

MINUTES
BORREGO SPRINGS WATERMASTER BOARD MEETING
Conducted Virtually via GoToMeeting
Thursday, March 9, 2023, 4:30 p.m.

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 – Agricultural Sector (arrived at 4:34 pm)
	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
	Geoff Poole, BWD General Manager
	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
	Michele Staples, Jackson Tidus, representing AAWARE
	Sarah Foley, BBK, representing BWD
	Travis Huxman
	Trey Driscoll, Intera, representing BWD

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

Please visit to the [Watermaster’s Website](https://borregospringswatermaster.com/past-watermaster-meetings/)¹ to access the Agenda Packet, recording, and presentation for the March 9, 2023 Meeting.

I. Opening Procedures

- A. Chair Duncan called the meeting to order at 4:30 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 four of the five members of the Board were present. Director Bilyk was absent for roll call, but later arrived at 4:34pm.
- D. Approval of Agenda.

¹ <https://borregospringswatermaster.com/past-watermaster-meetings/>

Motion: Motioned by Director Jorgenson, seconded by Vice Chair Smith, to approve the Agenda. *Motion carried unanimously by voice vote (4-0-0).* Director Bilyk was absent.

II. Public Correspondence

- A. Correspondence Received. ED Adams referenced the correspondence from Elena Thompson included in the agenda package.
- B. Public Comments. Chair Duncan called for public comments.
 - Jim Dax made a comment on the subject of the Watermaster Annual Report, which is the subject of Agenda item IV.B..

III. Consent Calendar.

Chair Duncan called for any discussion on the Consent Calendar items included in the March 9, 2023 Agenda package. Vice Chair Smith noted the cash reserves for the reporting period (shown on page 13 of 331 in the Agenda package) as pertinent to discussion of the proposed budget amendment (Agenda Item IV.D),.

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

IV. Items for Board Consideration and Possible Action

- A. *Consideration of Approval of the Financial Audit for Water Year 2022.* ED Adams summarized the memo and referenced the final Financial Audit for Water Year 2022 by LSL included in the Agenda Package. At the conclusion of the presentation, Chair Duncan opened the floor to public comment, followed by Board discussion. No public comments were made.

Motion: Motioned by Vice Chair Smith, seconded by Director Jorgenson, to approve the final *Financial Audit for Water Year 2022* by LSL and include it with the *Water Year 2022 Annual Report for the Borrego Springs Subbasin*. *Motion carried unanimously by roll-call vote (5-0-0).*

- B. *Consideration of Approval of the Water Year 2022 Annual Report for the Borrego Springs Subbasin.* ED Adams summarized the final Annual Report and memo included in the Agenda package. ED Adams highlighted the comments received on the draft Annual Report and noted which were addressed in the Annual Report and which were outside the scope of the Annual Report and not addressed. At the conclusion of the presentation, Chair Duncan opened the floor to public comment, followed by Board discussion. Public comment was made by John Peterson, Kathy Dice, and Diane Johnson.

The key points of discussion included:

- Confirmation that the Annual Report satisfies the requirements of both the Judgment and of the Sustainable Groundwater Management Act (SGMA)
- One single Annual Report is prepared and submitted to the Department of Water Resources (DWR) and the Court to satisfy the SGMA and Judgment requirements.
- The contents of the Annual Report go beyond the requirements of SGMA. Table 1 of the Annual Report identifies where SGMA guidelines are documented in the Annual Report.
- The final report needs to include the signature of a licensed Professional Geologist prior to submitting the report to the Court and DWR.

- The Groundwater Monitoring Plan, currently under development, recommends that data collected throughout the water year be summarized and presented in future Annual Reports.
- The groundwater elevation hydrographs for certain wells in the South Management Area (presented in Appendix E of the Annual Report) show a concerning rate of decline.

