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

Re: Full Text of Public Comments for May 20, 2026 WM Meeting now as Public Correspondence for Special Board Meeting on June 3, 2026

Date: May 26, 2026

The Watermaster's process for evaluating the UCI GDE Study has increasingly raised serious concerns regarding the Watermaster's scientific integrity, procedural fairness, and fiscal stewardship.

At issue is not merely whether the mesquite bosque around the Borrego Sink qualifies as a groundwater dependent ecosystem ("GDE"), but whether this Board is conducting a fair and objective review of the best available scientific information before it.

To date, the process has reflected a troubling pattern: information supporting the UCI Study has been minimized or excluded, while critiques of the study have been amplified, regardless of whether those critiques were subsequently answered by the UCI research team. This troubling pattern is exemplified by the following:

1. **This Board has refused to acknowledge — much less incorporate — the UCI team's written responses to every critique raised against the study.**

The UCI researchers responded in writing, with scientific references and technical explanation, to every question, concern, and critique aimed at the GDE Study and Report.

Yet those responses do not appear in either the final Technical Consultant Recommendation Report or the final TAC/EWG Recommendation Report. Supposedly the diligent reader with access to a computer and reading a digital copy of these Recommendation Reports could find this information in a zip file footnote, but these responses to critiques are not to be found in the formal final reports, nor do they appear to inform the final reports.

Why? On what basis are these responses excluded from the final reports?

How can this Board claim to be conducting a serious scientific review while excluding the actual responses of the researchers whose work is being criticized?

A credible scientific process does not simply collect criticisms and stop there. It also considers the responses to those criticisms.

Instead, the Watermaster appears to have created a process in which critiques are elevated while responses are effectively buried.

That is not scientific rigor.

2. **The Watermaster has disregarded the written opinion of a majority of its own TAC/EWG participants.**

Six of the ten unique, prequalified, and duly appointed TAC/EWG members submitted a signed written statement concluding that:

1. the UCI Report constitutes Best Available Science; and
2. the mesquite bosque qualifies as a groundwater dependent ecosystem.

These opinions were submitted by individuals specifically selected by the Watermaster to participate in the technical review process.

Yet the existence and substance of this majority opinion appears nowhere in the final TAC/EWG Recommendation Report.

The issue here is not whether the Board agrees with these experts. The issue is whether the Board can credibly claim to be conducting a balanced technical review while excluding the majority position of its own technical advisory participants from the record and discussion.

3. **The review process changed midstream in a manner that prevented consideration of the TAC/EWG majority position.**

In November 2025, the Technical Consultant established the Scope of Work for the review of the UCI GDE Report. Task #6 of this Scope of Work explicitly noted that TAC/EWG members would have an opportunity in April 2026 to provide "additional feedback" for inclusion in the final TAC/EWG Recommendation Report.

Consistent with that process, on April 8, 2026, a member of the EWG submitted to the Technical Consultant and Watermaster staff a document signed by six TAC/EWG members affirming that the UCI report represented Best Available Science and that the mesquite bosque is a GDE.

However, at the April 15th meeting of the Watermaster, the Technical Consultant requested Board "guidance" regarding whether those submissions should be considered.

Directors Smith and Bilyk advised that the statements should be disregarded, in part because the Technical Consultant implied this information was only available to him via this author's Public Correspondence. The Technical Consultant failed to mention he had also received the identical information from a member of the EWG. Directors Smith and Bilyk also opined the statements

should be disregarded because the Watermaster and staff have insufficient time to review the material. Interested readers may listen to this guidance provided by Directors Smith and Bilyk on the recording of the April 15, 2026 meeting of the Watermaster between 3 hours 43 minutes and 3 hours51 minutes.

This rationale for excluding the majority opinion is difficult to reconcile with the fact that the entirety of this majority opinion is 108 words long and was submitted within the previously established review timeline.

Moreover, the Technical Consultant had for months represented to TAC/EWG participants that April feedback would be accepted and incorporated into the final recommendation process. That published timeline appears again today in Table 1 on page 27 of 134 of the Watermaster Board Packet.

Director Jorgensen objected to excluding the opinions of these six reviewers and submitted the document a second time, but they nevertheless still remain absent from the final report.

This sequence of events creates the appearance that procedural rules were altered only after it became clear that a majority of TAC/EWG participants supported the UCI conclusions.

That appearance undermines confidence in the integrity of this review process.

4. **The Watermaster appears poised to disregard input from The Nature Conservancy despite its statewide scientific collaboration with DWR on GDE issues.**

The May 6, 2026 Public Correspondence submitted by The Nature Conservancy deserves serious consideration. This letter affirms the UCI GDE Study and Report is the best available science regarding the mesquite bosque and that the mesquite bosque is a groundwater dependent ecosystem as defined by the Sustainable Groundwater Management Act of 2014.

The Nature Conservancy is not merely an advocacy organization. It is a recognized scientific and conservation institution that collaborates extensively with the California Department of Water Resources on groundwater dependent ecosystem issues throughout the state. I anticipate there will be no mention of this letter in today's discussion except perhaps to note it is merely Public Correspondence from an advocacy organization. (There was no discussion of this letter at the May 20, 2026 meeting of the Watermaster.)

The Watermaster Board's refusal to engage in meaningful discussion of this correspondence further reinforces the perception that only information supporting a predetermined outcome is being given weight in this process.

5. **Serious concerns now exist regarding fiscal stewardship due to a conflict of interest of the Technical Consultant.**

To date, approximately $45,000 has been budgeted and spent on the Technical Consultant's review process of the UCI GDE Study, yet the process has only produced increasing procedural

controversy while delaying clear resolution of the underlying issue. In fact, the Technical Consultant now proposes to spend another $35,000 to create a plan to develop a study that would take us back to where we were four years ago studying “potential GDE’s.”

At a minimum, the Board should carefully consider whether the current process is advancing scientific understanding or instead generating unnecessary cost, confusion, and erosion of public trust.

At this point, the central question before the Board is larger than the UCI Study itself.
The question is whether the Watermaster intends to conduct an objective review guided by science, transparency, and fairness — or whether the process has become one designed primarily to justify disregarding conclusions the Board does not wish to accept.

Sincerely yours,



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