

MINUTES
BORREGO SPRINGS WATERMASTER SPECIAL BOARD MEETING
Conducted Virtually via GoToMeeting
Thursday, December 19, 2024, 3:00 p.m.

The following individuals were present at the meeting:

Directors Present¹	Vice Chair Tyler Bilyk – Agricultural Sector
	Secretary and Treasurer Shannon Smith – Recreational 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
	George Peraza, DWR
	Jessica Clabaugh, BWD Finance Office
	Leanne Crow, Board Alternate – County of San Diego
	Rich Pinel, Board Alternate – Recreational Sector
	Steve Anderson, BB&K, representing BWD
	Tammy Baker, BWD Board Member

Please visit the [Watermaster's Website²](#) to access the Agenda Packet, recording, and presentation for the December 19, 2024 Special Meeting.

I. Opening Procedures

- A. Vice Chair Bilyk called the meeting to order at 3:06 PM at which time the meeting recording was started.
- B. Vice Chair Bilyk led the meeting participants in the Pledge of Allegiance.
- C. Samantha Adams, Executive Director (ED) called roll and confirmed that a quorum four of five Board members were present. Chair Duncan and the BWD Alternate were absent.

II. Public Correspondence

- A. Correspondence Received. No correspondence was received.
- B. Public Comments. Vice Chair Bilyk called for public comments. There were no public comments.

III. Consent Calendar. Vice Chair Bilyk called for any discussion on the Consent Calendar items included in the December 19, 2024 agenda package. Public comment was made by Tammy Baker. Board discussion included:

- Correct the typo on the December 5, 2024 Board meeting minutes (page 6 of the Agenda package) as follows: from “Duncan voted noted” to “Duncan voted no”.

¹ Chair Duncan and the BWD Alternate Representative were absent.

² <https://borregospringswatermaster.com/past-watermaster-meetings/>

- Vice Chair Bilyk inquired about the interest rate schedule shown on page 17 of the Agenda package and asked ED Adams if the recent decreases in the Wall Street Journal prime interest rates were accounted for in the November 2024 interest calculations. ED Adams stated could not answer the question on the spot and would check with West Yost's accounting team. ED Adams recommended that the Board defer approval of the November 2024 financial report until the January 2025 Board meeting.

Motion: Motioned by Vice Chair Bilyk, seconded by Director Bennett to approve the Consent Calendar, inclusive of the revisions to the December 5, 2024 meeting minutes and excluding the November 2024 Financial Report, which should be brought back in January 2025. *Motion carried by majority roll-call vote (4-0-0).* Chair Duncan was absent.

IV. Items for Board Consideration and Possible Action

- Consideration of Approval for Scope and Budget for the Redetermination of the 2030 Sustainable Yield.* Mr. Malone summarized the memo and the Technical Advisory Committee (TAC) and Technical Consultant Recommendation Reports included in the agenda package. At the conclusion of the presentation, Vice Chair Bilyk opened the floor to public comment, followed by Board discussion. Public comment was made by Cathy Milkey.

Public questions and comments, including Board and staff response if any, included:

- What is the difference between the consensus vs. majority TAC recommendation? And which TAC members recommended which tasks?
 - Mr. Malone reviewed the summary table on slide 11 of the [Board presentation](#), which identifies the recommendations of each TAC member.
- Is grant funding available to fund the Additional/Optional tasks?
 - Mr. Malone indicated that grant funding is not available at present.

The key points of discussion with the Board included:

- The TAC did not prioritize the task to evaluate estimates of natural inflows because there are no feasible means for collecting measurements. This task involves developing alternative modeling methods for estimating inflows, which would also have uncertainties.
- Director Smith highlighted that the monitoring data shows that the decline in groundwater elevations is slowing and indicates that the Basin is headed towards sustainability.
- Director Smith asked Mr. Malone how the calibration of the Borrego Valley Hydrologic Model (BVHM) compares to the calibration of other Basin models. Mr. Malone replied that it's difficult to compare models. He noted that each of the three iterations of the BVHM have led to improvements, but there are still improvements that can be made.
- Future redeterminations are unlikely to result in as significant of a change as observed between the 2020 Sustainable Yield and the redetermined 2025 Sustainable Yield. As such, the Board should be cautious of spending money that won't significantly impact the redetermined 2030 Sustainable Yield.

- Concern that increased costs in the scope of work will get passed onto the ratepayers of the Basin.
- Mr. Malone explained the potential benefits of performing each task, noting that the improvements are uncertain until the data is evaluated and compared to the model.
- Concern regarding the quality of the DWR's Airborne Electromagnetic (AEM) Survey data. Vice Chair Bilyk opined that if the AEM data is not of high quality, the review of the data could be quick and the conclusion would be to not incorporate the data in the model, to which Mr. Malone agreed.
- Concerns that the scope and cost estimate to investigate the AEM and Groundwater Dependent Ecosystem (GDE) are overestimated.
- The Judgment and SGMA require the use of best available science to redetermine the Sustainable Yield. When preparing their recommendation, the Technical Consultant considered that evaluating new data is an application of the use of best available science.
- Director Bennett noted that the TAC member representing BWD, Trey Driscoll, did not recommend evaluating the AEM data because he had previously performed a preliminary review of the data and concluded the data are unlikely to result in any significant changes to the water budget. Director Bennett read Mr. Driscoll's recommendation directly from Table 3 of the TAC Recommendation Report. Next, Director Bennett mentioned that other TAC members, including himself, recommended reviewing the AEM data as part of the scope of work because they assume DWR will require the Watermaster to consider this data. Ultimately, Director Bennett stated he did not recommend the task to review the AEM data, and to sideline this task until more information/research is available.
- Director Bennett recommended that if Alternative/Optional Task 3 – *Monitoring Program Data* is performed, it should be performed when as much data as possible is available (*i.e.* in WY 2027 or 2028). Mr. Malone agreed but that the timing needs to ensure meeting the deadline to redetermine the 2030 Sustainable Yield by January 1, 2030.
- The TAC and Technical Consultant will develop a line-item scope of work and cost estimate for the Board to consider as part of the WY 2026 budget. The WY 2025 budget includes funding to prepare the line-item scope of work. The Board previously agreed that any of the work to redetermine the 2030 Sustainable Yield should begin no sooner than WY 2026.

