, public reviews, and public hearings.

DIRECTORS

DENIS R. BILODEAU, P.E.
JORDAN BRANDMAN
CATHY GREEN
DINA L. NGUYEN, ESQ.
KELLY E. ROWE, C.E.G., C.H.
VICENTE SARMIENTO, ESQ.
STEPHEN R. SHELDON
TRI TA
ROGER C. YOH, P.E.
AHMAD ZAHRA

SINCE 1933

Comment Letter #5

ORANGE COUNTY WATER DISTRICT

ORANGE COUNTY'S GROUNDWATER AUTHORITY

OFFICERS

President
VICENTE SARMIENTO, ESQ.

First Vice President
CATHY GREEN

Second Vice President
STEPHEN R. SHELDON

General Manager
MICHAEL R. MARKUS, P.E., D.WRE

May 11, 2020

Ms. Sylvie Lee, P.E.
Inland Empire Utilities Agency
6075 Kimball Avenue
Chino CA, 91708

Subject: OCWD Comments on Draft SEIR for Chino Basin Watermaster OBMP Update, SCH#2020020183

Dear Ms. Lee:

5-1 The Orange County Water District (OCWD) appreciates the opportunity to comment on the Draft Subsequent Environmental Impact Report (Draft SEIR) (SCH 2020020183) for projects proposed in the Chino Basin Optimum Basin Management Program Update (OBMPU).

5-2 OCWD is a special district formed in 1933 by an act of the California Legislature. The District manages the groundwater basin that underlies north and central Orange County. Water produced from the basin is the primary water supply for approximately 2.5 million residents living within the District's boundaries. OCWD also owns more than 2,000 acres of land in the Prado Basin and is keenly interested in projects that may affect the Prado Basin.

By virtue of its statutory authority and its extensive activities in Prado Basin, including water conservation/stormwater capture and operation of constructed wetlands to enhance Santa Ana River water quality, OCWD is particularly sensitive to environmental values and natural resources in Prado Basin.

5-3 As stated in OCWD's comment letter submitted for the Notice of Preparation of the OBMPU dated March 6, 2020, "the distribution of riparian vegetation and wetlands in Prado Basin and the occurrence of shallow groundwater and groundwater discharge to the ground surface (commonly referred to a 'rising groundwater' or 'groundwater seepage') are typical of a Groundwater Dependent Ecosystem (GDE)." The CA Department of Water Resources (DWR) defines a GDE as an "ecological community or species that is dependent on groundwater emerging from aquifers or on groundwater occurring near the ground surface". Given the habitat in Prado Basin's dependence on surface water and on the year-round

PO Box 8300
Fountain Valley, CA 92728-8300

18700 Ward Street
Fountain Valley, CA 92708

(714) 378-3200
(714) 378-3373 fax

www.ocwd.com

RESPONSE TO COMMENT
LETTER #5
ORANGE COUNTY WATER DISTRICT

5-1 The comment is noted and will be made available to the IEUA decision-makers as part of the Final EIR package prior to a decision on the proposed project.

5-2 The comment is noted and will be made available to the IEUA decision-makers as part of the Final EIR package prior to a decision on the proposed project. The contributions of the Orange County Water District (OCWD or District) to environmental values and natural resources in Prado Basin is recognized by IEUA and the Watermaster.

5-3 First, OCWD's interpretation of the findings in the biology section and MM **BIO-25** is correct. For a variety of reasons, including lack of specific diversion proposals, and the related inability to model the diversion effects on surface water flows and rising groundwater volumes as a result of this lack of specific proposals, a decision was made to defer evaluation of diversions to the future when sufficient information is available to conduct a meaningful evaluation. This approach is consistent with Section 15152 of the State CEQA Guidelines. IEUA also believes that, once the EIR/EIS addressing the Upper Santa Ana Watershed Habitat Conservation Plan becomes available (nearing completion by the San Bernardino Valley Municipal Water District), it will be possible to better understand the cumulative effects on the Prado Basin GDE. Please refer to response to comment 1-6 which further confirms IEUA and Watermaster's commitment to fully address effects on Prado Basin GDE resources when sufficient information is available, as described above.

5-3 cont'd

availability of shallow groundwater, the Final SEIR should evaluate and address the vital linkage between the hydrologic conditions and biological impacts from projects in the OBMPU. As an example, embedded in the OBMPU are proposed projects to build diversions structures, storage basins and booster pump stations on Chino, Lower Cucamonga and Mill Creeks. These projects propose to divert and capture stormwater and dry-weather flows. OCWD understands and recognizes that future diversion projects within the OBMPU will undergo a Second Tier CEQA evaluation once these specific projects are identified. OCWD assumes that the diversions covered under Mitigation Measure BIO-25 will include all dry-weather flow diversions, decreased discharge of recycled water, and stormwater capture or diversions projects. If this is not an accurate interpretation of Mitigation Measure BIO-25, it should be clarified in the Final SEIR.

5-4

Pursuant to the execution of the Peace II agreement in 2007, Chino Basin Watermaster (CBWM) and Inland Empire Utilities Agency (IEUA) formed the Prado Basin Habitat Sustainability Committee (PBHSC), of which OCWD is a participating member. As mentioned on page 4-63 of the Draft SEIR, "[t}he monitoring itself is not considered mitigation, but the commitment of Watermaster to initiate adaptive management programs to prevent significant loss of habitat (due to hydraulic control) serves as the mitigation to offset such damage or loss of Prado Basin Habitat". Whereas OCWD recognizes the value and function of the monitoring component in the Prado Basin Habitat Sustainability Program, the program has not established thresholds to identify at what level of impact the impact is determined to be significant and therefore requires mitigation. Although an EIR can permissibly defer the identification of project-specific mitigation measures where the mitigative effect of such measures can be reasonably assured, the Draft SEIR does not identify specific mitigation measures nor does it identify guidelines or criteria for any future project-specific mitigation measures that would ensure that significant impacts related to damage or loss of Prado Basin habitat or biological resources would not occur. As it is stated in the Draft EIR that the monitoring conducted by the PBHSC is not a form of mitigation, the Final SEIR should define what criteria are used to define when impacts to biological resources such as riparian habitat have occurred. The Final SEIR should also identify measures that could be implemented to provide reasonable assurance that significant environmental impacts associated with the loss of habitat will not occur.

5-5

The hydrological modeling used in the Draft SEIR was conducted using a 10-year model using 3 take, 3 hold and 4 put years. This hydrological model depicts future groundwater conditions under various scenarios by changing the volumes of puts and takes to reflect likely hydrologic outcomes. The model uses the 10-year average of the 123-year annual average precipitation. Exhibit 4.7-1 in the Draft SEIR shows that weather patterns in the Chino Basin can have long term trends that deviate from the average. It is common to have dry and wet periods last much longer than 10 years. Global climate change adds an

5-4 When monitoring began in Prado Basin, IEUA and Watermaster more or less assumed that as the PBHSC the data accumulated, any member of the Committee that identified a measurable change in Prado Basin habitat could bring it to the attention of the Committee as a potential significant impact. There are several regulatory agencies (CDFW and USFWS), and OCWD, that review the data and have the knowledge to raise such a concern. Essentially this has been an *ad hoc* method of identifying "significant change." However, when the EIR/EIS addressing the Upper Santa Ana Watershed Habitat Conservation Plan (HCP) is published with its more extensive database on sensitive species, it should be possible to address the cumulative causes of changes to Prado Basin. Perhaps this is the proper time to use the PBHSC or an alternative working group to develop thresholds of significance for change in Prado and plausible alternative adaptive management plans that can coincide with the approval process for the HP. In the meantime, IEUA and Watermaster recommend relying on the existing PBHSC process to identify issues of concern. Additionally, as discussed under response to comment 1-6, MM **BIO-25** requires further CEQA evaluation of specific diversion proposals when they are defined in sufficient detail to allow an evaluation, which would enable enforceable mitigation to protect Prado Basin habitat to be developed and implemented as it applies to a specific project.

5-5 This comment focuses on assumptions used to model future proposed OBMPU diversion projects. The arguments for examining longer drought periods as part of the modeling effort reflects the consensus of scientists regarding global warming effects on California's future climate. A commitment to a specific length of drought for use in the model would be inappropriate for the OBMPU, but Watermaster can work with WEI or other agencies, including OCWD, to define appropriate future lengths of drought to include in future modeling efforts for diversion projects.

5-5 cont'd

additional level of uncertainty to assessing future conditions, since scientific publications suggest future weather cycles could exhibit more extreme conditions compared to historic observed conditions. Long-term droughts are one of the conditions that can have large negative impacts on the availability of water to support riparian vegetation in Prado Basin. For Second Tier CEQA evaluations that are conducted for diversion projects, the analyses should account for long-term droughts that can occur in the future.

5-6

Mitigation Measure BIO-7 states "Prior to commencement of construction activity on a project facility within a MSHCP/HCP plan area, consistency with that plan, or take authorization through that plan, shall be obtained. Through avoidance, compensation or a comparable mitigation alternative, each project shall be shown to be consistent with a MSHCP/HCP." Please confirm that this will include the Upper Santa Ana River Habitat Conservation Plan that is being developed by the Upper Santa Ana River Sustainable Resources Alliance.

5-7

Page 4-75 of the Draft SEIR states "Because the specific locations for future OBMPU Projects are not presently known, there is a potential that a future OBMPU facility may be developed in an area containing significant biological resources that cannot be avoided. Though substantial mitigation is provided to minimize impacts under most circumstances for future OBMPU facilities, no feasible mitigation exists to completely avoid impacts to biological resources within the Chino Basin. Thus, the proposed Project is forecast to cause significant unavoidable adverse impacts to biological resources." OCWD assumes that this text in the Draft SEIR does not refer to impacts to riparian vegetation due to decreased availability of water to support healthy riparian habitat. Decreased availability of water for riparian habitat and subsequent adverse impacts on riparian habitat could occur through a decrease in available surface water or a greater depth to groundwater or a combination of these two factors. We assume that this text in the Draft SEIR refers to impacts caused by construction itself, such as physical removal of vegetation to construct a project. Please clarify if this text in the Draft SEIR relates to impacts such as removal of vegetation as part of construction of facilities and does not refer to impacts on riparian vegetation caused by decreased availability of water.

5-8

As a point of clarity OCWD would like the Final SEIR to more precisely define Appendix 1. Appendix 1 is titled 'List of Pools'. Page 2 of Appendix 1 then appears to list the Chair and Vice Chair and other persons who are members of the Agricultural Pool Committee. Please clarify if this list on Page 2 is intended to identify members of the Agricultural Pool or members of the Agricultural Pool Committee. OCWD is also a member of the Agricultural Pool, as specified by the Judgment entered in Chino Basin Municipal Water District v. City of Chino, et al., San Bernardino Superior Court, Case No. RCVRS 51010 (formerly Case No. 164327) as Restated.

5-6 This comment is somewhat vague and appears to request that IEUA include MM **BIO-7** as a measure in another environmental document. This measure is specific to OBMPU projects, not other projects that IEUA may implement under a different environmental document or project approval process. IEUA believes it should leave identification of mitigation under the HCP to the Valley District, and any projects implemented under that program/document would comply with those requirements.

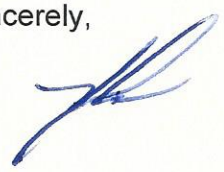
5-7 As originally envisioned, the significance finding for biological resources was intended to encompass both direct impacts from construction activities and potential impacts from water diversions. As the analysis continued and it became clear that a specific scenario for water diversions was not available, the decision to include MM **BIO-25** removed future proposed diversions from the biological resources finding of significance. The actual significance determination for diversions will be made after a second-tier environmental document is completed.

5-8 IEUA acknowledges that OCWF is a member of the Agricultural Pool; the referenced list in Appendix 2 is referencing members of the Agricultural Pool Committee.

5-9 Because of OCWD's extensive activities in Prado Basin, we request that IEUA continue to provide notification to OCWD for all projects and their related CEQA analysis that have the potential to impact the Prado Basin and its groundwater dependent habitat.

If you have any questions, please contact Kevin O'Toole at (714) 378-8248 or kotoole@ocwd.com.

Sincerely,



Michael R. Markus, P.E., D.WRE, BCEE, F.ASCE
General Manager

5-9 OCWD can count on continuing to receive notification of any projects under IEUA jurisdiction and under the OBMPU. The point of contact is noted and Mr. Kevin O'Toole will be notified of such projects.

Comment Letter #6

JASON E. UHLEY
General Manager-Chief Engineer

1995 MARKET STREET
RIVERSIDE, CA 92501
951.955.1200
FAX 951.788.9965
www.rcflood.org

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

May 11, 2020

Emailed this date to: Slee@ieua.org

Ms. Sylvie Lee, P.E.
Inland Empire Utilities Agency
6075 Kimball Avenue
Chino, CA 91708

Dear Ms. Lee:

Re: Notice of Availability of a Draft Subsequent Environmental Impact Report for the Chino Basin Watermaster Optimum Basin Management Program Update

6-1 This letter is written in response to the Notice of Availability of a Draft Subsequent Environmental Impact Report (DSEIR) received by the Riverside County Flood Control and Water Conservation District (District). The Inland Empire Utilities Agency (IEUA) has prepared a DSEIR for the proposed Optimum Basin Management Program Update (OBMPU) describing facility improvements and activities of the Chino Basin Watermaster (CBWM). IEUA is the Lead Agency for this project under the California Environmental Quality Act (CEQA) and has prepared this document on behalf of the CBWM. The District is tasked with effectively managing flood hazards to protect life and property within western Riverside County.

The District has reviewed the DSEIR provided and has the following comments regarding this project:

6-2 1. Please be advised that the proposed project is located within multiple District Master Drainage Plans (MDP). When fully implemented, these MDP facilities will provide adequate drainage and flood protection within the MDP area. The District's MDP facility maps can be viewed online at: http://content.rcflood.org/MDPADP/. The proposed project facilities should be designed and constructed in a manner to avoid conflicts with the MDP facilities. To obtain further information on the MDP and proposed facilities, please contact Mike Wong of the District's Planning Section at 951.955.1345.

6-3 2. The proposed project may impact existing District facilities and rights of way. Any work that involves District rights of way, easements, or facilities will require an encroachment permit from the District. Therefore, the District will likely be a CEQA Responsible Agency, and any potential impacts to District facilities should be considered in the DSEIR. To obtain further information on District encroachment permits and to find an application form, please refer to https://rcflood.org/I-Want-To/Services/Obtain-Encroachment-or-Access-Permit, or contact the District at 951.955.1200 and speak with encroachment permit staff to help confirm permit requirements.

6-4 Thank you for the opportunity to review this DSEIR. If you have any questions or require additional information regarding the comments on this letter, please contact Sean Berriman at 951.955.1242 or me at 951.955.1306.

Very truly yours,

RANDY SHEPPEARD
Senior Flood Control Planner

SB:mcv
P8\231170

RESPONSE TO COMMENT
LETTER #6
RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

6-1 The comment is noted and will be made available to the IEUA decision-makers as part of the Final EIR package prior to a decision on the proposed project. The District is correct that IEUA is the Lead Agency on behalf of the Watermaster, and IEUA understands the District's role within western Riverside County, within in which the Chino Basin is partially located.

6-2 IEUA understands that the OBMPU encompasses an area containing multiple MDPs. Prior to any activities within District MDPs, the District will be contacted to ensure that design of future OBMPU facilities avoid conflicts with MDP facilities, and to ensure that should any conflicts occur, equal or greater drainage and flood protection are installed that meet District requirements.

