

MINUTES
BORREGO SPRINGS WATERMASTER BOARD MEETING
Conducted Virtually via GoToMeeting
Thursday, April 14, 2022, 4:30 p.m.

I. Opening Procedures

- A. Chair Duncan called the meeting to order at 4:30 PM
- B. Chair Duncan led the meeting participants in the Pledge of Allegiance.
- C. Samantha Adams, Executive Director (ED) called roll and confirmed that a quorum of members was present. Director Seley was absent from the roll call but arrived at 4:33 pm. The following individuals were present at the meeting:

Directors Present	Chairman Dave Duncan – Borrego Water District (BWD)
	Vice Chairman Shannon Smith – Recreational Sector
	Jim Bennett – County of San Diego
	Mike Seley – Agricultural Sector – absent from vote; arrived at 4:33 pm
	Mark Jorgensen – Community Representative
Watermaster Staff Present	James M. Markman, Legal Counsel
	Samantha Adams, Executive Director, West Yost
	Andrew Malone, Lead Technical Consultant, West Yost
	Lauren Sather, Staff Scientist, West Yost
Others Present	Boyd Hill, Jackson Tidus, representing AAWARE
	Cathy Milkey, representing T2 Borrego
	David Garmon
	Jim Dax
	Kathy Dice, BWD Board Member
	Leanne Crow, Board Alternate – County of San Diego
	Leonardo Urrego-Vallowe, WBE, representing AAWARE
	Martha Deichler
	Rich Pinel, Board Alternate – Recreational Sector
	Steve Anderson, BBK, representing BWD
	Tammy Baker, BWD Board Member
	Trey Driscoll, Dudek, representing BWD
	Tyler Bilyk, Board Alternate - Agricultural Sector

- D. Approval of Agenda.

Motion: Motioned by Vice Chair Smith, seconded by Director Bennett to approve the agenda. *Motion carried unanimously by voice vote (4-0-0). Director Seley was absent from the vote.*

II. Public Correspondence

- A. Correspondence Received.
 - Correspondence from Elena Thompson. Director Seley requested staff to help him connect with Ms. Thompson to help answer her questions related to a fallowed property.
- B. Public Comments. Chair Duncan called for public comments. There were no public comments.

III. Consent Calendar. Chair Duncan called for any discussion on the Consent Calendar items included in the April 14, 2022 agenda package. There were no comments.

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

IV. Items for Board Consideration and Possible Action

A. *Legal Opinion on Watermaster Process to be used in Selecting and Using Technical Consultants.* Counsel Markman gave an overview of the information in the agenda package. At the conclusion of the overview, Chair Duncan opened the floor to Board discussion and public comment. Public comment was made by David Garmon, Tammy Baker, and Boyd Hill.

The key points of discussion included:

- The Watermaster Board must follow the process defined in the Judgment and Rules and Regulations for procuring independent consultants or collaborating with external entities on projects that are in the direct purview of the Watermaster Board. This requirement can be bypassed only by a Supermajority vote of the Board (4 out of 5 members).
- In the case of the Technical Services Support (TSS) Grant, Counsel Markman advised that any recommendation from staff to collaborate with BWD and its technical consultants in implementing the DWR grant-funded monitoring well project would be subject to the Supermajority rule. Counsel Markman further recommended that in making such recommendations (in this or any other situation), staff provide clear and transparent information on who will provide input to Watermaster staff and the nature of the input.
- In collaborating with sub-consultants or partnering agencies/entities, it is important for Watermaster staff to remain independent and make independent, scientifically based recommendations.

No Board action was taken.

B. *DWR Prop 68 Grant Update.* ED Adams reported that there were no updates from DWR on the Prop 68 grant status. No Board action was taken.

C. *Environmental Working Group Field Tour and Meeting.* Mr. Malone gave a presentation summarizing the March 21, 2022 EWG field trip. At the conclusion of the presentation, Chair Duncan opened the floor to Board discussion and public comment. Public comment was made by David Garmon, Boyd Hill, and Tammy Baker.

The key points of discussion included:

- The EWG field trip was a success and well-attended. It was educational and provided attendees with a better understanding of strategies to rehabilitate fallowed lands.
- Hiring of the consultants who will perform the Biological Restoration of Fallowed Lands project under the DWR grant must follow the Judgment process discussed in Agenda Item IV.A of this meeting. Bypassing the open RFP process will require a Supermajority vote of the Board.

