

**MINUTES**  
**BORREGO SPRINGS INTERIM WATERMASTER BOARD MEETING**  
**Conducted Virtually via GoToMeeting**  
**Thursday, February 11, 2021, 4:30 p.m.**

**I. Opening Procedures**

- A. Chairman Duncan called the meeting to order at 4:32 p.m.
- B. Chairman Duncan led the meeting participants in the Pledge of Allegiance.
- C. Samantha Adams (Executive Director) called roll and confirmed that all members of the Board were present. The following individuals were present at the meeting:

<b>Directors Present</b>	Chairman Dave Duncan – Borrego Water District
	Vice Chairman Shannon Smith – Recreational Sector
	Jim Bennett – County of San Diego
	Mike Seley – Agricultural Sector (arrived at 4:33 pm)
	Mark Jorgensen – Community Representative
<b>Watermaster Staff Present</b>	James M. Markman, Legal Counsel
	Samantha Adams, Executive Director, West Yost
	Andrew Malone, Lead Technical Consultant, West Yost
	Kristan Culbert, Staff Scientist, West Yost
<b>Others Present</b>	Tammy Baker, BWD Board Member
	Lyle Brecht, BWD Board Member
	Leanne Crow, County of San Diego (Board Alternate)
	Martha Diechler, Board Alternate – Community Representative
	Trey Driscoll, Dudek
	Tim Gobler
	Diane Johnson, BWD Board Member
	Danny McCamish, Borrego Springs Watermaster Environmental Working Group Member
	Cathy Milkey, Rams Hill
	John Peterson, Environmental Working Group Member
	Rich Pinel, Roadrunner Club/Springs Resort (Board Alternate)
	Anita Regmi, DWR
	Michele Staples, Jackson Tidus
	Leonardo Urrego-Vallowe

- D. Approval of Agenda.

**Motion:** Motioned by Director Smith, seconded by Director Bennett to approve the Agenda as included in the Board meeting package. *Motion carried unanimously (5-0-0).*

**II. Public Correspondence**

- A. Correspondence Received – none.
- B. Public Comments. Executive Director (ED) Adams called for public comments.
  - Lyle Brecht commented on the subject of reporting monitoring program results following each semi-annual monitoring event. Chairman Duncan requested that staff include an agenda item at the next Board meeting to discuss reporting of monitoring results.

### III. Consent Calendar

The Consent Calendar for the February 11, 2021 meeting included:

A. *Approval of Minutes for Regular Board Meeting on January 14, 2021.*

Minutes from the January 14, 2021 board meeting should be corrected as follows:

- In the January 14, 2020 meeting minutes: Replace the last sentence of minutes for item V.B with "**The Chair declined to have further discussion on the topic.**"

**Motion:** Motioned by Director Smith, seconded by Director Jorgensen to approve meeting minutes with noted corrections. *Motion carried unanimously by roll call vote (5-0-0).*

B. *January 2021 Financial Report.*

There were no questions or comments from the Board regarding the January 2021 Financial Report.

**Motion:** Motioned by Director Smith, seconded by Director Bennett to receive and file the January Financial Report. *Motion carried unanimously by roll call vote (5-0-0).*

### IV. Information Items

A. *Brown Act Review (Markman).*

Chairman Duncan introduced the item. Mr. Markman reviewed the presentation included in the agenda package summarizing the Brown Act. At the conclusion of the presentation, Chairman Duncan opened the floor to public comment followed by Board Discussion. Public comments were made by Martha Diechler and Tammy Baker. A discussion ensued and no actions were taken by the Board.

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

A. *Environmental Working Group (Malone).*

Mr. Malone informed the Board that the first meeting of the Environmental Working Group (EWG) would be scheduled for February 26, 2021 at 9 am. Mr. Malone then presented the proposed EWG agenda for the inaugural meeting. At the conclusion of the presentation, Chairman Duncan opened the floor to public comment, followed by Board Discussion.

**Motion:** Motioned by Director Bennett, seconded by Director Seley to approve the proposed agenda for the inaugural Environmental Working Group meeting. *Motion carried unanimously by roll call vote (5-0-0).*

B. *Fallowing Standards Verification for Conversion of Water Credits to BPA for the Viking 1 Property (Adams).*

ED Adams presented the memo included in the agenda packet. At the conclusion of the presentation Chairman Duncan opened the floor to public comment, followed by Board Discussion. Public comment was made by John Peterson. The key points of discussion included:

- Director Duncan clarified that the portion of the property that was fallowed for water credits did not contain a well within its physical boundaries. A separate parcel of land adjacent to the Viking 1 and 2 areas was retained by the owner (Lundberg) and not fallowed

for water credits. The well is physically located on the Lundberg property. Executive Director Adams referred to the map of the Viking 1 property included in the Dudek memo and identified the adjacent Lundberg property showing the well location as outside the Viking 1 area.

**Motion:** Motioned by Director Smith, seconded by Director Seley to certify the conversion of water credits to BPA for the Viking 1 property. Director Duncan abstained from roll call vote. *Motion carried 4-0-1 by roll call vote.*

*C. Reimbursement to Dudek for As-Needed Support (Adams).*

ED Adams presented the memo included in the agenda packet. At the conclusion of the presentation Chairman Duncan opened the floor to public comment, followed by Board Discussion. The key points of discussion included:

- Director Bennett commented that approving reimbursement for Dudek for as-needed support would streamline the Watermaster's efforts.
- Director Jorgensen requested clarification from Mr. Markman that the staff recommendation, as written, is consistent with the proposed stipulated Judgment and Mr. Markman answered in the affirmative.