Motion: Motioned by Director Bennett, seconded by Vice Chair Smith, to approve the *Water Year 2022 Annual Report for the Borrego Springs Subbasin* and file it with the Court and DWR after adding the signature of a California Professional Geologist. *Motion carried unanimously by roll-call vote (5-0-0).*

C. *Groundwater Monitoring Plan for the Borrego Springs Subbasin.* Andy Malone provided a summary of the draft Groundwater Monitoring Plan included in the Agenda package. At the conclusion of the presentation, Chair Duncan requested Board comments. Then he opened the floor to public comment, followed by Board discussion. Public comments were made by Michele Staples, Cathy Milky, Kathy Dice, Diane Johnson, Jim Dax, and Trey Driscoll.

The key points of discussion included:

- The Borrego Water District (BWD) is in the process of acquiring two properties in the North Management Area that have six wells that could potentially be added to the monitoring network.
- the newly added Orchard well on the T2 property is not shown on Figure 2 of the Groundwater Monitoring Plan. This well will satisfy the information gap near WQ-5 identified on Figure 2.
- Discussion that field groundwater monitoring events are performed twice per year. Some wells are equipped with pressure transducers and data loggers that record groundwater level measurements every 15 minutes.
- Watermaster Staff would be responsible for monitoring any new private wells added to the monitoring network through implementation of the plan.
- The new monitoring well that is being constructed under DWR's Technical Support Services (TSS) will be used for both groundwater level and groundwater-quality monitoring and will fill identified information gaps in the monitoring plan.
- Although PMAs are not described in the Groundwater Monitoring Plan, the Plan will be used to support the design and implementation of the Project and Management Actions (PMAs) in the Groundwater Management Plan. The Monitoring Plan is not intended to satisfy the Water Quality Optimization PMA, only to support its development and implementation.
- There are no requirements to submit data to the Regional Water Quality Control Board.
- There are two years left to utilize the SGM grant funding. The funding can be used to support the outreach and sampling of new wells in the monitoring program through the end of the grant period.
- Correct the reference to monitoring flow across Coyote Creek from WQ-8 and WQ-9 to WQ-16 and WQ-17 in the Monitoring Plan (see page 261 of 331 of the Agenda package).

- Section 5 of the Groundwater Monitoring Plan describes the timeline for reporting the monitoring data, which includes after each monitoring event and at the end of each water year.
- The final report needs to include a more detailed cost estimate to estimate of the expense of adding and sampling each new well in the monitoring network and the total cost of the expanded monitoring network compared to the existing network.
- The opportunity to revisit and potentially revise thresholds and measurable objectives will be during the development of the five-year update to the Groundwater Management Plan.
- No new groundwater-quality constituents of concern (COCs) were added to the Groundwater Monitoring Plan, but the plan notes that new COCs could be added to the Groundwater Management Plan during the five-year update.
- The priority for expanding the monitoring network is to find existing wells prior to constructing a new well, including areas in the Anza-Borrego State Park.
- The network of existing and proposed monitoring wells shown on Figures 1 and 2 of the Groundwater Monitoring Plan was developed to achieve all the objectives outlined in the Groundwater Management Plan.

Following the discussion, the Board directed staff to incorporate comments received on the Groundwater Monitoring Plan and bring a revised Groundwater Monitoring Plan to the Board during the April 6, 2023 meeting for consideration of approval.

D. Consideration of Approval of Amendment to Water Year 2023 Budget. ED Adams summarized the proposed amendment to the WY 2023 budget included in the 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:

- The primary reason for the overall increase in the budgeted expenditures is the removal of Board meetings as a grant-funded expense. There is also an increased interest expense on payment terms due to the delay in grant reimbursements from DWR.
- The budget needs to be recast to:
 - Use the same grant reimbursement delays assumed in the WY 2023 Budget – six months for DWR release of funds, plus two months for BWD to reimburse Watermaster.
 - Reallocate work from WY 2023 to WY 2024 to lower the peak expenditures projected in WY 2023.
- Appointment of an ad-hoc subcommittee of Vice Chair Smith and Director Bilyk to work with ED Adams to prepare a revised WY 2023 budget amendment that addresses the concerns raised.

