

Monterey Bay Chapter  
**California Native Plant Society**

FILE - ~~REINA~~  
A30166

P. O. Box 221303  
Carmel, CA 93922  
Dec. 12, 2009

2009 DEC 14 PM 1:47

DEPT. OF WATER RIGHTS  
SACRAMENTO

Mr. Paul Murphey  
Division of Water Rights  
State Water Resources Control Board  
Post Office Box 2000  
Sacramento, Ca. 95812

RE: El Sur Ranch Water Right Application No. 30166  
Draft Environmental Impact Report

Dear Mr. Murphey:

The Monterey Bay Chapter of CNPS has a long-standing interest and involvement in the protection of environmentally sensitive habitats of Central California Coast. For that reason we are deeply concerned about the adverse impacts on the plant and animal habitats of the Big Sur River by over-pumping from wells on State Park lands by the El Sur Ranch. Because the DEIR for the expanded operation omits many important facts that have a direct bearing on these issues, we urge that this application be denied.

1) **PLANT SURVEYS:** According to the DEIR, the only site visit was on July 21, 2006 a date that does not meet Dept. of Fish and Game (DFG) protocol for rare, threatened and endangered plant determination, which requires site visits during the blooming season. The DEIR apparently relied on searches of various data bases, which can be a helpful starting point, but which can never be considered dispositive because of habitat shifts, weather and climate variations, fire effects, land use impacts, vandalism, and even nomenclatural changes. The DEIR appears to rely on the Miriam Green Report, but provides no copy of said report indicating its validity and extent. Further, DFG protocol requires surveys of Special Status Communities that have critical values and protections, such as the riparian and wetland communities that exist along the Big Sur River. The DEIR is woefully lacking in meeting these requirements.

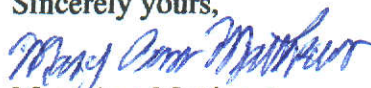
2) **WILD AND SCENIC STATUS:** The Big Sur River above the point of diversion, officially listed as a Wild and Scenic River, is intimately affected by El Sur Ranch pumping that dewater the lower portion of the river, reducing the survival of both plant and fish habitat within the protected area. The over-pumping documented by other commentators has been going on for several decades without any attention to the impacts; thus there is no credible data base that would show the obvious decline in the health of the habitats over time. Frankly, it is shocking that this immense amount of pumping has gone on for so long without any apparent effort by the trustee agencies to assure that the legal requirements are clearly established. The DEIR fails to identify or mitigate these serious issues.

3) **IMPAIRED STATUS:** In 1998 the Big Sur River was identified at a Category 1 (Impaired) Priority Watershed by the California Unified Watershed Assessment, which means that it qualified for significant restoration activities to protect and restore its natural aquatic resources. This fact lends credence to the assertion by CNPS and many others that heavy over-pumping without clear entitlements has resulted in serious damage to a watershed with extraordinary natural resource, scenic, scientific, and recreational values. The DEIR fails to acknowledge and/or propose mitigations for any of these impacts.

The Big Sur River is clearly already a fully appropriated watershed. Instead of trying to increase its pumping from this impacted resource, El Sur Ranch should be utilizing its other water sources outside this watershed.

The Monterey Bay Chapter of CNPS therefore wishes to reiterate its request that this application for an increased appropriation be denied. Further, we urge the State Water Resources Board issue a Cease and Desist Order to limit El Sur Ranch pumping to existing riparian rights until these critical issues can be resolved.

Sincerely yours,

  
Mary Ann Matthews  
Conservation Chair



*Dedicated to the preservation of California native flora*

