
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
May 24, 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/

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, and October 4, 2022; and February 1, March 23, and April 27, 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.

STATUS CONFERENCE RULING

The hearing officer directs the Applicant to submit to the AHO by **May 19, 2023**, a map that depicts the 292-acre gross place of use identified in Application 30166 filed with the State Water Board on July 27, 1992, and the 292-acre gross place of use identified in the Fifth Amended Application filed with the State Water Board on March 3, 2023.

STATUS CONFERENCE

The AHO hearing officer will hold a status conference on **May 24, 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-g8I-C7Nig/videos?view=57m>

During the status conference, the hearing officer will discuss the following topics with the Applicant and its representatives. The hearing officer will invite comments from representatives of the interested parties who participate in the status conference.

1. Actions to comply with the California Environmental Quality Act (CEQA):
 - a. When will the Applicant's CEQA consultant prepare and submit to the AHO an initial draft of a project description on which to base analysis of potential environmental impacts of the project proposed in the Fifth Amended Application?
 - b. When will the Applicant's CEQA consultant prepare and submit to the AHO a document similar to an initial study that identifies the types of potential environmental impacts to be assessed in any updated CEQA document for the proposed project, because of changes in the proposed project, available information, or legal requirements since preparation of the 2011 uncertified Final Environmental Impact Report (FEIR)?
 - c. What is the most appropriate next step by the Applicant's CEQA consultant after submitting an updated "initial study," to assist the AHO in developing a new environmental document or revision to the 2011 uncertified FEIR? Should the consultant prepare a draft supplemental notice of preparation that identifies potential environmental impacts of the project proposed in the Fifth Amended Application that were not addressed in the 2011 uncertified FEIR?
 - d. What type of new environmental document or revision to the 2011 uncertified 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 Amended Application?
2. Clarification of the gross place of use identified in Application 30166 as it was originally filed and in the most recent Fifth Amended Application, and the net irrigated area identified in Application 30166 as it was originally filed, the various amendments to the application, the 2011 uncertified FEIR, and the Fifth Amended Application.
3. Whether fire suppression should be included as a beneficial use in Application 30166.

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.

May 8, 2023

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

Enclosures:
- Service List

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Updated March 13, 2023

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