

MINUTES
BORREGO SPRINGS WATERMASTER BOARD MEETING
Conducted In-person at Borrego Springs Library and Virtually via GoToMeeting
Thursday, December 8, 2022, 4:30 p.m.

The following individuals were present at the meeting (in-person or virtually):

Directors Present	Chair Dave Duncan – Borrego Water District (BWD)
	Vice Chair* Shannon Smith – Recreational Sector
	Tyler Bilyk – Agricultural Sector
	Mark Jorgensen – Community Representative
	Jim Bennett – County of San Diego
Watermaster Staff Present	James M. Markman, Legal Counsel
	Samantha Adams, Executive Director, West Yost
	Andrew Malone, Lead Technical Consultant, West Yost
	Lauren Salberg, Staff Geologist, West Yost
Others Present	Bob Krasowski
	Cathy Milkey, representing Rams Hill
	Diane Johnson, BWD Board Member
	Elena Thompson
	Geoff Poole, General Manager, BWD
	Jan Krasowski
	Jim Dax
	John Peterson, Environmental Working Group Member
	Kathy Dice, BWD Board Member
	Leanne Crow, Board Alternate – County of San Diego
	Martha Deichler, Board Alternate – Community Representative
	Michael Wells
	Michele Staples, Jackson Tidus, representing AAWARE
	Rebecca Falk
	Rich Pinel, Board Alternate – Recreational Sector
	Tammy Baker, BWD Board Member
	Trey Driscoll, Intera, representing BWD
	Vincent Michel

**Vice Chair Smith also serves as the Secretary and Treasurer of the Board*

I. Opening Procedures

- A. Chair Duncan called the meeting to order at 4:31 PM at which time the meeting recording was started.
- B. Chair Duncan led the meeting participants in the Pledge of Allegiance.
- C. Samantha Adams, Executive Director (ED) called roll and confirmed that all members of the Board were present.
- D. Approval of Agenda.

Motion: Motioned by Vice Chair Smith, seconded by Director Bennett to approve the Agenda.
Motion carried unanimously by voice vote (5-0-0).

II. Public Correspondence

- A. Correspondence Received. None.
- B. Public Comments. Chair Duncan called for public comments. The following comments were made:
 - John Peterson thanked the Board for the Open House meeting (held prior to the Board meeting) and requested future Open Halls be held with the public.
 - Elena Thompson thanked the Board for the work being performed in the Basin and expressed hope that the adjudication process would be successful.
 - Rich Pinel commented on the Open House and requested a summary of the discussion be included in the January 2023 agenda.
 - Bob Krasowski thanked the Watermaster for the Open House and educational experience it provided.

III. Consent Calendar. Chair Duncan called for any discussion on the Consent Calendar items included in the December 8, 2022 agenda package. The discussion included:

- The November 10, 2022 meeting minutes should be amended to change "agendizing" to "agendize" in the sentence "agendizing a closed session for staff performance reviews" on page 8 of 22 in the Agenda Packet.
- Vice Chair Smith requested clarification on the line items in the Financial Report for "Consulting Services" vs "Consulting Services-Reim" listed on pg. 12 of 22 in the Agenda Packet. He requested that the amount receivable under the SGM grant be tracked. He and ED Adams agreed to talk offline to determine the simplest and easiest way to present this information in the monthly financial report.

Motion: Motioned by Vice Chair Smith, seconded by Director Bilyk to approve the Consent Calendar with the requested changes to the minutes. *Motion carried unanimously by roll-call vote (5-0-0).*

IV. Items for Board Consideration and Possible Action

- A. *Review of Final Budget Status for Water Year 2022.* ED Adams provided a presentation of the year-end accounting of the revenues, expenditures, and cash reserves for Water Year (WY) 2022 presented in the Staff memo included in the December 8 Agenda Package. At the conclusion of the presentation, Chair Duncan opened the floor to public comment, followed by Board discussion. There were no public comments.