6-3 Prior to any activities on County Flood Control and Water Conservation District right-of-way, the District will be contacted and permit applications will be submitted for processing and permits acquired for the proposed activities. The DSEIR evaluated impacts to flood control facilities under Hydrology and Water Quality (Subchapter 4.7), and in Utilities and Service Systems (DSEIR Subchapter 4.9 and IS). Mitigation has been identified in the DSEIR to ensure that either surface runoff shall be collected and retained or a grading and drainage plan would be developed during project design and implemented to ensure no increase in offsite discharges would occur (MM **HYD-13**). This measure will require the drainage plans to be developed in accordance with applicable regulations and requirements for the County and/or the City in which a given facility would be located, which will ensure that future OBMPU facilities meet the requirements of the County Flood Control and Water Conservation District. Additionally, MM **HYD-16** requires the Implementing Agency for a given recharge or stormwater retention basin to create a management plan established to the satisfaction of the appropriate County Flood Control District. As such, the analysis contained in the DSEIR and further discussed herein demonstrates that impacts to District facilities are contemplated and mitigated to the greatest extent feasible given the undefined nature of the location and scope of many projects proposed as part of the OBMPU.

6-4 The comment is noted and will be made available to the IEUA decision-makers as part of the Final EIR package prior to a decision on the proposed project, and the contact information provided will be retained in the project file.

Comment Letter #7

XAVIER BECERRA
Attorney General

State of California
DEPARTMENT OF JUSTICE

300 SOUTH SPRING STREET, SUITE 1702
LOS ANGELES, CA 90013

Public: (213) 269-6000
Telephone: (213) 269-6359
Facsimile: (213) 897-2802
E-Mail: Carol.Boyd@doj.ca.gov

May 11, 2020

Inland Empire Utilities Agency
6075 Kimball Avenue
Chino, CA 91708
Attn.: Ms. Sylvie Lee, P.E.
slee@ieua.org

Via Electronic and U.S. Mail

RE: Chino Basin Optimum Basin Management Program Update
Comments on Draft Subsequent Environmental Impact Report

Dear Ms. Lee:

7-1 The Inland Empire Utilities Agency (IEUA), as Lead Agency, has prepared a Draft Subsequent Environmental Impact Report (DSEIR) that summarizes the potential environmental effects associated with the implementation of projects identified in Chino Basin Watermaster's Optimum Basin Management Program Update (OBMPU). We respectfully submit the following comments on the DSEIR in the document's chronological order:

The California Institution for Men

7-2 **Page x** of the DSEIR, listing Abbreviations and Acronyms, and various parts of the document (although not all occurrences), misidentifies "CIM" as "Chino Institute for Men" or "California Institute for Men." The correct term is "California Institution for Men."

The 2020 Storage Management Plan

7-3 **Page 3-41** of the DSEIR, discussing the 2020 SMP, identifies the need for Watermaster to "periodically review and update the SMP … at least five years before the aggregate amount of managed storage by the Parties is projected to fall below 340,000 af." This summary of the SMP lacks important context for the 340,000 af threshold, which was established because impacts to the basin (e.g., subsidence induced by groundwater withdrawal, loss of pumping sustainability caused by groundwater withdrawal, etc.) due to a reduction of existing managed storage below this threshold have not been evaluated. As of the date of these comments, Watermaster has not approved the 2020 SMP or any implementation plan for storage management. Given that the SMP, even after being adopted, may be modified in the future, we request that such potentially significant impacts and any other MPI resulting from the aggregate amount of managed storage by the Parties falling below 340,000 af be identified as a potentially significant impact. Mitigation measures to address such potentially significant impacts should include, at a

RESPONSE TO COMMENT
LETTER #7
STATE OF CALIFORNIA DEPARTMENT OF JUSTICE

7-1 The comment is noted and will be made available to the IEUA decision-makers as part of the Final EIR package prior to a decision on the proposed project.

7-2 Your comment is noted and all instances in the DSEIR in which Chino Institute for Men or CIM are utilized have been corrected in the FSEIR with the correct term: California Institute for Men (CIM).

7-3 The commenter is correct as to how the 340,000 af threshold was established. This seems like a simple enough request that can be accommodated in the document. The 2020 SMP includes the requested analysis of MPI in comment items (a) through (c), and as such can be mitigated through implementation of MMs **HYD-1** through **HYD-11** (refer to pages 4-197 through 4-201 of the DSEIR). These measures will ensure that Watermaster will utilize the Basin model to form a basis from which to determine (1) whether future OBMPU projects would result in: (a) loss of pumping sustainability, (b) subsidence, (c) potential reduction in net recharge and impacts to Safe Yield, (d) potential adverse impacts to Hydraulic Control, and/or (e) potential degradation of water quality, and (2) enable Watermaster and the Implementing Agency for a given project to respond with appropriate mitigation based on utilization of the model.

7-3 cont'd

minimum, requirements for Watermaster to (a) conduct an MPI analysis at least five years before the aggregate amount of managed storage by the Parties is projected to fall below 340,000 af; (b) prepare a report that describes its analysis and conclusions regarding potential MPI to the basin; and (c) develop and implement measures to mitigate MPI caused by removal of managed storage below the 340,000 af threshold.

Use of CIM Property

Page 3-58 of the DSEIR identifies a potential project for a new diversion structure, booster pump stations, pipelines and storage basin at CIM. According to the DSEIR, "the new storage basin…could have an estimated area between 50 and 100 acres, although its capacity and the amount of surface water diverted is unknown at this time. The proposed new storage basin will require conveyance facilities that include up to 60,000 linear feet of pipelines and presently an unknown number, locations and capacities of booster pump stations, basins and related appurtenances."

7-4

The California Department of Corrections and Rehabilitation (CDCR) recognizes that the DSEIR is a Program Level Environmental Impact Report and not an approval document to construct a storage basin, conveyance facilities, booster pump stations, and associated pipelines at CIM. However, CDCR is not aware of such a project and has not been approached to discuss such a project. A storage basin of this magnitude would require another Tier of California Environmental Quality Act analysis, and CDCR has general concerns with any proposed physical improvements within the boundaries of CIM in light of the fact this is an operating correctional facility. Additional study and consultation with CDCR will be required to determine if CDCR could ultimately support construction of these improvements at CIM. Therefore, this is not a forseeable project at this time.

The Agricultural Pool

Page 3-72 of the DSEIR identifies the "State of California, California Institut[ion] for Men," "State of California, Department of Conservation," and "State of California, Department of Justice," as public entity members of the Agricultural Pool. This is inconsistent with the Restated Judgment's expansive definition of the State of California as a member of the

7-5

Agricultural Pool. (See Restated Judgment, p. 7, ¶ 10 ["all future production by the State or its departments or agencies for overlying use on State-owned lands shall be considered as agricultural pool use."].) Accordingly, Section 3.7 should simply identify the "State of California."

The County of San Bernardino is another public entity member of the Agricultural Pool, but it was omitted from your list.

7-4 The Chino Basin Watermaster identified a list of potential areas within the Chino Basin that would be large enough to accommodate future storage basins. IEUA and Watermaster understand that there is no agreement in place to develop within the CIM facility, and will consult with the CDCR, should IEUA, Watermaster, or stakeholder seek to develop the storage basin at the CIM facility. Additionally, IEUA and Watermaster understand that a specific proposal must be submitted to, renewed by, and approved by the CDCR before such a project can be considered at the CIM.

7-5 IEUA hereby corrects the record to state only “State of California” under the Agricultural Pool, 2019* on page 3-72 of the DSEIR in accordance with the corrections and clarifications made in this comment. Note that the County of San Bernardino was included in the DSEIR Appendix 1, List of Pools under Agricultural Pool, as such it is acknowledged that the County of San Bernardino is part of the 2020 Agricultural Pool.

7-6 Further, this section of the DSEIR states that Appendix 1 lists "all Agricultural Pool participants." However, Appendix 1 only lists members of the Agricultural Pool Committee, not all of its constituent members.

7-7 Thank you for the opportunity to comment of the DSEIR. As a stakeholder and landowner, the State of California considers local and regional environmental issues to be a priority as the need for water as a consumable commodity and the use, conveyance, and disposal thereof impacts CDCR's institutions. The State looks forward to a continued collaboration with the Chino Basin Watermaster, the County of San Bernardino, and IEUA, all of whom continue asset use at CIM through monitoring well agreements or rights of entry (including use by California Polytechnic University, Pomona to dispose of effluent on CIM property – a combination of both CIM and IEUA wastewater).

Please feel free to contact me if you have any questions.

Sincerely,

/S/ Carol A.Z. Boyd

CAROL A. Z. BOYD
Deputy Attorney General

For XAVIER BECERRA
Attorney General

CAZB: Self

cc: Michael Beaber, Associate Director, Facility Planning, Construction and Management, CDCR
Tamer Ahmed, Associate Director, Facility Planning, Construction and Management, CDCR
Peter Connelly, Senior Environmental Planner, CDCR
Dean L. Borg, Director, Facility Planning, Construction and Management, CDCR
Robert Feenstra, Chair, Agricultural Pool

7-6 Your comment is noted and IEUA hereby corrects the record in accordance with the corrections and clarifications made in this comment to clarify that Appendix 1 lists all members of the Agricultural Pool Committee, not all of its constituent members.

7-7 The comment is noted and will be made available to the IEUA decision-makers as part of the Final EIR package prior to a decision on the proposed project. IEUA has attempted to provide good faith, reasoned responses as required by CEQA (Section 15088). IEUA and Watermaster also look forward to a continued relationship with the CDCR.

OBMPU MITIGATION MONITORING AND REPORTING PROGRAM

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

INITIAL STUDY MITIGATION MEASURES

Mitigation Measure	Implementation Schedule	Verification
Aesthetics		
AES-1: Proposed facilities shall be designed in accordance with local design standards and integrated with local surroundings. Landscaping shall be installed in conformance with local landscaping design guidelines as appropriate to screen views of new facilities and to integrate facilities with surrounding areas.	The measure shall be incorporated into individual project design specifications, which shall be included in the construction contract as a contract specification and implemented by the contractor during construction.	A copy of the construction contract including this aesthetic mitigation measure shall be retained in the project file(s). Verification of implementation shall be based on field inspections by the Implementing Agency.[1] Field notes documenting verification shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Aesthetics		
AES-2: The Mills Wetland Storage Basin Project shall be designed to include landscaping commensurate with the existing pastoral setting that exists at this site at present. **The Implementing Agency shall utilize existing photos of the Mills Wetlands prior to construction to develop a landscape plan that the Implementing Agency and/or Watermaster deem acceptable as "commensurate with the existing pastoral setting."**	The measure shall be incorporated into individual project design specifications, which shall be included in the construction contract as a contract specification and implemented by the contractor during construction.	A copy of the construction contract including this aesthetic mitigation measure shall be retained in the project file(s). The landscape plan shall also be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes documenting verification shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

[1] "Implementing Agency" as used throughout this Mitigation Monitoring and Reporting Program refers to the lead agency implementing a project under the Optimum Basin Management Program Update (e.g., the Inland Empire Utilities Agency (IEUA), Chino Basin Watermaster (Watermaster), or Watermaster Stakeholders).

