

Commenting Agency	Date Received	Comment Subject Area									Specific Comment	Response to Comment
		Project Specifics	Pumping & Extraction	Water Rights & Legal	Boundary Concerns	Water Quality	Water Storage	Cost	General Comment			
Summary of Questions and Comments Received During the Stakeholder Workshop	7/27/11						X				Will there be a limitation placed on the amount of water stored in the Basin?	Possibly. Our goal is to use the PEIR as a guide to determine the maximum storage capacity within the Basin (i.e. the safe yield) as to not harm the Basin. Until the PEIR is complete, we won't know what the safe yield will be.
									X		What efforts are being taken to coordinate this plan with WRD (and other agencies)? Are the pumping rights of other agencies being considered?	CBMWD's proposed Program does take into account all usage of the Basin, including the pumping rights of other agencies. WRD is welcome to come to the table and join in on these discussions, as are all the stakeholders. This is intended to be an inclusive process, and CBMWD welcomes everyone's input in the development of a proposed Program.
									X		Will this plan require court approval?	The issue of extraction rights will be brought to the Court (Judge Kendig). CBMWD will be asking her to provide direction to the Water Master on their position that water can be stored but not extracted in the Basin unless it is done under the extraction rights outlined in the Judgment. Other than that, CBMWD does not believe it is necessary to seek Court approval for the proposed Groundwater Storage Plan (a.k.a. Program), since the Court has specifically found that storage is not part of the CBMWD Judgment.
		X									Will there be underflow to the West Basin if the gradient becomes higher?	This is something that will be looked at in the PEIR.
									X		Is there going to be competition about who has the right to use the spreading grounds?	The Los Angeles County Department of Public Works (LACDPW) operates the spreading grounds and they dictate the use. With the high volume of water observed this year, we have had the opportunity to see how the spreading grounds can be utilized by various agencies for maximum use. The future management of the spreading grounds is something that must be considered in any groundwater storage plan and will be part of the Program if approved.
									X		Will there be reserved amounts for the various pumpers so that one or two agencies will not be able to dominate the storage capacity?	The future needs of the pumpers will absolutely be considered under the Program. Although the PEIR is not complete yet, CBMWD is already taking into account the supply needs of each pumper. The water will be stored by CBMWD on behalf of all CBMWD's customers, so that they will have the opportunity to tap into that supply during capacity charge times or during an emergency.
									X		About 220,000 AF of water is extracted each year from the Central Groundwater Basin. Will the 300,000 AF of water CBMWD is proposing cut (into) it? Will the amount the District plans on storing be enough for everyone?	The groundwater rights of each individual agency will be respected with no infringement of that agency's' right to groundwater. To clarify, CBMWD does not supply the 220,000 AF a year. A portion of the 220,000 AF is largely provided by Mother Nature. Our proposed Program will help to ensure that, of the 65,000 AF that is imported each year, there will be enough water available for the pumpers to use during times of emergency, during capacity charge times or when MWD water is not available.

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		X									Is the intent here for CBMWD to drill wells to connect to the MWD pipeline system so that the water can be taken in normal fashion?	Once the PEIR is complete and if the Program is approved, specific projects will be defined and developed to implement the approved Program. Note that all of these projects will require environmental review under CEQA. The PEIR will include consideration of whether the MWD pipelines constitute a practical option for the Program's portfolio.
									X		Does CBMWD plan on handling groundwater replenishment? Why is replenishment mentioned in the NOP?	Replenishment of the Central Groundwater Basin is already a legally stipulated function of the supplier (CBMWD), the purchaser (WRD), and the operator of the spreading grounds (LACDPW). Water stored under the proposed CBMWD Groundwater Storage Plan could potentially be sold to WRD as a replenishment supply. In this way, a stored supply could enhance replenishment in the future.
					X						If this water is stored, will there be legal restrictions on the use of the water? Does it have to be kept in the basin, or could it be exported outside of the basin?	While all options will be considered in the PEIR, it is definitely not CBMWD's intent to sell water outside of the Basin. However, this would be a policy decision for the Board to consider.
									X		WRD has already proposed a groundwater plan. Is CBMWD working with WRD to see what they can use from that plan?	<p>CBMWD and WRD are not working together on this Program and WRD's plan will not be used in the development of this Program. This is mainly due to the fact that WRD's plan has been rejected by two Superior Court Judges. The WRD plan did not include environmental review as required under CEQA. Also, CBMWD had a number of concerns with the WRD plan that were never addressed such as a CEQA review was not conducted and no opportunity for public input was provided under WRD's process.</p> <p>Instead of following what others have done, CBMWD has chosen to develop a proposed Program through an inclusive process that will take into account the feedback and input of stakeholders. Also, we are starting this process by conducting a full environmental assessment of the Basin that will assess its current condition and storage capacity. By doing an environmental programmatic EIR, we're able to get stakeholder input from the beginning. This has never been done before. All stakeholders, including WRD, are encouraged to participate in this process and provide input.</p>
								X			How much will this plan cost?	Cost will be an important consideration for the Board. The economic impacts of the various Program options will be included in the PEIR as such impacts apply to the issue of Environmental Justice. Other than this consideration, cost is not the purview of CEQA. Instead it is a key consideration that must be weighed, by the Board, against the benefits of the proposed Program. It is CBMWD's intent to develop a plan that results in the economic benefit of making a more affordable water supply available to customers.

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										X	How do you envision the management of the groundwater storage plan? Are you envisioning something similar to the Waldo Plan?	The management (a.k.a. governance) of the proposed Program is yet to be developed. We will be seeking additional input on the management structure at an upcoming stakeholder meeting.
										X	How is this process different from the top-down approach used during the Waldo process?	The primary difference is that CBMWD is developing a proposed Program with the input of all agencies that wish to be involved. There is no exclusion. From the beginning it has been CBMWD's intent to be as inclusive as possible. This has been the reason for our continued stakeholder meetings. CBMWD values stakeholder input in this process. Another difference is that the Waldo plan has been rejected by the Courts, which makes this process impractical for use by CBMWD.
										X	There is no doubt that we need storage. However, what if the pumpers do not approve of the final plan that emerges?	The adoption and implementation of the proposed Program will be up to the Board. The position of the stakeholders will certainly be an important consideration for the Board, as we have been instructed to develop a proposed Program with our stakeholders, and to ensure that the final product addresses your needs and concerns to the best of our ability.
City of Lakewood	7/27/11			X							<p>One thought as you prepare to open up storage and recovery in the basin. As you and your attorney mentioned today such water storage, for local use or export, is allowed under your enabling act. Many others have this latent power also, including MWD who could apparently bypass CBMWD.</p> <p>Here's Section 130 of the Metropolitan Water District Act:</p> <p>"A district may do all of the following:</p> <p>(a) Acquire water and water rights within or without the state,</p> <p>(b) Develop, store, and transport water,</p> <p>....</p> <p>(e) Acquire, construct, operate, and maintain any and all works, facilities, improvements, and</p>	<p>CBMWD supports the idea of local control of a local resource. The groundwater storage that underlies the CBMWD service area is a local resource that should be used and controlled for the benefit of our customers.</p> <p>At this time we do not see a role for MWD in the management of our local resource. While the Metropolitan Water District Act states that they <u>may</u> store water, it is highly unlikely that MWD would try to store water in a member agency's groundwater basin without the full concurrence and cooperation of those member agencies Board of Directors. In this case, the member agency is CBMWD.</p> <p>Any future cooperation and joint activities with MWD would be a decision to be made by the CBMWD board.</p>

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											<p>property necessary or convenient to the exercise of the powers granted by this section."</p> <p>Does CBMWD support MWD having the right to store water in our basin and construct facilities to extract it? It says right here they can!</p>	
South Coast Air Quality Management District (SCAQMD)	7/28/11									X	<p>....please send with the draft PEIR all appendices or technical documents related to the air quality and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files. These include original emission calculation spreadsheets and modeling files (not Adobe PDF files)</p>	Comment noted. The requested materials will be submitted to the SCAQMD.
										X	<p>The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as a guide when preparing its air quality analysis.</p>	Comment noted. The referenced Handbook will serve as the basis for the referenced analysis.
County of Los Angeles Sheriff's Department Headquarters	8/9/11									X	<p>The Department has reviewed the IS and NOP for the proposed Project, and has no comments to submit at this time. However, the Department reserves the right to further address this matter in subsequent reviews of the proposed Project.</p>	Comment noted.
County Sanitation Districts of Los Angeles County	8/11/11					X					<p>As a general comment, the CBMWD's potential use of recycled water would be subject to regulatory requirements and agreements with the Districts. The Districts have contracted much of the recycled water we produce. These existing commitments must be taken into account to determine the volume available for CBMWD's storage project. Consequently, the Districts'</p>	Comment noted.

