

MINUTES
BORREGO SPRINGS WATERMASTER BOARD MEETING
Conducted In-Person at Borrego Springs Library and Virtually via GoToMeeting
Thursday, May 9, 2024, 4:30 p.m.

The following individuals were present at the meeting:

Directors Present	Chair Dave Duncan – Borrego Water District (BWD)
	Vice Chair Tyler Bilyk – Agricultural Sector
	Rich Pinel – Recreational Sector (alternate)
	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
	Clay Kelty, Staff Geologist, West Yost
Others Present	Alan Asche
	Cathy Milkey, representing Rams Hill
	Chris Baker, DWR
	Diane Johnson, BWD Board Member
	Gina Moran, 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
	Leonardo Urrego-Vallowe, WBE, representing AAWARE
	Noosha Razavian
	Rodney Bruce, Rams Hill
	Steve Anderson, BB&K, representing BWD
	Travis Huxman, UCI
	Trey Driscoll, Intera, TAC Member representing BWD

Please visit the [Watermaster's Website](https://borregospringswatermaster.com/past-watermaster-meetings/)¹ to access the Agenda Packet, recording, and presentation for the May 9, 2024 Meeting.

I. Opening Procedures

- A. Chair Duncan called the meeting to order at 4:31 PM at which time the meeting recording was started. The meeting recording is available on Watermaster's website.
- 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/>

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

II. Public Correspondence

- A. Correspondence Received. No correspondence was received.
- B. Public Comments. Chair Duncan called for public comments. Public comment was made by Diane Johnson and Kathy Dice. Discussion included:
 - An excerpt from *California Groundwater Management* by the Groundwater Resources Association.
 - A thank you to the Watermaster Board and staff for the In-Person Open House held prior to the Board meeting.

III. Consent Calendar. Chair Duncan called for discussion on the Consent Calendar items included in the May 9, 2024 agenda package. Discussion included:

- ED Adams described the approval process for the financial reports included in the Consent Calendar and confirmed she was comfortable with the April 2024 financial reports in absence of Treasurer Smith.

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

IV. PRESENTATION ON GROUNDWATER DEPENDENT ECOSYSTEMS PROJECT BY UCI

Travis Huxman (UCI) provided a status update on the Groundwater Dependent Ecosystems project. Following the presentation, Chair Duncan opened the floor to comments and questions from the public and Board.

V. Items for Board Consideration and Possible Action

- A. *Consideration of Approval of Resolution 24-01 of the Board of Directors of the Borrego Springs Watermaster Providing Administrative Direction in the Accounting of Carryover.* ED Adams and Counsel Markman provided a summary of Resolution 24-01 included in the Agenda package and described the process of developing the Resolution. At the conclusion of the presentation, Chair Duncan opened the floor to public comment, followed by Board discussion. There were no public comments or Board discussion.

Motion: Motioned by Vice Chair Bilyk, seconded by Director Jorgensen to approve Resolution 24-01. *Motion carried unanimously by roll-call vote (5-0-0).*

- B. *Consideration of Approval of Revised Policy on the use of “Best Available Science”.* ED Adams and Counsel Markman provided a history of the development of the revised policy and summarized the versions (clean and red-line) of the policy 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 Steve Anderson and Cathy Milkey. The Board discussion resulted in requested changes to the policy, including:

- Update Paragraph 7 to change “may” to “shall”.
- Update Paragraph 3 to capture the existing process for introducing new information, reports, and data to the Watermaster Board.

Motion: Motioned by Director Jorgensen, seconded by Director Pinel to approve the revised Policy on the use of “Best Available Science”, with the incorporation of the discussed revisions to the Policy. *Motion carried unanimously by roll-call vote (5-0-0).*

- C. *Draft Water Year 2025 Budget.* ED Adams summarized the draft Water Year (WY) 2025 budget 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 Kathy Dice and Diane Johnson. The Board did not provide any recommendations for changes to the draft budget, but there were questions asking for clarification regarding the increased projection of expenditures and pumping assessments in the WY 2025 Budget (for WY 2026 through WY 2029) as compared to the projection that was included in the WY 2024 Budget (the WY 2024 Budget projection of expenses for WY 2025 to WY 2028 was shown in the April 18, 2024 Board meeting package).