**Motion:** Motioned by Director Jorgensen, seconded by Director Seley to authorize West Yost to subcontract with Dudek to perform as-needed technical services. *Motion carried unanimously by roll call vote (5-0-0).*

*D. Colorado River Basin Regional Water Board's Recommendation to Require the Development of A Salt and Nutrient Management Plan for the Borrego Springs Subbasin (Adams).*

ED Adams presented an overview of an action taken by the Colorado River Regional Water Control Board (Regional Board) as part of Resolution R7-2021-0015 to recommend that a salt and nutrient management plan (SNMP), or functional equivalent, be prepared for the Borrego Valley subbasin in compliance with the 2018 Recycled Water Policy. At the conclusion of the presentation Chairman Duncan opened the floor to public comment, followed by Board Discussion. Public comment was provided by Trey Driscoll, John Peterson, Diane Johnson, Cathy Milkey, and Michele Staples. The following were the key points of discussion:

- The GSP, and subsequently the GMP, did not address compliance with the Recycled Water Policy given that no recycled water was being used in the Basin.
- On behalf of the BWD, Dudek has supported salt and nutrient management activities mandated by Regional Board as part of the BWD's waste discharge requirements. This information is relevant to and directly impacted by the Regional Board's recommended action and therefore BWD should be included in discussions with the Regional Board to ensure all relevant information is considered.
- Based on review of the Regional Board's staff report, is likely that the Regional Board does not have the most up-to-date data on TDS and nitrate concentrations in the Borrego Springs groundwater subbasin and their conclusions about the percent of wells that exceed the TDS and nitrate limits of the Basin Plan may be incorrect.

- Any discussion with the Regional Board should include a review of the information they used to make their findings and recommendations and a discussion to determine if it is possible to have the findings reviewed if additional data is available.
- Additional monitoring in the Basin, particularly in the northern management area may be needed.
- Under the Stipulated Judgement, the Watermaster must develop a groundwater quality monitoring plan within 24 months of entry of the Judgment.
- The monitoring plan is to be developed with the support of the Technical Advisory committee and could include considerations necessary for compliance with an SNMP.
- The Watermaster must continue to focus on the implementation of the proposed Stipulated Judgment as a top priority.
- As a first step, the Board directed Watermaster staff to outreach to the Regional Board, in coordination with BWD, for clarification on the data used in its determination of a need for an SNMP in the Basin and the Regional Board's next steps in implementing Resolution R7-2021-0015.

**Motion:** Motioned by Director Bennett, seconded by Director Jorgensen to direct Watermaster staff, in coordination with BWD, to outreach to RWQCB staff to obtain further information on its next steps towards implementing Resolution R7-2021-0015. *Motion carried unanimously by roll call vote (5-0-0).*

#### *E. HydroDAVE Demonstration (Malone).*

Mr. Malone introduced the components of the HydroDAVE system and demonstrated the data management, visualization, QA/QC, and sharing, analysis, and reporting capabilities of HydroDAVE Explorer (HDX). At the conclusion of the presentation Chairman Duncan opened the floor to public comment, followed by Board Discussion. Public comments were made by John Peterson and Lyle Brecht. The key points of discussion included:

- Watermaster staff use numerous QA/QC procedures to ensure data quality and accuracy, such as data visualization, identification of data outliers, and storage of raw data with processed data.
- HydroDAVE has numerous data privacy controls that limit who can access sensitive data that is stored in the HydroDAVE database, such as requirement of a username and password for database access.
- At present, HydroDAVE is intended for use by Watermaster staff and Technical Advisory Committee to support its technical work for groundwater management.
- Custom reports to create efficiencies can be requested by the Board and developed for use in routine reporting efforts.
- HydroDAVE is only used to store, track, and share physical, environmental, and hydrogeological data. It is not intended to be used to track accounting transactions such as BPA transfers within the Basin.

## **VI. Reports**

- A. Executive Director Reports. ED Adams reported that several deposits from the second installment of payments have been received, and that the remainder of the payments are due on March 1, 2021.
- B. Legal Counsel Report—none.
- C. Chairperson’s Report— none.
- D. Status of Stipulated Judgement (Staples). Michele Staples provided a brief update on the status and informed the Board that the two upcoming court hearings will be held on 2/26 and 3/25. More information about remote/call-in access for the upcoming hearings can be accessed at [borregowaterlawsuit.com](http://borregowaterlawsuit.com).

**VII. Board Member Comments**

Director Duncan reiterated the Board’s commitment to transparency via adherence to the Brown Act, as described in the proposed Stipulated Judgment.

There were no other comments from the Board.

**VIII. Next Meetings of the Borrego Springs Watermaster**

- A. Regular Board Meeting – Thursday, March 11, 2021 at 4:30 pm
- B. Regular Board Meeting – Thursday, April 8, 2021 at 4:30 pm.

**IX. Adjournment**

- A. Director Duncan adjourned the meeting at 6:55 pm.

*Kristan Culbert*

Recorded by: Kristan Culbert  
West Yost



Attest: Shannon Smith, Board Secretary