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## State Water Resources Control Board

### **NOTICE OF STATUS CONFERENCE**

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

**EI Sur Ranch**

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

**The Status Conference will be held on  
December 12, 2023, at 1:30 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/](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, July 26, and October 16, 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.

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 which has since been amended. The current schedule of deadlines is provided in the table below.

The requests for information in this ruling are made by the AHO pursuant to Water Code sections 1275 and 1334. Failure of the Applicant or protestants to provide the requested information by the deadlines may result in cancellation of the application or protest.

## **SCHEDULE**

<b>Task</b>	<b>Date/Deadline</b>
Deadline for parties or interested persons to submit comments on revised project description.	<b>October 27, 2023</b>
Montrose Environmental submits impact screening memo to the AHO, copying the service list.	<b>November 13, 2023</b>

Deadline for parties or interested persons to submit comments on impact screening memo.	<b>December 8, 2023</b>
Status Conference	<b>December 12, 2023 at 1:30 p.m.</b>
Montrose Environmental submits initial draft of revised draft environmental impact report, copying the service list.	<b>TBD</b>

## **STATUS CONFERENCE**

The AHO hearing officer will hold a status conference on **December 12, 2023, at 1:30 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 discussions between Applicant and the California Coastal Commission about permits or approvals from the Coastal Commission that may be necessary for construction or operation of the proposed project.
2. Status of impact screening memo submitted by Montrose Environmental to the AHO on November 13, parties' comments on the revised project description submitted by Montrose Environmental on October 6, and parties' comments on the impact screening memo.
3. A briefing schedule, if necessary, to address the appropriate CEQA baseline for the revised draft environmental impact report and whether the draft environmental impact report should include a "no pumping" alternative in which the Applicant does not divert from the Big Sur River.
4. Setting a deadline for Montrose Environmental to submit an initial revised draft environmental impact report to the AHO and the service list.

5. Scheduling a subsequent status conference.

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.

October 23, 2023

/s/ Nicole Kuenzi  
Nicole Kuenzi  
Presiding Hearing Officer

Enclosures:  
- Service List

## SERVICE LIST

Updated October 2, 2023

### By e-mail only

EL SUR RANCH / JAMES J. HILL III  
Mr. Thomas M. Berliner  
Ms. Jolie-Anne S. Ansley  
Ms. Alexandra Jones  
Duane Morris LLP  
One Market Plaza, Suite 2200  
San Francisco, CA 94105-1127  
[tberliner@duanemorris.com](mailto:tberliner@duanemorris.com)  
[jsansley@duanemorris.com](mailto:jsansley@duanemorris.com)  
[bajones@duanemorris.com](mailto:bajones@duanemorris.com)

EL SUR RANCH / JAMES J. HILL III  
Mr. Mark A. Blum  
Horan Lloyd  
2635 Carmel Rancho Blvd, Suite 200  
Carmel, CA 93923  
[mblum@horanlegal.com](mailto:mblum@horanlegal.com)

TROUT UNLIMITED  
Mr. Brian Johnson  
5950 Doyle St., Suite 2  
Emeryville, CA 94608  
[bjohnson@tu.org](mailto:bjohnson@tu.org)

CALIFORNIA DEPARTMENT OF FISH &  
WILDLIFE  
Ms. Kathleen Miller  
P.O. Box 944209  
Sacramento, CA 94244-2090  
[Kathleen.Miller@wildlife.ca.gov](mailto:Kathleen.Miller@wildlife.ca.gov)

CALIFORNIA SPORTFISHING  
PROTECTION ALLIANCE/CENTER FOR  
BIOLOGICAL DIVERSITY & VENTANA  
WILDERNESS ALLIANCE  
Mr. Peter J. Broderick, on behalf of John  
Buse  
Center for Biological Diversity  
1212 Broadway, Suite 800  
Oakland, CA 94612  
[pbroderick@biologicaldiversity.org](mailto:pbroderick@biologicaldiversity.org)  
[jbuse@biologicaldiversity.org](mailto:jbuse@biologicaldiversity.org)

CALIFORNIA SPORTFISHING  
PROTECTION ALLIANCE  
Mr. Chris Shutes  
1608 Francisco St.  
Berkeley, CA 94703  
[blancapaloma@msn.com](mailto:blancapaloma@msn.com)

