

February 22, 2012

Mr. Tom Barnes, Project Manager
ESA
626 Wilshire Blvd, Suite 1100
Los Angeles, CA 90017

VIA CERTIFIED MAIL

Mr. Scott Morgan, Director
State Clearinghouse
Governor's Office of Planning
and Research
POB 3044
Sacramento, CA 95812-3044

Supervisor/Chairwoman Josie Gonzales
San Bernardino County Board of Supervisors
385 North Arrowhead Ave, Fifth Floor
San Bernardino, CA 92415-0110

Mr. Kirby Brill, General Manager
Mojave Water Agency
22450 Headquarters Drive
Apple Valley, CA 92307-4304

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT, SCH# 2011031002, CADIZ VALLEY
WATER CONSERVATION, RECOVERY, AND STORAGE PROJECT

Dear Mr. Barnes, Mr. Morgan, Chairwoman Gonzales
and Mr. Brill:

These are my comments on the DRAFT ENVIRONMENTAL IMPACT REPORT for the Cadiz Valley water conservation, recovery, and storage project.

It would be my hope that the San Bernardino County Board of Supervisors would perhaps rethink the opportunity to get involved with this proposed water transfer-out-of-San Bernardino County project, and ~~BECOME~~ actively involved as a lead agency along with the Santa Margarita Water District.

In my five pages of comments, herein, I raise nine issues, at least some of which seem to indicate that the project is very flawed and the Draft Environmental Impact Report is delinquent.

Thank you for your consideration of this matter.

#1 LEAD AGENCY: It is a mystery as to how the Santa Margarita Water District has become the sole lead agency for this project. What is their inherent interest in environmental issues in San Bernardino County? Said district is not in San Bernardino County, where the water pumping from groundwater basins will entirely occur and where virtually all of the potentially significant environmental impacts will occur. The Santa Margarita Water District is environmentally isolated from the environmental impacts associated with this project. It isn't even adjacent to San Bernardino County.

San Bernardino County is the logical co-lead agency for this project, because all the water basin pumping proposed by applicant will occur in said County.

In addition, in October, 2002, San Bernardino County adopted Ordinance No. 3872, adding Article 5 to chapter 6 of Division 3 of Title 3 of the San Bernardino County Code relating to groundwater management in the unincorporated, unadjudicated desert region of the County.

Said ordinance applies directly to this proposed project, in that applicant's alleged water rights have not been adjudicated. And further, at Section 33.06554, titled PERMITS (f), it states, "The enforcement agency shall deny the application where it determines that the standards of this Article have not been met; where the well operations proposed in the application would result in exceeding the groundwater safe yield of the relevant aquifers considered individually or in conjunction with other existing wells."

Obviously this project will violate the above County ordinance. It admits indirectly to that violation in the applicant's Draft Environmental Impact Report, dated December, 2011, in Volume 1's Executive Summary, where it states that the captured drainage at the dry lakes will be 30,000 acre-feet (probably a gross overestimate), but they intend to pump 50,000 acre-feet per year and up to 75,000 acre-feet per year. So that's the overdraft violation of the safe-yield requirement right there.

Please note that the specific DEIR for the project only covers the pumping of native, not-imported water, which is still in the concept stage, according to the Executive Summary. Hence, the DEIR is incomplete, right?

In about year 2000 a very similar project proposal at the same location, by the same applicant, caused an environmental impact report to be prepared, and there were two lead agencies, The U.S. Department of Interior, Bureau of Land Management and the Metropolitan Water District of Southern California. This was prior to adoption of the above referenced County Groundwater Management Ordinance, and somehow it was determined that the federal government would take lead agency status to protect local interests.

So, why is no one in this instance protecting local environmental interests?

The opening section of the California Environmental Quality Act, in the Public Resources Code at Section 21000 (g) states, "It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to

affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian."

