

**Central Valley Regional Water Quality Control Board
Response to Public Comments**

Draft Revised Management Agency Agreement (MAA)
Central Valley Water Board and the U.S. Bureau of Reclamation
and
Draft Real Time-Management Program Framework Document (RTMP)
4 November 2014

Introduction

On 4 June 2014 the Central Valley Regional Water Quality Control Board (Central Valley Water Board) released for public review a draft revised Management Agency Agreement (revised MAA) between the Central Valley Water Board and the United States Bureau of Reclamation (Reclamation), and a draft real-time management program (RTMP) framework document. On 27 June 2014, the Central Valley Water Board extended the public comment period through 18 August 2014.

The revised MAA, titled *Management Agency Agreement Between the Central Valley Regional Water Quality Control Board and the United States Bureau of Reclamation*, was prepared by the staffs of both agencies. The framework document, titled *Salinity Real-Time Management Program Framework*, was prepared by Reclamation staff, agricultural stakeholders that discharge irrigation water to the Lower San Joaquin River, and other interested parties. Contributors to the document included staffs of the Central Valley Water Board, San Joaquin Valley Drainage Authority, Grassland Resource Conservation District, and San Luis & Delta-Mendota Water Authority/Grassland Bypass Project. The document describes a series of management activities that are designed to achieve compliance with salinity water quality objectives at Vernalis by synchronizing the discharge of saline water with times when there is available assimilative capacity in the LSJR.

This document presents the Central Valley Water Board staff's responses to comments provided in two letters written on behalf of the following interested parties:

1. San Joaquin Tributaries Authority (SJTA).
2. Stockton East Water District (Stockton East)

The comments are presented below. Each comment is followed by the Central Valley Water Board staff's response. Staff has made its best effort to identify, evaluate, and address each comment that was submitted. Many of the comments were applicable to both the revised MAA document and the RTMP framework document. In some cases, specific comments were directed at either the work plan under development by Reclamation or the memorandum of understanding (MOU) being developed by stakeholders. Copies of the comment letters were provided to both groups.

For both letters, the comments with responses are separated into three groups: 1) comments on the revised MAA, 2) comments on the RTMP framework document, and 3) comments applicable to both the revised MAA and RTMP framework document.

San Joaquin Tributaries Authority letter dated August 15, 2014

Comments on the Revised MAA:

Page 3, First Full Paragraph. The MAA is focused on meeting the Vernalis salinity objective. It must be recognized however that there is also a salinity problem upstream of Vernalis. The MAA must include that issue, as Reclamation and the CVP is primarily responsible for the upstream issue as well.

Response to Comment. Including requirements for conditions upstream of Vernalis is outside of the MAA purpose, as directed by the Control Program for Salt and Boron Discharges into the Lower San Joaquin River. Revisions to the RTMP may be necessary when WQOs upstream of Vernalis are established and an implementation program developed.

Page 3, Second Paragraph. Section 1.15 of the Draft MAA should read "1994" or "1995" to be consistent with Figure 3 and the first sentence on page 8 of the Framework Document.

Response to Comment. Comment noted. The statement in Section 1.15 of the Draft MAA is to establish the fact that the Vernalis Objective was met throughout the period that the initial 2008 MAA was in effect. Section 1.15, now Section 1.16, has been rewritten to so state.

Page 3, Third Paragraph. Section 1.15 of the Draft MAA states: "*The Vernalis objectives have been met since 2008*". Reclamation is required to meet multiple water quality objectives at Vernalis. While it is true that Reclamation has continuously met the Vernalis salinity objective, it is false that Reclamation has met the Vernalis flow objective. This sentence should be rewritten to make clear it references only the Vernalis salinity objective (e.g. "The Vernalis salinity objective has been met since 1995").

