

**MINUTES**  
**BORREGO SPRINGS WATERMASTER BOARD MEETING**  
**Conducted Virtually via GoToMeeting**  
**Thursday, April 18, 2024, 4:30 p.m.**

The following individuals were present at the meeting:

<b>Directors Present</b>	Chair Dave Duncan – Borrego Water District (BWD)
	Vice Chair Tyler Bilyk – Agricultural Sector
	Secretary and Treasurer Shannon Smith – Recreational Sector
	Mark Jorgensen – Community Representative
	Jim Bennett – County of San Diego
<b>Watermaster Staff Present</b>	James M. Markman, Legal Counsel
	Samantha Adams, Executive Director, West Yost
	Andrew Malone, Lead Technical Consultant, West Yost
	Lauren Salberg, Staff Geologist, West Yost
<b>Others Present</b>	Bob Abrams, Aquilogic
	Cathy Milkey, representing Rams Hill
	Christopher Baker, DWR
	Dara Goldrath
	David Garmon
	David Leibert
	Diane Johnson, BWD Board Member
	Geoff Poole, BWD General Manager
	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
	Rodney Bruce, Rams Hill
	Steve Anderson, BB&K, representing BWD
	Tammy Baker, BWD Board Member
	Tom Watson, Aquilogic, TAC member representing Rams Hill
	Travis Huxman, UCI

Please visit the [Watermaster's Website](https://borregospringswatermaster.com/past-watermaster-meetings/)<sup>1</sup> to access the Agenda Packet, recording, and presentation for the April 18, 2024 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.

---

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

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

## II. **Public Correspondence**

### A. Correspondence Received. Discussion included:

- Public correspondence listed on the agenda is reserved for correspondence received and included in the Board meeting agenda package. Correspondence was received from the Borrego Water District (BWD) regarding agenda item V.A on April 17, 2024. Because BWD's correspondence was received *after* the April agenda package was distributed, the correspondence was not listed or included in the April Board meeting agenda or agenda package.
- Counsel Markman recommended that when public correspondence is received late on a specific agenda item, it is best discussed during the discussion on the specific agenda item.

### 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 18, 2024 agenda package. Discussion included:

- The description of the discussion on page 3 of the March meeting minutes should be updated to include the second motion received following Alternate Director Crow's motion to approve the policy presented.
- Director Smith praised the experience of the nominated candidate for the Community Representative on the Technical Advisory Committee (TAC) and thanked Director Jorgensen for nominating him.

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

## IV. **Closed Session.** The Board of Directors entered a Closed Session at 4:37 PM. The public meeting was reconvened at 4:53 PM. There were no reportable actions from the Closed Session.

## V. **Items for Board Consideration and Possible Action**

### A. *Policy on the use of "Best Available Science".* ED Adams and Counsel Markman provided a summary of the policy included in the Agenda package and the motivation for creating the policy. 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, David Garmon, and Steve Anderson, and included:

- Consider adding budget in WY 2025 to review the results of DWR's Airborne Electromagnetic (AEM) Survey.

The key points of discussion amongst the Board included:

- Geoff Poole and Steve Anderson provided information about a comment letter and redline document on the proposed policy, including the reasoning for the changes made in the redline.

- The Board and Legal Counsel discussed the edits and provided explanations for revisions that they agreed or disagreed with each one.

Following the discussion, the Board directed Watermaster Staff to revise the policy based on the discussion held and bring a revised version of the policy and a redline copy to the May 9, 2024 meeting.

- B. Status Update on the Redetermination of the Sustainable Yield.* Andy Malone provided a summary of the memo included in the Agenda package and provided a report-out from the March 29, 2024 Ad-Hoc TAC meeting. At the conclusion of the presentation, Chair Duncan opened the floor to public comment, followed by Board discussion. There were no public comments.

No Board action was taken.

- C. Watermaster Budget Status Report as of March 31, 2024.* ED Adams 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. There were no public comments.

The key points of discussion included:

- Concern regarding the significant amount of work remaining to complete by the end of the year, which may be worthy of follow up discussion.
- The amount of interest on vendor terms is over budget.

Following the discussion, the Board directed staff to prepare a projection of interest accruals from payments to vendors through the rest of the year.