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											request to be included in the development of any assumptions regarding the quality and availability of recycled water produced at any of our treatment plants.	
City of South Gate	8/17/11									X	<p>Of keen City interest, of course, will be the manner in which the Programmatic EIR proposes to define the “empty groundwater storage space.” The City is concerned over what scientific parameters are employed in this regard as the City must ensure that the Programmatic EIR is truly limited to unused storage space as opposed to Basin space that the City, and other pumpers with allocated rights, pump from or could pump from in cases of excess supply.</p>	<p>It is the intent that the proposed Program use only de-watered space within the CBMWD. Further, the Program will not impinge on the rights and authorities other entities – either public or private. For example, implementation of the Program would require respect for the rights afforded to all Parties under the Judgment.</p> <p>CBMWD fully agrees that good science is needed to determine that the Program involves unused storage space. That is why we initiated the development of a comprehensive groundwater model that builds on previous models of the groundwater basin. This model will evaluate the potential impacts of the Program to make sure it involves only unused storage space and that there are no other unintended consequences of the program.</p>
										X	<p>Moreover, the City is concerned if this Programmatic EIR were to allow the Water Replenishment District of Southern California (“WRD”) the authority to permit other municipalities to bank their water supplies (i.e. referring to the CBMWD’s dispute with WRD over the City of Long Beach’s desire to store water within this Basin). The Programmatic EIR should not serve as a means to allow general storage for non-Basin entities as that would be inconsistent with its stated function of allowing for the importation and storage of replenishment water to meet blending requirements. Allowing non-Basin parties to simply store water within the Basin just because unused space may be available is not an interest that the City needs to support. This is particularly true given concerns whether the space is truly unused or whether the storage jeopardizes the City’s pumping rights.</p>	<p>CBMWD supports the idea of local control of a local resource. The groundwater storage that underlies our service area is a local resource that should be used and controlled for the benefit of our customers.</p> <p>We agree that “general storage for non-Basin entities” should not be a purpose of the Program or a consideration for the PEIR. The cities and water agencies within CBMWD should benefit from the storage. Existing pumping rights will be maintained and protected.</p>

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			X								<p>Additional questions raised by the Programmatic PEIR are how long is any particular entity permitted to store its water, and what type of water is being stored in terms of quality. All of these concerns potentially threaten the City's allocated pumping rights.</p>	<p>Comment noted. How long water can be stored and what is the quality of water stored are valid considerations. These will be included in the PEIR process.</p> <p>Existing pumping rights will be maintained and protected.</p> <p>The management (a.k.a. governance) of the proposed Program is yet to be developed. We will be seeking additional input on the management structure at an upcoming stakeholder meeting.</p>
									X		<p>One conclusion to be drawn is that the CBMWD has yet to sufficiently describe a "project" and cannot do so until it can, at a minimum, provide its members with a description of the groundwater storage area, who will be exercising control over such, and the sources of water.</p>	<p>Comment noted. Providing specific details regarding exactly how water would be put into storage or where it may be extracted from would present a pre-determined Plan that would undermine the scoping process. CBMWD agrees that some level of specificity is required during the CEQA process, but it is more appropriately provided in the Draft and Final Environmental Impact Reports to allow for careful consideration and, where warranted, inclusion in the final Plan design.</p>
										X	<p>Another fundamental flaw with the Programmatic EIR is that the CBMWD has not substantiated its authority for pursuing this storage idea. Information at the scoping meeting indicates that the CBMWD claims to have the sole authority in the area of the groundwater management of this Basin pursuant to <i>Water Code</i> Section 71610. However, this section grants a municipal water district the power to "acquire, control, distribute, store...water...for the beneficial use of uses of the district, its inhabitants, or the owners of rights to water in the district." Other <i>Water Code</i> sections also grant similar authority to other types of districts that are within the CBMWD's proposed boundary. "See, <i>Water Code</i> Sections 22078, 31021, 60221, and 109-130, in particular." While the CBMWD may have a strong statutory right to "store" water within the Basin, this right is not statutorily reserved to the Basin alone, but is a shared right held by its members as well, requiring the CBMWD's recognition of the City's rights to allocated pumping rights, and its</p>	<p>CBMWD does <u>not</u> intend to assert complete control over groundwater storage in the Basin. CBMWD is best qualified to serve as the Lead Agency under CEQA for the proposed Program, and if the Program is approved by the Board of Directors, CBMWD would have a strategic role in management of the Program. However, this does not imply that the rights and authorities other entities – either Public or Private – would be impinged. For example, implementation of the Program would require respect for the rights afforded under to all Parties to the Judgment.</p>

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											cooperation with Basin members so as not to negatively impact such rights.	
City of Pico Rivera	8/15/11		X						X		The City of Pico Rivera is concerned that the CBMWD's proposed plan may negatively affect the City's rights to extraction of groundwater and future costs for extraction of water.	The proposed Program will not impinge on the rights and authorities other entities – either public or private. For example, implementation of the Program would require respect for the rights afforded under to all Parties to the Judgment.
										X	The City is not opposed to CBMWD's proposed plan to the extent that the plan is within CBMWD's rights and authority granted by the law of the State of California. The City is aware that the extent of CBMWD's authority to execute its proposed plan may be affected by the ongoing litigation regarding groundwater storage issues and amendment of the CBMWD Judgment.	CBMWD does <u>not</u> intend to assert complete control over groundwater storage in the Basin. We do believe that CBMWD is best qualified to serve as the Lead Agency under CEQA for the proposed Program and, if the Program is approved by the Board of Directors, would have a strategic role in management of the Program. However, this does not imply that the rights and authorities other entities – either public or private – would be impinged. For example, implementation of the Program would require respect for the rights afforded under to all Parties to the Judgment. In fact, the Program may be implemented under a governance structure that is consistent with the structure being discussed amongst various Stakeholders within the Basin, thereby supporting a democratic implementation process.
		X									The Notice of Preparation does not provide sufficient detail regarding the proposed storage program, including any discussion of how the water would be put into storage , where it may be extracted, who may extract it and in what quantities. Although CBMWD has stated that more specificity in these areas would jeopardize the CEQA process, and although the District has extended the comment period, the program remains too vague for the City to provide detailed comments.	Providing specific details regarding exactly how water would be put into storage or where it may be extracted from would present a pre-determined Plan that would undermine the scoping process. CBMWD agrees that some level of specificity is required during the CEQA process, but it is more appropriately provided in the Draft and Final Environmental Impact Reports to allow for careful consideration and, where warranted, inclusion in the final Plan design.

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		X									<p>Will CBMWD's proposed plan result in duplication of efforts by the Water Replenishment District and CBMWD to mitigate the over-pumping of the Central Basin Groundwater? Will there be a cost implication to water rates favorable or unfavorable to water retailers or rate payers?</p>	<p>CBMWD and WRD are not working together on this plan and WRD's plan will not be used in the development of this plan. This is mainly due to the fact that WRD's plan has been rejected by two Superior Court Judges. The WRD plan did not include an environmental review as required under CEQA . Also, CBMWD had a number of concerns with the WRD plan that were never addressed.</p> <p>Instead of following what others have done, CBMWD has chosen to develop a storage plan through an inclusive process that will take into account the feedback and input of stakeholders. Also, we are starting this process by conducting a full environmental assessment of the Basin that will assess its current condition and storage capacity. By doing an environmental PEIR, we're able to get stakeholder input from the beginning. This has never been done before. WRD is welcomed to participate in this process and provide their input.</p> <p>With regard to cost and impact to rates, this is not an issue that is considered as part of the CEQA process and, therefore, is not discussed in detail in CEQA-related documents. However, costs and the potential impact on rates will be an important consideration as the Board considers approval of the proposed Program.</p>
		X									<p>The City would like to see more details regarding the proposed storage program, including how the water would be put into storage, where it may be extracted, any conditions upon extraction, restrictions on which parties may extract the stored water, and any cost information for extracting stored water.</p>	<p>The Draft PEIR will include a description of a portfolio of methods by which water may be feasibly put into storage and extracted. With regard to restrictions on extractions, that will be part of the management of the Program. The management (a.k.a. governance) of the proposed Program is yet to be developed. We will be seeking additional input on the management structure at an upcoming stakeholder meeting.</p> <p>With regard to cost and impact to rates, this is not an issue that is considered as part of the CEQA process and, therefore, is not discussed in detail in CEQA-related documents. However, costs and the potential impact on rates will be an important consideration as the Board considers approval of the proposed Program.</p>
						X					<p>The City of Pico Rivera expects that CBMWD's proposed plan will not result in a detrimental effect to quality of the groundwater and wishes</p>	<p>Comment noted. This issue will be addressed in the PEIR.</p>

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											to see documentation of same.	
									X		The City is concerned with the lack of justification for the plan, the Cost associated with developing the plan and the subsequent financial impact to the CBMWD's constituents, which are also our customers.	The CBMWD Board must consider the objectives of the proposed Program, as described as part of the CEQA process, and balance these objectives against the costs associated with Program implementation as they consider approval of the Program.  With regard to cost and impact to rates, this is not an issue that is considered as part of the CEQA process and, therefore, is not discussed in detail in CEQA-related documents. However, costs and the potential impact on rates will be an important consideration as the Board considers approval of the proposed Program.
										X	Should it be determined that the CBMWD can control groundwater, is there a benefit to water retailers? Will water retailers be able to extract groundwater at the same cost to store the groundwater?	A goal of the proposed Plan is to store (pre-deliver) imported surface water when conditions are wet and to use the water when conditions are dry. This has two advantages (1) it improves the reliability of the imported water, and (2) it enables CBMWD and its members agencies to purchase the imported water at discounted rates. This would be done entirely for the benefit of CBMWD's customers.
										X	The City acknowledges CBMWD's position that providing specific details on the proposed plan may present a pre-determined plan. The City, however, wishes to reiterate that its support or opposition to CBMWD's plan cannot be determined without additional details allowing the City to evaluate the effect of the plan on the City's water rights and usage as fully as possible.	Comment noted.
Southeast Water Coalition	8/11/11									X	As you know, the Southeast Water Coalition (SEWC) cities rely on groundwater from the Central Basin to meet the majority of their potable water needs. The SEWC is therefore submitting comments on the CBMWD proposal because it is very concerned that the program will jeopardize the rights of the local producers, the usefulness of the Central Basin for storage, and the operation of the Central Basin Judgment.	CBMWD does <u>not</u> intend to assert complete control over groundwater storage in the Basin. We do believe that CBMWD is best qualified to serve as the Lead Agency under CEQA for the proposed Program and, if the Program is approved by the Board of Directors, would have a strategic role in management of the Program. However, this does not imply that the rights and authorities other entities – either public or private – would be impinged. For example, implementation of the Program would require respect for the rights afforded to all Parties under the Judgment. In fact, the Program may be implemented under a governance structure that is consistent with the structure being discussed amongst various Stakeholders within the Basin, thereby supporting a democratic implementation process.