Response to Comment. Comment noted. The sentence has been changed to read as follows: "*The Vernalis salinity objectives have been met since the Phase 1 MAA was executed in December 2008.*"

Page 3, Fourth Paragraph. Section 2.3(d) of the Draft MAA defines the new reporting schedule that is being put into place. It is unclear whether the new reporting schedule is in line with the federal appropriations to ensure that next year's workplan will reflect immediate needs.

Response to Comment. The Draft MAA schedule has been revised to coincide with the Federal fiscal year rather than the calendar year. A requirement of each Annual Work Plan will be to identify the funding for the coming fiscal year.

Page 3, Fifth Paragraph. Section 2.3(e) of the Draft MAA describes the "continuing Reclamation salinity management program" elements. It fails, however, to describe how Reclamation will deal with the increasing salinity load that is expected in the Lower San Joaquin River from the San Joaquin River Restoration Program efforts to mitigate for high water tables created along a major stretch of the Lower San Joaquin River. This needs to be included in the MAA.

Response to Comment. At this point, the salt load that may enter the Lower San Joaquin River as a result of the San Joaquin River Restoration Program efforts is unknown. Reclamation efforts to address this salt load will be made in its Annual Work Plans and Annual Reports as soon as the loads are identified.

Page 3, Sixth Paragraph. Section 2.3(e) of the Draft MAA should have a space between "3" and "of" in the first bulleted paragraph.

Response to Comment. Comment noted; Section 2.3e has been revised.

Page 3, Seventh Paragraph. Section 2.3(i) of the Draft MAA states: *"if either party terminates this agreement, the Central Valley Water Board may pursue traditional regulatory means of implementing provisions of the Basin plan, including those against Reclamation, to the extent they apply"*. Many of Reclamations permits to divert water are conditioned upon the satisfaction of the Vernalis salinity objective under D-1641. This section should be amended to state that Reclamation must cease diverting water under these permits if it is not meeting the Vernalis salinity objective.

Response to Comment. The Central Valley Water Board does not have authority to require Reclamation to cease diversion of water permitted by the State Water Resources Control Board, Division of Water Rights.

Comments on the RTMP Framework Document:

Page 1, Second Paragraph. Page 5 of the Framework Document states: *"Water quality monitoring data collected by the Regional Board and other governmental agencies including the United States Geological Survey (USGS), Department of Water Resources (DWR), and Reclamation indicates that water quality objectives for salinity and boron are frequently exceeded during certain times of the year and under certain flow regimes. Consequently, the river no longer supports all of its designated beneficial uses."* Figure 3 of the framework document shows that the salinity objective has been continually met at Vernalis since 1995 when the salinity objective was put into place by the State Water Resources Control Board. In addition, there is no boron objective at Vernalis and there is no monitoring data in the Framework Document that shows the levels being found. Therefore, it is unclear what is "frequently" being "exceeded" at Vernalis.

Response to Comment. The writers of the framework document have utilized a quote that is footnoted and describes the history of the water quality problems in the San Joaquin River. This quote is referring to conditions in the 1940s as background for the need for a control program, not the results of control activities.

Page 2, First Paragraph. Page 6 of the Framework Document states: *"Operate under a waiver of waste discharge by participating in a"*. This is clearly incomplete and it is unclear what was meant.

Response to Comment. The following text has been added to the end of the referenced sentence: *Central Valley Water Board approved RTMP*

Page 2, Second Paragraph. Page 6 of the Framework Document states: "*The implementation of the Control Program also recognized the impact of salt loads from imported CVP deliveries and required that the Reclamation either enter into a Management Agency Agreement with the Central Valley Water Board clarifying how it would mitigate imported salt loads or also adhere to load allocations specified in WDRs*". This appears to say that the MAA only deals with imported salts and not salt brought in previously or generated by the irrigation of higher salinity lands. This needs to be clarified.

Response to Comment. The wording of the MAA, as directed by the Control Program for Salt and Boron Discharges into the Lower San Joaquin River (amendment to the Basin Plan in 2004), only addresses salt load in the DMC delivery water. Reclamation must meet load allocations established for DMC deliveries or provide mitigation and/or dilution flows to create additional assimilative capacity for salt in the LSJR equivalent to DMC salt loads in excess of Reclamation's allocation.

