



State Water Resources Control Board

AMENDED STATUS CONFERENCE RULING AND NOTICE OF STATUS CONFERENCE

The State Water Resources Control Board
Administrative Hearings Office
will hold a Status Conference on
pending Application 30166 filed by

El Sur Ranch

for a permit to appropriate water from
the Big Sur River in Monterey County.

**The Status Conference will be held on
October 16, 2023, at 1:00 p.m.**

The status conference will be held by Zoom teleconference.

You may participate in the Zoom teleconference by using the link:

<https://waterboards.zoom.us/j/94883117441?pwd=K003UnZLdXlpNmcyRm41cUNaSVhPZz09>

Meeting ID: 948 8311 7441

Passcode: 864036

or by calling in at: +16699009128,,94883117441#,,,,*864036# US (San Jose)

**Interested members of the public who would like to watch the status conference
without participating may do so through the Administrative Hearings Office
YouTube channel, accessible by clicking on “Watch AHO Hearings” at:**
https://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office/

BACKGROUND

On July 27, 1992, James J. Hill III (Applicant) filed water-right Application 30166 on behalf of El Sur Ranch with the State Water Resources Control Board's (State Water Board or Board) Division of Water Rights (Division) for a permit to appropriate water from the Big Sur River in Monterey County. The Applicant amended Application 30166 in November and December 2005, October 2006, June 2011, and March 2023. The current application is for a water-right permit that would authorize direct diversion of water at a rate not to exceed 5.84 cubic feet per second (cfs) and diversion to storage of up to 810 acre-feet, with an annual maximum combined diversion of 1,320 acre-feet, and a maximum 20-year rolling annual average of 1,087 acre-feet. Additional information about this proceeding is in the Administrative Hearings Office's (AHO) May 23, 2022 Notice of Status Conference.

The State Water Board held a public hearing on Application 30166 in June and July 2011. On December 9, 2021, the Board's Executive Director assigned Application 30166 to the AHO. The AHO held status conferences in this matter on June 30, August 23, September 8, and October 4, 2022; and February 1, March 23, April 27, May 24, and July 26, 2023.

The Applicant submitted a petition to change and Fifth Amended Application 30166 to the Division on March 3, 2023. The petition seeks to amend Application 30166 to include diversion to storage in an off-stream reservoir to be located on the Applicant's property and revision of the place of use to substitute additional irrigated acreage to compensate for the loss of existing pasture from construction of the reservoir. On July 28, 2023, El Sur Ranch filed an amended petition for change and Fifth Amended Application to add fire suppression as a beneficial use.

During the May 24 status conference, Montrose Environmental presented a draft CEQA project description outline (May 24 Project Description Outline). During the conference, the hearing officer directed Montrose Environmental to submit to the AHO a description of the proposed process for the State Water Board to comply with CEQA requirements when acting on Application 30166. Montrose Environmental submitted a proposed CEQA process to the AHO on June 30, 2023 (June 30 Proposed CEQA Process). During the July 26 status conference, Montrose Environmental submitted a proposed schedule for drafting, submitting to the AHO, and accepting public comment on key documents in the CEQA process (July 26 Proposed CEQA Schedule).

The AHO provided comments on the May 24 Project Description Outline and the June 30 Proposed CEQA Process by letter dated July 31, 2023.

STATUS CONFERENCE RULING

During the July 26 status conference, the hearing officer, Montrose Environmental, and the parties, discussed the July 26 Proposed CEQA Schedule. In accordance with that discussion, the hearing officer set deadlines for the Applicant, and Montrose Environmental acting as a consultant to the Applicant, and the parties to this

proceeding, to complete the described tasks in an August 17, 2023 status conference ruling.

On September 15, 2023, Tom Berliner, attorney for El Sur Ranch, requested additional time for Montrose Environmental to complete an initial draft of the project description for the EIR and submit it to the AHO. The hearing officer modifies the deadlines included in the August 17 status conference order, and the date of the next status conference, as reflected in the schedule below.

The requests for information in this ruling are made by the AHO pursuant to Water Code sections 1275. Failure of the Applicant to provide the requested information by the deadlines may result in cancellation of the application.

SCHEDULE

| Task | Date/Deadline |
|--|---------------------------------------|
| Deadline for parties or interested persons to submit comments on May 24 Project Description Outline and June 30 Proposed CEQA Process. | August 27, 2023 |
| Montrose Environmental submits revised project description to the AHO, copying the service list. | October 6, 2023 |
| Status Conference. | October 16, 2023, at 1:00 p.m. |
| Deadline for parties or interested persons to submit comments on revised project description. | October 27, 2023 |
| Montrose Environmental submits impact screening memo to the AHO, copying the service list. | November 13, 2023 |
| Deadline for parties or interested persons to submit comments on impact screening memo. | December 8, 2023 |
| Status Conference | Targeted: December 2023 |
| Montrose Environmental submits initial draft of revised draft environmental impact report, copying the service list. | Targeted: February 2024 |

STATUS CONFERENCE

The AHO hearing officer will hold a status conference on **October 16, 2023, at 1:00 p.m.** by Zoom teleconference. No in-person appearances will be allowed. The status conference will be held and electronically recorded by Zoom teleconference. The AHO will not retain a court reporter for the status conference. Any party may arrange for a court reporter at the party’s own expense.

The status conferences will be live streamed through the Administrative Hearings Office YouTube channel, accessible by clicking on the link provided below. After the conclusion of the conference, a recording of the YouTube live-stream of the conference will be available on the Administrative Hearings Office YouTube channel. These recordings will include automatic captions for accessibility.

The live stream and recordings may be accessed at the following link:
<https://www.youtube.com/channel/UCM-gmipRyd7Nw-g8l-C7Nig/videos?view=57m>

During the status conference, the hearing officer will discuss the following topics with the Applicant, its representatives, and other parties to the proceeding:

1. Status of submission of documents by Montrose Environmental to the AHO.
2. A proposed briefing schedule, if necessary, beginning after November 13 for parties to address the appropriate CEQA baseline to be used in the revised draft environmental impact report.
3. Scheduling a status conference in December 2023.

The hearing officer may address other issues raised by the parties during the status conference or in a status conference statement. Parties do not need to file status conference statements. If any party wants to file a status conference statement, the party shall file the status conference statement with the AHO and serve copies of it on the other parties listed in the attached service list. The AHO will post the statements on the Water Board AHO-FTP site in the folder for this matter.

September 20, 2023

/s/ Nicole Kuenzi
Nicole Kuenzi
Presiding Hearing Officer

Enclosures:
- Service List

SERVICE LIST
Updated April 13, 2023

By e-mail only

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