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Aesthetics		
AES-3: Future regional groundwater treatment facilities and other proposed facilities defined within the OBMPU at unknown locations shall either (1) Be located outside of scenic viewsheds identified in the General Plan or Municipal Code corresponding to a proposed location for a future facility, or (2) Undergo subsequent CEQA documentation to assess potential impacts from locating a future facility in an area that may contain scenic resources.	When groundwater treatment facilities and other proposed facilities defined within the OBMPU are being considered, the agency implementing the facility shall conduct the required evaluation of interference with locally identified scenic viewsheds prior to final site selection. Where scenic viewsheds cannot be avoided, any subsequent CEQA evaluation shall be prepared and processed prior to final site selection by the Implementing Agency.	The scenic viewshed evaluation shall be retained in the project file. Where a CEQA document is prepared and processed, a copy of the environmental document shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Aesthetics		
AES-4: Should the removal of trees be required for a specific project, the Implementing Agency shall comply with the local jurisdiction's tree ordinance, municipal code, or other local regulations. If no tree ordinance exists within the local jurisdiction, and a project will remove healthy trees as defined by a qualified arborist, (1) the Implementing Agency shall replace all trees removed at a 1:1 ratio, and (2) The specific location selected for a well shall avoid rock outcroppings and other scenic resources **as defined in CEQA Guidelines Appendix G.** If this cannot be accomplished a second tier CEQA evaluation shall be completed.	The measure shall be incorporated into individual project design specifications, which shall be included in the construction contract as a contract specification and implemented by the contractor during construction. Where required, the subsequent CEQA documentation shall be prepared prior to initiation of construction.	Where a CEQA document is prepared and processed, a copy of the environmental document shall be retained in the project file. A copy of the construction contract including this aesthetic mitigation measure shall be retained in the project file(s). Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes documenting verification shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Aesthetics		
AES-5: Future proposed facilities defined within the OBMPU at unknown locations shall either (1) Be located within sites that avoid rock outcroppings and other scenic resources **as defined in CEQA Guidelines Appendix G**, or (2) Undergo subsequent CEQA documentation to assess potential impacts from locating a future facility in an area that may contain scenic resources.	When sites for OBMPU facilities are being considered, the agency implementing the facility shall conduct the required evaluation of conflict with locally identified scenic resources prior to final site selection. Where scenic resources cannot be avoided, any subsequent CEQA evaluation shall be prepared and processed prior to final site selection by the Implementing Agency.	The scenic resources evaluation shall be retained in the project file. Where a CEQA document is prepared and processed, a copy of the environmental document shall be retained in the project file. Field notes documenting the scenic resources evaluation shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Aesthetics		
AES-6: OBMPU facility implementation will conform with design requirements established in the local jurisdiction planning documents, including but not limited to the applicable zoning code, except where such ~~**requirements conflict with the purpose or function of such facilities**~~ **compliance is not required by California law**.	The measure shall be incorporated into individual project design specifications, which shall be included in the construction contract as a contract specification and implemented by the contractor during construction.	A copy of the construction contract including locally consistent design requirements shall be retained in the project file(s). Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes documenting verification shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Aesthetics AES-7: When OBMPU aboveground facilities are constructed in the future, the local agency design guidelines for the project site shall be followed to the extent that they do not conflict with the engineering and budget constraints established for the facility **and except where such compliance is not required by California law.**	When future OBMPU aboveground facilities are being considered, the agency implementing the facility shall conduct the required evaluation of local design guidelines prior to approval of final design. The local design guidelines shall be incorporated into individual project design specifications, which shall be included in the construction contract as a contract specification and implemented by the contractor during construction.	The local design guideline evaluation shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes documenting verification shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Aesthetics AES-8: Future OBMPU projects shall implement **at least** the following **measures, unless they conflict with the local jurisdiction's light requirements, in which case the local jurisdiction's requirements shall be enforced**: • Use of low-pressure sodium lights where security needs require such lighting to minimize impacts of glare; Projects within a 45-mile radius of the Mount Palomar Observatory and located within Riverside County must adhere to special standards set by the County of Riverside relating to the use of low-pressure sodium lights. • The height of lighting fixtures shall be lowered to the lowest level consistent with the purpose of the lighting to reduce unwanted illumination. • Directing light and shielding shall be used to minimize off-site illumination. • No light shall be allowed to intrude into sensitive light receptor areas.	The measure shall be incorporated into individual project design specifications, which shall be included in the construction contract as a contract specification and implemented by the contractor during construction.	A copy of the construction contract including this aesthetic mitigation measure shall be retained in the project file(s). Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes documenting verification shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Agriculture and Forestry Resources		
AGF-1 For all proposed facilities in the southern portion of the Chino Basin (south of SH 60), the potential for impact to Important Farmlands **(Prime Farmland, Farmland of Statewide Importance, or Unique Farmland)** shall be determined prior to final site selection. If important farmland cannot be avoided and individually exceeds 5 acres or cumulatively exceeds 10 acres of important farmland lost to agricultural production over the life of the program, the agency implementing the project shall ~~**purchase**~~ **provide** compensatory mitigation in the form of comparable important farmland permanently conserved in either a local or State- approved important farmland mitigation bank at a mitigation ratio of 1:1. The acquisition of this compensatory mitigation shall be completed within one year of initiating construction of the proposed facility and verification shall be documented with the Chino Basin Watermaster.	The measure shall be incorporated into individual project design specifications. Where applicable, compensatory mitigation shall be acquired within one year of initiating construction of the proposed facility.	The agency proposing a new OBMPU facility in the southern Chino Basin shall submit important farmland documentation to the Watermaster prior to initiating construction. If mitigation is required, a copy of the compensatory mitigation certification shall be retained in the project file(s) and made available to the Watermaster.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Agriculture and Forestry Resources		
AGF-2 For all proposed facilities in the southern portion of the Chino Basin (south of SH 60), the potential for impact to Important Farmlands **(Prime Farmland, Farmland of Statewide Importance, or Unique Farmland)** shall be determined prior to final site selection. If Important Farmland cannot be avoided and individually exceeds 5 acres or cumulatively exceeds 10 acres of Important Farmland lost to agricultural production over the life of the program, the agency implementing the project shall relocate and avoid the site, or alternatively the agency shall conduct a California Land Evaluation and Assessment (LESA) model evaluation. If the evaluation determines the loss of Important Farmland will occur, the agency shall ~~**purchase**~~ **provide** compensatory mitigation in the form of comparable Important Farmland permanently conserved in either a local or State-approved Important Farmland mitigation bank at a mitigation ratio of 1:1. The acquisition of this compensatory mitigation shall be completed within one year of initiating construction of the proposed facility and verification shall be documented with the Chino Basin Watermaster.	Potential impacts to important farmlands shall be determined prior to final site selection. The measure shall be incorporated into individual project design specifications. The LESA shall be prepared prior to construction. Where applicable, compensatory mitigation shall be acquired within one year of initiating construction of the proposed facility.	The agency proposing a new OBMPU facility in the southern Chino Basin shall submit important farmland documentation to the Watermaster prior to initiating construction. If mitigation is required, a copy of both the LESA and the compensatory mitigation certification shall be retained in the project file(s).
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Agriculture and Forestry Resources		
AGF-3 For all proposed facilities that may impact riparian woodland/forest land in the portion of the Chino Basin (SH 60), the potential for impact**s to riparian woodland/**forest land shall be determined prior to final site election. If important forest land cannot be avoided and permanently will exceed 5 acres in area, the agency implementing the project shall relocate and avoid the site, or alternatively the agency shall conduct an evaluation to determine if it qualifies with the State definition of "forest land." If the evaluation determines the permanent loss of important forest land will occur, the agency shall ~~**purchase**~~ **provide** compensatory mitigation in the form of comparable forest land permanently conserved in either a local or State-approved important forest land mitigation bank at a mitigation ratio of 1:1. Alternatively, the agency may carry out a forest land creation program at a 1:1 ratio for comparable woodland. The acquisition or creation of this compensatory mitigation shall be completed/initiated within one year of initiating construction of the proposed facility and verification shall be documented with the Chino Basin Watermaster.	The potential for impacts to riparian woodland/forest land shall be determined prior to final site selection. The measure shall be incorporated into individual project design specifications. Where applicable, compensatory mitigation shall be acquired, in accordance with the measures schedule.	The agency proposing a new OBMPU facility in the southern Chino Basin shall submit important farmland documentation to the Watermaster prior to initiating construction. If mitigation is required, a copy of the compensatory mitigation certification shall be retained in the project file(s).
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Geology and Soils		
GEO-1 If a specific project is proposed within a designated Alquist-Priolo Fault Zone, the facility shall be relocated, if possible. If relocation is not possible, the project shall be designed in accordance with the **California Building Code** (CBC) and according to the recommendations generated by a project specific geotechnical study. If the project specific geotechnical study cannot mitigate potential seismic related impacts, then a second tier CEQA evaluation shall be completed.	Where applicable, the geotechnical study shall be completed prior to completion of final design, as should the subsequent CEQA documentation, if required. The measures generated in the geotechnical investigation shall be incorporated into individual project design specifications, which shall be included in the construction contract as a contract specification and implemented by the contractor during construction.	A copy of the geotechnical investigation shall be retained in the project file. Where applicable, a copy of the subsequent CEQA documentation for the individual project shall be retained in the project file. A copy of the construction contract including this geology/soils mitigation measure shall be retained in the project file(s). Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes documenting verification shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Geology and Soils		
GEO-2 Prior to construction of each improvement, a design-level geotechnical investigation, including collection of site-specific subsurface data, if appropriate, shall be completed. The geotechnical evaluation shall identify all potential seismic hazards including fault rupture, and characterize the soil profiles, including liquefaction potential, expansive soil potential, subsidence, and landslide potential. The geotechnical investigation shall recommend site-specific design criteria to mitigate for seismic and non-seismic hazards, such as special foundations and structural setbacks, and these recommendations shall be incorporated into the design of individual proposed projects.	The geotechnical study shall be completed prior to completion of facility design. The measures generated in the geotechnical investigation shall be incorporated into individual project design specifications, which shall be included in the construction contract as a contract specification and implemented by the contractor during construction.	A copy of the geotechnical investigation shall be retained in the project file(s). A copy of the construction contract including this geology/soils mitigation measure shall be retained in the project file(s). Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes documenting verification shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Geology and Soils		
GEO-3: For each well development or other OBMPU project that is less than one acre in size requiring ground disturbing activities such as grading, the Implementing Agency shall identify best management practices (BMPs, such as hay bales, wattles, detention basins, silt fences, coir rolls, etc.) to ensure that the discharge of the storm runoff from the construction site does not cause erosion downstream of the discharge point. If any substantial erosion or sedimentation occurs as a result of discharging storm water from a project construction site, any erosion or sedimentation damage shall be restored to pre-discharge conditions.	The BMPs identified pursuant to this measure, and the requirement that substantial erosion or sedimentation be restored to pre-discharge conditions shall be included in the construction contract as a contract specifi-cation and implemented by the contractor during construction.	A copy of the construction contract including this geology/soils mitigation measure shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes documenting verification shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Geology and Soils		
GEO-4: For project-level development involving ground disturbance, a qualified paleontologist shall be retained to determine the necessity of conducting a study of the project area(s) based on the potential sensitivity of the project site for paleontological resources. If deemed necessary, the paleontologist shall conduct a paleontological resources inventory designed to identify potentially significant resources. The paleontological resources inventory would consist of: a paleontological resource records search to be conducted at the San Bernardino County Museum and/or other appropriate facilities; a field survey or monitoring where deemed appropriate by the paleontologist; and recordation of all identified paleontological resources. **Treatment of any discovered paleontological resources shall follow the Phasing and corresponding actions identified under MM CUL-2.**	The paleontologist shall be retained and the recommendation to conduct a study shall be completed prior to site selection and any study shall be completed prior to initiating construction. Any recordation of identified paleontological resources shall occur during construction. Any reports documenting management and findings for accidentally exposed resources shall be completed within one year of the discovery.	A copy of the site paleontological evaluation shall be retained in the project file. A copy of initial findings shall be provided to the Watermaster or Watermaster Stakeholders/Implementing Agencies and retained in the project file(s). A copy of the final report shall be retained in the project file(s).
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Hazards and Hazardous Materials		
HAZ-1: For OBMPU facilities that handle hazardous materials or generate hazardous waste, the **Hazardous Materials** Business Plan prepared and submitted to the **Certified Unified Program Agency** shall incorporate best management practices designed to minimize the potential for accidental release of such chemicals **and will meet the standards required by California law for Hazardous Materials Business Plans.** The facility managers shall implement these measures to reduce the potential for accidental releases of hazardous materials or wastes. **The Hazardous Materials Business Plan shall be approved prior to operation of the given facility.**	The Business Plan shall be completed prior to operation of an individual facility.	A copy of the Business Plan shall be retained in the project file and shall be submitted to the City or County for their records. This Plan shall be retained at the Project site and made available to employees working at the facility. Site inspections shall be performed to ensure compliance with the best management practices outlined in the Business Plan.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Hazards and Hazardous Materials		
HAZ-2: The **Hazardous Materials** Business Plan shall assess the potential accidental release scenarios and identify the equipment and response capabilities required to provide immediate containment, control and collection of any released **hazardous** material. ~~**Adequate funding shall be provided to acquire the**~~ **Prior to issuance of the certificate of occupancy, each facility shall satisfy the Implementing Agency that** necessary equipment~~,~~ **has been installed and** train**ing of** personnel **has occurred** in responses and to obtain sufficient resources to control and prevent the spread of any accidentally released hazardous or toxic materials.	The Business Plan shall be completed prior to operation of an individual facility.	A copy of the Business Plan shall be retained in the project file. This Plan shall be retained at the Project site and made available to employees working at the facility. Site inspections shall be performed to ensure adequate equipment has been provided and personnel have been adequately trained in accordance with the Business Plan.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Hazards and Hazardous Materials		
HAZ-3: ~~**For the**~~ **Prior to issuing the certificate of occupancy for any** storage of any acutely hazardous material at an OBMPU facility, such as chlorine gas, modeling of pathways of release and potential exposure of the public to any released material shall be completed and specific measures, such as secondary containment, shall be implemented **to the satisfaction of the Implementing Agency** to ensure that sensitive receptors will not be exposed to significant health threats based on the toxic substance involved.	The modeling shall be completed prior to operation of a given proposed facility and measures to protect sensitive receptors implemented during construction.	A copy of the results of the modeling and any measures developed to minimize accidental exposure to hazardous materials shall be retained in the Project file. Site inspections shall be performed to ensure the proper procedures pertaining to storage and handling of acutely hazard waste are adhered to.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Hazards and Hazardous Materials		
HAZ-4: All hazardous contaminated material shall be delivered to a licensed treatment, disposal or recycling facility ~~**that has the appropriate systems to manage the contaminated material without significant impact on the environment**~~ **and be disposed of in accordance with California and federal law**.	This measure shall be included in the construction contract as a contract specification and implemented by the contractor during construction. Additionally, this measure shall be implemented ongoing during operation.	A copy of the construction contract including this hazards mitigation measure shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes documenting verification shall be retained in the project file. During operations, records shall be kept documenting all hazardous waste disposal and site inspections by the Implementing Agency shall be performed to ensure adherence to this measure.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Hazards and Hazardous Materials		
HAZ-5: Before determining that an area contaminated as a result of an accidental release is fully remediated, specific thresholds of acceptable clean-up shall be established and sufficient samples shall be taken within the contaminated area to verify that these clean-up thresholds have been met **in compliance with state and federal law**.	This measure shall be implemented following an accidental spill of any hazardous material at an OBMPU facility.	A copy of the specific threshold used for a spill shall be retained in the project file, and a copy of the sample test data verifying clean-up of the site shall also be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Hazards and Hazardous Materials		
HAZ-6: Vector management plans shall be prepared and use of pesticides shall be reviewed and coordinated with the West Valley Mosquito and Vector Control District for approval prior to implementing vector control at any of the new or expanded storage basins. All pesticides shall be applied in accordance with State and label requirements to minimize potential for residual concentrations that may be considered adverse to public health and water quality.	This measure shall be included in the O&M contract as a contract specification and implemented by the contractor during vector control activities. Additionally, the Vector Management Plans shall be completed prior to operation of an individual facility.	A copy of the Vector Management Plans shall be retained in the project file(s). The Implementing Agency shall retain copies of correspondence with vector control agencies. Site inspections by the Implementing Agency shall be performed to ensure adherence to this measure.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Hazards and Hazardous Materials		
HAZ-7: All accidental spills or discharge of hazardous material during construction activities shall be reported to the ~~**County Fire Department**~~ **Certified Unified Program Agency** and shall be remediated in compliance with applicable state and local regulations regarding cleanup and disposal of the contaminant released. The contaminated waste will be collected and disposed of at ~~**an appropriately**~~ **a** licensed disposal or treatment facility. This measure shall be incorporated into the SWPPP prepared for each future facility developed under the OBMPU ~~**PEIR**~~ **SEIR**. Prior to accepting the site as remediated, the area contaminated shall be tested to verify that any residual concentrations meet the standard for future residential or public use of the site.	This measure shall be included in the construction contract as a contract specification and implemented by the contractor during construction, and shall be included as a measure in the SWPPP.	A copy of the SWPPP and construction contract shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes documenting verification shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Hazards and Hazardous Materials		
HAZ-8: Prior to final site selection for future OBMPU facilities, the Implementing Agency shall obtain a Phase I Environmental Site Assessment (ESA) for the selected site. If a site contains contamination the agency shall either avoid the site by selecting an alternative location or shall remove any contamination (remediate) at the site to a level of concentration that eliminates hazard to employees working at the site and that will not conflict with the installation and future operation of the facility. For sites located on agricultural land, this can include soil contaminated with unacceptable concentrations of pesticides or herbicides that shall be remediated through removal or blending to reduce concentrations below thresholds of significance established for the particular pesticide or herbicide **in compliance with California and federal law**.	The Phase I shall be completed prior to initiation of construction. Where applicable, site remediation shall be included as part of the construction contract for each individual project.	A copy of the Phase I shall be retained in the project file(s). A copy of the construction contract including this hazards mitigation measure shall be retained in the project file(s). Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes documenting verification shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Hazards and Hazardous Materials		
HAZ-9: Should an unknown contaminated site be encountered during construction of OBMPU facilities, all work in the immediate area shall cease; the type of contamination and its extent shall be determined; and the local ~~CUPA~~ **Certified Unified Program Agency** and other regulatory agencies (such as the DTSC or Regional Board) shall be notified. Based on investigations of the contamination, the site may be closed and avoided or the contaminant(s) shall be remediated to a threshold acceptable to the **Certified Unified Program Agency** ~~CUPA~~ or other regulatory agency threshold and any contaminated soil or other material shall be delivered to an authorized treatment or disposal site.	This measure shall be included in the construction contract as a contract specification and implemented by the contractor during construction.	A copy of the construction contract including this hazards mitigation measure shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes documenting verification shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Hazards and Hazardous Materials		
HAZ-10: Prior to finalizing site selection of an OBMPU facility with**in** an airport safety zone, input from the affected airport management entity shall **be** solicited. For projects within airport safety zones, facility design shall follow the guidelines of the appropriate airport land use **compatibility** plan ~~**to the extent feasible**~~. If ~~**legitimate safety hazards are**~~ **a potential conflict with an airport land use compatibility plan is** identified, the Implementing Agency shall relocate the facility outside the area of conflict ~~**if feasible**~~, or if the site is deemed essential, the Implementing Agency shall propose an alternative design that reduces any conflict to a less than significant level of conflict. As an example, a pump station or reservoir could be installed below ground instead of above ground.	The input from the Airport shall be obtained prior to finalizing site selection. Specific mitigation shall be included in the construction contract as a contract specification and implemented by the contractor during construction.	A copy of the Airport input and all correspondence with Airport management agencies shall be retained in the project file. If a facility must be installed within an Airport safety zone, a copy of the construction contract including this hazards mitigation measure shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes documenting verification shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Hazards and Hazardous Materials		
HAZ-11: Prior to initiating construction of proposed facilities, the Implementing Agency shall prepare and implement a Traffic Control Plan that contains comprehensive strategies for maintaining emergency access. Strategies shall include, but are not limited to, maintaining steel trench plates at the construction sites to restore access across open trenches and identification of alternate routing around construction zones. In addition, police, fire, and other emergency service providers **(local agencies, Caltrans, and other service providers)** shall be notified of the timing, location, and duration of the construction activities and the location of detours and lane closures. The Implementing Agency shall ensure that the Traffic Control Plan and other construction activities are consistent with the San Bernardino County Operational Area Emergency Response Plan, and are reviewed and approved by the local agency with authority over the roadways.	This measure shall be included in the construction contract as a contract specification and implemented by the contractor during construction. The Traffic Control Plan shall be developed prior to initiation of construction.	A copy of the Traffic Control Plan shall be retained in the project file(s). Verification of implementation shall be based on field inspections by the Implementing Agency. Additionally, where applicable, correspondence with Caltrans, and/or the corresponding County or City traffic management division shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Hazards and Hazardous Materials		
HAZ-12: ~~During~~ **Prior to** construction of facilities located in areas designated as High or Very High Fire Hazard Severity Zones (VHFHSZs) by CAL FIRE, fire hazard reduction measures shall be ~~implemented and~~ incorporated into a fire management plan for the proposed facility**, and shall be implemented during construction**. These measures shall address all staging areas, welding areas, or areas slated for development that are planned to use spark-producing equipment. These areas shall be cleared of dried vegetation or other material that could ignite. Any construction equipment that includes a spark arrestor shall be equipped with a spark arrestor in good working order. During the construction of the project facilities, all vehicles and crews working at the project site **shall** ~~to~~ have access to functional fire extinguishers at all times. In addition, construction crews shall have a spotter during welding activities to look out for potentially dangerous situations, including accidental sparks. This plan shall be reviewed by **the Implementing Agency and** CALFIRE and approved prior to construction within high and very high severity zones and implemented once approved. The fire management plan shall also include sufficient defensible space or other measures at a facility site located in a high or very high fire severity area to minimize fire damage to a level acceptable to the **Implementing Agency** ~~CALFIRE~~. ~~**Furthermore, the Counties of Riverside and San Bernardino require businesses that use or store certain quantities of hazardous materials and submit a Hazardous Materials Business Plan (HMBP) that describes the hazardous materials usage, storage, and disposal to the Certified Unified Program Agency (CUPA). Further OBMPU facilities that meet these criteria must prepare an HMBP pursuant to the applicable local agency.**~~	The input from CAL FIRE shall be obtained and the Fire Management Plan developed prior to initiating construction. This measure shall be included in the construction contract as a contract specification and implemented by the contractor during construction.	A copy of the Fire Control Plan shall be retained in the project file(s). Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes documenting verification shall be retained in the project file. During operations, records shall be kept documenting compliance with this measure; site inspections by Implementing Agencies inspection personnel shall be performed to ensure adherence to this measure.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Land Use / Planning		
LU-1: Following selection of sites for future OBMPU-related facilities, each site and associated facility shall be evaluated for potential incompatibility with adjacent existing or proposed land uses. Where future facility operations can create significant incompatibilities (lighting, noise, use of hazardous materials, traffic, etc.) with adjacent uses, an alternative site shall be selected, or subsequent CEQA documentation shall be prepared that identifies the specific measures that will be utilized to reduce potential incompatible activities or effects to below significance thresholds established in the general plan for the jurisdiction where the facility will be located.	Site evaluation should be completed by the Implementing Agency during site selection, prior to construction. Where applicable, subsequent CEQA documentation shall be completed prior to initiation of construction. The measures generated in the subsequent CEQA documentation shall be incorporated into individual project design specifications, which shall be included in the construction contract as a contract specification and implemented by the contractor during construction.	Correspondence related to site selection shall be retained in the project file(s). Where applicable, a copy of the subsequent CEQA documentation for the individual project shall be retained in the project file. A copy of the construction contract including any land use related measures generated by the subsequent CEQA documentation (where applicable) shall be retained in the project file(s). Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes documenting verification shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Mineral Resources		
MR-1: For each new groundwater treatment facility (regionally located or near existing well sites), Flood MAR facility, and MS4 compliance sites, the Implementing Agency shall locate these facilities outside of sites designated for the extraction of or as containing significant mineral resources (such as, located within MRZ-2 zones) or otherwise identified by the local jurisdiction as containing important mineral resources (such as, designated by the local general plan as being located within a mineral extraction related land use). Where it is not feasible to locate such facilities outside of sites designated for mineral resources, a subsequent CEQA documentation shall be prepared that identifies specific measures that compensate for the loss of mineral resources.	Site evaluation should be completed by the Implementing Agency during site selection, prior to construction. Where applicable, subsequent CEQA documentation shall be completed prior to initiation of construction.	Correspondence related to site selection shall be retained in the project file(s). Where applicable, a copy of the subsequent CEQA documentation for the individual project shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes documenting verification shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Noise NOI-1: The ~~**Watermaster and/or**~~ Implementing Agency shall implement the following measures during construction: • Include design measures ~~**where feasible**~~ to reduce the construction noise levels if necessary to comply with local noise ordinances**, or seek a variance from local noise ordinance if otherwise not feasible to comply**. These measures may include, but are not limited to, the erection of noise barriers/curtains, use of advanced or state-of-the-art mufflers on construction equipment, and/or reduction in the amount of equipment that would operate concurrently at the construction site. • Place noise and groundborne vibration-generating construction activities whose specific location on a construction site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) as far as possible from the nearest noise- and vibration-sensitive land uses such as residences, schools, and hospitals. • Minimize the effects of equipment with the greatest peak noise generation potential via shrouding or shielding to the extent feasible. Examples include the use of drills, pavement breakers, and jackhammers. • Locate stationary construction noise sources as far from adjacent noise-sensitive receptors as possible, and require that these noise sources be muffled and enclosed within temporary sheds, insulation barriers if necessary, to comply with local noise ordinances. • Provide noise shielding and muffling devices on construction equipment per the manufacturer's specifications. • If construction is to occur near a school, the construction contractor shall coordinate the with school administration in order to limit disturbance to the campus. Efforts to limit construction activities to non-school days shall be encouraged. • For major construction projects, identify a liaison for surrounding residents and property owners to contact with concerns regarding construction noise and vibration. The liaison's telephone number(s) shall be prominently displayed at construction locations. • For major construction projects, notify in writing all landowners and occupants of properties adjacent to the construction area of the anticipated construction schedule at least two weeks prior to groundbreaking.	This measure shall be included in the construction contract as a contract specification and implemented by the contractor during construction.	A copy of the construction contract including this noise mitigation measure shall be retained in the project file. Verification of implementation shall be based on field inspections by Watermaster and/or the Implementing Agency. Field notes documenting verification shall be retained in the project file.