Page 2, Third Paragraph. Page 7 of the Framework Document states: "*the Vernalis objectives are currently set as a 30-day running average concentration: "700 μ S/cm from April 1 – August 31 and 1,000 μ S/cm from Sept 1 – March 31. Figure 3 shows the 30-day running average EC at Vernalis from 1985 through 2012. Since there are two seasons for the Vernalis objective, the first data point for the 30-day average starts 30 days after the beginning of the season."* What is not said here, or shown in Figure 3, is that the salinity objective did not go into effect until 1995 and has been continually met since that time. This needs to be clarified.

Response to Comment. The third sentence of the cited text has been modified as follows: *Since there are two seasons for the Vernalis objective, which went into effect in 1995, the first compliance date for the 30-day running average starts 30 days after the beginning of the season.*

Page 2, Fourth Paragraph. Page 8 of the Framework Document states: "*The salinity objective at Vernalis has been met since 1994, in part through additional releases of fresh water by Reclamation from New Melones Reservoir into the Stanislaus River upstream of the Vernalis compliance point as well as through decreased discharges such as the GBP and the irrigated Lands Regulatory Program.*" It is unclear whether these releases were made directly for salinity control or for other programs such as fishery releases and were jointly used for salinity control as well; this need to be clarified.

Response to Comment. The word "*additional*" has been removed from the framework document text.

Page 2, Fifth Paragraph. Page 10 of the Framework Document under section 3.1 (RTMP Framework MOU), the first sentence is missing a word.

Response to Comment. The word "a" has been inserted before the acronym MOU.

Page 2, Sixth Paragraph. Page 10 of the Framework Document under section 3.1 (RTMP Framework MOU), the first paragraph states: "*The MOU is expected to be executed by July 28, 2014.*" Why are we being asked to comment on the document

when the Board intends to execute the MOU prior to the expiration of the public comment period?

Response to Comment. The Central Valley Water Board does not execute the MOU, which is a binding document between dischargers participating in the RTMP. However, the writers of the Framework document have revised Section 3.1 as follows: *The MOU will be executed on or before 31 March 2015.*

Page 2, Seventh Paragraph. Page 10 of the Framework Document under section 3.1 (RTMP Framework MOU), the final paragraph states: *"Reclamation is continuing to participate and support the effort and has developed a draft Management Agency Agreement (MAA) with the Central Valley Water Board documenting their future activities. It is unclear what the meaning of the phrase "continuing to participate and support the effort" means. The responsibility for salinity management on the San Joaquin River is the responsibility of Reclamation as defined in State Water Resources Control Board WR Order 1641 ("D-1641"). Responsibility does not mean "continuing to participate and support the effort "; it means finding a solution and implementing it.*

Response to Comment. The Framework document and revised MAA clarify Reclamation's commitments.

Page 4, First Paragraph. Section 7 of the Draft MOU requires *"the written consent of all other Regulated Parties"* before a new party to the MOU may be admitted. Other parties, including SJTA members will be regulated under the TMDL in the future, but are not members under the current MOU. The bar for entry should be lowered, so that other parties may more readily take part in the RTMP when they become the subject of regulation. This should have little negative effect on the existing parties to the MOU, as an entering party will simply be contributing to the RTMP group in an effort meet the requirements of the TMDL

Response to Comment. Discussions with the writers of the framework document indicate that it was not the intent to restrict future signatories and they have revised the document by indicating that new members will be accepted by a majority vote of members. The MOU is a legally binding document between those dischargers into the LSJR, so revised wording must be addressed by the signatories. It should be noted that all dischargers into the LSJR have been aware of the salinity load allocations, timelines, and options to participants in RTMP since the Control Program was adopted in 2004. Central Valley Water Board staff strongly encourages dischargers to engage in the RTMP sooner rather than later to ensure a fully functional and robust program.