Regarding a court decision that a lead agency may not refuse to exercise its police power to mitigate significant environmental impacts, see CITIZENS FOR QUALITY GROWTH v. CITY OF MOUNT SHASTA (3rd Dist. 1988 198 Cal. App. 3d 433) (243 Cal. Rptr. 727) and BAKMAN v. DEPARTMENT OF TRANSPORTATION (3d Dist 1979) 99 Cal. App. 3d 665, 678-681) (160 Cal. Rptr. 583).

The State Clearing House Number for the year 2000 DEIR/DEIS for applicant's earlier project at the same site was SCH. No. 99021039.

I am asking that the lead agency, Santa Margarita Water District, adopt by reference, as a reference data source for ground water data and evaporation pan estimates, and drainage data, for this project, all water related data in said DEIR/DEIS and all appendices thereto, into the official administrative record for this project, now before us.

#2 AMOUNT OF WATER THAT EVAPORATES ANNUALLY FROM REFERENCED DRY LAKES IN THE DRAFT EIR: There needs to be some independent third party professional opinion, other than ESA's opinion, as to how much water evaporates off the subject dry lakes on an annual basis. We can't expect the consultant hired by the Santa Margarita Water District to be as independent as might be a hydrogeologist hired by the County of San Bernardino. Or even if ESA is perfectly professional and independent, the public is entitled to another professional opinion, whether commissioned by the federal government or San Bernardino County, as to the 30,000 acre-feet annual evaporation, as referenced in the Executive Summary.

30,000 acre-feet of evaporation is my computation from paragraph #2 on page ES-2, where it states that 3 million acre-feet of groundwater....would become saline and evaporate over the next 100 years.

#3 APPARENT VIOLATION OF COUNTY ORDINANCE NO. 3872:
Even if the 30,000 acre-feet of salvaged water that would otherwise evaporate is accurate, which needs to be verified by an independent expert, that leaves somewhere between 20,000 and 45,000 acre-feet of water basin overdrafting on an annual basis, based on Executive Summary language, that would violate the safe-yield requirement in said ordinance.

#4 CULTURAL IMPACTS: Dry lakes areas could be likely sites for Native American cultural sites. A very quick look at the cultural resources section in the DEIR didn't catch any Native American site references. Does the applicant have any written documentation from Native American interests that they are satisfied with the cultural resources analysis in the DEIR? If all they have is a "lack of response from a Native American mailing address" what actually does that prove?

#5 ALTERNATIVES ANALYSIS:

Chapter 7 of the DEIR on the subject of project alternatives says it examined five project alternatives only. What it failed to examine were some potentially viable water transfer alternatives that would have benefited transfer of Cadiz area groundwater, via natural gas pipelines, which it says can be done, to areas right here in San Bernardino County that have water basins that are presently overdrafted or contaminated. I'll list a few of them here, which are all accessed by BNSF Railway Company right-of-ways and large natural gas pipelines:

A--The Baja Subarea, including Newberry Springs, Daggett and Yermo, an over-drafted water basin, under the authority of the Mojave Basin Watermaster.

B--The Hinkley area, west of Barstow, where Chromium 6 from PG&E pumping station has contaminated a large plume of groundwater.

C--The Victor Valley area, under jurisdiction of the Mojave Basin Watermaster, which on occasion, buys replenishment water, from central and northern California.

Did the applicant, Santa Margarita Water District, contact the Mojave Water Agency or the Mojave Basin Watermaster re their interest and the viability of a water transfer project from Cadiz Valley to any of the above groundwater basins? If not, that needs to be done and a Supplemental DEIR prepared and distributed, right?

What is the logic of shipping groundwater or salvaged water before it evaporates from a San Bernardino County location at Cadiz and then moving that water to locations away from this county, when we have overdrafted and contaminated groundwater basins right here in San Bernardino County, with easy delivery routes via railroad right-of-ways and natural gas pipelines to the alternative areas not yet investigated, presuming that it is safe to move groundwater for human consumption in a natural gas pipeline?