Mitigation Measure	Implementation Schedule	Verification
• Construction activities shall occur within the hours considered to be acceptable for construction by the applicable jurisdiction within which an individual project is constructed, except for activities, such as well drilling which are continuous, and for emergencies. Where no such restrictions are in place that limit hours of construction, construction shall be limited to the hours of 7 AM and 6 PM on weekdays, 8 AM and 5 PM on Saturdays, and at no time shall construction activities occur on Sundays or holidays, unless a declared emergency exists.		
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Noise		
NOI-2: The ~~**Watermaster and/or**~~ Implementing Agency shall require that all OBMPU-related aboveground facilities that include stationary noise generating equipment (such as emergency generators, blowers, pumps, motors, etc.) to minimize their audible noise levels by locating equipment away from noise-sensitive receptor areas, installing proper acoustical shielding for the equipment, and incorporating the use of parapets into building design to meet the applicable City or County noise level requirements at neighboring property lines.	This measure shall be included in the construction contract as a contract specification and implemented by the contractor during construction.	A copy of the construction contract including this noise mitigation measure shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes documenting verification shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Noise		
NOI-3: ~~**For**~~ **Prior to authorizing** construction activities during non-standard working hours, or hours that are not exempt from compliance with applicable City or County noise ordinances (e.g., 24-hour well drilling), the ~~**Watermaster and/or**~~ Implementing Agency will secure a noise waiver from the appropriate jurisdiction ~~**if available**~~.	This measure shall be included in the construction contract as a contract specification and implemented by the contractor during construction. The noise waiver shall be obtained prior to construction.	A copy of the noise waiver and the construction contract including this noise mitigation measure shall be retained in the project file. Verification of implementation shall be based on the construction permit issued by the Implementing Agency. Field notes documenting verification shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Noise		
NOI-4: Injection and extraction wells shall be located as far from sensitive receptors as feasible. If new wells are to be constructed in the immediate vicinity of sensitive receptors, construction specification requirements shall include installation and maintenance of a temporary noise barrier (e.g. engineered sound wall or noise blanket) during 24-hour construction activities~~**, to the extent feasible**~~ if necessary to comply with local noise ordinances. Specifications shall include use of appropriate materials that shall be installed to a height that intercepts the line of sight between the construction site and sensitive receptors in order to achieve maximum attenuation in an attempt to decrease construction area noise to as close as ambient noise levels as possible. Furthermore, where new wells are located adjacent to sensitive receptors, wells and any other associated noise generating facilities (i.e. associated treatment facilities, pumps, generators, etc.) shall be enclosed within a structure to attenuate noise to ~~**an acceptable level**~~ **comply with the applicable noise threshold** at the nearest sensitive receptor.	This measure shall be incorporated into the final design once a site has been selected for a well, and shall be included in the construction contract as a contract specification and implemented by the contractor during construction.	A copy of the construction contract including this noise mitigation measure shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes documenting verification shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Noise		
NOI-5: The ~~**Watermaster and/or**~~ Implementing Agency shall require the construction contractor(s) to implement the following measures: • Ensure that the operation of construction equipment that generates high levels of vibration including, but not limited to, large bulldozers, loaded trucks, pile-drivers, vibratory compactors, and drilling rigs, is minimized **to below the local jurisdiction's acceptable level of vibration, or where no level has been established, 72 vibration decibels (VdB),** within 45 feet of existing residential structures and 35 feet of institutional structures (e.g., schools) during construction of the various OBMPU projects. Use of small rubber-tired bulldozers shall be enforced within these areas during grading operations to reduce vibration effects. • The construction contractor for any individual OBMPU project shall provide signs along the roadway identifying a phone number for adjacent property owners to contact with any complaint. During future construction activities for any individual OBMPU project with heavy equipment within 300 feet of occupied residences, vibration field tests shall be conducted at the property line near the nearest occupied residences. ~~**To the extent feasible,**~~ If vibrations exceed 72 VdB, the construction activities shall be revised to reduce vibration below this threshold. These measures may include, but are not limited to the following: use different construction methods, slow down construction activity, or other mitigating measures to reduce vibration at the property from where the complaint was received.	This measure shall be included in the construction contract as a contract specification and implemented by the contractor during construction.	A copy of the construction contract including this noise mitigation measure shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes documenting verification shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Noise NOI-6: Where an OBMPU project would be constructed adjacent to an existing or potential historic building, the ~~**Watermaster and/or**~~ Implementing Agency shall require, through contract specifications, a certified structural engineer to be retained to submit **a report documenting** evidence that the operation of vibration-generating equipment associated with the construction activities would not result in any structural damage to the adjacent historic building **prior to construction commences**. Contract specifications shall be included in the construction documents for the applicable OBMPU project development.	This measure shall be included in the construction contract as a contract specification and implemented by the contractor during construction.	A copy of the construction contract including this noise mitigation measure shall be retained in the project file. Results of the findings of the structural engineer shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes or reports documenting verification shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Noise NOI-7: Where an OBMPU project would be constructed within 2 miles of a public airport, any new indoor facilities should be ~~**retrofitted**~~ **designed as documented by a professional noise technical study,** to minimize noise to a level that is within OSHA's permissible exposure limit (PEL). Employees working outside at an OBMPU project, either during construction or operation, shall be provided with ear protection to minimize noise to a level that is below OSHA's PEL to be utilized during periods of excessive noise caused by any aircraft overflights.	This measure shall be included in the construction contract as a contract specification and implemented by the contractor during construction. Additionally, this measure shall be implemented ongoing during operation.	A copy of the construction contract including this noise mitigation measure shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes documenting verification shall be retained in the project file. During operations, site inspections by Implementing Agency inspection personnel shall be performed to ensure adherence to this measure.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Population and Housing		
POP-1: If future OBMPU facilities must be located on parcels occupied by existing housing **and displaces that housing as a result**, the ~~**proponent of the facility**~~ **Implementing Agency** will **assist with a relocation plan in conformance with Section 7260 et seq. of the California Government Code ("California Relocation Assistance Law" or the "Act") to** ensure that short- and long-term housing of comparable quality and value are made available to the home owner(s) prior to initiating construction of the facility.	This measure shall be carried out prior to initiating construction and/or operation depending on the nature of the housing requirements.	The relocation plan shall be retained in the project file. Documentation of the actions taken to secure housing, where applicable, shall be retained in the project file, and the Implementing Agency shall verify that the housing is secured as required in this measure.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Public Services		
PS-1: OBMPU facilities shall be fenced or otherwise have access controlled to prevent illegal trespass to attractive nuisances, such as construction sites or recharge sites.	This measure shall be incorporated into the final site design, and shall be included in the construction contract as a contract specification and implemented by the contractor during construction.	A copy of the construction contract including this mitigation measure shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Public Services		
PS-2: OBMPU facilities proposed to be located within vacant parkland or OBMPU facilities proposed to be located within existing park or recreation facilities that would require more than one acre of disturbance shall be either (1) Relocated to avoid significant impacts to parkland or (2) Shall provide supplemental parkland within the corresponding jurisdiction equal or greater to the amount of parkland or recreation facilities lost as a result of implementation of the OBMPU facility.	This measure shall be implemented during site selection and shall be completed prior to operation of the proposed facility.	Documentation verifying the provision of the supplemental park land shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Recreation		
REC-1: The ~~**Watermaster or**~~ Implementing Agency shall prepare subsequent CEQA documentation for any Park or Recreation facilities required to be developed as part of implementation of mitigation measure PS-2—i.e., in the event an OBMPU Facility would be result in loss of parkland or recreation facilities.	The subsequent CEQA documentation shall be completed prior to implementation of any park or recreation facility.	Where applicable, a copy of the subsequent CEQA documentation for the individual project shall be retained in the project file. Verification shall be based on the submission of the final CEQA documentation to the Implementing Agency.
	Responsible Party	**Status / Date / Initials**
	Watermaster or Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Transportation		
TRAN-1: For projects that may affect traffic flow along existing roadways, the Implementing Agency shall require that contractors prepare a construction traffic control plan **prior to issuance of construction permits**. Elements of the plan should include, but are not necessarily limited to, the following: • Develop circulation and detour plans, if necessary, to minimize impacts to local street circulation. Use haul routes minimizing truck traffic on local roadways to the extent possible. • To the extent feasible, and as needed to avoid adverse impacts on traffic flow, schedule truck trips outside of peak morning and evening commute hours. • Install traffic control devices as specified in Caltrans' Manual of Traffic Controls for • Construction and Maintenance Work Zones where needed to maintain safe driving conditions. Use flaggers and/or signage to safely direct traffic through construction work zones. • For roadways requiring lane closures that would result in a single open lane, maintain alternate one-way traffic flow and utilize flagger-controls. • Coordinate with facility owners or administrators of sensitive land uses such as police and fire stations, hospitals, and schools. Provide advance notification to the facility owner or operator of the timing, location, and duration of construction activities.	This measure shall be included in the construction contract as a contract specification and implemented by the contractor during construction. The Traffic Control Plan shall be developed prior to initiation of construction.	A copy of the Traffic Control Plan and construction contract shall be retained in the project file(s). Verification of implementation shall be based on field inspections by the Implementing Agency. Additionally, correspondence with Caltrans, and/or the corresponding County or City traffic management division shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Utilities and Service Systems		
UTIL-1 The ~~**Watermaster or**~~ Implementing Agency shall prepare subsequent CEQA documentation for the Agua de Lejos Treatment Plant and upgrades to the Chino Desalters, new groundwater treatment facilities at or near well sites and at regionally located sites once specific improvements or facility locations have been identified, and design of such improvements or new facilities has been drafted.	The subsequent CEQA documentation shall be completed prior to implementation of any of the facilities listed in this measure.	Where applicable, a copy of the subsequent CEQA documentation for the individual project shall be retained in the project file. Verification shall be based on the submission of the final CEQA documentation to the Implementing Agency.
	Responsible Party	**Status / Date / Initials**
	Watermaster or Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Utilities and Service Systems		
UTIL-2 Implementation of a Drainage Plan to Reduce Downstream Flows. Prior to **issuance of permits for** construction of project facilities, the ~~**Watermaster or**~~ Implementing Agency shall prepare a drainage plan that includes design features to reduce stormwater peak concentration flows exiting the above ground facility sites (consistent with MS4 requirements) so that the capacities of the existing downstream drainage facilities are not exceeded. These design features could include bio-retention, sand infiltration, return of stormwater for treatment within the treatment plant, and/or detention facilities.	This measure shall be included in the site design and construction contract as a contract specification and implemented by the contractor during construction. The Drainage Plan shall be developed prior to initiation of construction.	A copy of the Drainage Plan and construction contract shall be retained in the project file(s). Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Watermaster or Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Utilities and Service Systems		
UTIL-3 The contract with demolition and construction contractors for a given OBMPU Project shall include the requirement that all materials that can feasibly be recycled shall be salvaged and recycled. This includes but is not limited to wood, metals, concrete, road base and asphalt. The contractors for a given OBMPU Project shall submit a recycling plan to the ~~**Watermaster or**~~ Implementing Agency for review and approval prior to **issuance of permits for** the construction of demolition/construction activities.	This measure shall be included in the construction contract as a contract specifi-cation and implemented by the contractor during construction. The recycling plan shall be developed and approved prior to construction.	A copy of the recycling plan, as well as copy of the construction contract including this mitigation measure shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Watermaster or Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Utilities and Service Systems		
UTIL-4 The contract with demolition and construction contractors for a given OBMPU Project shall include the requirement that all soils that are planned to be exported from the site that can feasibly be recycled shall be recycled for re-use; alternatively, soils shall be reused on site to balance soil import/export.	This measure shall be included in the construction contract as a contract specification and implemented by the contractor during construction.	A copy of the construction contract including this mitigation measure shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Documentation of soils recycling shall be completed by the contractor and retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