Comments Applicable to both the Revised MAA and the RTMP Document:

Page 2, Eighth Paragraph. Sections 3 and 4 of the Framework Document are exactly what the title describes--a framework. It is not a workplan and no workplan is presented or proposed for setting priorities or taking any action in the next year. The MAA adoption should be delayed until it is accompanied by a workplan for the first year. It is unclear what Reclamation is planning for next year other than to "coordinate, support and participate". None of these terms are clear or well defined. This is carried over into the language in the draft MAA. For example in section 2.1(a) and 2.1(b) of the draft MAA, which again emphasizes that Reclamation will "participate", not lead or take

responsibility. This is in contrast to sections 1.8 and 1.9 of the draft MAA which describes the previous MAA where Reclamation agreed *"to lead the effort to develop a real-time water quality management program (hereinafter "RTMP ") and promote the program in an attempt to create stakeholder interest in RTMP. This included monitoring and modeling efforts to determine the assimilative capacity of the LSJR and encouraging stakeholders subject to salt and boron load allocations to participate in the RTMP."* Why is Reclamation adopting this less involved role, and how may it do so, considering its responsibilities under D-1641?

Response to Comment. The Central Valley Water Board staff agrees that a detailed work plan documenting Reclamations specific salinity management activities is critical to the success of both the MAA and RTMP. The Central Valley Water Board Resolution adopting the revised MAA delegates its Executive Officer the authority to terminate the MAA at his or her discretion, if acceptable annual work plans are not received by their due dates. Also, each work plan is to undergo a public review and comment period prior to submittal. Reclamation will continue to exercise its responsibility under D-1641. The RTMP Resolution allows other stakeholders to continue RTMP with their own EO approved work plan if Reclamation fails to submit an acceptable work plan.

Stockton East Water District letter dated August 27, 2014

Comments on the Revised MAA:

Page 6, Second Paragraph. STOCKTON EAST is outraged by the multiple misstatements of the obligations imposed upon Reclamation through State Water Board Water Rights Order D-1641. All references in Section 1 to New Melones Reservoir or required dilution flows must be deleted. D-1641 conditioned ALL CVP permits on meeting the Vernalis salinity objective, not simply New Melones Reservoir. Moreover, D-1641 does not mandate releases from New Melones Reservoir to meet the Vernalis water quality objective if other sources of water or other measures to meet the conditions. [D-1641, page 160] The Regional Water Board cannot mandate releases from New Melones Reservoir, nor should it tie Reclamation hands by setting forth in an agreement that flows shall be provided from New Melones Reservoir; this is well beyond the Regional Water Board's legal authority.

Response to Comment. Text in Section 1, as well as text throughout the revised MAA and RTMP framework document, has been updated to remove the statement that Vernalis salinity objectives must be met by New Melones releases.

Page 6, Third Paragraph. Section 2.1 should include a requirement that Reclamation seek funding for water acquisitions to assist in providing assimilative capacity.

Response to Comment. The revised MAA notes that Reclamation will seek funding as appropriate to meet the work plan commitments.

Page 6, Fourth Paragraph. Section 2.3e should be deleted in total as Reclamation has been directed to revise its 2010 Action Plan. It appears that this section in part mimics what is contained in the Action Plan and is inappropriate since it will be revised. Moreover, the references to New Melones Reservoir, as I have repeatedly stated in the letter, are inaccurate. D-1641 does not require releases from New Melones Reservoir and

this MAA should not call out that it is a requirement. Reclamation has a myriad of methods to achieve compliance with Vernalis salinity objective.

Response to Comment. Reclamation's 2010 draft Action Plan will be replaced by annual work plans. The MAA identifies needed components of each annual work plan. See response to the comment on Page 6, second paragraph of the Stockton East letter.

