

Borrego Springs Watermaster Board Meeting

December 19, 2024

I. Opening Procedures

****This meeting is being recorded*

- A. Call to Order and start meeting recording
- B. Pledge of Allegiance
- C. Roll Call
- D. Approval of Agenda



II. Public Comment

II.A – Written Correspondence - *none*

II.B – Public Comment

Instructions for Public Comment

The public may address the Board on items within the Watermaster's Jurisdiction that are included or not included on the meeting agenda.

To address the Board on items that are not included on the meeting agenda, the public may request to speak during **Agenda Item III – Public Correspondence**. Comments may be limited to three minutes per speaker.

To address the Board on items that are included on the meeting agenda, the Board Chairperson will call for public comments immediately following the agenda item's staff report presentation and prior to Board discussion.

The Board may direct staff to include topics brought forward during Public Correspondence and Comment on a future meeting agenda. No action or discussion is otherwise taken by the Board.

III. Consent Calendar

- A. Approval of Minutes: Regular Meeting – December 5, 2024
- B. Approval of November 2024 Financial Report
- C. Receive and File Watermaster Staff Invoices – October 2024
 - i. RWG
 - ii. West Yost

IV.A Scope and Budget for the Redetermination of the 2030 Sustainable Yield

Recommended Actions:

Approve a scope-of-work to redetermine the 2030 Sustainable Yield, and direct Staff/TAC to prepare a refined scope and cost estimate for the portion of the work to be performed in WYs 2026 and 2027.

Fiscal Impact:

The total cost to the Watermaster is dependent on the work that is ultimately approved by the Board (and the availability of grant funding). The total estimated cost over WYs 2026-2029 could range from \$100,000 to \$720,000.