The key points of discussion included:

- As of November 30th (two months into WY 2023) the balance of unpaid pumping assessments is down to \$4,700, which is significantly reduced compared to unpaid assessments as of the end of WY 2021. The remaining unpaid assessments are by Parties either not pumping or pumping minimal amounts.
- If the Sustainable Groundwater Management (SGM) grant reimbursements had been receivable in WY 2022, the final WY 2022 cash reserve would have been closer to the WY 2022 reserve budget.

No Board action was taken.

- B. *Technical Advisory Committee Meetings*. ED Adams provided background on the Technical Advisory Committee (TAC) and the current quarterly meeting process, as presented in the Staff memo included in the December 8 Agenda Package. She concluded by requesting Board direction on how to proceed with conducting TAC meetings to ensure the intent of the Judgment is met and the Board has the information it needs to act on staff and TAC recommendations. At the conclusion of the presentation, Chair Duncan opened the floor to public comment, which was followed by additional Board discussion. Public comment was made by Michele Staples, John Peterson, Leanne Crow, and Kathy Dice.

The key points of discussion included:

- Legal Counsel interpretation was that the Judgment states the TAC is to meet *with* the Watermaster at least twice per year, which suggests a physical meeting with the Board. However, it would be important to get input from the authors of the Judgment to understand intent.
 - Michele Staples explained the intent of the TAC is to provide the Board with the best scientific and technical information and the current process allows for this because one TAC member sits on the Board and other TAC members frequently participate in Board meetings.
 - Vice Chair Smith noted that the intent was to ensure that the Watermaster Technical Consultant must take input from the TAC on a periodic basis. He further stated that the current process is sufficient to meet the intent.
- Consideration of the cost to individual parties of having the TAC members attend Board meetings should be considered.
- Clarification that the public can comment during TAC meetings. There are two opportunities to comment on the agenda topics.
- The Board is well informed of the TAC's actions. TAC agendas are approved by the Board prior to TAC meetings and following TAC meetings, TAC memos are prepared and disseminated to the Board to report the consensus or non-consensus of TAC recommendations.
- The "Watermaster" is the Board, plus any staff that the Board hires (the Executive Director, Technical Consultant, advisors, etc.). The "Watermaster Board" is the five-member decision making Board.
- If the current process achieves the objectives of the TAC, then conducting additional meetings is purely bureaucratic and doesn't further the goal of sustainably managing the Basin. Additionally, additional meetings would increase costs.
- The role of the Technical Consultant in the TAC is not well documented in the Judgment or Rules & Regulations. The TAC can be thought of as a check and balance on the Technical Consultant recommendations.
- Perhaps there should be options presented by the Technical Consultant rather than the Technical Consultant presenting a recommendation for TAC discussion.
- The Board wants to hear the recommendation of Staff (Technical Consultant); however, the recommendation of the technical consultant should be separate from the TAC recommendation.

- The Chair inquired to the Board if anyone disagrees that the current process meets the intent. No one disagreed.
- Agreement that the role of the Technical Consultant is not well defined. One example of confusion is in a past recommendation report to the Board, the Technical Consultant was listed among the TAC members in describing TAC recommendations. The process could be updated to clarify the role.

Following the discussion, the Board directed West Yost to draft a Board Resolution that defines the roles and responsibilities of the Technical Consultant and TAC members. No Board action was taken.

- C. *Watermaster Meter Reading Program.* ED Adams provided a summary of the Watermaster actions taken to date regarding the meter reading program, revisited the current meter metering program, and asked the Board to provide staff direction regarding updates to the metering program. At the conclusion of the presentation, Chair Duncan opened the floor to public comment, followed by Board discussion. There were no public comments.