#6 CALIFORNIA WATER CODE:

Is this water transfer project in conformance with all aspects of the California Water Code? Has that subject been researched^{ed} and reported on in the DEIR or the technical appendices? If so, what were the findings?

#7 CALIFORNIA DEPARTMENT OF WATER RESOURCES:

Has the California Department of Water Resources been notified of this project and what exactly are the opinions they expressed on this project, if they were notified. And if they were not notified, why were they left out of the loop?

#8 WATER OWNERSHIP STATUS AT CADIZ:

By what legal authority does Cadiz Inc., the project applicant, claim title to all the water under Cadiz Valley and any other nearby areas from which the proposed project will divert nature's bounty to an affluent urban area? Where is the legal opinion from an independent water attorney, stating that the applicant has the legal right to the Cadiz area groundwater that it intends to sell outside the area? This sounds like Owen's Valley all over again.

#9

DEPARTMENT OF WATER RESOURCES BULLETIN NO. 91-24:

Please adopt by reference, if not already fully incorporated into the technical appendices, Department of Water Resources Bulletin No. 91-14, titled, WATER WELLS AND SPRINGS IN BRISTOL, BROADWELL, CADIZ, DANBY, AND LAVIC VALLEYS AND VICINITY, August, 1967. This document shows area water depth and flows and quality. In all the government water studies of the above type, I don't ever recall reading about estimated loss of water in acre-feet from the surface of a dry lake. Does the federal government have any such data for Cadiz type climate areas, and if so, can that data be published in the Supplemental DEIR?

Respectfully submitted,



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February 23, 2012

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VIA CERTIFIED MAIL

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Mr. Kirby Brill, General Manager
Mojave Water Agency
22450 Headquarters Drive
Apple Valley, CA 92307-4304

SUBJECT: SECOND SUBMISSION INTO DRAFT ENVIRONMENTAL IMPACT REPORT, SCH#
2011031002, CADIZ VALLEY WATER CONSERVATION, RECOVERY, AND
STORAGE PROJECT

Dear Mr. Barnes, Mr. Morgan, Chairwoman Gonzales
and Mr. Brill:

This is my second submission of comments on the DRAFT ENVIRONMENTAL IMPACT
REPORT for the Cadiz Valley Water Conservation, Recovery, And Storage Project.

On February 22nd I submitted five pages of comments to all parties, with
Mr. Barnes copy being sent by certified mail.

The comments sent on February 22nd were numbered one through nine. These
additional comments are numbered 10 through 17.

Thank you again for your consideration of this matter.

#10 COUNTY GENERAL PLAN ISSUES RE PROTECTED FARMLAND:

In the Conservation Element of the San Bernardino County General Plan, on Page V-11, Item 7, titled SOILS, there are definitions of Prime Farmland and Unique Farmland. It goes on to say that farmland is of local importance. It would seem that the several thousand acres now farmed by Cadiz Inc. in the Cadiz area, meaning the project area, would qualify as prime farmland.

Then under General Plan Soils/Agriculture Policies at Policy CO 6.1, it says "Protect prime agricultural lands from the adverse effects of urban encroachment, particularly increased erosion and sedimentation, trespass, and non-agricultural development."

Therefore, if the project contemplates eliminating any of the existing commercial agriculture on the applicant's Cadiz area property, that act would be in violation of the County General Plan, which is the constitution for all land use in the unincorporated areas of San Bernardino County.

Under Policy CO 6.1, at Item 3, on Page V-29 of the General Plan, it says, "Desert playas will not be used for habitable structures nor have large quantities of water applied to them, except for mining operations or to maintain existing wetlands."

I doubt they are referring to the mining of water in the above statement.

Also, wouldn't the project be in violation of the General Plan's encouragement of farming crops rather than farming groundwater? This seems to fall under CO 6.3, which states, as a General Plan policy, "Preservation of prime and statewide important soil types, as well as areas exhibiting viable agricultural operations will be considered as an integral portion of the Open Space element when reviewing development proposals."

