Tubb Canyon Desert Conservancy

To: Andy Malone, Samantha Adams, Lauren Salberg, West Yost
Borrego Watermaster Directors
Technical Advisory Committee Members
Environmental Working Group Members

Re: Recap and Assessment of WM's Evaluative Process for UCI GDE Report

Date: May 20, 2026

The essential question before this Board is no longer scientific. It is institutional.

The scientific question — whether there is a groundwater dependent ecosystem ("GDE") in the Borrego Subbasin — has already been asked and answered through an unusually rigorous public process.

The California Department of Water Resources ("DWR") and the Borrego Water District ("BWD") authorized the expenditure of $1 million in Proposition 68 public funds to answer that question. The researchers selected for the task were among the nation's leading authorities on groundwater dependent ecosystems. Importantly, these are not unfamiliar or untested researchers. The Watermaster itself retained UCI researchers to perform work on one of its Prop 68 funded projects.

The resulting UCI GDE Study, published in May 2025, developed four independent lines of scientific inquiry. All four reached the same conclusion: the mesquite bosque in the Borrego Subbasin is a groundwater dependent ecosystem. That conclusion has not stood alone.

Six of the ten unique, prequalified, and duly appointed members of the TAC and EWG have concluded that the UCI report constitutes the best available science regarding the mesquite bosque and affirm that the bosque is a GDE. Most recently, The Nature Conservancy — DWR's principal scientific collaborator on groundwater dependent ecosystems throughout California — submitted a letter affirming that the UCI study represents the best available science concerning Borrego's mesquite bosque.

At some point, this Board must ask itself a simple question: What additional evidence is realistically being sought?

230 West Palm St., San Diego, CA 92103
Phone 858 535-9121 Fax 858 535-9156

For a year now, the Watermaster has remained trapped in an increasingly elaborate procedural cycle that appears designed not to evaluate the science, but to postpone accepting its implications.

Initially, the Watermaster delayed consideration of the UCI findings until Water Year 2026. It then spent months developing an RFP for an external scientific reviewer. When the first RFP proved inadequate, the process restarted with a revised RFP and a second circulation to potential reviewers. Thereafter, the Watermaster concluded that external review was too expensive and instead selected its own Technical Consultant to conduct what was described as an "independent" review.

What followed was a prolonged and highly intricate consultation process involving repeated drafts, comments, revisions, and renewed reviews among TAC and EWG members. After a full year of procedural layering, the process has produced no additional scientific clarity.

The distinction that has been lost throughout this process is the distinction between best available science and best conceivable science.

SGMA does not require perfect certainty. It requires responsible action based on the best available scientific information. If the standard becomes absolute unanimity, infinite process, or the elimination of all conceivable disagreement, then no groundwater agency in California will ever be able to act.

I would like to address further the consultation process designed by the Technical Consultant.

There are fundamentally two categories of TAC and EWG participants. The first are paid professional consultants. The second are unpaid volunteers serving the public interest while balancing demanding professional obligations of their own. Many of these unpaid members struggled to comply with an uncertain and shifting review schedule, despite repeated assurances that adequate time would be provided for their conclusions to be incorporated into the final report.

Yet at its last meeting, Watermaster determined — after the fact — that comments submitted beyond a newly imposed deadline would not be included in the Technical Consultant's final report because the Watermaster and Technical Consultant are "too busy with too many other items" to include these comments now deemed to be late.

That explanation is difficult to reconcile with the facts.

Six of your ten prequalified and duly appointed advisors expressed their conclusions regarding best available science and the existence of a GDE in exactly 108 words. After a year consumed by procedural maneuvering, it strains credibility to suggest that Watermaster lacks the institutional capacity to acknowledge and include 108 words representing the majority view of its own advisors.

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Indeed, one would think the Board would want to know that information simply as a matter of intellectual honesty.

In the end, the facts remain unchanged.

DWR and BWD funded a major scientific investigation. The work was performed by nationally recognized experts. The conclusions were supported by four independent lines of evidence. A majority of Watermaster's own appointed advisors affirm the report represents the best available science. And now DWR's principal statewide collaborator on GDEs, The Nature Conservancy, has independently affirmed those same conclusions.

No additional procedural complexity will change the facts on the ground.

There is a groundwater dependent ecosystem in the center of this valley. And the sooner Watermaster recognizes that reality, the sooner this basin can move toward compliance with the requirements of SGMA as it pertains to environmental users of water.

Sincerely yours,



J. David Garmon, M.D.
Presaident, TCDC

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