

MINUTES
BORREGO SPRINGS WATERMASTER BOARD MEETING
Conducted Virtually via Microsoft Teams Meeting
Thursday, August 8, 2024, 4:30 p.m.

The following individuals were present at the meeting:

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| Directors Present | 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 |
| 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 | Geoff Poole, BWD General Manager |
| | George Peraza, DWR |
| | Jim Dax, Board Alternate – Community Representative |
| | 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 |
| | Trey Driscoll, Intera, TAC Member representing BWD |

Please visit the [Watermaster's Website](#)¹ to access the Agenda Packet, recording, and presentation for the August 8, 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.

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 public correspondence was received.
- 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 August 8, 2024 agenda package. Discussion included:

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

- Request for staff to review a line item dated 5/9/2024 on the May 2024 RWG invoice. RWG will review the line item, revise the invoice (if incorrect), and resubmit for review and approval. The RWG May 2024 invoice was removed from the Consent Calendar.
- Lack of clarity regarding the schedule and budget for grant-reimbursable Administrative and Technical Support Services and the ability to complete the work. This resulted in a request for the Executive Director to address the schedule and budget during the ED Report.
- A question about whether the Spring 2024 Semi-Annual Monitoring Report, which was edited based on Board comments at the July 2024 Board meeting, should have been included as a new Consent Calendar item. ED Adams reported that the revised report was distributed and posted to the Watermaster website and will check if additional procedure is needed.

Motion: Motioned by Director Jorgensen, seconded by Director Bennett to approve the Consent Calendar, excluding the May 2024 RWG invoice. *Motion carried unanimously by roll-call vote (5-0-0).*

IV. Items for Board Consideration and Possible Action

A. *Consideration of Approval of Statement of Work No. 7 and Contract Amendment No. 10 for West Yost Administrative and Technical Services in WY 2025.* ED Adams provided a summary of the memo and supporting materials 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 by the Board included:

- The West Yost billing rates for 2025. ED Adams explained that the billing rates for 2025 increased by about 5% from the West Yost calendar year 2024 rates. The 2025 billing rates were assumed in the development of the WY 2025 scope of work and budget approved by the Board at the June 13, 2024 Board meeting.

Following the discussion, the Board directed West Yost staff to provide a comparison of 2024 and 2025 billing rates and present this item during the September 12, 2024 Board meeting.

B. *Report out from July 16, 2024 EWG meeting.* Andy Malone provided a summary of the July 16, 2024 Environmental Working Group (EWG) meeting and presented the action for consideration in the Board agenda package regarding the University of California Irvine (UCI) Master's research capstone program that intends to further study the outcomes of the sand fences constructed for the grant-funded Biological Restoration of Fallowed Lands project. At the conclusion of the presentation, Chair Duncan opened the floor to public comment, followed by Board discussion. Public comment was made by Rich Pinel and Jim Dax.

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

- Has the Watermaster been reimbursed for the grant funding spent to-date and does the Watermaster expect that all grant spending will be reimbursed by DWR?
 - West Yost staff confirmed that the grant-funded work performed to-date has been reimbursed or has been requested for reimbursement by DWR through the grant reporting process.

- Are there concerns that this work will not be grant-funded?
 - All grant funding earmarked for the Biological Restoration of Fallow Lands project – *Sand Fence Case Study* is expected to be spent by the end of the grant period.
 - Any administrative expenses by the Watermaster to support the EWG serving as a community partner would not be reimbursable after March 2025.

Additional points of discussion by the Board included:

- Is the requested arrangement between the EWG and UCI consistent with the Judgment? Clarity on this question should be provided before taking action.
- An expected outcome of the Sand Fence Case Study is to define best management practices for fallowing in the Borrego Springs desert environment.
- Recommendation to understand the potential EWG activities that may need to use the Ad-Hoc budget in WY 2025, such as reviewing results from the Groundwater Dependent Ecosystem project.

Following the discussion, the Board directed to staff to i) review if EWG serving as a community partner under the UCI Master's candidate capstone project is consistent with the Judgment requirements, ii) prepare a summary of other potential EWG activities in WY 2025, and iii) add an agenda item to the September 2024 Board meeting for the Board to further consider the EWG request.

C. *Status Update on the Redetermination of the Sustainable Yield.* Mr. Malone provided a status update on the Redetermination on 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. Public comment was made by Rich Pinel.

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

- Mr. Pinel expressed that the next five to ten years will be challenging for pumpers because the cost per acre-foot of pumping increases as groundwater pumping is reduced under the Rampdown, thus it is important to control costs.