Following the discussion, the Board directed staff to provide explanatory information regarding the future cost and assessment projection shown in the draft WY 2025 budget based on the questions received.

- D. *Consideration of Approval of a Well Subcontractor for Conversion of Abandoned Wells.* Andy Malone 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 was no public comment. The key points of discussion included:

- Concerns regarding staff ability to assure the Board that the cost estimates provided by Well Tec will be reasonable and competitive given that staff proposes to sole-source the work.
- For each phase of work, West Yost will review Well Tec’s cost estimate for reasonableness and assurance it fits within the grant budget.
- The Board directed staff to include regular updates on the progress of work at future meetings, including presenting the costs proposed by Well Tec.

Motion: Motioned by Director Bennett, seconded by Vice Chair Bilyk, to approve Well Tec as a subcontractor to perform the conversion of abandoned wells. *Motion carried unanimously by roll-call vote (5-0-0).*

- E. *Pending DWR Review of Judgment and GMP.* ED Adams provided a status update on the Department of Water Resources (DWR) review of the Groundwater Management Plan (GMP) and the request for the Board to direct staff on who should meet with DWR to review their comments. At the conclusion of the presentation, Chair Duncan opened the floor to public comment, followed by Board discussion. Public comment was made by Cathy Milkey. The key points of discussion included:

- The meeting should be attended by Jim Markman, ED Adams, the attorneys representing BWD, T2, and AAWARE, and a subcommittee of the Board.

Motion: Motioned by Vice Chair Bilyk, seconded by Director Bennett, to form a subcommittee of Chair Duncan and Director Smith to attend any meetings to discuss the GMP and Judgment with DWR. *Motion carried unanimously by roll-call vote (5-0-0).*

F. *Status Update on the Redetermination of the Sustainable Yield.* Mr. Malone provided a status update on the Redetermination of the Sustainable Yield, as summarized in the Agenda package memo. 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.

VI. Reports.

- A. Legal Counsel Report. Mr. Markman reported on the latest Status Conference and described the Status Conference Report presented to the Judge.
- B. Technical Consultant Report. Mr. Malone provided a status update on the Biological Restoration of Fallowed Lands project (see slide 63 of the [Board presentation slides](#)). Additional updates included:
 - Director Bennett and Director Jorgensen are on a subcommittee to select a contractor to construct the sand fences.
 - BWD offered to allow future access to their fallowing site to continue the Sand Fence Study, if needed, following the conclusion of the grant-funding period.
- C. Executive Director Reports. ED Adams reviewed the status of pumping-to-date in WY 2024, as presented in the Board package.
- D. Chairperson's Report. NONE

VII. **Approval of Agenda Items for June 13, 2024 Board Meeting.** ED Adams reviewed the potential agenda items for the next Board meetings listed in the agenda package. The Board discussed items to be included on the June 13, 2024 Board meeting agenda, in addition to items listed in the Agenda package. Discussion included:

- Mr. Markman mailed a response to David Leibert. ED Adams will distribute the response to the Board.
- ED Adams updated the proposed Agenda for the June 13, 2024 meeting on the meeting screen based on discussion, noting it now includes the following items:
 - Consideration of Approval of the WY 2025 Budget
 - Consideration of Approval of the next TAC and EWG Meeting Agendas
 - Spring 2024 Semi-Annual Monitoring Report
 - Report out from the DWR Review of GMP/Judgement (if applicable)
 - Status Update on the Redetermination of the Sustainable Yield
 - Status Update on the Abandoned Well Conversion Work
 - Status Update on the 5-year Assessment of Groundwater Management Plan

Motion: Motioned by Vice Chair Bilyk, seconded by Director Bennett, to approve the June 13, 2024 agenda presented. *Motion carried unanimously by roll-call vote (5-0-0).*

VIII. **Board Member Comments.** Chair Duncan called for comments. Several members of the Board commented that it was nice to meet in-person

IX. **Next Meetings of the Borrego Springs Watermaster.** Chair Duncan reviewed the meetings listed in the agenda package.

X. **Adjournment**

A. Chair Duncan adjourned the meeting at 7:50 PM.



Recorded by:

Lauren Salberg, Staff Geologist, West Yost



Attest:

Shannon Smith, Secretary and Treasurer of the Board