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## State Water Resources Control Board

### **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

#### **EI Sur Ranch**

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

**The Status Conference will be held on  
April 27, 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/97355727363?pwd=ZlIkWTllcmhCUVRtTUdwNVg0T0lOQT09>

Meeting ID: 973 5572 7363

Passcode: 496267

or by calling in at: +16699009128,,97355727363#,,,,\*496267# 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 AHO's 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 State Water Board's Administrative Hearings Office (AHO). The AHO held status conferences in this matter on June 30, August 23, September 8, 2022, and October 4, 2022; and February 1 and March 23, 2023.

## **STATUS CONFERENCE RULING**

During the status conference on March 23, 2023, the hearing officer asked the Applicant's representatives whether the Applicant wants to add fire suppression as a proposed beneficial use of water in Application 30166. This change would require a revision to the petition for change and fifth amendment to Application 30166. The Applicant should file a statement with the AHO by **April 7, 2023, at 12:00 p.m.** confirming whether it intends to add fire suppression as a beneficial use of water sought under Application 30166.

As discussed during the status conference, staff of the consulting firm retained by the Applicant to assist the AHO in developing a new or revised environmental document under the California Environmental Quality Act (CEQA) should only communicate with State Water Board staff about this proceeding (1) in writing (by e-mail or letter), and serve all parties listed on the service list for this proceeding with copies of the communication, or (2) orally during a status conference or conference call conducted by the hearing officer in which all parties have an opportunity to participate. Representatives of the Applicant, or the Applicant's consulting firm, may request a conference call by sending an e-mail to the AHO and serving all parties listed on the service list for this proceeding.

## **STATUS CONFERENCE**

The AHO hearing officer will hold a status conference on **April 27, 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 issues with the Applicant and a representative of the consulting firm retained by the Applicant to assist the AHO in developing a new or revised environmental document. The hearing officer will also invite comments from representatives of the interested parties who participate in the status conference.

1. What type of new environmental document or revision to the 2011 uncertified Final Environmental Impact Report (FEIR) does CEQA require the State Water Board to prepare, as the lead agency, to address changes to the Applicant's proposed project in the fifth amendment to Application 30166?
2. Are the following the most appropriate next steps by the Applicant's CEQA consultant to assist the AHO in developing a new environmental document or revision to the 2011 uncertified FEIR?
  - a. Prepare a draft updated initial study to identify potential environmental impacts of the project proposed in Application 30166, as amended on March 3, 2023, that were not addressed in the 2011 uncertified FEIR.
  - b. Prepare a draft supplemental notice of preparation that identifies potential environmental impacts of the project proposed in Application 30166, as amended on March 3, 2023, that were not addressed in the 2011 uncertified FEIR.
3. What is a proposed schedule for the consultant to develop a draft updated initial study, draft supplemental notice of preparation, and draft of a new environmental document or revision to the 2011 uncertified FEIR?

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.

April 3, 2023

/s/ Nicole L. Kuenzi  
Nicole Kuenzi  
Presiding Hearing Officer

Enclosures:  
- Service List

**SERVICE LIST**  
Updated February 28, 2023

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  
P.O. Box 1183  
Monterey, CA 93942  
[brian@brianleneve.com](mailto:brian@brianleneve.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 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)

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