Under Programs, on General Plan Page V-30, it says, "Encourage expansion of agriculture in underutilized areas through actively promoting the establishment of agricultural lands where water is available in sufficient quantity."

Doesn't this sound like the General Plan for the County is being violated in no uncertain terms, with this water storage/transfer project, which is initially, according to the executive summary in the DEIR, a mining/transfer project and perhaps someday it may turn into a Colorado River storage project, or not. The General Plan encourages more agriculture, not less, at Cadiz.

#11 PLAYAS ARE PROTECTED IN THE COUNTY GENERAL PLAN:

In the Conservation Element of the County General Plan, on Page V-47, the County policy in favor of protecting wetlands, is touched upon in Policy C/CO 5.1, "Desert playas shall not be used for habitable structures nor have large quantities of waters applied to them, except for mining operations or to maintain existing wetlands."

So, we have here a General Plan policy for maintaining existing wetlands, for which all the dry lakes that the applicant wants to dry up in the Cadiz area would certainly qualify. Hence, the entire project area covered by playas/dry lakes is in violation of this aspect of the County General Plan, right?

#12 WETLANDS ISSUES:

The County General Plan recognizes the Areas of Special Biological Importance (ASBI) recognized by the California Department of Fish & Game in the Section V Conservation Element and supports their protection. Among the ASBI's to be protected are wetlands and riparian habitats. The Desert Region section 3, of Section V of the General Plan Conservation Element, concludes in my copy of the 2007 County General Plan: "The following is a list of wetlands and riparian habitats found in the Desert Region:" However through a misprint, so such list follows that sentence. On 9-17-07, when this omission was brought to the attention of the Director of the County Planning Division, Advance Planning Division, James Squire, he said the page would be corrected, but in the meantime he said the pertinent information was covered in General Plan Conservation Background Report, which he sent to me.

This is my request that said General Plan Conservation Background Report be adopted by reference into my comments into this DEIR for the Cadiz Valley Water Conservation, Recovery, and Storage Project and also to adopt by reference the information in Brostoff et al. (2001), which is referenced under the title, DESERT WETLAND AND RIPARIAN HABITATS, on Page 6-19 of said background report, which contains 189 pages, including maps of ASBI areas meant to be conserved or protected.

Aren't the dry lakes at Cadiz and surrounding areas ASBI's wetlands within the County General Plan? And doesn't the proposed project contemplate destroying the dry lake/playas within the project area, in violation of the County General Plan? Also, does California Department Fish & Game Department have some responsibility for the subject playas/dry lakes, wetlands, and have they been consulted on this project?

Page 4.6-6 of the project DEIR has about 1 page on Playa Deposits, but no where in that text does it refer to said playas as being protected in the General Plan nor does it describe the playa as a wetland, which seems to be an oversight, isn't it?

#13 FEDERAL REGULATORY AGENCIES FOR RAILROADS:

In re the movement of water in natural gas lines on railroad right-of-ways, if that is what's proposed here, have the two federal railroad oversight agencies approved that aspect of the project, in writing, and if so, can the public see those responses? Those agencies, I believe, are the Federal Railway Administration and the Surface Transportation Board.

#14 URBAN WATER MANAGEMENT PLANNING ACT:

Does the Santa Margarita Water District have a water management plan in conformance with the Urban Water Management Planning Act (Water Code S10610 et seq.)? Has ESA had a look at that plan to see if it is in conformance with the Water Code?

#15 MITIGATIONS REQUIRED BY CEQA:

What mitigations will take place under the project proposal for the ruination of the protected playas/dry lakes and wetlands and related biological resources?