SUBSEQUENT ENVIRONMENTAL IMPACT REPORT MEASURES

Mitigation Measure	Implementation Schedule	Verification
Air Quality		
AQ-1 When using construction equipment greater than 150 horsepower (>150 hp), the Construction Contractor shall ensure that off-road diesel construction equipment complies with the Environmental Protection Agency (EPA)/California Air Resources Board (CARB) Tier 4 emissions standards or equivalent and shall ensure that all construction equipment is tuned and maintained in accordance with the manufacturer's specifications.	This measure shall be implemented during construction of future OBMPU facilities, and shall be included in the construction contract as a contract specification.	A copy of the construction contract including this mitigation measure shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Air Quality		
AQ-2 All actively graded areas within the Project site shall be watered at 2.1-hour watering intervals (e.g., 4 times per day) or a movable sprinkler system shall be in place to ensure minimum soil moisture of 12 percent (%) is maintained for actively graded areas. Moisture content can be verified with use of a moisture probe by the grading contractor.	This measure shall be implemented during construction of future OBMPU facilities, and shall be included in the construction contract as a contract specification.	A copy of the construction contract including this mitigation measure shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Biological Resources		
BIO-1 **All future OBMPU Projects shall be required to consult with a qualified professional to determine the need for site-specific biological surveys. Where a site has been determined to require a site-specific survey by a qualified professional, in any case in which a future OBMPU project ~~Where future project-related impacts~~** will affect undeveloped land**, or in which the Implementing Agency seeks State Funding**, site surveys shall be conducted by a qualified biologist/ecologist. If sensitive species are identified as a result of the survey for which mitigation/compensation must be provided in accordance with regulatory requirements, the following subsequent mitigation actions will be taken: a. The project proponent shall provide compensation for sensitive habitat acreage lost by acquiring and protecting in perpetuity (through property or mitigation bank credit acquisition) habitat for the sensitive species at a ratio of not less than 1:1 for habitat lost. The property acquisition shall include the presence of at least one animal or plant per animal or plant lost at the development site to compensate for the loss of individual sensitive species. b. The final mitigation may differ from the above values based on negotiations between the project proponent and USFWS and CDFW for any incidental take permits for listed species. The project proponent shall retain a copy of the incidental take permit as verification that the mitigation of significant biological resource impacts at a project site with sensitive biological resources has been accomplished. c. Preconstruction botanical surveys for special-status plant communities and special-status plant species will be conducted. In areas that were not previously surveyed because of access or timing issues or project design changes, pre-construction surveys for special-status plant communities and special-status plant species will be conducted before the start of ground-disturbing activities during the appropriate blooming period(s) for the species.	The survey(s) shall be conducted prior to construction. Where applicable, compensatory habitat shall be acquired prior to operation of the facility.	A copy of the survey(s) and any acquisition paperwork pertaining to compensatory habitat shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency, as well as by retaining the ITP. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Biological Resources		
BIO-2 Biological Resources Management Plan **(BRMP)**: During final design **and prior to issuance of construction permits**, a BRMP will be prepared to assemble the biological resources mitigation measures for each specific infrastructure improvement in the future. The BRMP will include terms and conditions from applicable permits and agreements and make provisions for monitoring assignments, scheduling, and responsibility. The BRMP will also discuss habitat replacement and revegetation, protection during ground-disturbing activities, performance (growth) standards, maintenance criteria, and monitoring requirements for temporary and permanent native plant community impacts. The parameters of the BRMP will be formed with the mitigation measures from ~~**the project-level EIR/EIS**~~ **subsequent CEQA documentation**, including terms and conditions as applicable from the USFWS, USACE, SWRCB/RWQCB, and CDFW.	The BRMP shall be developed during final design of a given project site. The measures developed in the BRMP shall be implemented during construction of future OBMPU facilities, and shall be included in the construction contract as a contract specification.	A copy of the BRMP shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Biological Resources		
BIO-3 Prior to discharge of fill or streambed alteration of **state or federal water** jurisdictional areas, the project proponent shall obtain regulatory permits from the U.S. Army Corps of Engineers, local Regional Water Quality Control Board and the California Department of Fish and Wildlife. Any future project that must discharge fill into a channel or otherwise alter a streambed shall be minimized to the extent feasible, and any discharge of fill not avoidable shall be mitigated through compensatory mitigation. Mitigation can be provided by restoration of temporary impacts, enhancement of existing resources, or purchasing into any authorized mitigation bank or in-lieu fee program; by selecting a site of comparable acreage near the site and enhancing it with a native riparian habitat or invasive species removal in accordance with a habitat mitigation plan approved by regulatory agencies; or by acquiring sufficient compensating habitat to meet regulatory agency requirements. Typically, regulatory agencies require mitigation for jurisdictional waters without any riparian or wetland habitat to be mitigated at a 1:1 ratio. For loss of any riparian or other wetland areas, the mitigation ratio will begin at 2:1 and the ratio will rise based on the type of habitat, habitat quality, and presence of sensitive or listed plants or animals in the affected area. A Habitat Mitigation and Monitoring Proposal shall be prepared and reviewed and approved by the appropriate regulatory agencies. The project proponent will also obtain permits from the regulatory agencies (U.S. Army Corps of Engineers, Regional Water Quality Control Board, CDFW and any other applicable regulatory agency with jurisdiction over the proposed facility improvement) if any impacts to jurisdictional areas will occur. These agencies can impose greater mitigation requirements in their permits, but ~~Caltrans~~ **the Implementing Agency** will utilize the ratios outlined above as the minimum required to offset or compensate for impacts to jurisdictional waters, riparian areas or other wetlands.	If necessary, the regulatory permits shall be obtained prior to ground disturbance within the jurisdictional area and the conditions of the regulatory permits shall be implemented as defined in the regulatory permits.	A copy of the regulatory permits shall be retained in the project file(s), and verification that all conditions have been implemented shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Biological Resources		
BIO-4 Jurisdictional Water Preconstruction Surveys: A federal and state jurisdictional water preconstruction survey will be conducted at least six months before the start of ground-disturbing activities to identify and map all jurisdictional waters in the project footprint and **~~if possible within~~ up to** a 250-foot buffer **around the project footprint, subject to legal property access restrictions.** The purpose of this survey is to confirm the extent of jurisdictional waters **within the project footprint and adjacent up to 250 foot buffer ~~in areas where permission to enter was not previously granted and where aerial photograph interpretation was used to estimate the extent of these features~~**. If possible, surveys would be performed during the spring, when plant species are in bloom and hydrological indicators are most readily identifiable. These results would then be used to calculate impact acreages and determine the amount of compensatory mitigation required to offset the loss of wetland functions and values.	The survey(s) shall be conducted at least six months prior to construction during the spring, where possible.	A copy of the survey(s) shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Biological Resources		
BIO-5 **~~It is illegal to "take" active bird nests of native birds, and if such nests are present at a project site, no take is allowed.~~** To avoid an illegal take of active bird nests, any grubbing, brushing or tree removal will be conducted outside of the State identified nesting season (nesting season is approximately from February 15 through September 1 of a given calendar year). **Alternatively, a nesting bird survey that demonstrates that no bird nests will be disturbed during project construction can be conducted by a qualified biologist no more than 14 days prior to initiation of ground disturbance; construction may only commence once a qualified biologist has demonstrated that no nesting birds are present at a given site. ~~Alternatively,~~ The Implementing Agency shall** coordinate with the CDFW to **~~conduct~~ develop** nesting bird surveys**~~s~~ protocol ~~will be completed, and methodology of surveys will be agreed upon. All nesting bird surveys will be conducted by a qualified biologist prior to initiation of ground disturbance to demonstrate that no bird nests will be disturbed by project construction activities.~~ The results of the nesting bird survey will be documented in a report submitted by the avian biologist to the Implementing Agency. The Implementing Agency, in coordination with CDFW and USFWS (as appropriate), may designate nest buffers outside of which construction activities may be allowed to proceed.**	Construction shall occur outside of the nesting season or a copy of the field survey documenting no nesting birds shall be completed prior to initiating construction within the nesting season.	The Implementing Agency shall document the dates of construction. If construction is proposed to occur within the nesting season, a copy of the field survey documenting the absence of nesting birds shall be retained in the project file. Any coordination with CDFW pertaining to nesting birds shall also be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Biological Resources		
BIO-6 **All future OBMPU Projects shall be required to consult with a qualified professional to determine the need for site-specific protocol burrowing owl surveys.** Prior to commencement of construction activity **where a site has been determined to require a protocol burrowing owl surveys survey by a qualified professional, or** in locations that are not fully developed, a protocol burrowing owl survey will be conducted using the 2012 survey protocol methodology identified in the "Staff Report on Burrowing Owl Mitigation, State of California, Natural Resources Agency, Department of Fish and Game, March 7, 2012", or the most recent CDFW survey protocol available. Protocol surveys shall be conducted by a qualified biologist to determine if any burrowing owl burrows are located within the potential area of impact. If occupied burrows may be impacted, an impact minimization plan shall be developed ~~**and approved by**~~ **in coordination with** CDFW **and submitted to the Implementing Agency** that will protect the burrow in place or provide for passive relocation to an alternate burrow within the vicinity but outside of the project footprint in accordance with current CDFW guidelines. Active nests must be avoided with a 250-foot buffer until all nestlings have fledged.	The survey(s) shall be conducted prior to construction. All actions pertaining to the discovery of burrowing owl shall occur prior to or during construction depending on the direction within the impact minimization plan.	A copy of the survey(s), and where required, the impact minimization plan, shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Biological Resources BIO-7 Prior to commencement of construction activity on a project facility within a MSHCP/HCP plan area, consistency with that plan, or take authorization through that plan, shall be obtained. Through avoidance, compensation or a comparable mitigation alternative, each project shall be shown to be consistent with a MSHCP/HCP.	This measure shall be implemented prior to commencement of construction.	Documentation verifying consistency with the MSHCP/HCP shall be obtained by the Implementing Agency, and a copy of this documentation shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Biological Resources BIO-8 **During the design phase of future OBMPU projects, the Implementing Agency shall** place primary emphasis on the preservation of large, unbroken blocks of natural open space and wildlife habitat area, and protect the integrity of habitat linkages. As part of this emphasis, **the Watermaster shall facilitate** ~~**incorporate**~~ programs for purchase of lands, clustering of development to increase the amount of preserved open space, and assurances that the construction of facilities or infrastructure improvements meet standards identical to the environmental protection policies applicable to the specific facilities improvement **by implementing agencies**.	This measure shall be implemented during the design stage of each facility, and shall be included in the construction contract as a contract specification.	A copy of the construction contract and final design for each project shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Biological Resources		
BIO-9 Require facility designs and maintenance activities to be planned to protect habitat values and to preserve significant, viable habitat areas and habitat connection in their natural conditions. **A qualified biologist shall be retained to determine the scope of the following for a given Project site:** a. Within designated habitat areas of rare, threatened or endangered species, prohibit disturbance of protected biotic resources. b. Within riparian areas and wetlands subject to state or federal regulations, riparian woodlands, oak and walnut woodland, and habitat linkages, require that the vegetative resources which contribute to habitat carrying capacity (vegetative diversity, faunal resting sites, foraging areas, and food sources) are preserved in place or replaced so as not to result in a measurable reduction in the reproductive capacity of sensitive biotic resources. c. Within habitats of plants listed by the CNDDB or CNPS as "special" or "of concern," require that new facilities do not result in a reduction in the number of these plants, if they are present.	This measure shall be implemented during the design stage of each facility, and shall be included in the construction contract as a contract specification.	A copy of the construction contract and final design for each project shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Biological Resources		
BIO-10 Maximize the preservation of individual oak, sycamore and walnut trees within proposed OBMPU facility sites. **Preservation is defined within this measure as follows: existing oak, sycamore and walnut trees within a given Project site shall be retained within the site to the maximum extent feasible except where their preservations would interfere with functional and reasonable project design. Where the preservation of individual trees is not possible, the guidelines set forth in MM AES-4 regarding tree preservation and adherence to local ordinances thereof shall be followed.**	This measure shall be implemented during the design stage of each facility, and shall be included in the construction contract as a contract specification.	A copy of the construction contract and final design for each project shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Biological Resources		
BIO-11 Require the establishment of buffer zones adjacent to areas of ~~preserved~~ biological resources **as recommended and defined by the site Biologist.** Such buffer zones shall be of adequate width to protect biological resources from grading and construction activities, as well as from the long-term use of adjacent lands. Permitted land modification activities with preservation and buffer areas are to be limited to those that are consistent with the maintenance of the reproductive capacity of the identified resources. The land uses and design of project facilities adjacent to a vegetative preservation area, as well as activities within the designated buffer area are not to be permitted to disturb natural drainage patterns to the point that vegetative resources receive too much or too little water to permit their ongoing health. In addition, landscape adjacent to areas of preserved biological resources shall be designed so as to avoid invasive species which could negatively impact the value of the preserved resource.	This measure shall be implemented during the design stage of each facility, and shall be included in the construction contract as a contract specification.	A copy of the construction contract and final design for each project shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Biological Resources		
BIO-12 **As part of completion of the final site development, after ground disturbance has occurred** ~~Following construction activities~~ within or adjacent to any natural area, the disturbed areas shall be revegetated using a plant mix of native plant species that are suitable for long term vegetation management at the specific site, which shall be implemented in cooperation with regulatory agencies and with oversight from a qualified biologist. The seeds mix shall be verified to contain the minimum amount of invasive plant species seeds reasonably available for the project area.	This measure shall be implemented during the construction, and shall be included in the construction contract as a contract specification.	A copy of the construction contract shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Biological Resources		
BIO-13 Clean Construction Equipment. During construction, equipment will be washed before entering the project footprint to reduce potential indirect impacts from inadvertent introduction of nonnative invasive plant species. Mud and plant materials will be removed from construction equipment when working in native plant communities, near special-status plant communities, or in areas where special-status plant species have been identified.	This measure shall be implemented during construction and shall be included in the construction contract as a contract specification.	A copy of the construction contract shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Biological Resources		
BIO-14 Contractor Education and Environmental Training. Personnel who work onsite will attend a Contractor Education and Environmental Training session **conducted by a qualified biologist**. The environmental training ~~**is likely to be required by the regulatory agencies and**~~ will cover general and specific biological information on the special-status plant species **that may be present near the construction site**, including the distribution of the resources, the recovery efforts, the legal status of the resources, and the penalties for violation of project permits and laws. The Contractor Education and Environmental Training sessions will be given before the initiation of construction activities and repeated, as needed, when new personnel begin work within the project limits. Daily updates and synopsis of the training will be performed during the daily safety (“tailgate”) meeting. All personnel who attend the training will be required to sign an attendance list stating that they have received the Contractor Education and Environmental Training**, and such tracking sheets shall be maintained for inspection by the Implementing Agency**.	The Contractor Education and Environmental Training sessions will be given before the initiation of construction activities and repeated, as needed, when new personnel begin work within the project limits. Daily updates and synopsis of the training will be performed during the daily safety (“tailgate”) meeting. The measure shall be included in the construction contract as a contract specification.	A copy of the construction contract shall be retained in the project file. Verification of implementation shall be based on the contractor to submit training attendance lists to the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Biological Resources		
BIO-15 Biological Monitor to Be Present during Construction Activities in areas where impacts to Riparian, Riverine, Wetland, Endangered Species or Endangered Species Critical habitat occurs. A biological monitor (or monitors) will be present onsite during construction activities that could result in direct or indirect impacts on sensitive biological resources (including listed species) and to oversee permit compliance and monitoring efforts for all special-status resources. A biological monitor (qualified biologist) is any person who has a bachelor's degree in biological sciences, zoology, botany, ecology, or a closely related field and/or has demonstrated field experience in and knowledge about the identification and life history of the special-status species or jurisdictional waters that could be affected by project activities. The biological monitor(s) will be responsible for monitoring the Contractor to ensure compliance with the Section 404 Individual Permit, Section 401 Water Quality Certification and the Lake and Streambed Alteration Agreement. Activities to ensure compliance would include performing construction-monitoring activities, including monitoring environmental fencing, identifying areas where special-status plant species are or may be present, and advising the Contractor of methods that may minimize or avoid impacts on these resources. Biological monitor(s) will be required to be present in all areas during ground disturbance activities and for all construction activities conducted within or adjacent to identified Environmentally Sensitive Areas, Wildlife Exclusion Fencing, and Non-Disturbance Zones **as defined by the Project biologist**.	This measure shall be implemented during construction and shall be included in the construction contract as a contract specification.	A copy of the construction contract shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections and from the biological monitor activities shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Biological Resources		
BIO-16 Food and Trash: All food-related trash items (e.g., wrappers, cans, bottles, food scraps) will be disposed of in closed containers and removed at least once a week from the construction site.	This measure shall be implemented during construction and shall be included in the construction contract as a contract specification.	A copy of the construction contract shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Biological Resources		
BIO-17 Rodenticides and Herbicides: Use of rodenticides and herbicides in the project footprint will be restricted **at the direction of the project biologist**. This measure is necessary to prevent poisoning of special-status species and the potential reduction or depletion of the prey populations of special–status wildlife species. Where pesticides must be used, they must be used in full accordance with use instructions for the particular chemical **and at the direction of the project biologist**.	This measure shall be implemented during construction and shall be included in the construction contract as a contract specification. Additionally, this measure shall be implemented ongoing during operation.	A copy of the construction contract shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file. During operations, site inspections by the Implementing Agency shall be performed to ensure adherence to this measure.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Biological Resources		
BIO-18 Wildlife Exclusion Fencing: Exclusion barriers (e.g., silt fences) will be installed at the edge of the construction footprint and along the outer perimeter of Environmentally Sensitive Areas and Environmentally Restricted Areas **as defined by the Project biologist prior to the commencement of construction activities** to restrict special-status species from entering the construction area **during construction**. The design specifications of the exclusion fencing will be determined through consultation with the USFWS and/or CDFW**, as appropriate**. Clearance surveys will be conducted for special-status species after the exclusion fence is installed **in compliance with USFWS and/or CDFW requirements**. ~~If necessary~~ **The project biologist shall determine the frequency in which** clearance surveys will be conducted ~~daily~~ **to determine the efficacy of the exclusion fencing**.	This measure shall be implemented during the design stage of each facility, and shall be included in the construction contract as a contract specification.	A copy of the construction contract and final design for each project shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Biological Resources		
BIO-19 Equipment Staging Areas: **Prior to the commencement of construction, the Project Proponent shall identify** staging areas for construction equipment **to be utilized during construction that** will be located outside sensitive biological resources areas, including habitat for special-status species, jurisdictional waters, and wildlife movement corridors~~, to the maximum extent possible~~.	This measure shall be implemented during construction and shall be included in the construction contract as a contract specification.	A copy of the construction contract shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Biological Resources		
BIO-20 Plastic mono-filament netting (erosion-control matting) or similar material will not be used in erosion control materials to prevent potential harm to wildlife. Materials such as coconut coir matting or tackified hydroseeding compounds will be used as substitutes.	This measure shall be implemented during construction and shall be included in the construction contract as a contract specification.	A copy of the construction contract shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Biological Resources		
BIO-21 Vehicle Traffic: During ground-disturbing activities, project-related vehicle traffic will be restricted within the construction area to established roads, construction areas, and other designated areas to prevent avoidable impacts. Access routes will be clearly flagged and ~~**off-road**~~ traffic **outside of the designated areas** will be prohibited.	This measure shall be implemented during construction and shall be included in the construction contract as a contract specification.	A copy of the construction contract shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Biological Resources		
BIO-22 Entrapment Prevention: All excavated, steep-sided holes or trenches more than 8 inches deep will be covered at the close of each working day with plywood or similar materials, or a minimum of one escape ramp constructed of earth fill for every 10 feet of trenching will be provided to prevent the entrapment of wildlife. Before such holes or trenches are filled, they will be thoroughly inspected for trapped animals. All culverts or similar enclosed structures with a diameter of 4 inches or greater will be covered, screened, or stored more than 1 foot off the ground to prevent use by wildlife. Stored material will be cleared for common and special-status wildlife species before the pipe is subsequently used or moved.	This measure shall be implemented during construction and shall be included in the construction contract as a contract specification.	A copy of the construction contract shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Biological Resources		
BIO-23 Weed Control Plan: **Prior to the commencement of construction,** a Weed Control Plan will be developed for **the Implementing Agency by the Project Biologist** to minimize or avoid the spread of weeds during ground-disturbing activities. In the Weed Control Plan, the following topics will be addressed: • **A** Schedule for noxious weed surveys **shall be addressed**. • Weed control treatments **shall be addressed and ultimately implemented by the Implementing Agency**, including permitted herbicides, and manual and mechanical methods for application; herbicide application will be restricted in Environmentally Sensitive Areas **(as defined by the Project biologist)**. • **The** timing of the weed control treatment for each plant species **shall be addressed**. • Fire prevention measures **shall be addressed**. **The Project Proponent shall maintain records demonstrating implementation of the Weed Control Plan, and shall make those records available to inspection by the Implementing Agency upon request.**	The Weed Control Plan should be developed prior to construction commencement. The Weed Control Plan shall be implemented during construction and shall be included in the construction contract as a contract specification.	A copy of the Weed Control Plan and the construction contract shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Biological Resources		
BIO-24 Dewatering/Water Diversion **Plan**: ~~**Open or flowing water may be present during construction.**~~ If construction **is planned to** occur where there is open or flowing water, **prior to the commencement of construction the Project Proponent shall submit to the Implementing Agency a Dewatering Plan prepared in coordination with** ~~**a strategy that is approved by**~~ the resource agencies (e.g., USACE, SWRCB/RWQCB, and CDFW**, as appropriate**). **The Dewatering Plan shall identify how open or flowing water will be routed around construction areas**, such as **through** the creation of cofferdams~~**, will be used to dewater or divert water from the work area**~~. If cofferdams are constructed, implementation of the following cofferdam or water diversion measures ~~**is recommended**~~ **shall be implemented** to avoid and lessen impacts on jurisdictional waters during construction: • The cofferdams, filter fabric, and corrugated steel pipe are to be removed from the creek bed after completion of the project. • The timing of work within all channelized waters is to be coordinated with the regulatory agencies. • The cofferdam is to be placed upstream of the work area to direct base flows through an appropriately sized diversion pipe. The diversion pipe will extend through the Contractor's work area, where possible, and outlet through a sandbag dam at the downstream end. • Sediment catch basins immediately below the construction site are to be constructed when performing in-channel construction to prevent silt- and sediment-laden water from entering the main stream flow. Accumulated sediments will be periodically removed from the catch basins.	This measure shall be implemented during construction and shall be included in the construction contract as a contract specification.	A copy of the construction contract shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Biological Resources		
BIO-25 Permanent Water Diversion Projects: The Watermaster shall continue to prepare the annual Prado Basin Habitat Sustainability Monitoring Program. **The Implementing Agency shall conduct** a second-tier CEQA evaluation for proposed water diversion projects associated with the OBMPU. The potential impacts to Prado Basin **and sensitive** habitat **(for example riparian, wetland, or critical habitat)** from implementation of such diversion projects shall receive public review, including pertinent wildlife management agencies and interested parties.	This measure shall be implemented ongoing during operation; the Prado Basin Habitat Sustainability Monitoring Program shall continue to be implemented on its current schedule. The second-tier CEQA evaluation shall be completed prior to approval of permanent water diversion projects.	A copy of the second tier CEQA documentation shall be retained in the project file, and the Implementing Agency shall verify that the requirements in this measure have been completed. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Watermaster and the Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Cultural Resources		
CUL-1: Where a future discretionary project requiring a Negative Declaration or follow-on EIR is proposed within an existing facility that has been totally disturbed due to it undergoing past engineered site preparation (such as a well site or water treatment facility site), the agency implementing the OBMPU project will not be required to complete a follow on cultural resources report (Phase I Cultural Resources Investigation) unless the Implementing Agency is seeking State funding, in which case the Implementing Agency must prepare a Phase I Cultural Resources Investigation to satisfy State CEQA-plus requirements. Where a Phase I Cultural Resources Investigation is not required, the following shall be required to minimize impacts to any accidentally exposed cultural resource materials: • Should any cultural resources be encountered during construction of these facilities, earthmoving or grading activities in the immediate area of the finds shall be halted and an onsite inspection shall be performed immediately by a qualified archaeologist. Responsibility for making this determination shall be with the Implementing Agency's onsite inspector. The archaeological professional shall assess the find, determine its significance, and make recommendations for appropriate mitigation measures within the guidelines of the California Environmental Quality Act.	This measure shall be implemented during construction and shall be included in the construction contract as a contract specification.	A copy of the construction contract shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Cultural Resources CUL-2: Where a future discretionary project requiring a Negative Declaration or follow-on EIR is proposed within an undisturbed site and/or a site that will require substantial earthmoving activities and/or excavation, and/or the Implementing Agency is seeking State funding, the agency implementing the OBMPU project shall complete a follow on cultural resources report (Phase I Cultural Resources Investigation) regardless of whether the Implementing Agency is seeking State funding. Where a Phase I Cultural Resources Investigation is required, the following phases of identification, evaluation, mitigation, and monitoring shall be followed for a given OBMPU Project: 1. Phase I (Identification): A Phase I Investigation to identify historical, archaeological, or paleontological resources in a project area shall include the following research procedures, as appropriate: • Focused historical/archaeological resources records searches at SCCIC and/or EIC, depending on the project location, and paleontological resources records searches by NHMLAC, SBCM, and/or the Western Science Center in Hemet; • Historical background research, geoarchaeological profile analysis, and paleontological literature review; • Consultation with the State of California Native American Heritage Commission, Native American tribes in the surrounding area, pertinent local government agencies, and local historic preservation groups; • Field survey of the project area by qualified professionals of the pertinent discipline and at the appropriate level of intensity as determined on the basis of sensitivity assessment and site conditions; • Field recordation of any cultural resources encountered during the survey and proper documentation of the resources for incorporation into the appropriate inventories or databases. 2. Phase II (Evaluation): If cultural resources are encountered in a project area, a Phase II investigation shall be required to evaluate the potential significance of the resources in accordance with the statutory/regulatory framework outlined above. A typical Phase II study consists of the following research procedures:	This measure shall be implemented prior to the construction of any OBMPU Facility, and any ongoing monitoring shall occur during the corresponding period of construction. Where required, monitoring and any other measures recommended shall be included as part of the construction contract, and shall be carried out during construction.	A copy of all cultural resource reports and of the construction contract shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.