The key points of discussion included:

- Clarified that the discussion of self-reporting refers only to pumpers with manual-read meters. Wells with telemetry are constantly self-reporting.
- The potential consequence of this recommendation is related to the increased reliance on pumpers to consistently self-report – we could lose data resolution if Pumpers skip self-reporting.. However, ED Adams indicated that pumpers have been in-compliance thus far.
- There has been no indication of meter tampering during the two years of the metering program. The monthly frequency has been valuable in checking the validity of the meter reads.
- The changes recommended will still provide for Judgment compliance. The Judgment doesn't specify a meter reading frequency.

Following the discussion, the Board directed staff to prepare recommendations on the meter reading program for the Board to review and direct for inclusion in a revised, comprehensive Resolution. No Board action was taken.

V. Reports.

- A. **Legal Counsel Report.** Mr. Markman reported that legal staff is drafting a motion to change the due date of the Annual Report from February 1st to April 1st to correspond with DWR reporting, as directed by the Board during the November 10, 2022 meeting. He does not believe the motion will lead to any challenges with the Court.
- B. **Technical Consultant Report.** Andy Malone reported on the following items, supported with presentation slides available on Watermaster's website with the meeting materials:
- Annual Report: Draft Change in Storage for Spring 2021 to Spring 2022
 - Mr. Malone and Lauren Salberg presented the draft change in storage for Spring 2021 to Spring 2022 to the Board. The change in groundwater storage was a decrease of approximately 5,965 acre-feet.

- Mr. Malone indicated that the draft change in storage had been sent to the TAC for their review and feedback. He reported that the TAC member representing AAWARE wanted the Board and public to acknowledge that approximately 43% of the total change in storage that occurs outside of the Basin and that this estimate is only based on the best available data. The rest of the TAC is in concurrence with the work performed, which is consistent with the methods adopted in WY 2021.
 - Following the presentation Mr. Malone opened the floor to questions and comments. Questions/comments were made by the Board, Cathy Milkey, Michele Staples. Discussion topics included:
 - The continuing decline in water levels over time
 - The total amount of storage in the Basin.
 - The calculation method should be revisited and potentially revised in the future when the model updates are complete, especially in the areas outside of the extent of the current monitoring program.
- Status of Groundwater Monitoring Plan
 - Mr. Malone presented the schedule for finalizing the Groundwater Monitoring Plan by April 2023.
 - Mr. Malone noted that he had received many comments regarding the Monitoring Gap Analysis report and the need to fill data gaps, both from TAC members' comments on the Monitoring Analysis Report and from the public during the Open House.
 - Following the presentation Mr. Malone opened the floor to questions and comments. Questions/comments were made by the Board and Tammy Baker. Discussion included:
 - There are 27 wells currently in the network and the total number of wells to be added is still to be determined.
 - Director Bennett presented a recommended process for adding wells to the monitoring network by asking the public to help identify potential existing wells that could be monitored and facilitate the initial contact with well owners in the community. During the Open House, members of the public expressed interest in this idea and that they would be willing to volunteer to provide support.
 - The outreach effort for adding wells to the monitoring network would be funded by the SGM grant as part of the task to prepare the management plan.
 - Director Bennett requested that an agenda item be added to the next Board meeting agenda to discuss adding wells to the monitoring network and other work that could be performed while the GWMP is being prepared. The Chair concurred.
- Status of TSS Program Well and DWR Data
 - Mr. Malone presented on the status of the new monitoring well funded by the DWR Technical Support Services program and provided a summary of the DWR's assistance with obtaining historical private well data and permission to monitor.
 - Following the presentation Mr. Malone opened the floor to questions and comments. Questions/comments were made by the Board. Discussion included:
 - If a private well owner who was previously providing data to the DWR did not respond to the DWR inquiry for sharing their data or allowing continued monitoring,

that was an indication that the well owner does not give permission or want to participate.