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								X			<p>The SEWC is also concerned about how the CBMWD proposal will affect management of the overall cost of basin operations since ultimately our citizens bear the burden of all costs.</p>	<p>CBMWD does <u>not</u> intend to assert complete control over groundwater storage in the Basin. We do believe that CBMWD is best qualified to serve as the Lead Agency under CEQA for the proposed Program and, if the Program is approved by the Board of Directors, would have a strategic role in management of the Program. However, this does not imply that the rights and authorities other entities – either public or private – would be impinged. For example, implementation of the Program would require respect for the rights afforded under to all Parties to the Judgment. In fact, the Program may be implemented under a governance structure that is consistent with the structure being discussed amongst various Stakeholders within the Basin, thereby supporting a democratic implementation process.</p>
									X		<p>The SEWC is seriously concerned that CBMWD may be motivated to assert inappropriate control over groundwater under circumstances where it, as a surface water delivery agency, has significant conflicts of interest.</p>	<p>CBMWD is a water supply agency formed under the Municipal Water District Act. As such, certain powers of water supply are afforded to CBMWD under that statutory authority. Whether the supply comes from surface water or groundwater, is immaterial to that function. As long as the supply is developed consistent with state and federal law, and in a cost-effective manner to the customer agencies, there is no conflict.</p> <p>CBMWD does <u>not</u> intend to assert complete control over groundwater storage in the Basin. We do believe that CBMWD is best qualified to serve as the Lead Agency under CEQA for the proposed Program and, if the Program is approved by the Board of Directors, would have a strategic role in management of the Program. However, this does not imply that the rights and authorities other entities – either public or private – would be impinged. For example, implementation of the Program would require respect for the rights afforded under to all Parties to the Judgment. In fact, the Program may be implemented under a governance structure that is consistent with the structure being discussed amongst various Stakeholders within the Basin, thereby supporting a democratic implementation process.</p>
									X		<p>At this time, SEWC is opposed to any program that would place control of the groundwater storage in the hands of a single agency outside court supervision under the existing Central Basin Judgment.</p>	<p>CBMWD does <u>not</u> intend to assert complete control over groundwater storage in the Basin. We do believe that CBMWD is best qualified to serve as the Lead Agency under CEQA for the proposed Program and, if the Program is approved by the Board of Directors, would have a strategic role in management of the Program. However, this does not imply that the rights and authorities other entities – either public or private – would be impinged. For example, implementation of the Program would require respect for the rights afforded under to all Parties to the Judgment. In fact, the Program may be implemented under a governance structure that is consistent with the structure being discussed amongst various Stakeholders within the</p>

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												Basin, thereby supporting a democratic implementation process.
									X	The Notice of Preparation dated July 19, 2011 provides no details regarding the proposed storage program, including any discussion of how the water would be put into storage, where it may be extracted, who may extract it and in what quantities. Although CBMWD has stated that more specificity in these areas would jeopardize the CEQA process, and although the District has extended the comment period, the program remains so completely undefined as to make substantive comment impossible.	Providing specific details regarding exactly how water would be put into storage or where it may be extracted from would present a pre-determined Plan that would undermine the scoping process. CBMWD agrees that some level of specificity is required during the CEQA process, but it is more appropriately provided in the Draft and Final Environmental Impact Reports to allow for careful consideration and, where warranted, inclusion in the final Plan design.	
				X						One primary concern is your erroneous assertion that CBMWD has the sole authority to manage storage in the Central Basin. Your agency clings to Water Code Section §71610 to justify its assertion of sole authority in the area of groundwater management.	CBMWD does <u>not</u> intend to assert complete control over groundwater storage in the Basin. We do believe that CBMWD is best qualified to serve as the Lead Agency under CEQA for the proposed Program and, if the Program is approved by the Board of Directors, would have a strategic role in management of the Program.	
				X						According to your attorneys, CBMWD has the “sole statutory authority” regarding management of storage capacity, and they have implied that the Water Replenishment District (WRD) only has authority “to the extent that authority is not exercised by” CBMWD. This section of the Water Code grants a municipal water district the power to “acquire, control, distribute, store...water...for the beneficial use or uses of the district, its inhabitants, or the owners of rights to water in the district.” Of course, very similar language appears throughout the Water Code in the enabling acts of several different types of districts that are within the proposed program boundary. (See e.g. Wat.C. § 22078 regarding Irrigation Districts; Wat.C. §31021 regarding County Water Districts; Wat.C. § 60221 regarding Water Replenishments Districts; Wat.C.App. § 109-130 regarding Metropolitan	CBMWD does <u>not</u> intend to assert complete control over groundwater storage in the Basin. We do believe that CBMWD is best qualified to serve as the Lead Agency under CEQA for the proposed Program based on the statutory authority assigned under the Water Code. However, this does not imply that the rights and authorities other entities – either public or private – would be impinged. For example, implementation of the Program would require respect for the rights afforded under to all Parties to the Judgment. In fact, the Program may be implemented under a governance structure that is consistent with the structure being discussed amongst various Stakeholders within the Basin, thereby supporting a democratic implementation process.	

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											Water Districts). The SEWC cities, as well as the other cities within the proposed project area, also have authority to control and store water under their individual police powers.	
				X							<p>In taking the position that its authority is all-encompassing, CBMWD has apparently chosen to either ignore or has forgotten the long history of the role recognition and cooperation among the many interested parties in the region, a recognition that stretches back decades. This new claim of exclusive authority is particularly surprising in light of several contrary assertions by CBMWD representatives in the past. The assertion ignores the provisions of the existing Central Basin Judgment and the existence of WRD, a groundwater agency with express jurisdiction over groundwater within the Central Basin. The proposal also discounts the court's holding in the recent appellate court opinion (<i>Central and West Basin Water Replenishment District v. Southern California Water Company (2003) 109 Cal.App.4<sup>th</sup> 891</i>), which dealt expressly with issues of governance over storage of groundwater within the Central Basin.</p>	<p>CBMWD does <u>not</u> intend to assert complete control over groundwater storage in the Basin. We do believe that CBMWD is best qualified to serve as the Lead Agency under CEQA for the proposed Program and, if the Program is approved by the Board of Directors, would have a strategic role in management of the Program. However, this does not imply that the rights and authorities other entities – either public or private – would be impinged. For example, implementation of the Program would require respect for the rights afforded under to all Parties to the Judgment. In fact, the Program may be implemented under a governance structure that is consistent with the structure being discussed amongst various Stakeholders within the Basin, thereby supporting a democratic implementation process.</p> <p>CBMWD and WRD are not working together on this plan and WRD's plan will not be used in the development of this plan. This is mainly due to the fact that WRD's plan has been rejected by two Superior Court Judges. The WRD plan did not include environmental review as required under CEQA. Also, CBMWD had a number of concerns with the WRD plan that were never addressed.</p> <p>Instead of following what others have done, CBMWD has chosen to develop a storage plan through an inclusive process that will take into account the feedback and input of stakeholders, including WRD and Cities. Also, we are starting this process by conducting a full environmental assessment of the Basin that will assess its current condition and storage capacity. By doing an environmental programmatic PEIR, we're able to get stakeholder input from the beginning. This has never been done before. WRD is welcomed to participate in this process and provide their input.</p>

Commenting Agency	Date Received	Comment Subject Area									Specific Comment	Response to Comment
		Project Specifics Pumping & Extraction	Water Rights & Legal Boundary Concerns	Water Quality	Water Storage	Cost	General Comment					
				X							<p>While, like many other water districts, CBMWD may have a generic power to “store” water, nothing in the Municipal Water District Law or elsewhere gives CBMWD “sole statutory authority” to “manage storage” within its service area or anywhere else. According to the program area map, the CBMWD proposal also purports to control storage activities outside the District, including within the boundaries of the Cities of Long Beach and Compton. There is no legal authority for CBMWD to assert such a power.</p>	<p>CBMWD does <u>not</u> intend to assert complete control over groundwater storage in the Basin. We do believe that CBMWD is best qualified to serve as the Lead Agency under CEQA for the proposed Program and, if the Program is approved by the Board of Directors, would have a strategic role in management of the Program.</p> <p>With regard to the assertion that the Program over-reaches CBMWD’s service area, the Program description and boundaries are designed to address the mandate of CEQA rather than reflect the legal boundaries of the CBMWD. More specifically, since CEQA requires that all potential impacts to the environment regardless of the jurisdictional boundaries of the Lead Agency, the Program boundary includes areas outside of CBMWD’s service area. The Program boundary implies responsibility for potential environmental impacts within the boundary, not jurisdictional primacy over all areas within the boundaries.</p>
				X							<p>The SEWC believes that any groundwater storage program must allow parties wishing to store water easy access to storage without the need for “permission” from a regional agency, especially one that is concerned with maximizing the sale of surface delivery water. It appears that CBMWD plans to capitalize on its position as a MWD member agency to sell import water from MWD for storage. However, the use of imported water from the Metropolitan Water District (“Met”) for the implementation of its program would be governed by rules promulgated by Met. Met’s shortage allocation rules create a “needs base” system. If a member agency produces water during a shortage, such as from a groundwater storage account, Met will reduce the member agency’s allocation by the same amount, resulting in no net gain for any water stored by CBMWD.</p>	<p>The management (a.k.a. governance) of the proposed Program is yet to be developed. We will be seeking additional input on the management structure at an upcoming stakeholder meeting.</p> <p>CBMWD will not be limiting its sources of water for storage in the basin to only imported water in the PEIR. It will also be considering storage of recycled water and storm water. The PEIR will also consider combinations of all three sources. The intent is to make maximum use of the storage as a local resource.</p> <p>MWD’s allocation system is designed to allocate shortages during drought. It has evolved and is evolving. If the allocations to CBMWD customers were reduced in the future due to proactive activities by CBMWD to make its water supply more reliable, CBMWD will fight for the rights of its agencies to receive their full allocations. We cannot predict the future policy decisions of the MWD Board of Directors.</p>