Motion: Motioned by Director Bennett, seconded by Director Jorgensen, to perform Additional/Optional Task 2 – *GDE Study Results* and Task 3 – *Monitoring Program Data* as the scope of work to support the redetermination of the 2030 Sustainable Yield. *Motion carried by majority roll-call vote (4-0-0).* Chair Duncan was absent.

B. Consideration of Approval of Carryover Analysis Findings. ED Adams presented a summary of the memo included in the agenda package. At the conclusion of the presentation, Vice Chair Bilyk opened the floor to public comment, followed by Board discussion. Public comment was made by Rich Pinel and Tammy Baker.

Public questions and comments, including Board and staff response if any, included:

- Mr. Pinel stated that he is in support of keeping the current Carryover rules since Pumpers have gotten used to the system and rely on the current rules when forecasting future pumping and operations.
- The Board should consider the financial impact if Pumpers elect less Carryover in the future.

The key points of discussion by the Board included:

- Director Smith stated that is incorrect to report that each Party has a Sustainable Yield. Each Party has a Baseline Pumping Allocation (BPA) and an Annual Allocation. For example, page 99 of the agenda package should be revised to read: “In this example, the available Carryover results in the Parties pumping about 20% more groundwater than their **Annual Allocation afforded by the 2025** Sustainable Yield.”
- Director Smith opined on the analysis of historical Carryover elections, noting that the average percent of Annual Allocation elected is likely to decline since there are Pumpers who will continue to not elect Carryover and Pumpers who have maxed out their Carryover accounts and cannot purchase additional Carryover. These are additional safeguards to the Basin.
- Director Jorgensen expressed concerns about the conclusion that Pumpers could pump above the Sustainable Yield after 2040, based on the example used in the memo in the agenda package. To this, Director Smith objected to using projections from one Party to make conclusions for Basin-wide pumping. He stated that the Watermaster doesn’t have data to support the conclusion that pumping above the Sustainable Yield could occur after 2040 and that every gallon of Carryover pumped was pre-determined to not cause an Undesirable Result if it were pumped during the year allocated.
- Director Bennett stated that he agrees with the recommendation to reevaluate the current Carryover rules in 2030.
- Director Smith also agreed with reevaluating Carryover rules in 2030 and noted that the deadline mandated in the Judgment to evaluate the current Carryover rules by January 1, 2025 was included to ensure there were no issues with the accelerated Rampdown schedule.
- ED Adams reported that based on this discussion, she would amend the final report to remove any references to a Party having a Sustainable Yield

Motion: Motioned by Director Jorgensen, seconded by Vice Chair Bilyk, to make no changes to the Carryover rules and revisit the analysis of Carryover in 2030. *Motion carried by majority roll-call vote (4-0-0).* Chair Duncan was absent.

- V. **Approval of Agenda Items for January 15, 2025 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 January 15, 2025 Board meeting agenda, in addition to items listed in the Agenda package. ED Adams updated the proposed Agenda for the January 15, 2025 meeting on the meeting screen based on discussion, noting it now includes the following items:

- Update on the Groundwater Dependent Ecosystem project (UCI)

- Land IQ Presentation of Biological Restoration Project
- Consideration of Approval of WY 2025 Budget Amendment to Carry Forward Unspent Budget from WY 2024 for certain Grant-funded Work
- Review WY 2024 Annual Report status and schedule
- Fall 2024 Semi-Annual Monitoring Report (if all data available)
- Status report on the 5-year Assessment of the GMP
- 1st Quarter WY 2025 Budget Status Review
- DWR Review of 2020 GMP (if available)

Motion: Motioned by Director Jorgensen, seconded by Director Smith, to approve the January 15, 2025 agenda presented. *Motion carried by majority roll-call vote (4-0-0).* Chair Duncan was absent.

VI. Board Member Comments. Vice Chair Bilyk called for comments.

- Various Board members thanked the Watermaster team and wished everyone happy holidays.
- Director Jorgensen stated that the Watermaster is moving in the right direction, but he's concerned about the lack of rain in the Basin.

VII. Next Meetings of the Borrego Springs Watermaster. Vice Chair Bilyk reviewed the meetings listed in the agenda package.

VIII. Adjournment

- A. Vice Chair Bilyk adjourned the meeting at 4:29 PM.



Recorded by:
Lauren Salberg, Staff Geologist, West Yost



Attest:
Shannon Smith, Secretary and Treasurer of the Board