CARMEL RIVER STEELHEAD  
ASSOCIATION  
Mr. Brian LeNeve  
Mr. Steve Park  
P.O. Box 1183  
Monterey, CA 93942  
[brian@brianleneve.com](mailto:brian@brianleneve.com)  
[stevepark@razzolink.com](mailto:stevepark@razzolink.com)

CALIFORNIA DEPARTMENT OF PARKS  
AND RECREATION  
Mr. Stephen Bachman  
2211 Garden Road  
Monterey, CA 93940  
[stephen.bachman@parks.ca.gov](mailto:stephen.bachman@parks.ca.gov)

CALIFORNIA DEPARTMENT OF PARKS  
AND RECREATION  
Emma Siverson  
P.O. Box 942896  
Sacramento, CA 94296-0001  
[Emma.Siverson@parks.ca.gov](mailto:Emma.Siverson@parks.ca.gov)

CALIFORNIA DEPARTMENT OF PARKS  
AND RECREATION  
Kathryn J. Tobias  
Senior Counsel  
P.O. Box 942896  
Sacramento, CA 94296-0001  
[kathryn.tobias@parks.ca.gov](mailto:kathryn.tobias@parks.ca.gov)

CALIFORNIA CATTLEMEN'S  
ASSOCIATION  
Mr. Justin Oldfield  
1221 H Street  
Sacramento, CA 95814  
[Justin@calcattlemen.org](mailto:Justin@calcattlemen.org)

VENTANA WILDERNESS ALLIANCE  
Mr. Tom Hopkins  
P.O. Box 506  
Santa Cruz, CA 95061  
[tom.hopkins@ventanawild.org](mailto:tom.hopkins@ventanawild.org)

CAL FIRE  
Mr. Richard Hutchison  
2221 Garden Road  
Monterey, CA 93940  
[Rick.hutchison@fire.ca.gov](mailto:Rick.hutchison@fire.ca.gov)

FRIENDS OF THE RIVER  
Mr. Steve Evans  
1418 20<sup>th</sup> Street, Suite 100  
Sacramento, CA 95811  
[sevans@friendsoftheriver.org](mailto:sevans@friendsoftheriver.org)

MONTEREY WATERKEEPER  
Ms. Chelsea Tu  
P.O. Box 855  
Seaside, CA 93955  
[chelsea@montereywaterkeeper.org](mailto:chelsea@montereywaterkeeper.org)

BIG SUR RIVER INN  
Mr. Alan Perlmutter  
P.O. Box 460  
Big Sur, CA 93920  
[sandperl28@gmail.com](mailto:sandperl28@gmail.com)

NATIONAL MARINE FISHERIES SERVICE  
Joel Casagrande and Mandy Ingham  
2885 Mission St.  
Santa Cruz, CA 95060  
[Joel.Casagrande@noaa.gov](mailto:Joel.Casagrande@noaa.gov)  
[Mandy.Ingham@noaa.gov](mailto:Mandy.Ingham@noaa.gov)

DEPARTMENT OF ECOLOGY &  
EVOLUTIONARY BIOLOGY,  
LONG MARINE LAB  
UNIVERSITY OF CALIFORNIA SANTA  
CRUZ  
Dr. Peter Raimondi  
Santa Cruz, CA 95060  
[raimondi@biology.ucsc.edu](mailto:raimondi@biology.ucsc.edu)

CENTRAL COAST LIGHTHOUSE  
KEEPERS  
Mr. John O'Neil  
P.O. Box 223014  
Carmel, CA 93922  
[johnoneil@montereybay.com](mailto:johnoneil@montereybay.com)

Mr. Butch Kronlund  
48280 Highway 1  
Big Sur, CA 39320  
[bpkronlund@aol.com](mailto:bpkronlund@aol.com)

Mr. Kirk Gafill  
48460 Highway 1  
Big Sur, CA 93920  
[kgafill@nepenthebigsur.com](mailto:kgafill@nepenthebigsur.com)

Katie Butler, District Supervisor  
Breylen Ammen, Coastal Planner  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060  
[Katie.Butler@coastal.ca.gov](mailto:Katie.Butler@coastal.ca.gov)  
[breylen.ammen@coastal.ca.gov](mailto:breylen.ammen@coastal.ca.gov)

Administrative Hearings Office  
[adminhrgoffice@waterboards.ca.gov](mailto:adminhrgoffice@waterboards.ca.gov)