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				X							<p>The SEWC also believes that groundwater storage and production in an adjudicated basin should rightly be administered by a Watermaster under the direction of the Court. Authority should rest with the court that has ultimate responsibility through its "physical solution", a structure intended to preserve the groundwater basin as an overall water resources. In short, the right to make use of a common resource to store water (from any source) should not be controlled by a political entity motivated to sell water at the highest price within an exclusive service area.</p>	<p>The issue of extraction rights will be brought to the Court (Judge Kendig). CBMWD will be asking her to provide direction to the Water Master on their position that water can be stored but not extracted in the Basin unless it is done under the extraction rights outlined in the Judgment. Other than that, CBMWD does not believe it is necessary to seek Court approval for the proposed Program, since the Court has specifically found that storage is not part of the Central Basin Judgment.</p> <p>Further, we do believe that CBMWD is best qualified to serve as the Lead Agency under CEQA for the proposed Program and, if the Program is approved by the Board of Directors, would have a strategic role in management of the Program.</p>
				X							<p>In summary, the Southeast Water Coalition has serious concerns about the CBMWD Groundwater Storage Program and urges CBMWD to cease its effort to assume exclusive control of and authority over water storage in the Central Basin.</p>	<p>Comment noted.</p>
City of Paramount										X	<p>We believe that until groundwater storage can be integrated into the Central Basin Judgment, any unilateral actions by any agency to implement a storage program will only result in further litigation and significant additional costs including attorney's fees, environmental planning costs and the like. These costs will inevitably be passed through to CBMWD's customer agencies.</p>	<p>The issue of extraction rights will be brought to the Court (Judge Kendig). We will be asking her to provide direction to the Water Master on their position that water can be stored but not extracted in the Basin unless it is done under the extraction rights outlined in the Judgment. Other than that, CBMWD does not believe it is necessary to seek Court approval for the Groundwater Storage Plan, since the Court has specifically found that storage is not part of the Central Basin Judgment.</p>
				X							<p>The City of Paramount is advocating that CBMWD suspend its Plan in order to stop incurring costs until a more inclusive groundwater storage program can be pursued. We would like to see a plan that allows use of the Central Basin for groundwater storage that will avoid further conflict and litigation.</p>	<p>The CBMWD remains committed to the goal of implementing an inclusive groundwater storage program in the Basin. Note that the CEQA process, by design, is an "inclusive process" that encourages the timely participation and consideration of all interested parties, public and private. Further, the CBMWD has proposed this Plan to accomplish the goals documented in the Initial Study/Notice of Preparation (IS/NOP), all of which are designed in consideration of and consistent with eliminating ongoing conflicts within the Basin.</p>
				X							<p>Currently, a Central Basin storage program is already under consideration in the courts. That</p>	<p>The court has rejected the proposal to amend the Central Basin Judgment to enable storage in the basin in accordance with the Waldo Plan. It rejected</p>

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											<p>program would create a participative, locally-based and orderly process for groundwater storage, under the supervision of the court as a part of the Central Basin’s court-administered “physical solution”. You are mistaken in your assertion that the proposal has already been rejected by the court. In fact, no court has considered the substance and merits of the Central Basin proposal, and we await clarification from the Appellate Court to the effect that the trial court has the authority to do so. Only then will that proposal, which was developed in a collaborative process over many months, be vetted before a court. Any competing proposal by CBMWD in the area is premature and should await the clarification we have all sought through the ongoing legal process.</p>	<p>the proposal because management of storage is outside of the jurisdiction of the Central Basin Judgment. While we wait for clarification of the Appellate Court, the opportunity to store water when available is lost. CBMWD has the statutory authority to store water in the basin. The PEIR is a necessary step to begin storing additional water as soon as possible.</p> <p>An additional impediment to implementing the Waldo Plan is that it has not completed CEQA. Clearly, storage of additional water in the Central Groundwater Basin will impact the environment. The PEIR that CBMWD is developing will assess those impacts.</p> <p>Finally, the management (a.k.a. governance) of the proposed Program is yet to be developed. We will be seeking additional input on the management structure at an upcoming stakeholder meeting. In fact, the Program may be implemented under a governance structure that is consistent with the structure being discussed amongst various Stakeholders within the Basin, thereby supporting a democratic implementation process.</p>
				X							<p>At the scoping meeting on July 27, 2011, CBMWD made it clear that it intends to assume control over all storage activities in the Basin. CBMWD’s plan is to “allow” groundwater storage only upon “prior agreement” with CBMWD. The City of Paramount is opposed to any program that would place control of groundwater storage in the hands of a single agency outside court supervision under the existing Central Basin Judgment.</p>	<p>CBMWD does <u>not</u> intend to assert complete control over groundwater storage in the Basin. We do believe that CBMWD is best qualified to serve as the Lead Agency under CEQA for the proposed Program based on the statutory authority assigned under the Water Code. However, this does not imply that the rights and authorities other entities – either public or private – would be impinged. For example, implementation of the Program would require respect for the rights afforded under to all Parties to the Judgment. In fact, the Program may be implemented under a governance structure that is consistent with the structure being discussed amongst various Stakeholders within the Basin, thereby supporting a democratic implementation process.</p>
				X							<p>The City of Paramount is also concerned at the potential conflict of interest that the CBMWD has in this matter. Controlling the right to make use of a common resource by a political entity possibly motivated to sell water at the highest price within an exclusive service area may be viewed as inappropriate.</p>	<p>Comment noted.</p>
											<p>We, along with most of the other water agencies in the Basin, believe that groundwater storage</p>	<p>CBMWD does <u>not</u> intend to assert complete control over groundwater storage in the Basin. We do believe that CBMWD is best qualified to serve as</p>

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											<p>and production in an adjudicated basin should rightly be administered by a Watermaster in which water rights holders participate meaningfully. The authority should rest with the court that has ultimate responsibility through its “physical solution”, a structure intended to preserve the groundwater basin as an overall water resource. It appears that CBMWD’s proposed program will not provide for such necessary court oversight. Court oversight provides numerous benefits not available outside the judgment, including quick methods for smaller producers to take advantage of groundwater storage opportunities and to have their concerns heard.</p>	<p>the Lead Agency under CEQA for the proposed Program based on the statutory authority assigned under the Water Code. However, this does not imply that the rights and authorities other entities – either public or private – would be impinged. For example, implementation of the Program would require respect for the rights afforded under to all Parties to the Judgment. In fact, the Program may be implemented under a governance structure that is consistent with the structure being discussed amongst various Stakeholders within the Basin, thereby supporting a democratic implementation process.</p> <p>The issue of extraction rights will be brought to the Court (Judge Kendig). We will be asking her to provide direction to the Water Master on their position that water can be stored but not extracted in the Basin unless it is done under the extraction rights outlined in the Judgment. Other than that, CBMWD does not believe it is necessary to seek Court approval for the Groundwater Storage Plan, since the Court has specifically found that storage is not part of the Central Basin Judgment.</p>
										X	<p>Additionally, at this time the project is not sufficiently described to allow meaningful comment. Section 15802(a) (1) of the CEQA Guidelines (14 Cal. Code Regs. §150802(a)(1)) requires that a project be described with sufficient amount of details to allow for interested parties to make a meaningful response to the proposed project and its possible environmental effects. The Notice of Preparation provides no details regarding the proposed storage program, including any discussion of where it may be extracted, who may extract it and what quantities.</p>	<p>Providing specific details regarding exactly how water would be put into storage or where it may be extracted from would present a pre-determined Plan that would undermine the scoping process. CBMWD agrees that some level of specificity is required during the CEQA process, but it is more appropriately provided in the Draft and Final Environmental Impact Reports to allow for careful consideration and, where warranted, inclusion in the final Plan design.</p>
Central Basin Water Association (CBWA)	8/10/11									X	<p>Our membership is very interested in this proposal because it is concerned about any program that jeopardizes the usefulness of the Basin for storage, the rights of the local producers, or the operation of the Central Basin Judgment.</p>	<p>Comment noted.</p>

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									X		Our members are also concerned about managing the overall cost of basin operations. Ultimately, our membership and its customers bear the burden of water management mistakes.	Comment noted.
				X							CBMWD apparently plans to assert complete control over Central Basin groundwater storage. At the scoping meeting on July 27, 2011, you asserted your agency's plan to "allow" groundwater storage only upon "prior agreement" with CBMWD. In response to questions, you stated that "whether (the pumping community) likes it or not," CBMWD intends to assume control over all storage activities in the Basin and will move forward with this project over any objections. This appears to be a predetermination of the project's usefulness, necessity, and lack of negative impact, and calls into CBMWD's stated goal of seeking meaningful comment. It also undermines any pretense of consideration of a "no project" alternative.	The referenced statement was made in error and was qualified by the CBMWD General Manager, correctly stating that the determination to move forward with the proposed Program will be a determination made by the CBMWD Board of Directors. The Board, if and after it chooses to certify the Final PEIR may choose the "No Project" alternative or any other Alternative sufficiently disclosed and analyzed under the CEQA process.
										X	Unfortunately, beyond the mere statement that CBMWD plans, by various means, to acquire and store water, no "project" is proposed in your materials. The fact that CBMWD's permission would be required before others may store water is clear enough. No other detail or analysis is provided in what amounts to a public relations release disguised as a Notice of Preparation. Although CBMWD has stated that more specificity in these areas would jeopardize the CEQA process, and although the District has extended the comment period, the project remains so completely undefined as to make substantive comment impossible. As the July 27 scoping meeting progressed, however, it became apparent that CBMWD is really soliciting suggestions concerning what its eventual project	Comment noted.