- The EWG’s scope of work to prepare a GDE workplan is complete – it was performed as part of the Prop 68 grant application process. The project was not accepted by the Project Review Committee for grant funding.
- The Groundwater Management Plan did not identify a need to address GDEs in the Project and Management Actions.

No Board action was taken.

V. Reports.

- C. Technical Consultant Report. Mr. Malone provided a presentation describing the process to review Watermaster first application for a new De Minimis pumping well. The presentation is available on the Watermaster Website. Following the presentation, Chair Duncan opened the floor to Board discussion and public comment. Public comment was made by David Garmon, Tammy Baker, Steve Anderson, and Trey Driscoll. Adams reported on the following items:

The key points of discussion included:

- Given that this is the first application to be reviewed by Watermaster staff, it is prudent to discuss the process and staff recommendation with the Technical Advisory Committee.
- The preliminary staff recommendation is to require a more expansive annular seal as part of the well construction to protect groundwater quality, specifically to prevent downward vertical migration of contaminants through the well gravel pack. This comes at an increased cost to the well owner.
- Operation of the De Minimis well is not expected to impact the ability to pump a nearby BWD well. But protection water quality is a concern.
- Watermaster staff should explore having the well applicant acknowledge in writing that it is aware of the existence of near-by pumping wells that could potentially interfere with pumping from the new De Minimis well.
- The BWD is performing a cost analysis to determine if it is more cost effective to connect to the BWD municipal supply as compared to construction and operation of a De Minimis well with the intent to share the cost analysis with the well applicant as an alternative approach.

The Board directed staff to obtain input from the TAC on the process and recommendation for this De Minimis well application at the next meeting.

- B. Legal Counsel Report. Counsel Markman provided two reports:

- There will be a Status Conference with the Court on Friday April 29th. The Judge is only performing virtual hearings and the new court call process is outlined on the County’s website. Instructions can be posted to the Watermaster website once the details are available.
- The Governor’s recent drought Executive Order includes requirements for Groundwater Sustainability Agencies to be consulted in the approval of any new well construction permits for certain types of wells (excluding municipal and de minimis pumpers). He reported that the Judgment already requires Watermaster to review and approve all new well permit

applications and that the Board has already approved a process to collaborate with the County on review and approval process.

A. Executive Director's Report. ED Adams provided brief updates on the following topics:

- The status of delinquent assessments and well metering. Progress is being made but there are some parties who have still not been able to be contacted.
- The expected business items for the Board through October 2022
- Next steps on preparing for the Prop 68 grant. The Board requested that the draft 2022 budget include an analysis of working capital that will need to be invested initially before the six-month delay in reimbursement funds.

B. Chairperson's Report. Chair Duncan remarked that it would be appropriate for the Annual Report process to include a longer review period. The 2021 Annual Report review was compressed, and some people reported to Chair Duncan they did not have enough time to review the report. ED Adams stated that in the future, absent the rush to pull together a grant application, the Annual Report can be prepared sooner and with longer review periods, however, it may be necessary to have to Court amend the due date of the Annual Report to enable this as in future years, it will be due on February 1st. Chair Duncan requested staff to see about petitioning the Court to revise the due date to align with the DWR Annual Report due date and ensure longer review periods are implemented.


VI. Board Member Comments. Chairman Duncan called for comments.

- Vice Chair Smith reported on two items related to T2 Borrego pumping.
 - Operations of the Ram's Hills wells was modified to reduce pumping at the deep aquifer wells #5 and 6.
 - Successful completion of abandonment of an inactive well on a fallowed property that is subject to the Fallowing Standards in Exhibit 3 of the Judgment.
- Alternate Director Deichler reported out on recent work by the Borrego Valley Stewardship Council, including a study on sustaining the population in the future, the most important issue for which is providing low-income housing.

VII. Next Meetings of the Borrego Springs Watermaster. Chairman Duncan reviewed the potential agenda items for the next Board meetings included in the agenda package.

VIII. Adjournment

- A. Chairman Duncan adjourned the meeting at 6:23 PM.


Recorded by:
Samantha Adams, Executive Director


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