Mitigation Measure	Implementation Schedule	Verification
• Preparation of a research design to discuss the specific goals and objectives of the study in the context of important scientific questions that may be addressed with the findings and the significance criteria to be used for the evaluation, and to formulate the proper methodology to accomplish such goals; • In-depth exploration of historical, archaeological, or paleontological literature, archival records, as well as oral historical accounts for information pertaining to the cultural resources under evaluation; • Fieldwork to ascertain the nature and extent of the archaeological/paleontological remains or resource-sensitive sediments identified during the Phase I study, such as surface collection of artifacts, controlled excavation of units, trenches, and/or shovel test pits, and collection of soil samples; • Laboratory processing and analyses of the cultural artifacts, fossil specimens, and/or soil samples for the proper recovery, identification, recordation, and cataloguing of the materials collected during the fieldwork and to prepare the assemblage for permanent curation, if warranted. 3. Phase III (Mitigation): For resources that prove to be significant under the appropriate criteria, mitigation of potential project impact is required. Depending on the characteristics of each resource type and the unique aspects of significance for each individual resource, mitigation may be accomplished through a variety of different methods, which shall be determined by a qualified archaeologist, paleontologist, historian, or other applicable professional in the "cultural resources" field. Typical mitigation for historical, archaeological, or paleontological resources, however, may focus on the following procedures, aimed mainly at the preservation of physical and/or archival data about a significant cultural resource that would be impacted by the project: • Data recovery through further excavation at an archaeological site or a paleontological locality to collect a representative sample of the identified remains, followed by laboratory processing and analysis as well as preparation for permanent curation; • Comprehensive documentation of architectural and historical data about a significant building, structure, or object using methods comparable to the appropriate level of the Historic American Buildings Survey (HABS) and the Historic		