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											should entail, and we will comment in that context.	
									X	<p>We note at the outset, however, that a comprehensive Central Basin storage program is already under consideration in the courts. That program would create a participative, locally-based and orderly process for groundwater storage, under the supervision of the court as part of Central Basin’s court-administered “physical solution.” You are mistaken in your assertion that the proposal has been rejected by the court. In fact, no court has considered the substance and merits of the Central Basin proposal, and we await clarification from the Appellate Court to the effect that the trial court has the authority to do so. Only then will that proposal, which was developed in a collaborative process over many months, be vetted before a court. Any competing proposal by CBMWD in this area is premature and should await the clarification we have all sought through the ongoing legal process.</p>	<p>The court has rejected the proposal to amend the Central Basin Judgment to enable storage in the basin in accordance with the Waldo Plan. It rejected the proposal because management of storage is outside of the jurisdiction of the Central Basin Judgment. While we wait for clarification of the Appellate Court, the opportunity to store water when available is lost. CBMWD has the statutory authority to store water in the basin. The PEIR is a necessary step to begin storing additional water as soon as possible.</p> <p>An additional impediment to implementing the Waldo Plan is that it has not completed CEQA. Clearly, storage of additional water in the Central Groundwater Basin will impact the environment. The PEIR that CBMWD is developing will assess those impacts.</p> <p>Finally, the management (a.k.a. governance) of the proposed Program is yet to be developed. We will be seeking additional input on the management structure at an upcoming stakeholder meeting. In fact, the Program may be implemented under a governance structure that is consistent with the structure being discussed amongst various Stakeholders within the Basin, thereby supporting a democratic implementation process.</p>	
									X	<p><u>Project Description.</u> As noted above, the project is not sufficiently described to allow meaningful comment. Section 15082(a)(1) of the CEQA Guidelines (14 Cal.Code Regs. §15082(a)(1)) requires that a project be described with a sufficient amount of detail to allow for interested parties to make a meaningful response to the proposed project and its possible environmental effects. Other than providing a general description of groundwater storage, asserting CBMWD’s power of control, and listing the</p>	<p>Providing specific details regarding exactly how water would be put into storage or where it may be extracted from would present a pre-determined Plan that would undermine the scoping process. CBMWD agrees that some level of specificity is required during the CEQA process, but it is more appropriately provided in the Draft and Final Environmental Impact Reports to allow for careful consideration and, where warranted, inclusion in the final Plan design.</p>	

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											sources of groundwater, the Notice of Preparation provides no details regarding the proposed storage program, including any discussion of how the water would be put into storage, where it may be extracted, who may extract it and in what quantities.	
				X							<p><u>Sole Legal Authority.</u> Your attorneys have previously asserted that CBMWD has the “sole statutory authority” regarding management of storage capacity, and they have implied that the Water Replenishment District (WRD) only has authority “to the extent that authority is not exercised by” CBMWD. At the July 27 scoping meeting, the handout materials clarified that the District takes that position based upon its reading of Water Code §71610. That section grants to a municipal water district the power to “acquire, control, distribute, store... water... for the beneficial use or uses of the district, its inhabitants, or the owners of rights to water in the district.” Of course, very similar language appears throughout the Water Code in the enabling acts of several different types of districts. (See e.g. Wat.C. §22078 regarding Irrigation Districts; Wat.C. §31021 regarding County Water Districts; Wat.C. §60221 regarding Water Replenishment Districts; Wat.C.App. §109-130 regarding Metropolitan Water Districts). Cities generally, and other governmental entities also have authority to store water.</p> <p>In taking the position that its authority is all-encompassing, CBMWD either ignores or forgets the long history of role recognition and cooperation among the many interested parties in the region, a recognition that stretches back decades. This new claim of exclusive authority is particularly surprising in light of several contrary assertions by the CBMWD representatives in the</p>	<p>CBMWD does <u>not</u> intend to assert complete control over groundwater storage in the Basin. We do believe that CBMWD is best qualified to serve as the Lead Agency under CEQA for the proposed Program based on the statutory authority assigned under the Water Code. However, this does not imply that the rights and authorities other entities – either public or private – would be impinged. For example, implementation of the Program would require respect for the rights afforded under to all Parties to the Judgment. In fact, the Program may be implemented under a governance structure that is consistent with the structure being discussed amongst various Stakeholders within the Basin, thereby supporting a democratic implementation process.</p> <p>CBMWD and WRD are not working together on this plan and WRD’s plan will not be used in the development of this plan. This is mainly due to the fact that WRD’s plan has been rejected by two Superior Court Judges. The WRD plan did not include preparation of a PEIR. Also, CBMWD had a number of concerns with the WRD plan that were never addressed such as a CEQA review was not conducted and no opportunity for public input was provided under WRD’s process.</p> <p>Instead of following what others have done, CBMWD has chosen to develop a proposed Program through an inclusive process that will take into account the feedback and input of stakeholders. Also, we are starting this process by conducting a full environmental assessment of the Basin that will assess its current condition and storage capacity. By doing an environmental PEIR, we’re able to get stakeholder input from the beginning. This has never been done before. All stakeholders, including WRD, are encouraged to participate in this process and provide input.</p>

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											<p>past. The assertion ignores the provisions of the existing Central Basin Judgment and the existence of WRD, a groundwater agency with express jurisdiction over groundwater within the Central Basin. The proposal also discounts the court's holding in the recent appellate court opinion (<i>Central and West Basin Water Replenishment District v. Southern California Water Company</i> (2003) 109 Cal.App.4<sup>th</sup> 891), which dealt expressly with issues of governance over storage of groundwater within the Central Basin.</p> <p>While, like many other water districts, CBMWD may have a generic power to "store" water, nothing in the Municipal Water District Law or elsewhere gives the CBMWD "sole statutory authority" to "manage storage" within its service area of anywhere else.</p>	
					X						<p><u>Boundaries.</u> The CBMWD proposal purports to control storage activities outside of its service area, including within the boundaries of the Cities of Long Beach and Compton. There is no legal authority for CBMWD to assert such a power.</p>	<p>With regard to the assertion that the Program over-reaches CBMWD's service area, the Program description and boundaries are designed to address the mandate of CEQA rather than reflect the legal boundaries of the CBMWD. More specifically, since CEQA requires that all potential impacts to the environment regardless of the jurisdictional boundaries of the Lead Agency, the Program boundary includes areas outside of CBMWD's service area. The Program boundary implies responsibility for potential environmental impacts within the boundary, not jurisdictional primacy over all areas within the boundaries.</p>
								X			<p><u>Flexible Storage Accounts:</u> Any program for groundwater storage must allow parties wishing to store water easy access to storage without the need for "permission" from a regional agency, especially one that is concerned with maximizing the sale of surface delivery water. It must allow the storage of water acquired from whatever source can be developed by the producer, and should allow water to be stored for the producer's own account, not merely the "right"</p>	<p>The management (a.k.a. governance) of the proposed Program is yet to be developed. We will be seeking additional input on the management structure at an upcoming stakeholder meeting.</p> <p>CBMWD will not be limiting its sources of water for storage in the basin to only imported water in the PEIR. It will also be considering storage of recycled water and storm water. The PEIR will also consider combinations of all three sources. The intent is to make maximum use of the storage as a local resource.</p> <p>Providing storage for "large players from outside the area" is not a purpose</p>

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											to purchase stored water from CBMWD. It should recognize the right to freely transfer water that is placed in storage, without interference. It should allow for flexible administration where the use of storage capacity is prioritized among competing needs while allowing excess storage capacity to be used in the interim on a "space available" basis. It should limit the likelihood that a few, large players from outside the area can dominate storage to the exclusion of smaller producers who have groundwater rights in Central Basin. Storage should only be allowed under circumstances where it is unlikely to have Material Physical Harm. To streamline the storage process, however, certain categories of storage should be evaluated in advance so a reasonable determination may be made in advance that storage in those categories is unlikely to cause such harm.	of the PEIR. The cities and water agencies within CBMWD should benefit from the storage. Existing pumping rights will be maintained and protected.
							X				<u>In Lieu Storage:</u> There should be a recognition that, by foregoing the right to pump water and taking surface delivery instead, a producer augments groundwater supplies. Under certain circumstances, it should be possible for such a producer to acquire storage account, such as by irrevocably paying replenishment water to be introduced in subsequent years.	The focus of the PEIR is to get water into the ground to improve future reliability. The management (a.k.a. governance) of the proposed Program is yet to be developed. We will be seeking additional input on the management structure at an upcoming stakeholder meeting.
							X				<u>Inconsistent with Metropolitan Water District Storage.</u> CBMWD appears to contemplate the use of imported water from the Metropolitan Water District ("Met") in implementing its program. The storage of such water is governed by rules promulgated by Met. Met's shortage allocation rules create a "needs based" system. If a member agency produces water during a shortage, such as from a groundwater storage account, Met will reduce the member agency's	MWD's allocation system is designed to allocate shortages during drought. It has evolved and is evolving. If the allocations to CBMWD customers were reduced in the future due to proactive activities by CBMWD to make its water supply more reliable, CBMWD will fight for the rights of its agencies to receive their full allocations. We cannot predict the future policy decisions of the MWD Board of Directors.

