

**CALIFORNIA COASTAL COMMISSION**

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STATE WATER RESOURCES  
CONTROL BOARD

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DIV. OF WATER RIGHTS  
SACRAMENTO



December 14, 2009

Paul Murphey  
Division of Water Rights  
State Water Resources Control Board  
P.O. Box 2000  
Sacramento, CA 95812-2000

Subject: **Draft EIR for El Sur Ranch Water Right Application No. 30166 (SCH No. 2006061011)**

Dear Mr. Murphey:

The Central Coast District office of the Coastal Commission is in receipt of the Draft Environmental Impact Report (DEIR) for the El Sur Ranch Water Right Application No. 30166 dated October 2009, prepared by PBS&J. This office previously received an Initial Study and Notice of Preparation (NOP) for a DEIR in June 2006 for the same application, and an earlier NOP for the same application in October 2002. We also received the "Technical Memorandum: Draft CEQA Project Description and Baseline Discussion for Possible Use in the Upcoming EIR for Water Right Application A030166 [30166]" dated August 24, 2007, for which we provided comments on September 22, 2008. We understand that the current application, based originally on a 1992 application that was last amended in 2006, requests an appropriative right to divert a 20-year running average of 1,200 acre-feet per year of water (afy), and to divert a maximum of 1,615 afy in any particular year, from points of diversion at the Big Sur River in Andrew Molera State Park. The appropriated water would be used to irrigate a 267-acre portion of the El Sur Ranch that is located just upcoast of Big Sur River and Andrew Molera State Park in Big Sur.

As we noted previously, the DEIR forms the basis for further review of the water right application not only by the SWRCB but also other regulatory entities, including the Coastal Commission, and as such, it is important that it thoroughly analyze the potential impacts of the project. And given the coastal resource values associated with the Big Sur River and the surrounding area, including the fact that the Big Sur River is one of last remaining undammed rivers in the Central Coast that supports the Federally-endangered South-Central Coast Steelhead trout, the importance of a thorough and accurate analysis is heightened.

To that end, the DEIR analysis must be based on a correct baseline, and we are disappointed that the document relies on a baseline that relies on historic and not legally recognized diversions from the river. The Project Description states that the "proposed project" is the water right application. As such, the DEIR should evaluate and provide impact determinations for the total amount of water requested in the water right application. Instead, the DEIR uses the average difference between the historic pumping and the maximum expected demand that is being requested in the water right application as the proposed project for impact evaluation purposes, and uses the historic average pumping as the baseline. The project itself cannot also constitute the baseline. Please explain why the DEIR describes one proposed project in the project description and then uses a different proposed project for the impact evaluation, and please include the appropriate CEQA regulations section(s) and any legal precedents that may have