Page 6, Fifth Paragraph. Section 2.3f should require specific reporting and an accounting of any "dilution" flows provided by Reclamation to meet the Vernalis salinity objective: Reclamation's existing quarterly reports counts as "dilution flows" all water released from New Melones Reservoir for non-consumptive purposes above the TMDL design flows meaning any water released for fishery purposes will be counted as "dilution flows." This must be addressed by the Regional Board. There were a couple of competing proposals presented to the Regional Board on calculated "dilution credits" but no action was ever taken by the Regional Board. The current practice is clearly not what the Regional Water Board contemplated when it allowed for the use of dilution flows.

Response to Comment. The Central Valley Water Board will address this issue through the Annual Work Plans that Reclamation has agreed to provide in the revised MAA. In the Resolution, the Central Valley Water Board delegates approval of each work plan to its Executive Officer (EO). Also, the Resolution indicates that each Annual Work Plan will be posted for public review. Furthermore, the Resolution delegates to the EO authority to terminate the MAA, at his or her discretion, if an acceptable work plan is not received. Appropriate determination of dilution credits will be reviewed as part of the RTMP Phase 3.

Page 7, First Full Paragraph. Section 3: This Section should be deleted as it is woefully incomplete and inadequate list of the laws and regulations granting the authority to act under the Agreement. There is no reason why a listing of laws is required for this Agreement.

Response to Comment. Section 3 of the revised MAA has been deleted.

Comments on the RTMP Framework Document:

Page 4, First Paragraph. The last paragraph of the Introduction must be revised to correct two glaring errors. First, as discussed above, D-1641 does not contain "operation requirements" to comply with their water right permit requirements and can accomplish this in any fashion. As detailed above, there are a myriad of available options, so releases from New Melones Reservoir should be deleted and simply a reference to compliance with D-1641 is appropriate.

Response to Comment. Text of this paragraph and text throughout the revised MAA and RTMP framework document have been updated to remove the statement that Vernalis salinity objectives must be met by New Melones releases.

Page 4, Second Paragraph. The last paragraph of the Introduction must be revised to correct two glaring errors. Second, it states that "those participating in the Central Valley Water Board approved RTMP will be considered in compliance with the Salt and Boron Control Program" as long as the salinity water quality objectives at Vernalis are met. This is not acceptable. Under this scenario, Reclamation could continue to dump water from

New Melones to meet the Vernalis salinity objective and every participating agency need not do anything and would obtain a regulatory pass. Participation in the RTMP requires active involvement from participants to implement actions that will allow the naturally occurring assimilative capacity to be utilized to export salt out of the valley.

Response to Comment. The last sentence of Section 3 of the Basin Plan's Control program for Salt and Boron Discharges into the Lower San Joaquin River (LSJR) states as follows: "Participation in a Regional Water Board approved real-time management program and attainment of salinity and boron water quality objectives will constitute compliance with this control program." In addition to the requirement that the RTMP be approved by the Board, the RTMP Resolution requires participants to document their activities annually. Also, in the revised MAA Resolution, the Board delegates to the its Executive Officer (EO) authority to terminate the MAA, at his or her discretion, if an acceptable annual work plan that has undergone public review, is not received by its due date.

Page 4, Third Paragraph. On page 3, the sentence reading "Dilution of drainage from the east side tributaries is provided by the east side tributary rivers - the Merced, Tuolumne and Stanislaus;" please clarify what is meant by this statement, it is unclear. In the last full paragraph on page 3 there is a discussion of contribution of salt loading by various sources; this section needs to provide a citation to reference documents to support these statements.

Response to Comment. This sentence is within the Background Section of the RTMP document and its intent is to describe existing conditions. Clarification text has been inserted into the document.

Page 4, Fourth Paragraph. On page 5, third full paragraph should be expanded to include drainage from managed wetlands as a source of salinity impairment in the San Joaquin River. On page 6, the last bullet is an incomplete sentence.