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											allocation by the same amount, resulting in no new water stored as stored water is used. At least as to water stored CBMWD, the program will provide no drought benefit except to the extent CBMWD uses non-Met water for storage.	
				X							<p><u>Governance.</u> There should be a carefully-balanced and well thought-out governance structure that will assure the participation of producers, who should have the <i>real</i> authority to evaluate, critique and approve or disapprove particular types of groundwater storage proposals. Authority over the management of groundwater storage must be shared with those who operate the Basin and own its water rights.</p>	<p>Comment noted. The management (a.k.a. governance) of the proposed Program is yet to be developed. We will be seeking additional input on the management structure at an upcoming stakeholder meeting.</p> <p>The rights and authorities other entities – either Public or Private – would be protected. For example, implementation of the Program would require respect for the rights afforded under to all Parties to the Judgment. In fact, the Program may be implemented under a governance structure that is consistent with the structure being discussed amongst various Stakeholders within the Basin, thereby supporting a democratic implementation process.</p>
				X							<p><u>Conflicts of Interest.</u> The attributes summarized above, and many others necessary for a comprehensive groundwater storage program, were carefully negotiated in the mediated process that led to the current effort to amend the Central Basin Judgment. If approved by the court (after the recent confusion over jurisdiction is clarified), the pending petition will permit storage of water in an organized fashion. It presents a fair approach to access to storage, balances competing needs, and has the best chance to lead rational conjunctive use of this important resource. That proposal arose following multiple mediated sessions to which CBMWD was repeatedly invited, but in which it declined to participate. CBMWD’s sudden assertion of sole power over all storage in the Central Basin is obviously intended to further its effort to undermine that court process.</p> <p>The Central Basin Water Association is seriously concerned that CBMWD may be motivated to assert inappropriate control over groundwater under circumstances where it, as a surface water</p>	<p>CBMWD does <u>not</u> intend to assert complete control over groundwater storage in the Basin. We do believe that CBMWD is best qualified to serve as the Lead Agency under CEQA for the proposed Program based on the statutory authority assigned under the Water Code. However, this does not imply that the rights and authorities other entities – either public or private – would be impinged. For example, implementation of the Program would require respect for the rights afforded under to all Parties to the Judgment. In fact, the Program may be implemented under a governance structure that is consistent with the structure being discussed amongst various Stakeholders within the Basin, thereby supporting a democratic implementation process.</p> <p>The issue of extraction rights will be brought to the Court (Judge Kendig). We will be asking her to provide direction to the Water Master on their position that water can be stored but not extracted in the Basin unless it is done under the extraction rights outlined in the Judgment. Other than that, CBMWD does not believe it is necessary to seek Court approval for the Groundwater Storage Plan, since the Court has specifically found that storage is not part of the Central Basin Judgment.</p>

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											delivery agency, has significant conflicts of interest. The Association believes that groundwater storage and production in an adjudicated basin should rightly be administered by a Watermaster in which water rights holders participate meaningfully. Ultimately, authority should rest with the court that has ultimate responsibility through its "physical solution," a structure intended to preserve the groundwater basin as an overall water resource. In short, the right to make use of a common resource to store water (from any source) should not be controlled by a political entity motivated to sell water at the highest price within an exclusive service area.	
Orchard Dale Water District	8/17/11										Note: Comments mirror those provided in the Central Basin Water Association (CBWA) comment letter.	Comment noted. Please see response to CBWA comment letter (above).
City of Lakewood	8/11/11										Note: Comments mirror those provided in CBWA comment letter.	Comment noted. Please see response to CBWA comment letter (above).

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City of Norwalk	8/16/11										Note: Comments mirror those provided in CBWA comment letter.	Please see response to CBWA comment letter (above).
Southeast Water Coalition	8/11/11										Note: Comments mirror those provided in CBWA comment letter.	Comment noted. Please see response to CBWA comment letter (above).
Park Water Company	8/15/11										Note: Comments mirror those provided in CBWA comment letter.	Please see response to CBWA comment letter (above).
City of Commerce	8/16/2011										Note: Comments mirror those provided in CBWA comment letter.	Please see response to CBWA comment letter (above).

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		Project Specifics	Pumping & Extraction	Water Rights & Legal	Boundary Concerns	Water Quality	Water Storage	Cost	General Comment			
California Water Service Company	8/15/11									X	I'd like you to know that California Water Service Company (Cal Water) owns or manages approximately 23,721 acre-feet of the groundwater rights in the Central Basin. For this reason we are very interested in this proposal or any program that jeopardizes the usefulness of the Basin for storage, the rights of the local producers, or the operation of the Central Basin Judgment. Cal Water is also very concerned about managing the overall cost of basin operations since ultimately our customers bear the burden of all water costs.	<p>It is the intent that the proposed Program use only de-watered space within the Central Groundwater Basin. Further, the Program will not impinge on the rights and authorities other entities – either public or private. For example, implementation of the Program would require respect for the rights afforded under to all Parties to the Judgment.</p> <p>With regard to cost, this is not an issue that is considered as part of the CEQA process and, therefore, is not discussed in detail in CEQA-related documents. However, costs and the potential impact on rates will be an important consideration as the Board considers approval of the proposed Program.</p>
											Note: Remaining comments mirror those provided in CBWA comment letter.	Comment noted. Please see response to CBWA comment letter (above).
City of Santa Fe Springs	8/18/11									X	As you know, the City of Santa Fe Springs owns rights within the Central Basin in the amount of 4,036 acre-feet and as a groundwater producer the City is very concerned about the CBMWD Plan because we believe it could jeopardizes the usefulness of the Basin for storage, the rights of the local producers and the operation of the Central Basin Judgment. Further, we are equally concerned about the excessive financial burden which might ultimately be levied on the City to cover services we believe are duplicative of current ground water management within the basin. It is clearly obvious that the additional cost for the CBMWD to parallel ground water management duties with the Water Replenishment District (WRD) would ultimately have to be have to be passed onto our customers and the extra financial burden being place on	<p>CBMWD does <u>not</u> intend to assert complete control over groundwater storage in the Basin. We do believe that CBMWD is best qualified to serve as the Lead Agency under CEQA for the proposed Program based on the statutory authority assigned under the Water Code. However, this does not imply that the rights and authorities other entities – either public or private – would be impinged. For example, implementation of the Program would require respect for the rights afforded under to all Parties to the Judgment. In fact, the Program may be implemented under a governance structure that is consistent with the structure being discussed amongst various Stakeholders within the Basin, thereby supporting a democratic implementation process.</p> <p>CBMWD and WRD are not working together on this plan and WRD's plan will not be used in the development of this plan. This is mainly due to the fact that WRD's plan has been rejected by two Superior Court Judges. The WRD plan did not include preparation of a PEIR. Also, CBMWD had a number of concerns with the WRD plan that were never addressed as a CEQA review was not conducted and no opportunity for input was provided under WRD's</p>

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											them is not warranted.	<p>process.</p> <p>Instead of following what others have done, CBMWD has chosen to develop a proposed Program through an inclusive process that will take into account the feedback and input of stakeholders. Also, we are starting this process by conducting a full environmental assessment of the Basin that will assess its current condition and storage capacity. By doing an environmental PEIR, we're able to get stakeholder input from the beginning. This has never been done before. All stakeholders, including WRD, are encouraged to participate in this process and provide input.</p> <p>With regard to cost, this is not an issue that is considered as part of the CEQA process and, therefore, is not discussed in detail in CEQA-related documents. However, costs and the potential impact on rates will be an important consideration as the Board considers approval of the proposed Program.</p>
											Note: Remaining comments mirror those provided in CBWA comment letter.	Comments noted. Please see response to CBWA comment letter (above).
Pico Water District										X	<p>Pico Water District (District) is a groundwater producer within the Central Basin, owning the right to extract 3,624 acre-feet of groundwater rights. The District is very concerned with the manner in which this proposal has been laid out and presented to the water community because it seriously jeopardizes the usefulness of the Basin for storage, the rights of the local producers and the operations of the Central Basin Judgment. The District is also concerned with the potential costs to the water purveyors regarding its management if this proposal is implemented. Ultimately, the District, our customers and fellow water purveyors in the</p>	<p>The proposed Program is designed to enhance the usefulness of the Basin for storage, rather than jeopardize such a use. It is intended that the water will be stored by CBMWD on behalf of all CBMWD's customers, so that they will have the opportunity to tap into that supply during capacity charge times or during an emergency.</p> <p>Instead of following what others have done, CBMWD has chosen to develop a proposed Program through an inclusive process that will take into account the feedback and input of stakeholders. Also, we are starting this process by conducting a full environmental assessment of the Basin that will assess its current condition and storage capacity. By doing an environmental PEIR, we're able to get stakeholder input from the beginning. This has never been done before. All stakeholders are encouraged to participate in this process and provide input.</p> <p>With regard to cost, this is not an issue that is considered as part of the</p>