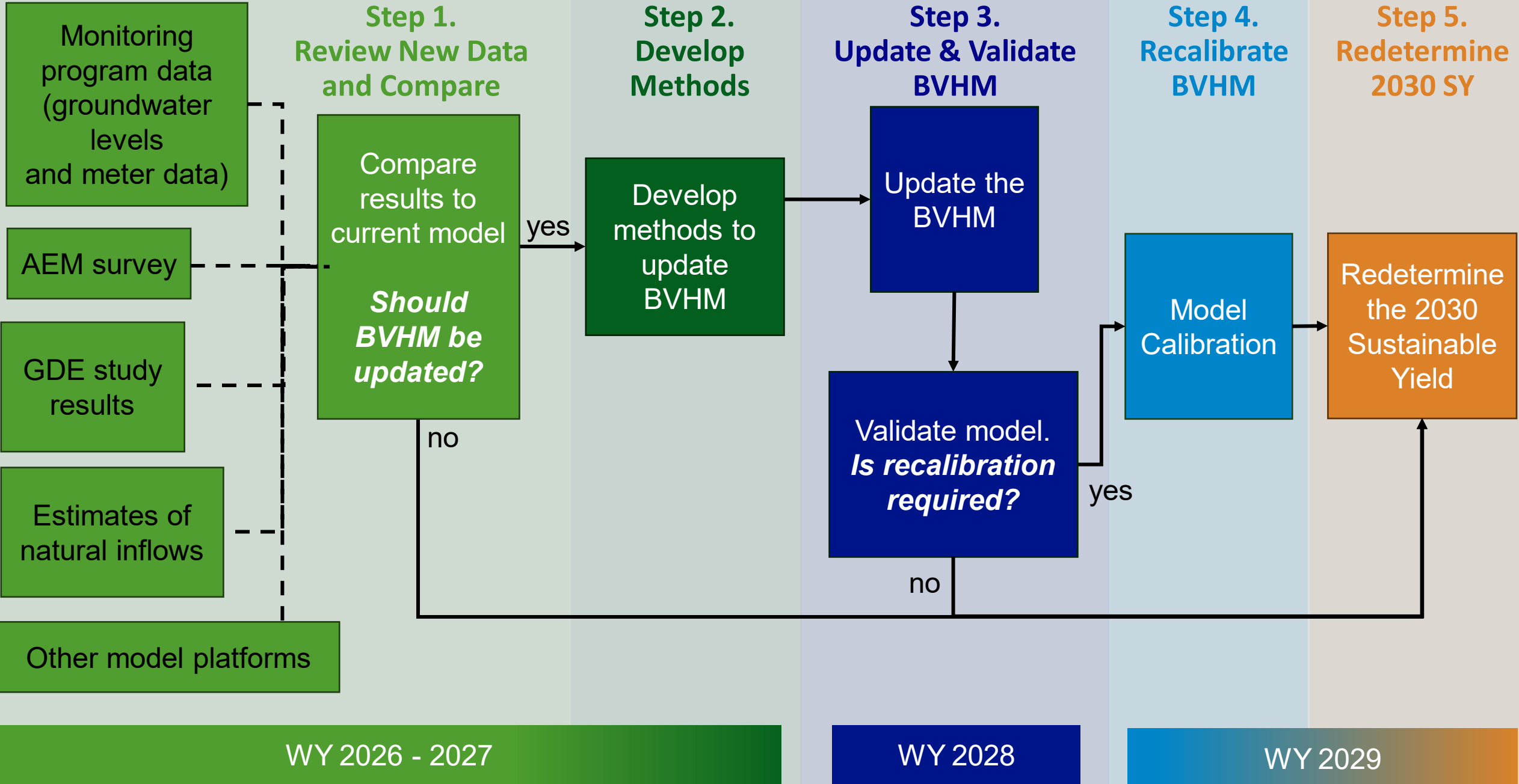
2030 Sustainable Yield Scope of Work

- The Judgment requires the Board to approve a scope of work for WY 2026-2029 to redetermine the 2030 Sustainable Yield by January 1, 2030
 - Scope of work should rely on best available science
- Scope will be used by the Board to establish budget priorities for WY 2026-2029

2030 Sustainable Yield Scope of Work

- Scope of Work considered by TAC/Technical Consultant:
 - Minimum Required Scope → Does not consider new data/info
 - Additional/Optional Tasks → Follows a “workflow” process with decision points and “off ramps”
- Work Completed since last Board meeting:
 - TAC discussed Board feedback received at its December TAC meeting
 - TAC provided comments/feedback on *draft* TAC Recommendation Report
 - Published *final* TAC and Technical Consultant Recommendation Reports for Board consideration

TAC and Technical Consultant Recommend performing Additional/Optional Tasks



Estimated Cost of Each Additional/Optional Task Considered

Task No.	Task	Cost Estimate for Step 1
1	AEM Results	\$55,000
2	GDE Study Results	\$40,000
3	Monitoring Program Data	\$55,000
4	Estimates of Natural Inflows	\$50,000
5	Other Model Platforms	\$60,000
	Total Cost of Tasks	\$260,000

NOTE: The costs of each task include performing the TAC process. Thus, there will be some cost savings if performing more than one additional/optional task

Technical Consultant Recommendation:

Scope of Work that relies on Best Available Science

- **Do not perform the Minimum Required Scope of Work** → scope doesn't consider new data/information and may not be considered best available science
- **Perform Step 1 of Additional/Optional Tasks 1, 2, and 3** → this scope considers new data/information
 - Task 1 – *AEM data*
 - Task 2 – *GDE study results*
 - Task 3 – *Groundwater Monitoring Program Data*
- **Estimated cost for WYs 2026 and 2027 = \$150,000**
- All other Additional/Optional Tasks (Tasks 4-5) should only be considered if grant funding is available

TAC Recommendation

Task No.	Task	Cost Estimate for Step 1	TAC Member Recommendations (Y/G/N)? ¹						Tally of TAC Member Recommendations		
			AAWARE	Borrego Springs Community	BWD	County of San Diego	Rams Hill	Roadrunner Club	Yes	Yes, if Grant Funded	No
1	AEM Results	\$55,000	N	G	Y	Y	Y	G	3	2	1
2	GDE Study Results	\$40,000	Y	Y	Y	Y	Y	Y	6	0	0
3	Monitoring Program Data	\$55,000	Y	Y	Y	Y	Y	Y	6	0	0
4	Estimates of Natural Inflows	\$50,000	N	G	Y	N	N	N	1	1	4
5	Other Model Platforms	\$60,000	G	G	N	N	Y	G	1	3	2
Total Cost of Tasks		\$260,000	\$95,000	\$95,000	\$200,000	\$95,000	\$210,000	\$95,000			

Y = "Yes"

G = "Yes, but only if grant-funding available"

N = "No"

TAC Recommendation

- **Consensus TAC Recommendation:**

- Do not perform the Minimum Required Scope of Work → scope doesn't consider new data/information and may not be considered best available science
- Additional/Optional Tasks recommended by all 6 TAC members:
 - Task 2 – *GDE Study Results*
 - Task 3 – *Monitoring Program Data*

- **Majority TAC Recommendations:**

- Perform Task 1 – *AEM Results* (recommended by 5 of 6 TAC members)
 - 2 of 5 TAC members recommend it be performed only if grant funding is available
- Perform Task 5 – *Other Model Platforms* (only if grant funding is available)
- Do not perform Task 4 – *Estimates of Natural Inflows*

