

MINUTES
BORREGO SPRINGS WATERMASTER BOARD MEETING
Conducted Virtually via GoToMeeting
Thursday, July 13, 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
	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	Cathy Milkey, representing Rams Hill
	Diane Johnson, BWD Board Member
	Gina Moran, BWD Board Member
	Jessica Clabaugh, BWD Finance Officer
	Jim Dax, Board Alternate – Community Representative
	Kathy Dice, Board Alternate - BWD
	Leanne Crow, Board Alternate – County of San Diego
	Rebecca Falk
	Rich Pinel, Board Alternate – Recreational Sector
	Rodney Bruce, Rams Hill
	Sarah Foley, BBK, representing BWD
	Steve Anderson, BB&K, representing BWD
	Tammy Baker, BWD Board Member
	Travis Huxman, UCI
	Trey Driscoll, Intera, TAC Member representing BWD

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

Please visit the [Watermaster’s Website](#)¹ to access the Agenda Packet, recording, and presentation for the July 13, 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 a quorum of all members of the Board were present.
- D. Approval of Agenda.

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

Chair Duncan requested a modification to the Agenda to move the Closed Session (Item VII) to follow the Consent Calendar.

Motion: Motioned by Director Bilyk, seconded by Director Bennett to approve the Agenda with the recommended modification. *Motion carried unanimously by voice vote (5-0-0).*

II. Public Correspondence

- A. Correspondence Received. ED Adams referenced the correspondence included in the Agenda package.
- B. Public Comments. Chair Duncan called for public comments. Public comment was made by Diane Johnson, Rich Pinel, and Tammy Baker on the following topics:
 - Proposed edits to the June meeting minutes included in the Agenda package.
 - Inquiry on the length of the Closed Session and when the public could expect the open session to resume.

III. Consent Calendar. Chair Duncan called for any discussion on the Consent Calendar items included in the July 13, 2023 Agenda package.

- Vice Chair Smith clarified that the Board directs revisions to the meeting minutes, not the public.
- Diane Johnson should be recorded as present in the June meeting minutes.
- The word “after” should be replaced with “during” in the second sentence of the first bullet on page 6 of the June meeting minutes. This revision will make the statement more accurate and consistent with the footnote on page 7 of the June meeting minutes.

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

VII. Closed Session. The Board of Directors entered a Closed Session at 4:42 PM. The public meeting was reconvened at 5:49 PM. There were no reportable actions from the Closed Session.

IV. Items for Board Consideration and Possible Action

D. *Evaluation of SGMA Authorities and Judgment Authorities.* This Agenda item was moved up to accommodate Mr. Markman’s schedule. Mr. Markman provided a summary of the memo included in the Agenda package. At the conclusion of the presentation, Chair Duncan opened the floor to public comment, followed by Board discussion. Public comment was made by Diane Johnson and Steve Anderson.

The key points of discussion included:

- The Judgment and SGMA are harmonious. Nothing was identified by Legal Counsel as missing from the Judgment to achieve compliance with the Sustainable Groundwater Management Act (SGMA).
- The Borrego Springs Watermaster has sustainability goals and powers of a Groundwater Sustainability Agency (GSA) and is expected to comply with the duties and responsibilities of a GSA. The Judgment does not shield the Basin from SGMA.

- If the Judgment is found to be lacking an element of SGMA compliance, the Judgment can be amended.
- Avoiding undesirable results is a responsibility of the Watermaster Board, which is stated both in SGMA and the Judgment. Neither SGMA nor the Judgment specify that the Board must remediate undesirable results that occurred prior to the enactment of SGMA.
- A group of the Settling Party attorneys (Steve Anderson, Michele Staples, and Russ McGlothlin) participated in a call with DWR legal counsel to discuss the DWR's review of the Judgment. Attorneys for DWR stated that comments are expected by the end of the year and identified some of the potential recommended corrective actions that could be expected when the review is complete. Mr. Anderson noted that the DWR was very complimentary about Rampdown and the assignment of water rights in the Basin.

No Board action was taken.

- A. *Watermaster Budget Status Report as of June 30, 2023.* ED Adams provided a summary of memo 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:

- Chair Duncan noted that the Borrego Water District (BWD) is in communication with DWR (as the primary grantee) and expects reimbursement in late 2023, as assumed in the budget.
- Based on expressed concern if the DWR reimbursement is delayed, Directors discussed avenues for communicating timeline and financial concerns with DWR, including:
 - Requesting a state or local representative to contact DWR on behalf of the Watermaster.
 - Regular outreach to senior staff at DWR.
 - Pending further review of DWR status of payment (with support from ED Adams), Vice Chair Smith volunteered to draft a letter to send to DWR regarding concerns about the delayed payment and requested that Director Jorgensen review the letter prior to bringing it to the next Board meeting.

Following the discussion, the Board directed Vice Chair Smith to draft a letter to DWR.

- B. *Consideration of Approval of the Agenda for the next Environmental Working Group (EWG).* Andy Malone described the proposed Agenda for the upcoming EWG meeting, which is expected to be calendared for September 2023. 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 EWG meeting will primarily be a status update on the field studies being performed.
- The EWG meeting will be held virtually.
- Land IQ and University of California Irvine (UCI) staff will lead the discussion.