Response to Comment. The third full paragraph is a quote as noted. The writers of the framework document included it for reference as to the conditions that require the control program. There is a statement in the RTMP (p.2 last paragraph) that identifies wetlands as a source of the salinity in the river. The following text has been added to the last bullet on page 6: *Central Valley Water Board approved RTMP.*

Page 4, Fifth Paragraph. On page 7, the last full paragraph needs to be corrected as the Vernalis objective is a 30 day running average, that doesn't start and stop on a monthly basis. It states no data point for April until April 30th and that is incorrect, it is a rolling average. On April 1 when the 0.7 EC objective is triggered, Reclamation has 30 days to achieve that objective.

Response to Comment. The third sentence of the cited text has been modified as follows: *Since there are two seasons for the Vernalis objective, which went into effect in 1995, the first compliance date for the 30-day running average starts 30 days after the beginning of the season.*

Page 4, Last Line. Section 3.0 Real Time Management Program: On page 10, correct misstatement of D-1641 relating to New Melones releases.

Response to Comment. Refer to response to the comment on page 4, first paragraph of Stockton East's letter.

Page 5, First Paragraph (regarding Section 3.3.1.6). The Regional Board should require Reclamation to obtain real-time data from the Modesto wastewater treatment plant facility as it may influence the operations of the RTMP.

Response to Comment. The value of this potential addition will be evaluated during Phase II of the RTMP when modifications to the monitoring station network and the need for additional stations will be addressed.

Page 5, Second Paragraph (regarding Section 3.3.2.2). The second paragraph effectively repeats what is said in the first paragraph.

Response to Comment. The second paragraph has been deleted.

Page 5, Third Paragraph (regarding Section 3.3.3.2). The first paragraph cites to certain percentage reductions from implementation of the project; the source document should be referenced. There should be additional discussion to accompany the salt load reduction of the corresponding increase in salinity concentrations from the resulting drainage into the San Joaquin River.

Response to Comment. The 25% reduction was negotiated and included in the 2008 MAA and was carried through to the revised MAA. The meaning of the comments second sentence is unclear.

Page 5, Fifth and Sixth Paragraphs (regarding Section 4.4.1). The sentence "virtually all of the activities within the Action Plan have been completed" should be stricken as that statement is completely inaccurate or a complete report should be required of Reclamation to substantiate this statement. Stockton East provided detailed comments on the Action Plan that were never addressed by Reclamation. The foundation of the Action Plan relies on the status quo, that is, releases from New Melones Reservoir and takes credit for actions taken by other interested stakeholders attempting to mitigate their salinity discharges into the San Joaquin River.

If all of the activities have been completed, we would like Reclamation to provide a summary of water acquired pursuant to the Water Acquisition Program or provide the Wetlands BMP plans required to be completed by Public Law 108-361 in 2004. Over ten (10) years have passed and we are not any closer to having these approved plans which are essential to improving water quality in the San Joaquin River. The Regional Water Board should demand more and require implementation of Wetland BMP plans, and if the Wetlands groups fail, then WDRs should be issued for the discharges.

Response to Comment. It is agreed that the cited sentence could be miss leading, therefore it has been deleted from the RTMP Framework document. However, studies completed during the 2008 MAA did indicate that a RTMP was a viable salinity management alternative which lead to the RTMP focus and need for a revised MAA..

Page 6, First Paragraph (regarding Attachment A). It is very difficult to effectively comment on the Draft MOU since much of the language notes "Placeholder for Discussion." However, work needs to be done on the Anticipated Activities, Steering

Committee, eligible participants and the appropriate definitions, and contributions from Cooperating Agencies. Finally, it appears that this MOU is placing the majority of the burden on the Stakeholder community. This is misplaced. As noted above, Reclamation and its operation of the CVP is the principle cause for the salinity problem in the San Joaquin River and therefore needs to be the agency leading the effort including providing sufficient funding to ensure its effective and full implementation. Reclamation cannot pass its responsibility onto others.