Mitigation Measure	Implementation Schedule	Verification
American Engineering Record (HAER) for permanent curation at a repository or repositories that provides access to the public; • Adjustments to project plans to minimize potential impact on the significance and integrity of the resource(s) in question. 4. Phase ~~III~~ **IV** (Monitoring): At locations that are considered sensitive for subsurface deposits of undetected archaeological or paleontological remains, all earth-moving operations shall be monitored continuously or periodically, as warranted, by qualified professional practitioners. Archaeological monitoring programs shall be coordinated with the nearest Native American groups, who may wish to participate**, as put forth in MMs TCR-1 through TCR-3**.		
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Cultural Resources		
CUL-3: After each phase of the studies required by mitigation measure CUL-2 has been completed, where required, a complete report on the methods, results, and final conclusions of the research procedures shall be prepared and submitted to **South Central Coastal Information Center** (SCCIC), **Eastern Information Center** (EIC), **Natural History Museum of Los Angeles County** (NHMLAC), and/or **San Bernardino County Museum** (SBCM), as appropriate and in addition to the ~~lead~~ **Implementing** Agency for the project, for permanent documentation and easy references by future researchers.	The reports shall be completed after the corresponding study has been completed.	A copy of all cultural resource reports and of the construction contract shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Any correspondence with SCCIC, EIC, NHMLAC, and/or SBCM shall be retained in the project file, including verification of receipt of applicable reports. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Cultural Resources		
CUL-4: Prior to **commencement of** construction of OBMPU related facilities, the Watermaster and IEUA shall confer with the **Watermaster and Watermaster** Parties**/stakeholders** to establish a programmatic agreement with SHPO that will stipulate a set of mutually accepted guidelines that address research procedures and the types of potential cultural resources that may be excluded from further consideration before OBMPU Projects are implemented, such as common infrastructure features that are more than 50 years of age, but have a low potential to be considered historically significant, such as existing roadways and minor, utilitarian structures serving as pumphouses or reservoirs, as well as numerous historic-period buildings that are adjacent to the project boundaries but are unlikely to receive any direct or indirect impact. Once this agreement has been made with SHPO, Watermaster shall retain the agreement in the Project file, and shall ensure that all Stakeholder Parties are given copies of the agreement for reference on future OBMPU Projects. **For OBMPU Projects that are in development prior to an agreement with SHPO, all types of cultural resources shall be considered by the professionals assessing historical resources within the project footprint; regardless, the steps provided in MM CUL-2 shall be followed to assess and minimize impacts to sensitive cultural resources within a given site.**	This mitigation measure shall be initiated prior to the construction of any OBMPU facilities.	A copy of the SHPO agreement shall be retained in the Project file and, per the requirements in the measure, shall be provided by Watermaster to Watermaster Stakeholders to be utilized in future resource assessments for future OBMPU Projects. Correspondence with SHPO on this matter shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	IEUA and Watermaster, Watermaster Stakeholders/Implementing Agencies	

Mitigation Measure	Implementation Schedule	Verification
Energy		
EN-1: Where feasible, future OBMPU Projects shall ~~**consider the**~~ use ~~**of**~~ alternative energy sources to serve the future OBMPU Facility energy demands. **Examples of circumstances that would render use of alternative energy infeasible include, but are not limited to: lack of space within a given site for installation of alternative energy sources; fiscal infeasibility due to lack of efficiency of alternative sources of energy when compared to the energy demand for a given project; etc.**	This measure shall be implemented during the design stage of each facility, and shall be included in the construction contract as a contract specification.	A copy of the construction contract and final design for each project shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Energy		
EN-2: Future OBMPU Projects that are anticipated to utilize a substantial amount of energy for operations, such as regional groundwater treatment plants, pump stations, upgrades to expand capacity at existing water treatment plants, etc., shall undergo subsequent CEQA documentation to ~~**address**~~ **assess** operational energy demands and GHG emissions related to energy demands. ~~**The determination of whether a project will be a large consumer of energy shall be left to the Watermaster or Implementing Agency for the Project's discretion.**~~	The subsequent CEQA documentation shall be completed prior to implementation of any of the facilities listed in this measure.	Where applicable, a copy of the subsequent CEQA documentation for the individual project shall be retained in the project file. Verification shall be based on the submission of the final CEQA documentation to the Implementing Agency.
	Responsible Party	**Status / Date / Initials**
	Implementing Agencies	

Mitigation Measure	Implementation Schedule	Verification
Hydrology and Water Quality		
HYD-1: Watermaster shall review each Storage and Recovery Program application, and estimate the surface and ground water systems response (estimate the potential for loss of pumping sustainability). Watermaster shall then prepare a report that describes the response and potential **Material Physical Injury** (MPI) to the Chino Basin, and shall develop mitigation requirements **pursuant to MM HYD-2** to mitigate MPI caused by the proposed Storage and Recovery Program. The Storage and Recovery Program Applicant (Implementing Agency) will develop mitigation measures pursuant to these requirements established by the Watermaster; these measures shall be incorporated into their Storage and Recovery Program application. Upon approval by Watermaster, these mitigation measures will be incorporated into the Storage and Recovery Program storage agreement. Applications that do not adequately mitigate the potential for loss of pumping sustainability, which will be determined by the Watermaster **based on the preceding analysis**, shall not be accepted and therefore will not be developed.	This measure shall be implemented once a Storage and Recovery Program application has been received. The mitigation developed, depending on whether it applies to operations or construction related constraints, shall be implemented during the design phase, during construction and/or shall be carried out through operations of the project. Any measures that shall be implemented during construction shall be included in the construction contract as a contract specification.	A copy of report prepared by Watermaster, as well as the Storage and Recovery Program storage agreement shall be retained in the project file alongside the application. Additionally, a copy of the construction contract and final design for each project shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Watermaster and Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Hydrology and Water Quality		
HYD-2: **To mitigate MPI caused by a proposed Storage and Recovery Program Application (as described above under HYD-1),** the data gathered through Watermaster's comprehensive groundwater-level monitoring shall be used to identify potential impacts on pumping sustainability and to develop mitigation requirements to mitigate for these impacts. Potential mitigation includes, but is not limited to: (1) modifying the put and take cycles to minimize impacts to pumping sustainability, (2) strategically increasing supplemental water recharge to mitigate loss of pumping sustainability, (3) modifying a party's affected well (lowering pump bowls), (4) providing an alternate supply to the affected party to ensure it can meet its demands, (5) a combination of (1) through (4), and (6) the implementation of a monitoring program to verify the effectiveness of the mitigation actions. The operation of certain facilities proposed as part of the OBMPU can be used to implement these mitigation actions.	This measure shall be implemented once a Storage and Recovery Program application has been received. The mitigation developed, depending on whether it applies to operations or construction related constraints, shall be implemented during the design phase, during construction and/or shall be carried out through operations of the project. Any measures that shall be implemented during construction shall be included in the construction contract as a contract specification.	A copy of mitigation identified to mitigate pumping sustainability impacts shall be retained in the project file alongside the application. Additionally, a copy of the construction contract and final design for each project shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Watermaster and Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Hydrology and Water Quality		
HYD-3: Watermaster shall review each Storage and Recovery Program application, and estimate the surface and ground water systems response (estimate the potential for new land subsidence). Watermaster shall then prepare a report that describes the response and potential MPI to the Chino Basin, and shall develop mitigation requirements **pursuant to MM HYD-4** to mitigate MPI caused by the proposed Storage and Recovery Program. The Storage and Recovery Program Applicant (Implementing Agency) will develop mitigation measures pursuant to these requirements established by the Watermaster; these measures shall be incorporated into their Storage and Recovery Program application. Upon approval by Watermaster, these mitigation measures will be incorporated into the Storage and Recovery Program storage agreement. Applications that do not adequately mitigate the potential for new land subsidence, which will be determined by the Watermaster, shall not be accepted and therefore will not be developed.	This measure shall be implemented once a Storage and Recovery Program application has been received. The mitigation developed, depending on whether it applies to operations or construction related constraints, shall be implemented during the design phase, during construction and/or shall be carried out through operations of the project. Any measures that shall be implemented during construction shall be included in the construction contract as a contract specification.	A copy of report prepared by Watermaster, as well as the Storage and Recovery Program storage agreement shall be retained in the project file alongside the application. Additionally, a copy of the construction contract and final design for each project shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Watermaster and Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Hydrology and Water Quality		
HYD-4: **To mitigate the potential for new land subsidence caused by a proposed Storage and Recovery Program Application (as described above under HYD-3),** the data gathered through Watermaster's comprehensive groundwater-level and ground-level monitoring shall be used to identify the potential for new land subsidence and to develop mitigation requirements to mitigate for these impacts. Potential mitigation includes, but is not limited to: (1) limiting facilities and operations of the Storage and Recovery Programs to MZ-2 and -3, (2) modifying the put and take cycles to ensure the Storage and Recovery Program does not contribute to the lowering of groundwater-levels below the new land subsidence metric, (4) providing an alternate supply to MZ-1 producers to maintain groundwater-levels above the new land subsidence metric, to the extent that the Storage and Recovery Program operation affect them, (5) a combination of (1) through (4) above, and (6) the implementation of a monitoring program to verify the effectiveness of the mitigation actions. The operation of certain facilities proposed as part of the OBMPU can be used to implement these mitigation actions.	This measure shall be implemented once a Storage and Recovery Program application has been received. The mitigation developed, depending on whether it applies to operations or construction related constraints, shall be implemented during the design phase, during construction and/or shall be carried out through operations of the project. Any measures that shall be implemented during construction shall be included in the construction contract as a contract specification.	A copy of mitigation identified to mitigate new land subsidence impacts shall be retained in the project file alongside the application. Additionally, a copy of the construction contract and final design for each project shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Watermaster and Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Hydrology and Water Quality		
HYD-5: Watermaster shall estimate the reduction in net recharge and Safe Yield for each Storage and Recovery Program/Project and deduct it from water stored in each Storage and Recovery Program storage account, which will compensate for its impact on net recharge and Safe Yield. Watermaster shall review these impacts and develop mitigation requirements **pursuant to MM HYD-6** for the proposed Storage and Recovery Program. The Storage and Recovery Program Applicant (Implementing Agency) will develop mitigation measures pursuant to the requirements established by Watermaster; these measures shall be incorporated into the Applicant's Storage and Recovery Program application. Upon approval by Watermaster, these mitigation measures shall be incorporated into the Storage and Recovery Program storage agreement. Applications that do not adequately mitigate adverse impacts on net recharge and Safe Yield, which will be determined by Watermaster, shall not be accepted and therefore will not be developed.	This measure shall be implemented on an ongoing basis throughout the life of the OBMPU, and shall apply once a Storage and Recovery Program application has been received. The mitigation developed, depending on whether it applies to operations or construction related constraints, shall be implemented during the design phase, during construction and/or shall be carried out through operations of the project. Any measures that shall be implemented during construction shall be included in the construction contract as a contract specification.	A copy of report prepared by Watermaster, as well as the Storage and Recovery Program storage agreement shall be retained in the project file alongside the application. Additionally, a copy of the construction contract and final design for each project shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Watermaster and Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Hydrology and Water Quality		
HYD-6: **To mitigate impacts on net recharge and Safe Yield caused by a proposed Storage and Recovery Program Application (as described above under HYD-5), the** Watermaster's comprehensive monitoring and modeling that estimates net recharge of the Chino Basin shall be used to identify potential and actual losses of net recharge and to develop mitigation requirements to mitigate impacts thereof. Potential mitigation includes, but is not limited to: (1) modifying the put and take cycles to minimize reductions in net recharge, (2) deducting the reduction in net recharge from its Storage and Recovery account, (3) recharge additional water to mitigate reductions in net recharge, (4) construct facilities in the southern part of the basin to eliminate the reduction of net recharge due to Storage and Recovery Programs, (5) a combination of (1) through (4), and (6) the implementation of a monitoring program to verify the effectiveness of the mitigation actions. The operation of certain facilities proposed as part of the OBMPU can be used to implement these mitigation actions.	This measure shall be implemented once a Storage and Recovery Program application has been received. The mitigation developed, depending on whether it applies to operations or construction related constraints, shall be implemented during the design phase, during construction and/or shall be carried out through operations of the project. Any measures that shall be implemented during construction shall be included in the construction contract as a contract specification.	A copy of mitigation identified to mitigate potential and actual losses of net recharge shall be retained in the project file alongside the application. Additionally, a copy of the construction contract and final design for each project shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Watermaster and Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Hydrology and Water Quality		
HYD-7: Watermaster shall estimate the projected impacts that each Storage and Recovery Program may have on Hydraulic Control and review these impacts and develop mitigation requirements for the proposed Storage and Recovery Program. The Storage and Recovery Program Applicant (Implementing Agency) will develop mitigation measures pursuant to the requirements established by Watermaster **and MM HYD-8**; these measures shall be incorporated into the Applicant's Storage and Recovery Program application. Upon approval by Watermaster, these mitigation measures shall be incorporated into the Storage and Recovery Program storage agreement. Applications that do not adequately mitigate adverse impacts on hydraulic control, which will be determined by Watermaster, shall not be accepted and therefore will not be developed.	This measure shall be implemented once a Storage and Recovery Program application has been received. The mitigation developed, depending on whether it applies to operations or construction related constraints, shall be implemented during the design phase, during construction and/or shall be carried out through operations of the project. Any measures that shall be implemented during construction shall be included in the construction contract as a contract specification.	A copy of report prepared by Watermaster, as well as the Storage and Recovery Program storage agreement shall be retained in the project file alongside the application. Additionally, a copy of the construction contract and final design for each project shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Watermaster and Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Hydrology and Water Quality		
HYD-8: **To mitigate for potential impacts on Hydraulic Control caused by a proposed Storage and Recovery Program Application (as described above under HYD-7), the** Watermaster's comprehensive monitoring and modeling that assesses the state of Hydraulic Control in Chino Basin shall be used to estimate groundwater outflow from Chino North to the Santa Ana River, assess the state of Hydraulic Control, determine if the Storage and Recovery Program will cause a loss of hydraulic control, and develop mitigation requirements to mitigate for impacts to the state of Hydraulic Control. Potential mitigation includes, but is not limited to: (1) modifying the put and take cycles to minimize discharges to the Santa Ana River and maintain Hydraulic Control, (2) construct facilities in the southern part of the basin to minimize discharges to the Santa Ana River and maintain Hydraulic Control, (3) a combination of (1) and (2), and (4) the implementation of a monitoring program to verify the effectiveness of the mitigation actions. The Project Description contains facilities and their operations that can be used to implement these mitigation actions. The operation of certain facilities proposed as part of the OBMPU can be used to implement these mitigation actions.	This measure shall be implemented once a Storage and Recovery Program application has been received. The mitigation developed, depending on whether it applies to operations or construction related constraints, shall be implemented during the design phase, during construction and/or shall be carried out through operations of the project. Any measures that shall be implemented during construction shall be included in the construction contract as a contract specification.	A copy of mitigation identified to mitigate impacts to hydraulic control shall be retained in the project file alongside the application. Additionally, a copy of the construction contract and final design for each project shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Watermaster and Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Hydrology and Water Quality		
HYD-9: Watermaster shall review each Storage and Recovery Program application, and estimate the surface and ground water systems response (estimate the potential for water quality degradation). Watermaster shall then prepare a report that describes the response and potential MPI to the Chino Basin, and shall develop mitigation requirements to mitigate MPI caused by the proposed Storage and Recovery Program. The Storage and Recovery Program Applicant (Implementing Agency) will develop mitigation measures pursuant to these requirements established by the Watermaster **and pursuant to MM HYD-10**; these measures shall be incorporated into their Storage and Recovery Program application. Upon approval by Watermaster, these mitigation measures will be incorporated into the Storage and Recovery Program storage agreement. Applications that do not adequately mitigate the potential for water quality degradation, which will be determined by the Watermaster, shall not be accepted and therefore will not be developed.	This measure shall be implemented once a Storage and Recovery Program application has been received. The mitigation developed, depending on whether it applies to operations or construction related constraints, shall be implemented during the design phase, during construction and/or shall be carried out through operations of the project. Any measures that shall be implemented during construction shall be included in the construction contract as a contract specification.	A copy of report prepared by Watermaster, as well as the Storage and Recovery Program storage agreement shall be retained in the project file alongside the application. Additionally, a copy of the construction contract and final design for each project shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Watermaster and Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Hydrology and Water Quality		
HYD-10: **To mitigate potential water quality degradation caused by a proposed Storage and Recovery Program Application (as described above under HYD-9),** the data gathered through Watermaster's comprehensive groundwater-quality monitoring shall be used to identify changes in the direction and velocity for each plume that can be attributed to a Storage and Recovery Program that may impact its remediation or the water quality at wells, and to develop mitigation requirements to mitigate for any impacts related to the change in direction or velocity attributed to a Storage and Recovery Program. Potential mitigation includes, but is not limited to: (1) modifying the put and take cycles to minimize changes in the plume's direction and velocity that may impact remediation, (2) constructing facility improvements to mitigate impacts on existing remediation, or (3) a combination of (1) and 2, and (4) the implementation of a monitoring program to verify the effectiveness of the mitigation actions. The operation of certain facilities proposed as part of the OBMPU can be used to implement these mitigation actions.	This measure shall be implemented once a Storage and Recovery Program application has been received. The mitigation developed, depending on whether it applies to operations or construction related constraints, shall be implemented during the design phase, during construction and/or shall be carried out through operations of the project. Any measures that shall be implemented during construction shall be included in the construction contract as a contract specification.	A copy of mitigation identified to mitigate impacts to related to changes in the direction and velocity for each plume shall be retained in the project file alongside the application. Additionally, a copy of the construction contract and final design for each project shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Watermaster and Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Hydrology and Water Quality		
HYD-11: Watermaster shall periodically review current and projected Basin conditions and shall compare this information to the projected basin conditions assumed in the evaluation of the Storage and Recovery Program application process, compare the projected Storage and Recovery Program operations to actual Storage and Recovery Program operations. The Watermaster shall then make findings regarding the efficacy of the mitigation program and requirements required herein and by the Storage and Recovery Program storage agreements. Based on Watermaster's review and subsequent findings, where applicable, Watermaster shall require changes and/or modifications in the Storage and Recover Program storage agreements that will adequately mitigate MPI and related adverse impacts. The Watermaster shall continue to determine what Programs and Projects should be implemented or should be rejected based on their potential to contribute to or cause MPI or other adverse impacts to the Basin.	This measure shall be implemented on an ongoing basis throughout the life of the OBMPU. Storage agreement modifications shall occur when the Watermaster has made a determination that such changes are required. Any mitigation developed, depending on whether it applies to operations or construction related constraints, shall be implemented during the design phase, during construction and/or shall be carried out through operations of the project. Any measures that shall be implemented during construction shall be included in the construction contract as a contract specification.	A copy of the findings made by Watermaster, any changes in storage agreements, and any modified mitigation identified to mitigate impacts to the Basin shall be retained in the project file alongside the application. Additionally, a copy of the construction contract and final design for each project shall be retained in the project file. Verification of implementation shall be based on field inspections by IEUA, Watermaster, Watermaster Stakeholders/Implementing Agencies inspection personnel that verify that the requirements in this measure have been completed. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Watermaster and Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Hydrology and Water Quality		
HYD-12: **Prior to the commencement of construction of any OBMPU project that will disturb less than one acre (i.e., that is not subject to the California Construction Stormwater General Permit), the ~~Watermaster and/or~~ Implementing Agency shall require implementation of** and construction contractor(s) shall select best management practices **(BMPs)** **~~applicable to well development sites and any other OBMPU Projects that are less than one acre in size. BMPs shall include activities on each site~~** to achieve a reduction in pollutants **from stormwater discharge** to the maximum extent practicable during the construction of each OBMPU facility, and to control urban runoff after each OBMPU facility is constructed and the well (if approved for operation post well testing) or other OBMPU facility is in operation. **Examples of BMP(s) that would achieve a reduction in pollutants include, but are not limited to:** • **The use of silt fences or coir rolls;** • **The use of temporary stormwater desilting or retention basins;** • **The use of water bars to reduce the velocity of stormwater runoff;** • **The use of wheel washers on construction equipment leaving the site;** • **The washing of silt from public roads at the access point to the site to prevent the tracking of silt and other pollutants from the site onto public roads;** • **The storage of excavated material shall be kept to the minimum necessary to efficiently perform the construction activities required. Excavated or stockpiled material shall not be stored in water courses or other areas subject to the flow of surface water; and** • **Where feasible, stockpiled material shall be covered with waterproof material during rain events to control erosion of soil from the stockpiles.**	This measure shall be implemented during construction and shall be included in the construction contract as a contract specification.	A copy of the construction contract shall be retained in the project file. Verification of implementation shall be based on field inspections by the Watermaster and/or the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Watermaster and/or Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Hydrology and Water Quality		
HYD-13: ~~**Implementation of a Grading and Drainage Plan.**~~ Prior to commencement of construction of project facilities, the ~~**Watermaster and/or**~~ Implementing Agency shall require that the Project Proponent submit either: (1) **Prepare a No Net Discharge Report demonstrating that** within each facility, surface runoff shall be collected and retained (for use onsite) or detained and percolated into the ground on the site such that site development results in no net increase in offsite stormwater flows. Detainment shall be achieved through Low Impact Development techniques whenever possible, and shall include techniques that remove the majority of urban storm runoff pollutants, such as petroleum products and sediment. The purpose of this measure is to remove the onsite contribution to cumulative urban storm runoff and ensure the discharge from the sites is treated to reduce contributions of urban pollutants to downstream flows and to groundwater; or, where it is not possible to eliminate stormwater flows off of a site or where otherwise appropriate, the Watermaster and/or Implementing Agency shall: (2) Prepare a Grading and Drainage Plan that identifies anticipated changes in flow that would occur on site and minimizes any potential increases in discharge, erosion, or sedimentation potential in accordance with applicable regulations and requirements for the County and/or the City in which the facility would be located. In addition, all new drainage facilities shall be designed in accordance with standards and regulations. The plan shall identify and implement retention basins, best management practices, and other measures to ensure that potential increases in storm water flows and erosion would be minimized, in accordance with local requirements.	The No Net Discharge Report or Grading Plan and Drainage Plan shall be developed prior to construction, and the measures called for shall be implemented during construction and shall be included in the construction contract as a contract specification.	A copy of the No Net Discharge Report or Grading Plan and, Drainage Plan and construction contract shall be retained in the project file. Verification of implementation shall be based on field inspections by Watermaster and/or the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Hydrology and Water Quality		
HYD-14: To minimize potential ground disturbances associated with installation and maintenance of **(a)** proposed monitoring equipment on, or **(b)** groundwater treatment at existing wells, the equipment and treatment facilities shall be installed within or along existing disturbed easements or right-of-way or otherwise disturbed areas, including access roads and pipeline or existing utility easements, whenever feasible.	This measure shall be implemented both during project specific design and during construction, and shall be included in the construction contract as a contract specification.	A copy of the construction contract shall be retained in the project file. Verification of implementation shall be based on field inspections by Implementing Agency inspection personnel that verify that the requirements in this measure have been completed. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Hydrology and Water Quality		
HYD-15: For long-term mitigation of site disturbances at OBMPU facility locations, all areas not covered by structures shall be covered with hardscape (concrete, asphalt, gravel, etc.), native vegetation and/or man-made landscape areas (for example, grass). Revegetated or landscaped areas shall provide sufficient cover to ensure that, after a two-year period, erosion will not occur from concentrated flows (rills, gully, etc.) and sediment transport will be minimal as part of sheet flows. These measures and requirements shall be applied to disturbed areas of abandoned well sites proposed for closure.	This measure shall be implemented both during project specific design and during construction, and shall be included in the construction contract as a contract specification.	A copy of the construction contract and final design for each project shall be retained in the project file. Verification of implementation shall be based on field inspections by Implementing Agency inspection personnel that verify that the requirements in this measure have been completed. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Hydrology and Water Quality		
HYD-16: Prior to ~~**implementation**~~ **commencement of construction** of any recharge or stormwater retention basin projects as either existing or new basins, **the Implementing Agency shall require submittal of an Operational Risk** Management Plan **that** will be ~~**established**~~ **prepared** to the satisfaction of **San Bernardino County Flood Control District (**SBCFCD)**, Riverside County Flood Control District (RCFCD)** ~~**Division of Safety of Dams (DSOD)**~~**, and/or Division of Safety, as appropriate**. This Plan shall be created specifically for each individual basin to ensure the safety of surrounding property and people from undue risks associated with water-related hazards (i.e. flooding). The **Operational Risk** Management Plan will firmly establish a priority of flood-control functions over and above recharge or retention-related operations. Weather forecasts of upcoming storm events will be carefully monitored and in the event of a significant forecasted storm-event, water deliveries **to** the basins will be ceased until further notice is received from SBCFCD or RCFCD that it is safe for deliveries to resume. Additionally, each SBCFCD or RCFCD basin**'s** ~~**will**~~ specific management plan **will** ~~**have a**~~ **be** developed~~**, so as**~~ to coordinate flood control **along** with surface water recharge or retention. This mitigation measure will ensure that people and property are not subject to additional risk associated with water-related hazards in the Basin, and will allow SBCFCD or RCFCD to make full utilization of the basin's flood control capacity in the event of a storm.	This measure shall be implemented both during project specific design and during construction, and shall be included in the construction contract as a contract specification. The management plan shall be developed before the recharge or stormwater retention basin commences operation.	A copy of the management plan and construction contract and final design for each project shall be retained in the project file. Verification of implementation shall be based on field inspections by Implementing Agency inspection personnel that verify that the requirements in this measure have been completed. Field notes from inspections shall be retained in the project file. Correspondence with SBCFCD or RCFCDWCD pertaining to this issue shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Hydrology and Water Quality HYD-17: Prior to cleaning out, refurbishing or capping a well, samples will be obtained and chemically analyzed to ensure that the discharge does not contain any contaminants exceeding regulatory thresholds. If contaminants are discovered, then they shall be removed or lowered below the regulatory threshold prior to discharge to the environment. Discharge of non-stormwater into storm drains will require a ~~NPDES~~ permit **from the Santa Ana Regional Water Quality Control Board (RWQCB)**.	This measure shall be implemented during prior to cleaning out, refurbishing or capping a well and shall be included in the construction contract as a contract specification.	A copy of the steps taken pertaining to cleaning out, refurbishing or capping a well shall be documented and retained in the project file, as should the construction contract. Should a NPDES permit be required, it shall be retained in the project file. Verification of implementation shall be based on field inspections by Implementing Agency inspection personnel that verify that the requirements in this measure have been completed. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Hydrology and Water Quality HYD-18: All new and expanded water treatment facilities associated with the OBMPU shall ensure that any brine generated from the water treatment process that cannot be otherwise treated on-site is disposed of in accordance with state and local regulations—such as through disposal to a brine line (Non-Reclaimable Wastewater System, Etiwanda Wastewater Line, and Inland Empire Brine Line, etc.)—to prevent brine from being discharged into the local stormwater collection system.	This measure shall take place during the design phase for future new and expanded water treatment facilities projects.	A copy of the design documenting proper brine disposal shall be retained in the project file. Site inspections shall be performed to ensure the proper procedures pertaining to brine disposal are adhered to.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