#16 REVELANT CASE LAW:

Integration of Water Supply and Land Use Planning Must Occur at the General Plan Level: Reconciling, Stanislaus Natural Heritage Project V. County of Stanislaus (5th Dist. 1996) 48 Cal. App. 4th 182

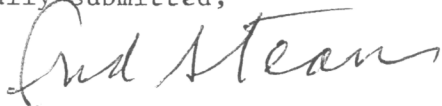
In the situation at hand, the County of San Bernardino seems to have taken a "pass" and is allowing the Santa Margarita Water District to be the arbiter of land use issues in San Bernardino County. This authority seems to be handed over to an outside district without any authority. Who made that decision and when did it happen? Was there public notice and if so, can that notice be reproduced in the Final EIR?

In Cadiz Land Co. v. Rail Cycle (4th Dist. 2000) 83 Cal. App. 4th 74 (99 Cal. Rptr. 2d 378), plaintiff Cadiz sued based on one premise that the underground aquifers might be polluted by Rail Cycle. It seems ironic that in 2000 Cadiz was concerned about water pollution and now they take an anti-environment position re Areas of Special Biological Importance. Please incorporate the appellate court decision in this case into the record of this DEIR, by reference.

#17 PUBLIC NOTICES:

What public notices exactly, if any, has the County of San Bernardino made regarding this project?

Respectfully submitted,



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December 11, 1999

Mr. Jack Safely, P.E.
Metropolitan Water District
Water Resource Management Group
POB 54153
Los Angeles, CA 90054-0153

SUBJECT: COMMENTS ON CADIZ GROUNDWATER STORAGE AND DRY-YEAR
PROGRAM DRAFT EIR/EIS

- 1--Of the \$150 million cost of the proposed project, how much could be saved by building the well field and settling ponds immediately adjacent to the existing supplier aquaduct?
- 2--Why can't the project pipeline be ^{made} shorter by using BLM land further south in the same water basin?
- 3--Was every water basin underlying the existing supplier aquaduct considered as a possible alternative, and if not, why not?
- 4--On page 5-91 the EIR/EIS states that water extraction operations impacts on Chambless is addressed in detail in the following paragraphs. But I don't see any details on that subject in the following paragraphs.
- 5--How do measured depth to groundwater for wells in Chambless today, compare with measurements taken in the early years of this century?
- 6--If Cadiz Land Co. goes bankrupt, how might that impact this project proposal, during or after construction?
- 7--Can you please send me the technical report on water resources associated with this EIR/EIS?

Thank you very much.

Sincerely,



Fred Stearn

He wanted \$270⁰⁰
FOR THIS STUFF,
WHICH I DIDN'T PAY,



United States Department of the Interior
BUREAU OF LAND MANAGEMENT



RECORD OF DECISION

for

**CALIFORNIA DESERT CONSERVATION AREA
PLAN AMENDMENT**

and

RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

for the

**CADIZ GROUNDWATER STORAGE AND
DRY-YEAR SUPPLY PROGRAM**

San Bernardino County, California

Lead Agency:
Bureau of Land Management

Cooperating Agencies:
National Park Service
US Geological Survey

BLM Case File No. CA-40467
OEPC DES 01-32
OEPC SES 01-32
OEPC FES 01-32

2001 +
2002
Sylvia Torres

TABLE OF CONTENTS

EXECUTIVE SUMMARY	3
I. DECISIONS	7
II. AUTHORITY	10
III. RATIONALE	10
IV. ALTERNATIVES CONSIDERED	17
V. PUBLIC INVOLVEMENT	20

FIGURES

- Figure 1: Approved Alignment and Generalized Location**
- Figure 2: Cadiz Project Alternatives**

APPENDICES

- Appendix A: Terms and Conditions**
- Appendix B: Fish and Wildlife Service Biological Opinion**
- Appendix C: Final Clean Air Act Conformity Determination**
- Appendix D: Findings and Determinations for Historic Properties**
- Appendix E: Response to Public Comments on FEIS/EIR**

applicable land use plan, the CDCA Plan of 1980, to allow an exception to the energy production and utility corridors element of that plan.