Response to Comment. The Central Valley Water Board does not execute the MOU, which is a binding document between dischargers participating in the RTMP. However, the writers of the framework document have revised the MOU. The revised version eliminates the “placeholder for discussion” wording.

Comments Applicable to both the Revised MAA and the RTMP Document:

Page 3, First Full Paragraph. The MAA and RTMP Framework erroneously state that Reclamation is required to make releases from New Melones Reservoir to meet the Vernalis objective, that is simply not the case. All CVP permits are conditioned upon meeting the Vernalis objective and Reclamation can employ a myriad of methods to achieve the objective, including providing dilution flows from the DMC, recirculation of water, acquiring water from other sources, requiring dischargers to provide mitigation flows for their saline discharges and whole array of other controllable factors. Reclamation may employ any one of the above identified measures before looking to dilution flows from New Melones Reservoir, so to conclude that for the next five years Vernalis objectives will be met solely from releases from New Melones Reservoir is erroneous and must be stricken from both the MAA and RTMP Framework.

Response to Comment. Comment noted. The wording has been revised in the MAA and framework document to not restrict mitigation measures to releases of New Melones dilution flows.

Page 3, Second, Third, and Fourth Paragraphs. Stockton East supports implementation of a Real Time Management Program (RTMP) to achieve the Vernalis salinity objective. The most significant concern about the MAA and the RTMP Framework is the ability of Reclamation to follow through with implementation in a timely manner in light of Reclamation's previous tract record. First, Reclamation was directed over 10 years ago when the TMDL was adopted to develop the RTMP. To date we still have no RTMP in place and operational. The original MAA was entered into in December 22, 2008 calling for implementation of the RTMP, but establishing no timeline and still six years later there is no RTMP.

Recall, in 2011, Reclamation and Regional Board staff came to this Board with a Phase II MAA. The Regional Board did not act on the Phase II MAA because Reclamation assured the Board that within 6 months they would have the necessary studies to move forward with a RTMP program. It was a year and half later that the Regional Board staff had to sit down with upper level management at the Mid-Pacific Region and threaten proceeding with Waste Discharge Requirements, did we finally see some movement forward with the RTMP program.

This kind of tract record clearly illustrates that there must be firm commitments obligating Reclamation to a course of action. We respectfully request that you mandate

full implementation in a much shorter time period. A more appropriate timetable would be to have full implementation of the RTMP occur in parallel with the Basin Plan amendment for the Lower San Joaquin River water quality objectives above Vernalis now slated for December 2015.

Response to Comment. Concern with proposed five year Phase schedule noted. However, developing a fully functional RTMP that incorporates managed flows from all basin dischargers is not feasible by December 2015 (15 months). A phased approach with annual work plans, updates, and options to withdraw approval of the RTMP and return to load allocations based on poor performance is the preferred option at this time. Recently, provisions for implementation of the Control Program, including salt load allocations, have been incorporated into the Irrigated Lands Regulatory Program General Orders for the Basin.

Page 5, Fourth Paragraph. Section 3.3.5 Management Agency Agreement Development. It is essential that the identified workplan be made available to the public for input and comment. It states that the annual workplan will be completed a year in advance to prioritize needs. Where is it? The Regional Board should not move forward with approval of the MAA and RTMP Framework until this work is done.

Response to Comment. The Central Valley Water Board staff agrees that a detailed work plan documenting Reclamations specific salinity management activities is critical to the success of both the MAA and RTMP. The Central Valley Water Board Resolution adopting the revised MAA delegates its Executive Officer the authority to terminate the MAA at his or her discretion, if acceptable annual work plans are not received by their due dates. The MAA requires that each work plan must include documentation of a public review process and response to comments before it is submitted to the Central Valley Water Board. Reclamation will continue to exercise its responsibility under D-1641. The RTMP Resolution allows other stakeholders to continue RTMP with their own EO approved work plan if Reclamation fails to submit an acceptable work plan.