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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  
July 26, 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/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 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, April 27, and May 24, 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.

## **AHO-FTP UPLOAD CREDENTIALS**

On May 25, 2023, the AHO sent credentials to the Applicant's attorneys for accessing an AHO-FTP Upload Folder for this matter, to facilitate the exchange of larger files. If the Applicant's representatives upload files to the AHO-FTP Upload Folder, the representative should e-mail the AHO and cc the service list, to notify the AHO about the uploaded files. Staff of the AHO will move the files to the AHO-FTP Download Folder so that the files are available to the public and all parties to the proceeding and will notify the parties that the files have been moved to the AHO-FTP Download Folder.

## **STATUS CONFERENCE RULING**

During the status conference, the hearing officer directed the Applicant's California Environmental Quality Act (CEQA) consultant to submit to the AHO by **June 20, 2023**, a description of the proposed process for compliance with CEQA. This description should identify the significant documents to be produced by the CEQA consultant and submitted to the AHO, and proposed opportunities for public comment. The Applicant's CEQA consultant is directed to submit to the AHO by **June 30** the description of the proposed process for compliance with CEQA or submit an explanation as to why the description could not be submitted by the deadline and an estimated date of submittal.

Within 30 days after receipt of the description of the proposed process for compliance with CEQA, the AHO in coordination with the Division of Water Rights will provide comments on the proposed process and the draft CEQA project description outline submitted by the Applicant's CEQA consultant on May 24, 2023.

On May 30, 2023, Mr. Berliner sent an e-mail to the AHO in response to the hearing officer's question during the May 24 status conference about whether the Applicant intended to amend its application to include fire suppression as a beneficial use. The Applicant indicated that it intends at an "appropriate time" to amend the application to include fire suppression as a beneficial use.

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

### **STATUS CONFERENCE**

The AHO hearing officer will hold a status conference on **July 26, 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 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. Comments by the AHO on the description of the proposed process for compliance with CEQA and the draft CEQA project description outline submitted by the Applicant's CEQA consultant.
2. A deadline for the Applicant's CEQA consultant to revise the CEQA process description and the draft project description outline, if necessary, based on the AHO's comments, and a deadline for other parties to comment on the revised CEQA process description and the draft project description outline.

3. A deadline for the Applicant's CEQA consultant to submit a "screening" document 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.

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.

June 26, 2023

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

Enclosures:  
- Service List

**SERVICE LIST**  
**Updated March 13, 2023**

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