Ranking of Additional/Optional Tasks by TAC and Technical Consultant:

- Rank #1 → Task 3 - *Monitoring Program Data*
- Rank #2 → Task 2 - *GDE Study Results*
- Rank #3 → Task 1 - *AEM Results*
- Rank #4 → Task 4 - *Estimates of Natural Inflows*
- Rank #5 → Task 5 - *Other Model Platforms*

Next Steps

- Board selects a scope of work
- TAC and Technical Consultant will develop a specific scope and cost estimate for performing Step 1 in WYs 2026 and 2027 and include it for Board consideration/approval in the WY 2026 budget
- Legal Counsel will report to the Court that the Board has approved a scope of work for the 2030 Sustainable Yield as part of the February 2025 Status Conference report

Summary of Costs for Step 1 Tasks in the Recommended Scopes of Work (WY 2026 & 2027)

Task No.	Task	Cost Estimate for Step 1
1	AEM Results	\$55,000
2	GDE Study Results	\$40,000
3	Monitoring Program Data	\$55,000
4	Estimates of Natural Inflows	\$50,000
5	Other Model Platforms	\$60,000
Total Cost of Tasks		\$260,000

- **Technical Consultant Recommendation: \$150,000**
 - Tasks 1, 2, 3
- **TAC Consensus Recommendation : \$95,000**
 - Tasks 2 and 3
- **Majority TAC Recommendation: \$150,000**
 - Tasks 1, 2, and 3

IV.A Scope and Budget for the Redetermination of the 2030 Sustainable Yield



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COMMENT



BOARD DISCUSSION

IV.B Carryover Analysis

Recommended Actions:

Recommend no amendments to Carryover as defined in the Judgment and revisit the Carryover Analysis in 2030, following completion of the redetermination of the 2030 Sustainable Yield.

Fiscal Impact:

Revisiting the analysis in 2030 is not required by the Judgment and would represent an additional cost to the Pumpers at the time the analysis is performed.

The cost will be determined closer to the time the analysis would need to be performed and would leverage the work being done at that time to redetermine the 2030 Sustainable Yield.

Carryover Analysis

- Work Completed since last Board meeting:
 - December 9th TAC meeting:
 - TAC discussed Carryover analysis memorandum, and the limited feedback received at the December 5 Board meeting meeting
 - TAC provided verbal input on the recommendation to revisit the analysis in 2030
 - Published *final* memorandum on December 16th as part of Agenda package

Carryover Analysis – Changes to final memo

- Added introductory information about how Carryover was included in the water rights settlement as a means of obtaining agreement to an accelerated Rampdown schedule
- Explained the benefit to the Basin of including an accelerated Rampdown in the Judgment, and how it reduced the total excess pumping from the basin relative to the straight-line rampdown proposed in the original GSP

Carryover Analysis – Changes to final memo

- Explained that sustainability of the Basin is measured basin-wide, not based on individual parties
- The analysis of the example projection for a subset of parties was not changed relative to the draft analysis presented to the Board on December 5th, but further explanation/clarification is provided as to how it is only instructive in thinking about the potential challenges with Carryover, not to conclude that the Basin is at risk for long-term pumping over the sustainable yield

Conclusions of Analysis

- **To date, about 84% of eligible Carryover has been exercised.** A total of 8,970 af of Carryover rights was forgone and was effectively left in the Basin. As a result, the volume of pumping from storage in excess of the Sustainable Yield over the implementation period is 8,970 af less than allowed by the Judgment
- There is a **potential** for pumping to exceed their post-2040 Annual Allocation of the Safe Yield for some Parties based on their current pumping plans under existing Carryover Rules. This is not a conclusion that this is the case for all pumpers.
- Undesirable Results are not anticipated in the near-term because:
 - Parties are ahead of Rampdown schedule
 - Only 84% of Carryover is being exercised
 - Cumulative pumping will be less than what's allowed under the Judgment's Annual Allocation
 - Rate of decline in the change in storage is slowing and showing benefits of accelerated Rampdown

Limitations of Analysis

- The Watermaster is only four years into the pumping Rampdown, and hence, it is too soon for Parties to definitively articulate their pumping plans beyond 2030. The implication is that the information is not robust enough to warrant a change to the Carryover rules.
- Sustainability of the Basin is measured on a Basin-wide scale, thus this analysis should not be interpreted to conclude that the Basin will be operated outside of the Sustainable Yield beyond 2040, only that it is possible to do so under the current rules if all Parties operated in the manner illustrated in this example.
- The BVHM would need to be used to assess the magnitude and location of any impacts associated with pumping in excess of the Annual Allocation of the 2040 Sustainable Yield, which is beyond the scope of this analysis. The preliminary pumping projection being developed to support the GMP Assessment should be used to assess if and how Carryover might be a cause of any potential Undesirable Results.