Motion: Motioned by Director Jorgensen, seconded by Director Bennett, to approve the EWG meeting Agenda included in the Board package. *Motion carried unanimously by roll-call vote (5-0-0).*

- C. *Consideration of Approval of the Agenda for the next Technical Advisory Committee (TAC) Meeting.* Mr. Malone described the proposed Agenda for the upcoming TAC meeting scheduled for August 29, 2023. At the conclusion of the presentation, Chair Duncan opened the floor to public comment, followed by Board discussion. Public comment was made by Diane Johnson.

The key points of discussion included:

- The DWR's Airborne Electromagnetic (AEM) Survey project will help improve the understanding on the hydrogeology of the Borrego Springs Basin. New information collected from this effort may include: depth to bedrock, composition of aquifer sediments, and geometry of the aquifer in the Basin. This effort is not expected to demand significant time from the Technical Consultant or the TAC.
- Additional information on the Agenda topic related to the Groundwater Management Plan (GMP). The Technical Consultant plans to hold a discussion on this topic and request TAC input.
- How to develop a Water Quality Optimization Plan will be considered as part of the five-year update of the GMP. Developing an Optimization Plan requires data from the expanded collection and analysis of groundwater quality data as planned for in the Groundwater Monitoring Plan (approved April 2023). The focus within the GMP update is to develop a scope of work and budget to prepare a Water Quality Optimization Plan.

Motion: Motioned by Director Jorgensen, seconded by Director Bilyk, to approve the TAC meeting Agenda included in the Board package. *Motion carried unanimously by roll-call vote (5-0-0).*

- E. *Discussion on Third-Party Requests for Watermaster Resources.* ED Adams provided a summary of memo included in the Agenda package. At the conclusion of the presentation, Chair Duncan opened the floor to public comment, followed by Board discussion. Public comment was made by Jim Dax and Rich Pinel.

The key points of discussion included:

- Clarification that the Watermaster has an existing policy for sharing data, reports, and models. The new policy would be specific to Watermaster resources, such as performing technical work.
- Watermaster should deal with requests pertaining to Watermaster resources on a case-by-case basis.
- Recommendation to create a framework around the process of responding to third-party requests for Watermaster resources.

Following the discussion, the Board directed staff to draft a resolution for responding to requests for technical assistance, using Vice Chair Smith's framework outlined in his letter to the Board.

V. Reports

- A. Legal Counsel Report. None.
- B. Technical Consultant Report. Mr. Malone reported on the items listed in the Agenda (see Board presentation slides). Discussion included:
 - Assumptions about the historical use of the wells inspected during the June 2023 site visit were made based off the size of the well, surrounding infrastructure, and any other features that indicate the use of the well.
 - No new wells were added to the monitoring program since the last Board meeting in June 2023 – some wells were identified for further inspection.
- C. Executive Director Reports. ED Adams provided an update on the Prop 68 Grant, which included:
 - BWD provided ED Adams with an update on their conversation with DWR staff regarding the first reimbursement. DWR communicated that their fiscal office was closed, and payment could be expected in Fall 2023.
 - ED Adams has coordinated with BWD staff to prepare for the next Grant Reimbursement Report, which is due on August 15th.
 - ED Adams agreed to request a written summary from BWD regarding their conversation with DWR, which can be used to support the letter to DWR drafted by Vice Chair Smith.
- D. Chairperson’s Report. None.

VI. **Approval of Agenda Items for August 10, 2023 Board Meeting.** Chair Duncan reviewed the potential Agenda items for the next Board meetings listed in the Agenda package. The Board discussed items to be included on the August 10, 2023 Board meeting Agenda, in addition to items listed in the Agenda package. Discussion included:

- Agreement to cancel the August 2023 Board meeting and resume meeting in September 2023.
- A request to discuss amending the Judgment to a TAC representative for the Community Group during the next Board meeting.
- The discussion on water year (WY) 2024 Pumping (and exact assessment amounts owed by Pumpers) will occur during the October Board meeting after the final meter reads for WY 2023 have been reported and analyzed.

ED Adams updated the proposed Agenda for the September 14, 2023 meeting on the meeting screen based on discussion, noting the Agenda now includes the following items:

- Consideration of Approval of Statement of Work No. 6 and Contract Amendment No. 8 for West Yost Administrative and Technical Services in WY 2024
- Report out from August EWG meeting
- Report out from August TAC meeting
- Overview of Anticipated WY 2024 Calendar of Activities
- Approval of WY 2024 Meeting Schedule
- TAC representative for the Public

Motion: Motioned by Director Jorgensen, seconded by Director Bilyk, to cancel the August Board meeting. *Motion carried unanimously by roll-call vote (5-0-0).*

Motion: Motioned by Vice Chair Smith, seconded by Director Bilyk, to approve the Agenda for the September 14, 2023 Board meeting as presented. *Motion carried unanimously by roll-call vote (5-0-0).*

VII. **Board Member Comments.** Chair Duncan called for comments. There were no comments.

VIII. **Next Meetings of the Borrego Springs Watermaster.** Chair Duncan reviewed the meetings listed in the Agenda package, noting the meeting for August has been canceled.

IX. **Adjournment**

D. Chair Duncan adjourned the meeting at 7:38 PM.



Recorded by:
Lauren Salberg, Staff Geologist, West Yost



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