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											Central Basin and their customers, will have to bear the burden of water management mistakes.	CEQA process and, therefore, is not discussed in detail in CEQA-related documents. However, costs and the potential impact on rates will be an important consideration as the Board considers approval of the proposed Program.
											Note: Remaining comments mirror those provided in CBWA comment letter.	Comments noted. Please see response to CBWA comment letter (above).
City of Cerritos (on behalf of the Cities of Cerritos, Downey and Signal Hill, collectively the "Cities")	8/19/11									X	However, the Cities are concerned that the Plan, as currently described, proposes a governance structure that is likely to exclude any meaningful opportunity for pumpers, including Cities, to protect their rights in the Central Basin storage space. The Cities are further concerned that the Plan lacks sufficient detail to provide the opportunity for meaningful review.	CBMWD has chosen to develop a proposed Program through an inclusive process that will take into account the feedback and input of stakeholders. Also, CBMWD has started this process by conducting a full environmental assessment of the Basin that assesses its current condition and storage capacity. By doing an environmental PEIR, CBMWD is able to get stakeholder input from the beginning. This has never been done before. All stakeholders are encouraged to participate in this process and provide input.
				X							First, the Plan, as described in the Notice of Preparation ("NOP"), dated July 19, 2011 does not make any reference to the management of storage activity in the Central Basin. At the July 27 <sup>th</sup> meeting, however, you stated that the Plan proposes that CBMWD will assume management and "approval" authority over all storage activities in the Central Basin. Such management proposal is likely to affect the existing rights of the Cities and all other pumpers in the Central Basin. The Cities would prefer an independent, neutral, third party that does not own any water rights and does not have a vested interest in groundwater storage to be the entity that is	CBMWD does <u>not</u> intend to assert complete control over groundwater storage in the Basin. We do believe that CBMWD is best qualified to serve as the Lead Agency under CEQA for the proposed Program based on the statutory authority assigned under the Water Code. However, this does not imply that the rights and authorities other entities – either public or private – would be impinged. For example, implementation of the Program would require respect for the rights afforded under to all Parties to the Judgment. In fact, the Program may be implemented under a governance structure that is consistent with the structure being discussed amongst various Stakeholders within the Basin, thereby supporting a democratic implementation process.

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											responsible for administering the storage program. Therefore, before the Cities may provide any meaningful comments regarding the legal and environmental effects of the proposed storage governance, it is necessary that CBMWD sufficiently describe the proposed governance structure.	
									X		Second, the Plan does not provide sufficient details to allow the Cities to evaluate the proposal. The NOP provides (1) a broad description of the water supply sources potentially available for the storage; (2) the technical options available for the process of delivering water into the Basin; and (3) the technical options available for the extraction of stored water. The Plan does not state, among other things, the amount of unused groundwater storage space CBMWD proposes to occupy pursuant to its Plan or the amount of space that will be available for the Central Basin pumpers.	Comment noted.
									X		Third, the Plan does not provide details that are required to evaluate the feasibility of the Plan, such as any inconsistency with policies of the Metropolitan Water District of Southern California.	Comment noted.
Golden State Water Company									X		Golden State Water Company (Golden State) serves more than 50,000 customers in the Central Basin. We are among the largest groundwater rights holders in this adjudicated basin and use these water rights to meet the water supply needs of our customers. During these difficult economic times, it is unconscionable that the CBMWD – over the virtually unanimous objection of your	The proposed Program is designed to enhance the usefulness of the Basin for storage, rather than jeopardize such a use. It is intended that the water will be stored by CBMWD on behalf of all CBMWD’s customers, so that they will have the opportunity to tap into that supply during capacity charge times or during an emergency.  Instead of following what others have done, CBMWD has chosen to develop a proposed Program through an inclusive process that will take into account the feedback and input of stakeholders. Also, we are starting this process by conducting a full environmental assessment of the Basin that will assess its

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											<p>constituents and water ratepayers – persists in its obstructionist tactics to interfere with collaborative groundwater management in this region. This comes at a very great cost to our customers.</p>	<p>current condition and storage capacity. By doing an environmental PEIR, we're able to get stakeholder input from the beginning. This has never been done before. All stakeholders are encouraged to participate in this process and provide input.</p> <p>With regard to cost, this is not an issue that is considered as part of the CEQA process and, therefore, is not discussed in detail in CEQA-related documents. However, costs and the potential impact on rates will be an important consideration as the Board considers approval of the proposed Program.</p>
										X	<p>As described in the letter submitted to you by the Central Basin Water Association, and as each of you should be fully aware, a comprehensive Central Basin groundwater storage program (Storage Framework) has already been developed after many months of collaborative negotiations and facilitated meetings working with parties throughout the Central Basin. Golden State was pleased to participate in this cooperative process and continues to support implementation of the Storage Framework, as do many other water suppliers and stakeholders within the Central Basin. Rather than supporting the region's efforts, CBMWD has been and remain the single largest impediment to collaborative groundwater management in the Central Basin.</p>	<p>Comment noted.</p>
Water Replenishment District of Southern California	8/19/11									X	<p>WRD is pleased that CBMWD recognized the flaws in its initial NOP, dated February 22, 2011, and has made an effort to address comments received as part of that public scoping period. However, the revised NOP still provides no details regarding the proposed storage program, including how the water would be put into storage, where it may be extracted, and who may extract it and in what quantities. As such, it is not possible for WRD or any other interested party to comment on a "proposed project" that is</p>	<p>Providing specific details regarding exactly how water would be put into storage or where it may be extracted from would present a pre-determined Plan that would undermine the scoping process. CBMWD agrees that some level of specificity is required during the CEQA process, but it is more appropriately provided in the Draft and Final Environmental Impact Reports to allow for careful consideration and, where warranted, inclusion in the final Plan design.</p>

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											not described in the documents your agency has released in connection with this revised NOP.	
										X	<p>Your attorneys have previously asserted that CBMWD has the “sole statutory authority” regarding management of storage capacity, and they have implied that the WRD only has authority “to the extent that authority is not exercised by” CBMWD. At the July 27 scoping meeting, the handout materials clarified that your District takes that position based upon its reading of Water Code §71610. That section grants to a municipal water district the power to “acquire, control, distribute, store... water... for the beneficial use or uses of the district, its inhabitants, or the owners of rights to water in the district.” Of course, very similar language appears throughout the Water Code in the enabling acts of several different types of districts. (See e.g. Water Code §22078 regarding Irrigation Districts; Water Code §31021 regarding County Water Districts; Water Code §60221 regarding Water Replenishment Districts; Water Code §74522 regarding Water Conservation Districts; Water Code App. §109-130 regarding Metropolitan Water Districts), which certainly points to the fact that CBMWD does not have “sole statutory authority,” assuming it has any authority related to groundwater storage at all.</p>	<p>CBMWD does <u>not</u> intend to assert complete control over groundwater storage in the Basin. We do believe that CBMWD is best qualified to serve as the Lead Agency under CEQA for the proposed Program based on the statutory authority assigned under the Water Code. However, this does not imply that the rights and authorities other entities – either public or private – would be impinged. For example, implementation of the Program would require respect for the rights afforded under to all Parties to the Judgment. In fact, the Program may be implemented under a governance structure that is consistent with the structure being discussed amongst various Stakeholders within the Basin, thereby supporting a democratic implementation process.</p> <p>CBMWD and WRD are not working together on this plan and WRD’s plan will not be used in the development of this plan. This is mainly due to the fact that WRD’s plan has been rejected by two Superior Court Judges. The WRD plan did not include preparation of a PEIR. Also, CBMWD had a number of concerns with the WRD plan that were never addressed such as a CEQA review was not conducted and no opportunity for public input was provided under WRD’s process.</p> <p>Instead of following what others have done, CBMWD has chosen to develop a proposed Program through an inclusive process that will take into account the feedback and input of stakeholders. Also, we are starting this process by conducting a full environmental assessment of the Basin that will assess its current condition and storage capacity. By doing an environmental PEIR, we’re able to get stakeholder input from the beginning. This has never been done before. All stakeholders, including WRD, are encouraged to participate in this process and provide input.</p>

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				X							WRD's authority under the Water Code goes much further than any language relied upon by CBMWD to assert authority over groundwater storage. Water Code §60221 (d) states that WRD can "Spread, sink and inject water in the underground." Also, in State Water Code §60230 (f), WRD is granted very specific authority related to its role in groundwater storage by stating "Fore the common benefit of the district, to store water in underground water basins or reservoirs within or outside of the district..." In addition to the groundwater storage authority provided to WRD through the State Water Code, the court stated in the recent appellate court opinion (Central and West Basin Water Replenishment District v. Southern California Water Company (2003) 109 Cal. App.4 <sup>th</sup> 891), that "For reasons we shall explain, WRD has authority to store water for conjunctive use and has authority to manage the storage space in the CBMWD. WRD is expressly authorized to store water for the purpose of replenishing the district. (§60221, subd. (e) Storing water for replenishment purposes is essentially the same as storing water for conjunctive use." (page 24). And finally, CBMWD is prohibited from any replenishment activities and related charges under the State Water Code §71682.1 (a) within an area where a water replenishment district exists.	Comment noted.
County of Los Angeles Fire Department	8/31/11									X	The Fire Department's Land Development Unit does not have any comments at this time. However, if there are changes to the water distribution system and/or the water used for fire protection in the cities and the unincorporated communities served by the County of Los Angeles Fire Department, please contact the Fire Department's Land Development Unit at (323) 890-4243.	Comment noted.