Recommendations

- It is too soon to make a definitive finding that existing Carryover rules could lead to Undesirable Results beyond 2040
- Use model to assess the long-term sustainability of the current Carryover rules under Parties' current best guess of future pumping:
 - What are the water level and storage outcomes if parties pump in excess of the Sustainable Yield as enabled by the Carryover rules?
- Carryover Rules should be revisited in 2030 as part of the 2030 Sustainable Yield update process when there is more certainty of future pumping plans

TAC Input

- Draft analysis and Board feedback discussed with the TAC at December 9th TAC meeting.
- One TAC member suggested some additional example projections, but these were not possible/practical to complete in the time available and given status of finalizing a full basin pumping plan
- TAC members were asked if they have any concerns about Staff's recommendation to the Board. Responses included:
 - **3 TAC members stated verbally they agree with recommendation to make no changes to Carryover at this time and to revisit the analysis in 2030**
 - No comments were made from the remaining 3 TAC members present at the meeting

Next Steps

If adopted today:

- Legal Counsel will report the Board's action to the Court as part of the February 2025 Status Conference report

If deferred today:

- Watermaster will need to reconvene by January 1, 2025 to take action on the requirement to evaluate Carryover

IV.B Carryover Analysis



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BOARD DISCUSSION

V. Establishing Agenda for January 15, 2025 Regular Board Meeting

Recommended Actions:

Develop and approve agenda for January 15, 2025 Regular Board Meeting

Process:

1. Review the initial January agenda topics planned by Staff
2. Review the February and March tentative topics planned by Staff and previously requested items by Board members, as listed below
3. List out additional items that have arisen during the December 2024 Board meeting
4. Call on Directors to request additional items for consideration of inclusion on the January 2025 or other future agenda
5. Consider motion(s) to approve the agenda (the agenda can be approved in a single motion or multiple motions to cover each item).

Note: The Agenda/items are approved by majority vote (3 of 5 directors)

Initial Agenda for January Regular Meeting

1. Update from Travis Huxman on the Groundwater Dependent Ecosystems Project
2. Land IQ Presentation of Biological Restoration Project
3. Consideration of Approval of WY 2025 Budget Amendment to Carry Forward Unspent Budget from WY 2024 for certain Grant-funded Work
4. Review WY 2024 Annual Report Status and Schedule
5. Fall 2024 Semi-Annual Monitoring Report (if all data available)
6. EWG meeting agenda
7. Status report on the 5-year Assessment of the GMP
8. 1st Quarter WY 2025 Budget Status Review
9. DWR Review of 2020 GMP (if available)

Tentative Topics for February and March Meetings

February

1. Hearing to review the draft WY 2024 Annual Report
2. Land IQ Presentation of Biological Restoration Project
3. Status report on the 5-year Assessment of the GMP
4. DWR Review of 2020 GMP (if available)

March

1. Approve WY 2024 Annual Report
2. Land IQ Presentation of Biological Restoration Project
3. Present Plan to complete the 5-year Assessment of the GMP
4. DWR Review of 2020 GMP (if available)

Set Agenda for January Regular Meeting

1. Update on the Groundwater Dependent Ecosystems Project
2. Land IQ Presentation of Biological Restoration Project
3. Consideration of Approval of WY 2025 Budget Amendment to Carry Forward Unspent Budget from WY 2024 for certain Grant-funded Work
4. Review WY 2024 Annual Report Status and Schedule
5. Fall 2024 Semi-Annual Monitoring Report (if all data available)
6. EWG meeting agenda
7. Status report on the 5-year Assessment of the GMP
8. 1st Quarter WY 2025 Budget Status Review
9. DWR Review of 2020 GMP (if available)

V. Establishing Agenda for January 15, 2025 Regular Board Meeting



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BOARD DISCUSSION

VI. Board Member Comments

VII. Next Meetings of the Borrego Springs Watermaster

Future Board meetings will be held on the 3rd Wednesday of the month at 3pm

- Regular Board Meeting – Wednesday, January 15, 2025
- Regular Board Meeting – Wednesday, February 19, 2025

VIII. Adjournment

- Thank you for your participation!