
State Water Resources Control Board

AMENDED 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

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 1, 2025, at 10:00 a.m.**
and will be held by Zoom teleconference.

Representatives of parties and other people who want to participate in this status conference may access these Zoom teleconferences by using the following link and call-in information:

<https://waterboards.zoom.us/j/98227174169?pwd=1SKGO9r1iQHFap87qRKzvMaAJ9e4Tk.1>
Call-in number: 1-669-900-9128
Meeting ID: 982 2717 4169 and Passcode: 378306

Interested members of the public who would like to watch this status conference without participating may do so through the Administrative Hearings Office YouTube channel at:

<https://www.youtube.com/@swrcbadministrativehearing728/featured>.

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 24, 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. Since the Executive Director's assignment, the AHO has held multiple status conferences in this proceeding, most recently on October 4, 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.

Before the October 4, 2024, status conference, the Applicant submitted a proposed schedule for drafting, submitting to the AHO, and accepting public comment on key documents in the CEQA process.

STATUS CONFERENCE RULING

During the October 4, 2024 status conference, the hearing officer and the parties discussed a schedule for the completion of the administrative draft of the Applicant's CEQA document. In accordance with that discussion, the hearing officer sets the deadlines listed below for the Applicant, and Montrose Environmental acting as a consultant to the Applicant, and the parties to this proceeding, to complete the described tasks.

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 DEADLINES AND SCHEDULE

Deadlines / Schedule	Dates and Times
Deadline for Applicant and Montrose Environmental to submit administrative draft of updated DEIR to AHO, copying service list.	December 18, 2024
Deadline for parties to comment on administrative revised DEIR.	February 13, 2025
AHO to provide comments on administrative revised DEIR	March 7, 2025
Deadline for parties to submit status conference statements	March 24, 2025 at 11:59 p.m.
Status Conference	April 1, 2025 at 10:00 a.m.
Target date for issuance of public revised DEIR	May 9, 2025
Proposed deadline for comments on public revised DEIR	June 27, 2025

STATUS CONFERENCE

The AHO hearing officer will hold a status conference on **April 1, 2025 at 10:00 a.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 conference 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, its representatives, and other parties to the proceeding.

1. The parties' and AHO's comments on the administrative revised DEIR.
2. The target dates for issuance of the public revised DEIR and comments thereon.

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.

November 5, 2024

/s/ Sam Bivins
Sam Bivins
Senior Hearing Officer

Attachments:

- Attachment 1 - Service List

ATTACHMENT 1 SERVICE LIST

EL SUR RANCH / JAMES J. HILL III
Mr. Thomas M. Berliner
Ms. Jolie-Anne S. Ansley
Ms. Alexandra Jones
Duane Morris LLP
tberliner@duanemorris.com
jsansley@duanemorris.com
bajones@duanemorris.com

EL SUR RANCH / JAMES J. HILL III
Mr. Mark A. Blum
Mr. Michael Harrington
Horan Lloyd
mblum@horanlegal.com
mharrington@horanlegal.com

TROUT UNLIMITED
Mr. Brian Johnson
bjohnson@tu.org

CALIFORNIA DEPARTMENT OF FISH &
WILDLIFE
Ms. Kathleen Miller
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
pbroderick@biologicaldiversity.org
jbuse@biologicaldiversity.org

CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE
Mr. Chris Shutes
blancapaloma@msn.com

CARMEL RIVER STEELHEAD
ASSOCIATION
Mr. Brian LeNeve
Mr. Steve Park
brian@brianleneve.com
stevepark@razzolink.com

CALIFORNIA DEPARTMENT OF PARKS
AND RECREATION
Mr. Stephen Bachman
stephen.bachman@parks.ca.gov

CALIFORNIA DEPARTMENT OF PARKS
AND RECREATION
Emma Siverson
Emma.Siverson@parks.ca.gov

CALIFORNIA DEPARTMENT OF PARKS
AND RECREATION
Kathryn J. Tobias
Senior Counsel
kathryn.tobias@parks.ca.gov

CALIFORNIA CATTLEMEN'S
ASSOCIATION
Mr. Justin Oldfield
Justin@calcattlemen.org

VENTANA WILDERNESS ALLIANCE
Mr. Tom Hopkins
tom.hopkins@ventanawild.org

CAL FIRE
Mr. Richard Hutchison
Rick.hutchison@fire.ca.gov

FRIENDS OF THE RIVER
Mr. Steve Evans
sevans@friendsoftheriver.org

MONTEREY WATERKEEPER
Ms. Chelsea Tu
chelsea@montereywaterkeeper.org

BIG SUR RIVER INN
Mr. Alan Perlmutter
sandperl28@gmail.com

NATIONAL MARINE FISHERIES SERVICE
Joel Casagrande
Mandy Ingham
Joel.Casagrande@noaa.gov
Mandy.Ingham@noaa.gov

MONTROSE ENVIRONMENTAL

Dr. Ken Schwarz

Dr. Tom Engels

Mr. Patrick Donaldson

keschwarz@montrose-env.com

toengels@montrose-env.com

padonaldson@montrose-env.com

Mr. Butch Kronlund

bpkronlund@aol.com

Mr. Kirk Gafill

kgafill@nepenthebigsur.com

DEPARTMENT OF ECOLOGY &
EVOLUTIONARY BIOLOGY,
LONG MARINE LAB UNIVERSITY OF
CALIFORNIA SANTA CRUZ

Dr. Peter Raimondi

raimondi@biology.ucsc.edu

CENTRAL COAST LIGHTHOUSE
KEEPERS

Mr. John O'Neil

johnoneil@montereybay.com

Katie Butler, District Supervisor

Breylen Ammen, Coastal Planner

California Coastal Commission

Katie.Butler@coastal.ca.gov

breylen.ammen@coastal.ca.gov

Administrative Hearings Office

adminhrgoffice@waterboards.ca.gov