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City of Vernon Community Services and Water Department	8/17/11									X	<p>Thank you for the opportunity to comment on the Central Basin Municipal Water District's (CBMWD) proposed Groundwater Storage Plan (Plan). As you are aware, the City of Vernon (City) relies on groundwater from the Central Basin to meet its potable water demand needs. The City is concerned the Plan could potentially jeopardize the water rights local producers, the usefulness of the Basin for storage, or the operation of the Central Basin Judgment. In addition, the City is deeply concerned with potential administrative and operational costs of basin operations since ultimately our industrial and commercial customers will bear the burden of all water costs.</p>	<p>CBMWD does <u>not</u> intend to assert complete control over groundwater storage in the Basin. We do believe that CBMWD is best qualified to serve as the Lead Agency under CEQA for the proposed Program and, if the Program is approved by the Board of Directors, would have a strategic role in management of the Program. However, this does not imply that the rights and authorities other entities – either public or private – would be impinged. For example, implementation of the Program would require respect for the rights afforded to all Parties under the Judgment. In fact, the Program may be implemented under a governance structure that is consistent with the structure being discussed amongst various Stakeholders within the Basin, thereby supporting a democratic implementation process.</p> <p>With regard to cost, this is not an issue that is considered as part of the CEQA process and, therefore, is not discussed in detail in CEQA-related documents. However, costs and the potential impact on rates will be an important consideration as the Board considers approval of the proposed Program.</p>
				X							<p>CBMWD apparently plans to assert complete control over the Central Basin Groundwater Storage according to the subject Plan. At the coping meeting on July 27, 2011 you stated that "whether the pumping community likes it or not CBMWD intends to assume control over all storage activities in the Basin and will move forward with this project over any objections." This defies the spirit of a collaborative government and appears to be a predetermination of the Project's usefulness, necessity, and lack of negative impact.</p>	<p>CBMWD does <u>not</u> intend to assert complete control over groundwater storage in the Basin. We do believe that CBMWD is best qualified to serve as the Lead Agency under CEQA for the proposed Program based on the statutory authority assigned under the Water Code. However, this does not imply that the rights and authorities other entities – either public or private – would be impinged. For example, implementation of the Program would require respect for the rights afforded under to all Parties to the Judgment. In fact, the Program may be implemented under a governance structure that is consistent with the structure being discussed amongst various Stakeholders within the Basin, thereby supporting a democratic implementation process.</p>
											<p>A prime example of this lies with the Notice of Preparation, dated July 19, 2011, which provided little detail in terms of the proposed Plan, including any discussions if how the water would be put into storage, where it may be extracted, who may extract it and in what quantities. CBMWD should have developed a firm structure where a functional management structure was</p>	<p>The management (a.k.a. governance) of the proposed Program is yet to be developed. We will be seeking additional input on the management structure at an upcoming stakeholder meeting.</p>

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											identified.	
		X									Furthermore, a quantitative analysis should have been undertaken to establish predefined sources and quantities to be used to replenish the Central Groundwater Basin. As things currently stand, there is little to comment on because the subject Plan is not sufficiently defined. Had your outreach been more inclusive you could have averted much of the disconnect associated with the Plan, and been able to more clearly identify and address the issues surrounding groundwater management operations.	Providing specific details regarding exactly how water would be put into storage or where it may be extracted from would present a pre-determined Plan that would undermine the scoping process. CBMWD agrees that some level of specificity is required during the CEQA process, but it is more appropriately provided in the Draft and Final Environmental Impact Reports to allow for careful consideration and, where warranted, inclusion in the final Plan design.
										X	It is the City's understanding that CBMWD has taken the position that it has the sole authority to manage storage in the Central Basin. According to CBMWD, this authority is promulgated in accordance with Water Code Section § 71610. In taking this position, CBMWD has apparently elected to ignore the Basin's long history role recognition and cooperation among many interested parties. The sole authority assertion also ignore the provisions of the existing Central Basin Judgment and the existence of the Water Replenishment District (WRD), a groundwater agency with express jurisdiction over the groundwater within the Central Basin.	CBMWD does <u>not</u> intend to assert complete control over groundwater storage in the Basin. We do believe that CBMWD is best qualified to serve as the Lead Agency under CEQA for the proposed Program and, if the Program is approved by the Board of Directors, would have a strategic role in management of the Program.

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								X		<p>The City is deeply concerned that CBMWD's Plan will duplicate functions currently performed by WRD and the L.A. County Public Works/Floor Control District that may result in increased water costs and probably litigation expenditures. In these difficult economic times it is important that public agencies curtail unnecessary costs and pass these costs savings on to our customers. CBMWD's Plan will more than likely result in the escalation of water costs due to the above-mentioned factors, calling into question necessity and legitimacy of the subject Plan.</p>	<p>With regard to cost, this is not an issue that is considered as part of the CEQA process and, therefore, is not discussed in detail in CEQA-related documents. However, costs and the potential impact on rates will be an important consideration as the Board considers approval of the proposed Program.</p>	
									X	<p>Moreover, the City would to point out that there is a comprehensive Central Basin Storage Program already under consideration in the courts. That program would create a participative, locally-based and orderly process for groundwater storage, under the supervision of the court as a part of Central Basin's court-administered physical solution. CBMWD is mistaken in their assertion that the proposal has been rejected by the court. To date, no court had considered the substance and merits of the Central Basin Storage Program. The Appellate Court will provide clarification with respect to the Central Basin Storage Plan at a later time.</p>	<p>The court has rejected the proposal to amend the Central Basin Judgment to enable storage in the basin in accordance with the Waldo Plan. It rejected the proposal because management of storage is outside of the jurisdiction of the Central Basin Judgment. While we wait for clarification of the Appellate Court, the opportunity to store water when available is lost. CBMWD has the statutory authority to store water in the basin. The PEIR is a necessary step to begin storing additional water as soon as possible.</p> <p>An additional impediment to implementing the Waldo Plan is that it has not completed CEQA. Clearly, storage of additional water in the Central Groundwater Basin will impact the environment. The PEIR that CBMWD is developing will assess those impacts.</p> <p>Finally, the management (a.k.a. governance) of the proposed Program is yet to be developed. We will be seeking additional input on the management structure at an upcoming stakeholder meeting. In fact, the Program may be implemented under a governance structure that is consistent with the structure being discussed amongst various Stakeholders within the Basin, thereby supporting a democratic implementation process.</p>	

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				X							<p>The City believes that groundwater storage and production in an adjudicated basin should be administered by a Watermaster under the direction of the Court. Authority should reside with the court that has the ultimate responsibility through its physical solution. In short, the right to make use of a common resource to store water should not be controlled by a political entity motivated to sell water at the highest price within an exclusive service area.</p>	<p>The issue of extraction rights will be brought to the Court (Judge Kendig). CBMWD will be asking her to provide direction to the Water Master on their position that water can be stored but not extracted in the Basin unless it is done under the extraction rights outlined in the Judgment. Other than that, CBMWD does not believe it is necessary to seek Court approval for the proposed Program, since the Court has specifically found that storage is not part of the Central Basin Judgment.</p> <p>Further, we do believe that CBMWD is best qualified to serve as the Lead Agency under CEQA for the proposed Program and, if the Program is approved by the Board of Directors, would have a strategic role in management of the Program.</p>
			X								<p>Moreover, if CBMWD opts to move forward, it must prepare a detailed Plan containing policies and procedures for the injection and extraction of groundwater into the Basin.</p>	<p>The Draft PEIR will include a description of a portfolio of methods by which water may be feasibly put into storage and extracted. With regard to restrictions on extractions, that will be part of the management of the Program. The management (a.k.a. governance) of the proposed Program is yet to be developed. We will be seeking additional input on the management structure at an upcoming stakeholder meeting.</p>
				X							<p>CBMWD must provide documentation that it possesses the property rights to utilize the Basin.</p>	<p>CBMWD does <u>not</u> intend to assert complete control over groundwater storage in the Basin. We do believe that CBMWD is best qualified to serve as the Lead Agency under CEQA for the proposed Program and, if the Program is approved by the Board of Directors, would have a strategic role in management of the Program. However, this does not imply that the rights and authorities other entities – either public or private – would be impinged. For example, implementation of the Program would require respect for the rights afforded under to all Parties to the Judgment. In fact, the Program may be implemented under a governance structure that is consistent with the structure being discussed amongst various Stakeholders within the Basin, thereby supporting a democratic implementation process.</p>
									X		<p>The Environmental Impact Report (EIR) should provide an in-depth study in terms of how the proposed Plan will impact other agencies both operationally and financially. In addition, the EIR study should also look into how the use of groundwater storage could create geological</p>	<p>Impacts associated with the operational and financial aspects of entities engaged in groundwater activities in the Central Basin is not within the purview of CEQA. However, such issues are of great importance to the CBMWD Board of Directors and will be a consideration during the deliberations relating to potential approval of the proposed Program.</p> <p>With regard to the potential to create geologic issues including liquefaction and/or exacerbate contaminant conditions within the Basin will be directly</p>

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											issues including the potential for liquefaction, and the potential spread or introduction of contaminants into the groundwater Basin.	addressed in the PEIR.
				X							In conclusion, the City urges CBMWD to cease its effort to assume exclusive power in managing groundwater storage in the Central Basin. It is important that all parties in the Central Basin collaborate in meaningful solutions to remove barriers to groundwater storage.	CBMWD does <u>not</u> intend to assert complete control over groundwater storage in the Basin. We do believe that CBMWD is best qualified to serve as the Lead Agency under CEQA for the proposed Program and, if the Program is approved by the Board of Directors, would have a strategic role in management of the Program. However, this does not imply that the rights and authorities other entities – either public or private – would be impinged. For example, implementation of the Program would require respect for the rights afforded under to all Parties to the Judgment. In fact, the Program may be implemented under a governance structure that is consistent with the structure being discussed amongst various Stakeholders within the Basin, thereby supporting a democratic implementation process.