- Progress on Scoping Redetermination of Sustainable Yield by 2025
 - Mr. Malone presented a draft scope and cost estimate and a progress report for scoping the efforts to redetermine the Sustainable Yield by 2025, stating that the Board would receive the TAC recommendation prior to the February 2023 meeting.
 - Following the presentation Mr. Malone opened the floor to questions and comments. Questions/comments were made by the Board. Discussion included:
 - Concern in the DWR's ability to approve the repurposing of grant funding. ED Adams explained that in communicating with the DWR, it was indicated it is possible to reprogram money as the project progresses.
 - Concerns over the cost of the expanded scope of work, especially if the funding is recommended to come from the Watermaster's reserves. ED Adams noted that staff will present the Board with ways to repurpose existing grant funding to cover the additional cost of the expanded scope of work, as opposed to drawing from reserves.
 - The cost estimate for the new scope of work is less than developing a new model.
 - The Staff recommendation presented at the February 9, 2023 Board meeting will include a description of grant funding that should be repurposed to cover the new costs of the expanded scope of work.
 - Following the Technical Consultant Report, the Chair Opened the floor for any additional public comments or questions. Comments were made by Jim Dax, Diane Johnson, Michele Staples on the following topics:
 - Thank you to Director Bennett for proposing community involvement in adding wells to the monitoring network.
 - The purpose of the Watermaster is to sustainably manage the Basin, not manage the Basin and keep assessments low.
 - The goal is to not have the best model, but to have a model that is best for making management decisions for the Basin.
 - The next steps for the fallowing of agricultural lands restoration study will be included on the next meeting agenda.
- C. Executive Director Reports. ED Adams reported on the following items, supported with presentation slides available on Watermaster's website with the meeting materials:
- DWR Grant Status
 - Geoff Poole has received approval to get the primary agreement between DWE and BWD signed. The subagreements are scheduled to be approved by the BWD Board on Tuesday, December 13, 2022.
 - Once the subgrantee agreement is executed, West Yost can finalize a subcontract with Land IQ for the Biological Restoration project. The Board can expect a detailed update during the February 2023 meeting, which will follow the EWG meeting on January 27, 2023.

- There are tens of thousands of dollars in work that has been performed prior to approval of the grant agreement that qualifies for reimbursement. Staff will submit for reimbursement as soon as a process is established for reporting.
- Report out from December 8, 2022 Open House
 - ED Adams reported that water transfers and water quality were among the most-discussed topics discussed during the Open House. Other interests were related to the Rampdown and Carryover.
 - Water quality is at the forefront of the public’s concerns.
 - The next Open House will be scheduled for late spring.
- Upcoming Watermaster activities, which include:
 - Annual meter accuracy testing
 - 1st installation of WY 2023 pumping assessments
 - Status update on the development of the Annual Report, quarterly WY 2023 budget, results of the Fall 2022 monitoring event, and the EWG and TAC meeting agendas.

D. Chairperson’s Report. NONE

VI. Board Member Comments. Chair Duncan called for comments. The following comments were made:


- Vice Chair Smith:
 - Thanked staff for hosting the Open House.
 - Inquired when a contract for Land IQ would be received. ED Adams stated that because Land IQ is a subconsultant to West Yost, the sub-agreement would be subject to all the same terms and conditions as West Yost has with Watermaster, including the delayed payment terms.
 - Inquired if UCI, who is working on the Biological Restoration project as a sub to Land IQ, is also working for any Party to the Judgment? His understanding is they work for BWD
 - Chair Duncan stated that the UCI does not work for BWD, BWD provides cost-share for an air quality monitoring study and the money goes to an endowment fund, not to UCI.
- Director Jorgensen noted that it was nice to meet in person.

VII. Next Meetings of the Borrego Springs Watermaster. The next meetings are:

- Regular Board Meeting – Thursday, January 12, 2023 at 4:30 pm.
- Regular Board Meeting – Thursday, February 9, 2023 at 4:30 pm.

VIII. Adjournment

A. Chair Duncan adjourned the meeting at 7:07 PM.



 Recorded by:
 Lauren Salberg, West Yost Staff

 Attest:
 Shannon Smith, Vice Chairperson, Secretary,
 and Treasurer of the Board