Additional points of discussion by the Board included:

- Concern regarding ability to spend the budget and stay on schedule for planned activities in WY 2024. ED Adams noted that a large portion of the budget earmarked for WY 2024 includes vendor services for field work on the Conversion of Abandoned Wells project, which has not yet been spent. Watermaster Staff is currently working with landowners to obtain access agreements and the physical work to convert wells to monitoring wells is likely to occur in WY 2025 due to the time it is taking to identify land owners and get in contact. This will require unspent budget from WY 2024 to be carried forward into WY 2025. The work is anticipated to be completed within the grant-funded period and thus will be reimbursed by DWR.
- Mr. Malone described that the purpose of simulating future groundwater pumping under the *Preliminary Sustainable Yield* is to ensure the Sustainable Yield does not lead to

Undesirable Results. This process will inform the final establishment of an updated Sustainable Yield.

- New information, including metered groundwater pumping, has been used to improve the Borrego Valley Hydrologic Model (BVHM). In the future, additional information can be incorporated, such as data from the Airborne Electromagnetic (AEM) survey.

No Board action was taken.

D. *Consideration of Approval of TAC Meeting Agenda.* Mr. Malone described the proposed agenda for the upcoming Technical Advisory Committee (TAC) meeting scheduled for September 2024. At the conclusion of the presentation, Chair Duncan opened the floor to public comment, followed by Board discussion. There were no public or Board comments.

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

V. **Reports.**

- A. Legal Counsel Report. Mr. Markman reported that the next Status Conference will be held on August 22nd at 9am at the Orange County Superior Court. The proposed status report was distributed last week, and to-date one comment has been received.
- B. Technical Consultant Report. Mr. Malone provided a status update on the Biological Restoration of Fallowed Lands project, Conversion of Abandoned Wells project, and 5-year GMP Assessment Report (see slides 24 through 26 of the [Board presentation slides](#)). Public comment was made by Tammy Baker.

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

- If changes are proposed to the Sustainable Management Criteria in the GMP, will staff also propose a process for the Board's review and approval? What is the process for proposing changes to the Judgment? A discussion ensued, including comments from Board members:
 - ED Adams clarified that there are very specific processes under both the Sustainable Groundwater Management Act (SGMA) and the Court to make modifications to the Judgement and Sustainable Management Criteria. Staff will work with Legal Counsel on the process to make any Judgment modifications.
 - Legal Counsel for BWD and Watermaster provided insight from current cases in which the Court has deferred to DWR on technical issues. Because of this precedent, Legal Counsel recommended getting approval from DWR regarding modifications to the Sustainable Management Criteria prior to notifying the Court.
 - Director Smith expressed concern with contacting DWR prior to the Court regarding modifications to Sustainable Management Criteria, given the delays experienced with DWR.

Additional discussion by the Board included:

- Interest in reviewing the results of the land subsidence analysis being performed for the GMP Assessment.
- Information on potential contact information for an owner of an abandoned well that Watermaster staff would like to convert for monitoring.

C. Executive Director Reports. ED Adams provided a status update on the Prop 68 grant (see slide 27 of the [Board presentation slides](#)).

D. Chairperson's Report. NONE

- Director Duncan clarified his earlier comment regarding the 2025 rates for West Yost staff, stating that he understands that BWD's consultant for similar services is \$100 per hour less than the West Yost rates.

VI. Approval of Agenda Items for September 12, 2024 Board Meeting. ED Adams reviewed the potential agenda items for the next Board meetings listed in the agenda package, reminded of additional items based on the meeting's earlier agenda topics, and opened the discussion on additional requested items to be included. Discussion included:

- Recommendation for a future agenda item to discuss how to operationalize the recommendations from the fallowing study performed under the Biological Restoration of Fallowed Lands project.
- ED Adams updated the proposed Agenda for the September 12, 2024 meeting on the meeting screen based on discussion, noting it includes the following items:
 - Overview of Anticipated WY 2025 Calendar of Activities
 - Approval of WY 2025 Meeting Dates and Times
 - Workshop on the Redetermination of the Sustainable Yield – presentation of the Preliminary Sustainable Yield estimate and Pumping Projection Plan
 - Status Update on the 5-year assessment of the GMP (as technical consultant report)
 - Consideration of Approval of Statement of Work No. 7 and Contract Amendment No. 10 for West Yost Administrative and Technical Services in WY 2025
 - Consideration of Approval of a EWG request to serve as a Community Partner for UCI Capstone program
 - Discussion of DWR review of Judgment/GMP (if applicable)

Motion: Motioned by Vice Chair Bilyk seconded by Director Bennett, to approve the September 12, 2024 agenda presented. *Motion carried unanimously by roll-call vote (5-0-0).*

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

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

IX. Adjournment

A. Chair Duncan adjourned the meeting at 6:15 PM.



Recorded by:

Lauren Salberg, Staff Geologist, West Yost

Attest:

Shannon Smith, Secretary and Treasurer of the
Board