CHINO BASIN WATERMASTER
OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Schedule	Verification
Hydrology and Water Quality		
HYD-19: The ~~**Watermaster and/or**~~ Implementing Agency shall verify that any given OBMPU facility (excepting those located at existing facilities [wells, water treatment plants, etc.] and excepting the installation of in-line flow meters or other facilities required to be installed in a channel, such as diversion structures) is located outside of the 100-year floodplain by utilizing the FEMA FIRM panels for the selected area prior to project implementation. If a given project is located outside of the 100-year floodplain, then no subsequent CEQA documentation specific to floodplains are required. However, if a project is located within the 100-year floodplain either (1) a new location outside of the 100-year floodplain shall be selected, or (2) a second tier CEQA evaluation shall be completed that would address the given project's location within the 100-year floodplain.	Verification of the site's location shall occur during the design phase for a given project. Where applicable, the second tier CEQA documentation shall be completed prior to construction of the given facility.	Where applicable, a copy of the subsequent CEQA documentation for the individual project shall be retained in the project file. Verification shall be based on the submission of the final CEQA documentation to the Implementing Agency.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Tribal Cultural Resources		
TCR-1 Where a future discretionary project requiring a Negative Declaration or follow-on EIR is proposed within an existing facility that has been totally disturbed due to it undergoing past engineered site preparation (such as a well site, water treatment facility, or wastewater treatment plant site), the agency implementing the OBMPU project will notify the three Tribes **(Gabrieleño, Morongo, and San Manuel)** under AB 52 but will point out that the project falls under the OBMPU evaluation and that the site is fully developed. No further cultural resources or TCR investigation will be conducted unless a Tribe identifies specific TCR resources/values at such site(s).	This measure shall be implemented prior to the commencement of construction for a given project.	A copy of the correspondence to the three tribes shall be retained in the project file(s). Verification shall be based on a copy of the correspondence that shall be provided to the Implementing Agency.
	Responsible Party	**Status / Date / Initials**
	IEUA, Watermaster, or Watermaster Stakeholders/Implementing Agencies	

Mitigation Measure	Implementation Schedule	Verification
Tribal Cultural Resources		
TCR-2 Where a future discretionary project requiring a Negative Declaration or follow-on EIR is proposed at an undisturbed site, the agency implementing the OBMPU project will initiate AB 52 consultation and a records search at the appropriate California Historical Resources Information System (CHRIS) center with at least a 0.5-mile search radius. The Native American Heritage Commission (NAHC) shall also be contacted to identify tribal representatives to contact as part of a Phase 1 cultural resources investigation. Finally, a site-specific survey will be conducted by a qualified professional archaeologist. During the survey, the archaeologist shall engage the designated tribal representative(s) based on responses from the NAHC consultation among the three Tribes.	This measure shall be implemented by the Implementing Agency prior to construction.	A copy of the correspondence to the three tribes, the results of the records search, and the site specific survey shall be retained in the project file(s). The designated tribal representative shall be documented in the project file. Documentation of correspondence with the NAHC shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Tribal Cultural Resources		
TCR-3 If the AB 52 consultation results in a request to consult from one or more of the three Tribes, and the consultation results in a request for monitoring from one or more of the Tribes, the agency implementing the OBMPU project shall meet with the Tribe or Tribes and develop a "Cultural Resources Monitoring and Treatment Plan" (Plan) for the specific project. This Plan shall follow the general outline of the Plan provided in the Appendices of this document. If more than one Tribe requests field monitoring participation, the agency shall ask the requesting Tribes to determine which one will provide the monitor(s), as only a single Tribe's monitor(s) shall be funded in the monitoring effort. If the Tribes cannot identify a single tribal monitor, the agency shall select a single tribal monitor to monitor a project after reviewing qualifications of the recommended monitors.	This measure shall be implemented by the Implementing Agency prior to construction. The meeting with the Tribe shall occur after the Tribe(s) request to consult. The Plan shall be developed prior to initiation of construction and shall be incorporated as a specific measure into the construction contract.	A copy of the correspondence between the tribes and the Implementing agency, and the Cultural Resources Monitoring and Treatment Plan, shall be retained in the project file(s). The designated Tribe that will be monitoring the project shall be documented in the project file. Monitoring activities shall be included as a specific measure in the construction contract, which shall be retained in the project file. Field notes generated by the monitor shall be retained in the project file. Verification of implementation shall be based on field inspections by the Implementing Agency. Field notes from inspections shall be retained in the project file.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

Mitigation Measure	Implementation Schedule	Verification
Utilities and Service Systems		
UTIL-5: **For** future OBMPU Projects that do not have access to electrical or natural gas connections in the immediate vicinity (defined here as a 500-foot buffer from a given project site), and will require either extension of infrastructure or creation of new infrastructure to meet electricity and/or natural gas needs at a future OBMPU Facility site, subsequent CEQA documentation shall be prepared that fully analyzes the impacts that would result from extension or development of **electrical** ~~**energy**~~ or natural gas infrastructure.	Where applicable, the second tier CEQA documentation shall be completed prior to construction of the given facility.	Where applicable, a copy of the subsequent CEQA documentation for the individual project shall be retained in the project file. Verification shall be based on the submission of the final CEQA documentation to the Implementing Agency.
	Responsible Party	**Status / Date / Initials**
	Implementing Agency	

REVISED
DRAFT SEIR (Volume 1)
July 2020

REVISED
DRAFT SEIR
(Volume 2 – Technical Appendices)
July 2020