No Board action was taken.

E. Consideration of Approval of Resolution No. 23-01 of the Board of Directors of the Borrego Springs Watermaster to Establish Guidelines for the Technical Advisory Committee Process. ED

Adams summarized the memo in the Agenda package and described the changes made to Resolution No. 23-01 since the February 2023 Board meeting. 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:

- Suggestion to remove “and supplementation information” on page 309 of 331 in the Agenda package to clarify that the TAC may not bring forward supplementation information to the Board outside of the TAC Recommendation Memo.
- Direction to fix the grammatical error on page 307 of 331 by adding the word “to” to the sentence “All meetings of the TAC must be open the public....”

Motion: Motioned by Director Bilyk, seconded by Director Jorgenson, to approve Resolution No. 23-01 with the noted edits. *Motion carried unanimously by roll-call vote (5-0-0).*

F. *Consideration of Approval of Meter Reading Program Resolution (Adams).* ED Adams described the changes made to Resolution No. 23-02 based on the discussion during the February 2023 Board meeting. 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:

- Confirmation that the confidentiality language added to Exhibit 5 is consistent with the language used in Exhibits 2 and 3.

Motion: Motioned by Director Bilyk, seconded by Vice Chair Smith, to approve Resolution 23-02. *Motion carried unanimously by roll-call vote (5-0-0).*

V. Reports.

A. Legal Counsel Report. Jim Markman reported on the February 17, 2023 Status Conference, including:

- The Court accepted the statements regarding the change in the date to file the Annual Report and requested to review the Final Annual Report and the comments received on the draft Annual Report. Mr. Markman stated that Appendix F Response to Comments will be highlighted when the Annual Report is filed.
- A new status conference will be scheduled annually at the time the Annual Report is filed.

B. Technical Consultant Report. Mr. Malone reported on the following items included in the Agenda package (see Board presentation slides). Discussion included:

- The status of the TSS well currently being drilled by DWR. The deep well was drilled to a depth shallower than expected based on the hydrogeologic conceptual model, but the deep casing at the anticipated completed depth will still be representative of the deep aquifer in the North Management Area. Mr. Malone noted that not all data from the drilling was yet available and that the Watermaster will be involved in discussing the final well completion.

C. Executive Director Reports. ED Adams reported on the following items

- The first grant reimbursement request report to the DWR will be prepared in April. It can be submitted before the May 31st. BWD will owe it to DWR by May 31st.
- The three-month look ahead of activities (see Board presentation slides).

D. Chairperson's Report. NONE.

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

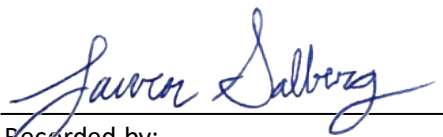
- Vice Chair Smith expressed concerns regarding DWR's reimbursement period, especially for the first submission, which is likely to have the most scrutiny.
- Director Bennett provided an update on the proposed changes to the County of San Diego's CEQA review ordinances to make them consistent with SGMA. These changes include amending the County's Groundwater Ordinance defining the County's guidelines for Groundwater Resources.
- Director Bennett reported that the County is re-applying to a Department of Conservation grant program to receive funding for repurposing agricultural land to less intense water uses. They applied for the last round of grant funds in 2022 so it should be easy to prepare the grant application.
- Vice Chair Smith and Chair Duncan expressed that the Watermaster has done an exemplary job and has accomplished much in the two years since the implementation period. These achievements are accurately highlighted in the Annual Report.

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

- Regular Board Meeting – Thursday, April 6, 2023 at 4:30 pm
- Regular Board Meeting – Thursday, May 11, 2023 at 4:30 pm
- Regular Board Meeting – Thursday, June 8, 2023 at 4:30 pm

VIII. Adjournment

A. Chair Duncan adjourned the meeting at 7:21 PM.



Recorded by:
Lauren Salberg, Staff Geologist, West Yost

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