Need for the Project: By providing storage of surplus Colorado River water, and the export of indigenous groundwater under specified conditions, the Cadiz Project will help ensure needed dry-year water supply reliability and will assist California in efficiently managing its water supplies. Future water supply needs in Metropolitan's Southern California service area, without implementation of the Cadiz Project, would substantially exceed demands by the year 2020. The public benefits of the Cadiz Project are compelling reasons for the Department of the Interior to cooperate to the greatest extent possible in assisting California in meeting its water supply goals.

Plan Amendment and Environmental Review Process: The BLM must comply with the planning provisions of Section 202 of FLPMA as well as the implementing regulations for planning found in 43 Code of Federal Regulations (CFR) subparts 1601 and 1610 in considering amendments to land use plans. Planning requirements are integrated with the requirements for environmental review under NEPA. The BLM served as the Federal lead agency under NEPA for consideration of the Cadiz Project and CDCA Plan amendment. Metropolitan served as the lead agency pursuant to the California Environmental Quality Act (CEQA). The Cadiz Project and the CDCA plan amendment were analyzed in a jointly prepared EIS/EIR in compliance with NEPA and CEQA requirements, respectively. The National Park Service (NPS) and the U.S. Geological Survey (USGS) were cooperating Federal agencies, providing information, analysis and comment. The NEPA process included public scoping, a Draft EIS/EIR (DEIS/EIR), Supplement to the Draft EIS/EIR (SEIS/EIR), and a Final EIS/EIR (FEIS/EIR), which are hereby incorporated by reference into this ROD.

Public Involvement: Public review and comment on the Cadiz Project were extensive. Public scoping, including three public meetings, initiated the public review process. The combined comment periods on the DEIS/EIR and SEIS/EIR totaled seven and a half months. BLM and Metropolitan held six public hearings and more than 6,000 letters and comments were received. All public comments received were carefully analyzed and agency responses are included in the FEIS/EIR. As described further in this document, 13 protests to BLM's proposed plan amendment were received and carefully analyzed by the BLM's Director/Assistant Director. Finally, more than 300 unsolicited comments were received by BLM since the FEIS was published and those comments have been summarized and responses provided in Appendix E of this ROD.

Consultation with Other Agencies: In addition to the NPS and USGS, which served as official EIS/EIR cooperators, BLM also coordinated and consulted with the U.S. Environmental Protection Agency, Mojave Desert Air Quality Management District, U.S. Fish and Wildlife Service, California Department of Fish and Game, U.S. Army Corps of Engineers, and the County of San Bernardino.

Groundwater Monitoring and Management Plan: During the course of the NEPA/CEQA process, the agencies realized that information as to groundwater recharge in the project area was limited, and disputes among experts arose. In response, BLM and Metropolitan, in cooperation with NPS, USGS, and the County of San Bernardino, developed a Groundwater Monitoring and Management Plan (Management Plan) that will allow early indication of potential risks to prevent damage to critical resources. A key element of the Management Plan is the creation of a Technical

Review Panel (TRP) made up of representative of NPS, USGS, BLM, the County, and other State, Federal, and local agencies as appropriate to advise BLM on technical aspects of the project's operation. BLM and Metropolitan included the draft Management Plan in the SEIS and published the SEIS for additional public review and comment. Responding to those public comments, BLM and Metropolitan adjusted the Management Plan for the FEIS/EIR to ensure adequate protection of critical resources. Extraction of groundwater, whether indigenous or stored under the Cadiz Project, in accordance with the Management Plan represents the best efforts of these agencies to protect critical resources and is not an attempt to expand or diminish Federal or State jurisdiction, responsibility, interests, or rights in water resources development or control. Consideration was given to limiting export of indigenous groundwater during Project operations, but this idea was rejected as unnecessary given the scope and purpose of the Management Plan.

