

MINUTES
BORREGO SPRINGS WATERMASTER BOARD MEETING
Conducted Virtually via GoToMeeting
Thursday September 8, 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 five members of the Board were present. The following individuals were present at the meeting:

Directors Present	Chair Dave Duncan – Borrego Water District (BWD)
	Vice Chair* Shannon Smith – Recreational Sector
	Tyler Bilyk, Board Alternate – Agricultural Sector
	Jim Bennett – County of San Diego
	Mark Jorgensen – Community Representative
Watermaster Staff Present	Samantha Adams, Executive Director, West Yost
	Andrew Malone, Lead Technical Consultant, West Yost
	James M. Markman, Legal Counsel
Others Present	Cathy Milkey, representing Rams Hill
	Geoff Poole, General Manager, BWD
	Diane Johnson, BWD Board Member
	Leanne Crow, Board Alternate – County of San Diego
	Leonardo Urrego-Vallowe, WBE, representing AAWARE
	Martha Deichler, Board Alternate – Community Representative
	Michele Staples, Jackson Tidus, representing AAWARE
	Rebecca Falk
	Rich Pinel, Board Alternate – Recreational Sector
	Sarah Foley, BBK, representing BWD
	Steve Anderson, BBK, representing BWD
	Tammy Baker, BWD Board Member
	Travis Huxman
	Trey Driscoll, Intera, representing BWD

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

- D. Approval of Agenda.

Motion: Motioned by Director 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:
 - Rebecca Falk addressed the Board to request that Board meetings be recorded.
 - Diane Johnson addressed the Board to request that Board meetings be recorded and posted to the Watermaster website.

III. Consent Calendar. Chair Duncan called for any discussion on the Consent Calendar items included in the September 8, 2022 agenda package, including an opportunity for public comment. Public comment was made by Michele Staples. The discussion included:

- The July 14, 2022 meeting minutes should be amended to:
 - Reflect the recommendations of the TAC members that were presented.
 - Reflect that the Board’s direction to staff to provide an opportunity for all TAC members to provide supplemental reports to the Board as part of the TAC process.

Motion: Motioned by Director Smith, seconded by Director Bennett to approve the Consent Calendar with the noted edits to the July 14, 2022 meeting minutes. *Motion carried unanimously by roll-call vote (5-0-0).*

IV. Items for Board Consideration and Possible Action

A. *DWR Prop 68 Grant Update.* ED Adams gave a detailed update to the Board on the status of the award of the grant by DWR (refer to meeting presentation on Watermaster website). 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:

- Given the significant delay in the work, Watermaster staff will need to carefully update the grant spending projections once its time to start the work. This is necessary to ensure that the peak of spending will keep Watermaster in compliance with the payment terms offered by West Yost and Land IQ.

No Board action was taken.

B. *Consideration of Approval of Statement of Work No. 5 for West Yost Services for Water Year 2023.* ED Adams provided an overview of the information provided in the meeting package. At the conclusion of the overview, Chair Duncan opened the floor to public comment, followed by Board discussion. There were no public comments and no Board discussion.

Motion: Motioned by Director Jorgensen, seconded by Director Smith, to approve Statement of Work No. 5 for West Yost Services for Water Year 2023. *Motion carried unanimously by roll-call vote (5-0-0).*

C. *Consideration of Approval of Resolution No. 22-01 - Adopting a Code of Conduct to Govern Watermaster Activities Required to Manage and Sustain Borrego Water Resources.* Counsel Markman provided a summary of the latest draft of Resolution 22-01 noting it addressed all prior comments received to date. At the conclusion of the presentation, Chair Duncan opened the floor to public comment, followed by Board discussion. There were no public comments and no Board discussion.

Motion: Motioned by Director Jorgensen, seconded by Director Bilyk to adopt Resolution No. 22-01 of the Board of Directors of the Borrego Springs Watermaster Adopting a Code of Conduct to Govern Watermaster Activities Required to Manage and Sustain Borrego Water Resources. *Motion carried unanimously by roll-call vote (5-0-0).*

D. *DWR Technical Support Services (TSS) Program Agreement with the Borrego Springs Watermaster.* Mr. Malone gave an overview of the status of the TSS program opportunity with DWR to construct a new monitoring well in the North Management Area (refer to meeting presentation on Watermaster website). Mr. Malone noted that it is an evolving process and earlier that day the information from DWR had already changed relative to what was described in the agenda package memo for Item IV.D. The DWR has determined that it will execute the Cooperator contract for the TSS program with the BWD. At the conclusion of the presentation, Chair Duncan opened the floor to public comment, followed by Board discussion. Public comment was made by Geoff Poole (GM, BWD). The key points of Board discussion included:

- Geoff Poole noted that he will inquire with the BWD Board if there is still a request for additional cost share in project from the Watermaster (to cover certain items that are not paid for by DWR).