- D. Scoping Discussion for WY 2025 Budget.* ED Adams provided a detailed presentation of the assumptions for the first draft of the Water Year 2025 budget, including revenues, expenditures, and cash reserves. 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. Discussion included:

- Public input:
  - DWR's comments on the Groundwater Management Plan (GMP) have not yet been received and addressing them may need to be accounted for in the WY 2025 budget.
  - Consider adding budget in WY 2025 to review the results of DWR's Airborne Electromagnetic (AEM) Survey.
- The Board discussed each staff question listed on the presentation slide (see slide 33 of the Board presentation slides) and provided input as follows:
  - The Overproduction Penalty Assessment rate should remain at \$500 per acre-foot (same as WY 2024).

- Any recommended follow-on work for the next Redetermination of the Sustainable Yield or Biological Restoration project will be assumed to begin in WY 2026, and should not be budgeted for in WY 2025.
- On the work recommended in the *Groundwater Monitoring Plan for the Borrego Springs Subbasin*:
  - Costs should be included in the WY 2025 budget for increased sampling to accommodate additional monitoring wells in the monitoring program and verifying/establishing reference point elevations at wells in the monitoring network.
  - Costs should not be included in the WY 2025 budget for performing a construction feasibility study for the State Park well.

Following the discussion, the Board directed staff to update the draft budget for WY 2025 based on the Board's input.

## VI. Reports.

### A. Legal Counsel Report. Counsel Markman reported on the following items:

- A Court Hearing was held in March 2024 to amend the Judgment to allow for a Community Representative on the TAC.
- The next Status Conference is scheduled for April 25, 2024.

### B. Technical Consultant Report. Mr. Malone provided a status update on the Biological Restoration of Fallowed Lands project (see slide 36 of the [Board presentation slides](#)). Key topics following the presentation included:

- Land IQ/UCI believes that valuable information can still be collected from the modified study design, despite reducing the study area from 4 areas to 2 areas and UCI will continue to monitor the constructed sand fences beyond the initial study period to better understand the long-term results.
- The bid for the sand fence construction is above the budgeted amount and a solution is still pending to perform the work within the grant budget.

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

- Prop 68 Grant Updates:
  - The second and third DWR grant reimbursement checks were received in April 2024.
  - DWR is working to reassign a grant manager, after the current grant manager left DWR. Future grant reimbursement reports will not be reviewed until a grant manager is reassigned. This should not result in funding concerns since the third reimbursement request check was received three months earlier than projected and the 2<sup>nd</sup> installment of Pumping Assessments will be arriving in May and June.
- Status of DWR's review of the Groundwater Management Plan.
  - DWR has indicated they are close to completing their review and will release a comment letter soon. DWR will notify the Watermaster a few days prior to publishing the letter.

- DWR has offered to meet with the Watermaster to discuss their comments on the GMP. ED Adams recommended that at the next Board meeting, the Board discuss and decide who should be in attendance.

D. Chairperson's Report. NONE

VII. **Approval of Agenda Items for May 9, 2024 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 May 9, 2024 Board meeting agenda, in addition to items listed in the Agenda package. Based on discussion, the May agenda should include:

- Presentation by UCI on the Groundwater Dependent Ecosystems Project
- Consideration of Approval of Board Resolution on Carryover Transfers and Accounting
- Consideration of Approval of a Well Subcontractor for Conversion of Abandoned Wells
- Consideration of Approval of June TAC meeting agenda
- Draft WY 2025 Budget
- WY 2024 Mid-Year Pumping Report
- Status Update on the Redetermination of the Sustainable Yield
- Consideration of Approval of policy on "Best Available Science"
- Process for following up with DWR on GMP comments

**Motion:** Motioned by Director Jorgensen seconded by Vice Chair Bilyk, to approve the May 9, 2024 agenda presented. *Motion carried unanimously by roll-call vote (5-0-0).*

VIII. **Board Member Comments.** Chair Duncan called for comments.

- Chair Duncan stated that because groundwater quality is a Sustainability Indicator in the Basin, it is the responsibility of the Watermaster (not BWD) to avoid Undesirable Results.

IX. **Next Meetings of the Borrego Springs Watermaster.** Chair Duncan reviewed the meetings listed in the agenda package, noting that the next Board meeting on May 9<sup>th</sup> will be held In-Person at the Borrego Springs Library.

X. **Adjournment**

A. Chair Duncan adjourned the meeting at 6:47 PM.



Recorded by:

Lauren Salberg, Staff Geologist, West Yost



Attest:

Shannon Smith, Secretary and Treasurer of the Board