Extraction of Indigenous Groundwater: Given the limited availability of site-specific data and limitations in technology, and the dispute among experts as to the current estimates of natural recharge to the project area, the Management Plan was conservatively designed to ensure that the project will not result in any adverse impacts to critical resources, regardless of the amount of natural recharge. In order to protect critical resources, all Cadiz Project operations, including extraction of indigenous groundwater, shall be in accordance with the Management Plan.

Use of Colorado River Supplies. California has an apportionment of 4.4 million acre-feet of water from the Colorado River pursuant to the Boulder Canyon Project Act and the Decree of the United States Supreme Court in *Arizona v. California*. California currently uses in excess of 5 million acre-feet of water annually pursuant to annual decisions by the Secretary that surplus water is available. However, as recognized in the Colorado River Surplus Guidelines, (66 Federal Register 7772-82, January 25, 2001), and demonstrated by current hydrologic conditions in the Colorado River basin (annual runoff at 14% of normal in the 4th year of drought conditions), it is not reasonable to assume that surplus conditions will occur on a sustained basis in the future. If implemented, the Cadiz Project may provide California with the ability to store water if and when surplus conditions exist on the Colorado River for the use in years when surplus conditions do not exist. In addition, the diversion and use of indigenous groundwater supplies by the Cadiz Project may provide Metropolitan and other California water users with additional options that would not otherwise be available during times when surplus conditions do not exist on the Colorado River.

Decision Rationale: As described further in this document, the decisions to: (1) amend the CDCA Plan to allow an exception to the energy production and utility corridor element of that plan, and (2) grant the necessary right-of-way and temporary use permit to Metropolitan for the construction, operation, maintenance, and termination of the conveyance pipeline and appurtenant facilities, access road, and electrical power distribution facilities across public lands for the Cadiz Project reflect careful consideration and resolution of the issues by BLM and the Department of the Interior that have arisen in the Cadiz Project environmental review process.

These decisions fulfill both the spirit and legal requirements for managing public lands, as provided by FLPMA. Granting a right-of-way and temporary use permit for the Cadiz Project contributes to the public interest by facilitating a stable water supply for Southern California, as well as the national interest of long-term reduction of California's use of Colorado River water to its legal apportionment. The terms and conditions, as described in Appendix A, ensure that authorization

I. DECISIONS

A. Decision to Amend CDCA Plan

After considering the full agency and public record for the CDCA Plan amendment and the Cadiz Project, I have determined that the plan amendment is warranted and in the public interest. The plan amendment, however, is subject to the right-of-way grant and temporary use permit being issued with the conditions further described in this Record of Decision.

In accordance with Section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) and the regulations implementing the Act's land use planning provisions (43 CFR subparts 1601 and 1610) and Section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332 et seq.) and the regulations of the Council on Environmental Quality implementing NEPA (40 CFR parts 1500-1508),

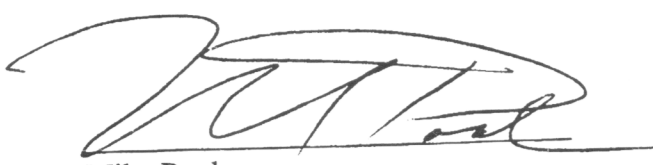
I approve the following:

An amendment to the California Desert Conservation Area Plan for an exception to the energy production and utility corridors element of the Plan for the Cadiz Groundwater Storage and Dry-Year Supply Program Eastern Alternative, thereby allowing for the grant of a right-of-way and temporary use permit necessary for construction, operation, maintenance, and termination of a conveyance pipeline and appurtenant facilities, access roads, and electrical power distribution facilities on Federal lands administered by the Bureau of Land Management between the Iron Mountain Pumping Plant on the Colorado River Aqueduct and the Fenner Gap, where spreading basins and a wellfield will be located on private lands. A map depicting the approved exception alignment is shown as Figure 1.

Approved by:

AUG 29 2002

Date: _____


Mike Pool
California State Director
Bureau of Land Management