No Board action was taken.

E. *Report from August 31, 2022 TAC Meeting.* Mr. Malone provided the Board with presentation summarizing the discussions of the August TAC meeting (refer to meeting presentation on Watermaster website). At the conclusion of the presentation, Chair Duncan opened the floor to public comment, followed by Board discussion. Public comment was made by Michele Staples and Rebecca Falk. The key points of discussion included:

- If the TAC recommendation for BVHM work to perform in WY 2023 excludes addressing any or all of the model discrepancies identified by staff, staff should plan to characterize for the Board what the potential consequences are of not addressing the discrepancies and why they are not recommended to be addressed.
- Regarding the model discrepancies, it is important to understand that all models have certain challenges due the nature of having to make assumptions in areas with data gaps. It takes work and effort to improve and address the challenges over time.
- Due to the difference is metered data and model-estimated pumping, it is likely the model needs to be recalibrated, though this finding is based on only one year of data. The path forward will be discussed with the TAC and a recommendation developed as to when and how to address this. Through this process the need for and use of the FARM package to estimate pumping for forward projections can be discussed. Currently, its use is part of the methodology defined in the groundwater management plan and Judgment.
- It takes many years of data collection to fill data gaps in such a way that the results can affect the model calibration, but that day will come in the future and is why the monitoring programs are so important.

No Board action was taken.

F. *Letter from Borrego Water District Re: De Minimis Well Application Process and Board Deliberations.* ED Adams introduced the letter to the Board from the BWD. Tammy Baker from the BWD gave a presentation explaining the letter, which summarizes a legal opinion from

BWD's legal counsel. Ms. Baker's presentation was presented with support from Sarah Foley and Steve Anderson of BBK (BWD legal counsel). At the conclusion of the presentation, Chair Duncan opened the floor to public comment, followed by Board discussion. Public comment was made by Michele Staples, Rebecca Falk, and Cathy Milkey. The key points of discussion included:

- The Judgment provides for a process to appeal any Watermaster decision within 90 days of Board action. It would be prudent to not sign off on applications until after the 90-day clock has expired in case an appeal is filed.
- Other Watermaster entities (such as Chino Basin and Antelope Valley) perform studies known as a "Material Physical Injury" analysis to assess the potential physical impacts of a Board action that could affect the Basin. The analysis is used to support staff and Board decision making on projects/applications that come to the Board for approval. This could be something for the Board to consider implementing.
- For future meetings, guest presentations should be provided to the staff and Board at least one day in advance of the meeting so they can be reviewed, and Board members can be prepared for the discussion.
- BWD requested:
 - Watermaster participation in its November Town Hall meeting.
 - Watermaster record its meetings and post them to the website

The Board provided the following direction to Staff:

- Include an agenda item for discussion of the Town Hall attendance in the October Board meeting
- Provide input on the cost to start recording and posting the meetings so the Board can direct Staff to act on this request

G. *Overview of Anticipated WY 2023 Calendar of Activities.* ED Adams provided an overview of the anticipated Watermaster activities, by month, for WY 2023 (refer to meeting presentation on Watermaster website). At the conclusion of the presentation, Chair Duncan opened the floor to public comment, followed by Board discussion. There was no public comment. The key points of discussion included:

- The Judgment provides a due date for the Annual Report and staff should plan to meet that deadline. The schedule to complete the report will be brought to the Board for discussion at the October Regular meeting.

No Board action was taken.

V. Reports.

- A. Legal Counsel Report. NONE.
- B. Executive Director Report. ED Adams gave an overview of the status of well metering and payment of assessments. The Board directed staff and legal counsel to proceed with Court enforcement for any pumpers who do not come into compliance with the metering requirements by the start of WY 2023.


C. Chairperson's Report. NONE

VI. Board Member Comments. Chair Duncan called for comments. Director Smith noted that it will be nice to plan for some in person meetings in the coming months.

VII. Next Meetings of the Borrego Springs Watermaster. Chair Duncan reviewed the future meeting dates included in the agenda.

VIII. Adjournment

A. Chair Duncan adjourned the meeting at 6:48 pm.



Recorded by:
Samantha Adams, Executive Director



Attest:
Secretary of the Board