



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

El Sur Ranch

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

**The Status Conference will be held on
April 23, 2024, 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, July 26, October 16, and December 12, 2023, and February 14, 2024.

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 February 14, 2024 status conference Montrose Environmental informed the AHO that it is targeting July 1, 2024, to submit an administrative draft of the updated Draft Environmental Impact Report (DEIR) to the AHO.

SCHEDULE

Task	Date/Deadline
Deadline for applicant to file status conference statement.	April 16, 2024
Status conference.	April 23, 2024, at 1:00 p.m.
Target date for Montrose Environmental to submit administrative draft of updated DEIR to AHO.	July 1, 2024

STATUS CONFERENCE STATEMENTS

The Applicant shall file a status conference statement with the AHO and serve copies of it on the other parties listed in the attached service list by the end of the day on April 16, 2024. The status conference statement should address: (1) whether Montrose Environmental expects to submit an administrative draft of the DEIR to the AHO by July 1, (2) the status of discussions between the Applicant, CDFW, and other parties about the terms of the proposed settlement agreement attached to the Joint Hearing Management Conference Statement and Hearing Management Plan submitted to the Board by the Applicant and CDFW on April 15, 2019, and (3) whether the AHO should conduct the status conference scheduled for April 23.

If any other party wants to file a status conference statement addressing these or other issues, 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 by the end of the day on April 16, 2024. The AHO will post the statements on the Water Board AHO-FTP site in the folder for this matter.

STATUS CONFERENCE

The AHO hearing officer will hold a status conference on **April 23, 2024, 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/@swrcbadministrativehearing728/streams>

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 the 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. Technical discussion about the irrigated acreage shown in Figure 2.2, if necessary.

3. Status of discussions between CDFW and the Applicant about terms of the proposed settlement agreement attached to the Joint Hearing Management Conference Statement and Hearing Management Plan submitted to the Board by the Applicant and CDFW on April 15, 2019.
4. Status of the administrative draft of the updated DEIR being prepared by Montrose Environmental.
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.

March 5, 2024
Date

/s/ Nicole Kuenzi
Nicole Kuenzi
Presiding Hearing Officer

Enclosures:
- Service List

SERVICE LIST
Updated December 12, 2023

By e-mail only

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