



Western Environmental Law Center

Defending the West

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October 20, 2000

VIA FACSIMILE AND CERTIFIED MAIL

Tim Salt
Desert District Manager
Bureau of Land Management
5221 Box Springs Boulevard
Riverside, California 92507

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Re: Extension of Comment Period for Cadiz Water Project

Dear Mr. Salt:

I am writing, on behalf of the Sierra Club, the National Parks Conservation Association, and the rest of a rapidly growing coalition of environmental organizations and concerned citizens, to urge the Bureau of Land Management to extend the comment period for the supplemental Draft Environmental Impact Statement for the Cadiz Water Project to 120 days.

This extension is necessary because the proposed Cadiz Water Project and the supplemental Draft EIS present complex and highly controversial issues of great public import. As you know, the initial Draft Environmental Impact Statement was so glaringly inadequate that several federal agencies and the County of San Bernardino readily exposed it as "scientifically indefensible" and demanded that a new, revised Draft Environmental Impact Statement be prepared to more adequately address a variety of issues. The issues that the public must consider in reviewing, analyzing, and commenting on this new, revised Draft EIS include complex aspects of geology and geohydrology, the adequacy of the proposed monitoring and mitigation plan, potential impacts to various species of wildlife and plants, potential impacts to air quality, impacts to specially protected federal lands such as the Mojave National Preserve and several wilderness areas, impacts on water resources required for other purposes, the range of reasonable and preferable alternatives to the proposed project, and secondary impacts on population growth and commercial development.

The complexity of the issues that the public must consider and comment on within the time period provided is shown by the fact that it took Cadiz (the project proponent), the BLM, the Metropolitan Water District of Southern California, and other cooperating agencies over six months and approximately \$600,000 to produce this supplemental Draft EIS. To provide the public with a reasonable opportunity to address these complex issues, the BLM should provide the public with enough time to carefully review the supplemental Draft EIS in its

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entirety and to consult with people possessing the necessary expertise to independently evaluate the supplemental Draft EIS's responses to the issues. Moreover, concerned members of the public must do this without access to the awesome resources of Cadiz, the BLM, and the other state and federal agencies that contributed to the preparation of the supplemental Draft EIS. In light of these considerations, 120 days would be a reasonable amount of time that would allow the public an adequate opportunity to review and comment on the supplemental Draft EIS.

Accordingly, we were disappointed to learn that BLM is planning to provide only a 45-day comment period following publication of public notice today in the Federal Register. A 45-day comment period is far too short and will deprive the public of an opportunity to thoroughly review and comment on the supplemental Draft EIS.

Further, the BLM's own regulations require that this EIS be open to public comment for at least 90 days. This is so because, as with the initial draft EIS, the supplemental Draft EIS includes a proposal to amend the BLM's Desert Plan of 1980 under the Federal Land Management Policy Act. The proposed amendment of the resource management plan is a crucial precondition for the proposed Cadiz Project because without the amendment Cadiz cannot obtain a right of way from the BLM which is necessary for the construction of the Project. The proposed amendment would involve the reclassification of lands from their current classification as Class L lands to another classification that would permit the right of way. Where, as here, the BLM proposes to amend a resource management plan through an EIS, BLM regulations clearly require that the public be provided with at least a 90-day review and comment period. See 43 C.F.R. §§ 1610.2, 1610.5-3, 1610.5-5.

In addition, the Council on Environmental Quality's regulations implementing the National Environmental Policy Act indicate that the BLM should lengthen the public review and comment period in this case. As the CEQ regulations note, insuring meaningful availability of environmental information to the public and public scrutiny of that information are "essential to implementing NEPA." 40 C.F.R. § 1500.1(b). Accordingly, federal agencies are required to "[e]ncourage and facilitate public involvement in decisions which affect the quality of the human environment," 40 C.F.R. § 1500.2(d), and to "[m]ake diligent efforts to involve the public in preparing and implementing their NEPA procedures," 40 C.F.R. § 1506.6. To ensure that the public can indeed meaningfully participate in the environmental review process under NEPA, the CEQ regulations authorize a lead agency, such as the BLM in this case, to extend prescribed time periods for public comment and agency consideration. See 40 C.F.R. § 1506.10(d).

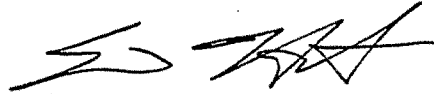
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In light of both the legal and practical considerations described above, we sincerely hope you will recognize the need to extend the public review and comment period for the supplemental Draft EIS to 120 days in order to insure meaningful public scrutiny. Because of the enormous time pressure currently bearing down on the public, we further request that you consider our request and notify us of your decision as soon as possible. You can contact me in writing through the fax number and mailing address indicated on the first page of this letter, and by telephone at (505) 751-0351.

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Very truly yours,



Simeon Herskovits

cc: Mike Pool, BLM
Mary Martin, NPS
Mike Shulters, USGS
Jeanne Geselbracht, USEPA
Jack Safely, MWD