
State Water Resources Control Board

August 24, 2016

VIA ELECTRONIC EMAIL

TO: [CURRENT SERVICE LIST](#)

WATER RIGHT APPLICATION 30166 OF EL SUR RANCH, BIG SUR RIVER IN MONTEREY COUNTY

This letter addresses the request of the California Department of Fish and Wildlife (Department) and El Sur Ranch (Applicant) that the State Water Resources Control Board (State Water Board or Board) hold in abeyance any further action on water right Application 30166 during the pendency of settlement negotiations between the Department and the Applicant.

By letter dated [May 20, 2016](#), the Department and El Sur Ranch advised Mr. Tom Howard, Executive Director of the State Water Board, of their ongoing settlement negotiations and requested that the Board hold in abeyance any further action on water right Application 30166 until the conclusion of these negotiations.

By letter dated [June 10, 2016](#), I directed the Department and the Applicant to submit an estimated time schedule for the conclusion of settlement negotiations. I also directed the Department to submit an update regarding the status of: 1) the physical habitat simulation model study (a component of the Department's instream flow recommendations for the Big Sur River) that was being conducted at the time of the hearing in this matter; 2) the publication of the results of the aforementioned study if applicable; and 3) any final recommendations for proposed streamflow requirements for the Big Sur River pursuant to Public Resources Code § 10002. Lastly, I set a deadline of July 8, 2016, for any hearing party to submit objections to the request for abeyance.

The Department responded by letter dated [June 22, 2016](#), which stated that technical flow criteria reports for the Big Sur River instream flow studies were completed in July 2014 and draft flow recommendations were released in March 2016. The Department anticipates providing final flow recommendations to the State Water Board in the fall of 2016. In a separate letter also dated [June 22, 2016](#), the Department and the Applicant reiterated their request that the State Water Board allow them to complete their settlement negotiations, and suggested that they report to the Water Board no later than December 31, 2016.

The State Water Board did not receive any objections to the request for abeyance. I hereby grant the request to hold any further actions regarding water right Application 30166 in abeyance until the Department and the Applicant have concluded their negotiations, or until December 31, 2016, at the latest.

The State Water Board is scheduling additional hearing dates in this matter in anticipation that a limited re-opening of the evidentiary record will be necessary. The proposed additional dates are: February 28 through March 3, 2017.

In closing, I would like to acknowledge the devastating effects of the Soberanes Fire and its proximity to El Sur Ranch. I am hopeful that the fires will be contained quickly without any further loss of life or property.

Should you have any questions, please contact Jane Farwell-Jensen at (916) 341-5349 or jane.farwell-jensen@waterboards.ca.gov.

Sincerely,

ORIGINAL SIGNED BY:

Tam M. Doduc, Board Member
El Sur Ranch Hearing Officer

**HEARING REGARDING WATER RIGHT APPLICATION 30166 FILED BY EL SUR RANCH
(BIG SUR RIVER) – MONTEREY COUNTY**

**HELD ON
JUNE 16, 17, 2011
AND JULY 8, 11, 2011**

**UPDATED SERVICE LIST
(June 22, 2016)**

PARTICIPANTS TO BE SERVED WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS. (Note: The participants listed below agreed to accept electronic service, pursuant to the rules specified in the hearing notice.)

<p>EL SUR RANCH c/o Janet Goldsmith Kronick, Moskovitz, Tiedmann & Girard 400 Capitol Mall, 27th Floor Sacramento, CA 95814 jgoldsmith@kmtg.com (916) 321-4500</p> <p>c/o Tom Berliner Duane Morris LLP One Market Plaza, Suite 2200 San Francisco, CA 94105 tberliner@duanemorris.com (415) 957-3333 updated 06/06/16</p>	<p>CALIFORNIA DEPARTMENT OF FISH & WILDLIFE c/o Kevin Takei 1416 Ninth Street, 12th Floor Sacramento, CA 95814 Kevin.Takei@wildlife.ca.gov (916) 653-3715 updated 06/22/16</p>
<p>TROUT UNLIMITED c/o Brian Johnson 2239 5th Street Berkeley, CA 94710 bjohnson@tu.org (510) 528-4772</p>	<p>CALIFORNIA SPORTFISHING PROTECTION ALLIANCE/CENTER FOR BIOLOGICAL DIVERSITY & VENTANA WILDNERNESS ALLIANCE c/o John Buse Center for Biological Diversity 1212 Broadway, Suite 800 Oakland, CA 94612 jbuse@biologicaldiversity.org (323) 533-4416 updated 05/26/16</p>

<p>CARMEL RIVER STEELHEAD ASSOCIATION c/o/ Brian LeNeve P.O. Box 1012 Carmel, CA 93921 bjleneve@att.net (831) 624-8497</p>	
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THE FOLLOWING ARE INTERESTED PERSONS WHO WILL PARTICIPATE BY POLICY STATEMENT ONLY. IT IS NOT NECESSARY TO SERVE THEM WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS.

<p>CALIFORNIA STATE PARKS Stephen Bachman 2211 Garden Road Monterey, CA 93940 stephen.bachman@parks.ca.gov (831) 649-2862 updated 06/02/16</p>	<p>CAL FIRE Richard Hutchinson 2221 Garden Road Monterey, CA 93940 Rick.hutchison@fire.ca.gov (831) 333-2600</p>
<p>CALIFORNIA CATTLEMEN'S ASSOCIATION Justin Oldfield 1221 H Street Sacramento, CA 95814 Justin@calcattlemen.org (916) 444-0845</p>	<p>FRIENDS OF THE RIVER Steve Evans 1418 20th Street, Suite 100 Sacramento, CA 95811 sevans@friendsoftheriver.org (916) 442-3155 ext 221</p>
<p>VENTANA WILDERNESS ALLIANCE Tom Hopkins P.O. Box 506 Santa Cruz, CA 95061 tom@ventanawild.org (831) 566-9988 updated 06/07/16</p>	<p>MONTEREY COUNTY CATTLEMEN'S ASSOCIATION Aaron Johnson 295 South Main Street, Suite 600 Salinas, CA 93901 Aaron@johnsonmoncrief.com (831) 759-0900</p>
<p>MONTEREY COASTKEEPER Steve Shimek 475 Washington Street, Suite A Monterey, CA 93940 exec@montereycoastkeeper.org (831) 646-8837 ext 114</p>	<p>BIG SUR RIVER INN Alan Perlmutter Highway One at Pheneger Creek Big Sur, CA 93920 alan@bigsurriverinn.com (831) 667-1250</p>

<p>NATIONAL MARINE FISHERIES SERVICE David Hines & Devin Best David.Hines@noaa.gov Devin.Best@noaa.gov (707) 578-8553</p>	<p>Dr. Peter Raimondi Department of Ecology & Evolutionary Biology, Long Marine Lab University of California Santa Cruz Santa Cruz, CA 95060 raimondi@biology.ucsc.edu (831) 459-5674</p>
<p>Frank Pinney P.O. Box 683 Big Sur, CA 93920 frank@pinneyconstruction.com (831) 667-2584</p>	<p>Kirstin Gafill 48460 Highway 1 Big Sur, CA 93920 Kgafill@nepenthebigsur.com (831) 667-2345 Update 06/06/16</p>
<p>CENTRAL COAST LIGHTHOUSE KEEPERS c/o John O'Neil P.O. Box 223014 Carmel, CA 93922 johnoneil@montereybay.com (831) 647-8261</p>	<p>Butch Kronlund 48280 Highway 1 Big Sur, CA 39320 bpkronlund@aol.com (831) 667-0332</p>