

RECEIVED  
BUREAU OF LAND MANAGEMENT

01 JAN -5 AM 9:44

CALIF. DESERT DISTRICT  
RIVERSIDE, CA.

GARRY L. HAYES  
SCOTT L. SMITH

LAW OFFICE OF  
GARRY L. HAYES  
A PROFESSIONAL CORPORATION

3777 SOUTH PECOS-MCLEOD  
SUITE 104  
LAS VEGAS, NEVADA 89121

TELEPHONE:  
(702) 434-3444

FACSIMILE:  
(702) 434-3739

E-MAIL:  
nevlaw@aol.com  
www.lvlaw.com

January 4, 2001

VIA FEDERAL EXPRESS

G-28

James Williams  
United States Bureau of Land Management  
6221 Box Springs Boulevard  
Riverside, CA 92507

Re: Public Comment to Cadiz Groundwater Storage Project  
- San Bernardino County, California

Dear Mr. Williams:

The purpose of this letter is to comment on the Supplement to the draft Environmental Impact Report - Environmental Impact Statement ("Supplement") for the proposed Cadiz groundwater storage and dry year supply program in eastern San Bernardino County.

This comment is on behalf of GVR, Inc. ("GVR") and Mojave Lands Conservation, LLC ("Mojave Lands Conservation"). Collectively these two entities own or are under contract to purchase 2680 acres in the Mojave National Preserve. All of these lands are in environmentally sensitive areas including critical desert tortoise habitat as well as private inholdings in wilderness areas or are properties of concern to the National Park Service in relation to the management of the Mojave National Preserve. Attached and marked as Exhibit "A" is a description of the GVR and Mojave Lands Conservation properties.

G28-1

While all of the GVR and Mojave Lands Conservation properties may be impacted by the Cadiz proposal, the one property that is most in jeopardy is that property owned by GVR. The GVR parcel is a 640 acre parcel located in Gold Valley in the Mojave National Preserve. This property is traversed by Black Canyon Road, a main thoroughfare through the Mojave National Preserve and is approximately three miles north of the Hole in the Wall campground. A legal description for the GVR property is attached and marked Exhibit "B". The GVR property is currently being utilized for residential and livestock purposes and is served by a windmill pumping station on the property.

James Williams  
United States Bureau of Land Management  
January 4, 2001  
Page 2

Based upon the map in the Supplement, the GVR property is located within the Fenner watershed. Based on figure 2.14 of the Supplement, it appears that the ground water flow is from the GVR property to the proposed Cadiz development.

**Cadiz Has Failed to Adequately Plan  
and Monitor Upstream Water Levels and To Provide  
for the Loss of Water Resources for Upstream Users**

Figure 3-4 of the Supplement provides a chart of the regional monitoring features as proposed by Cadiz. For upstream water users such as GVR, Cadiz has failed to provide adequate monitoring of groundwater resources. The only monitoring being proposed is a stream gage as well as a future weather station located in the New York mountain.

G28-2

Cadiz should be required to provide at its cost extensive upstream ground water monitoring with specific performance standards to assure that upstream ground water is not diminished. This monitoring should be under the supervision of third parties, including, but not limited to the Bureau of Land Management as well as the National Park Service. Should there be a reduction in ground water, Cadiz must take immediate steps to cease any further pumping of the groundwater resource. Cadiz should also be required to compensate property owners such as GVR for any loss or damages that may result from the reduction of the groundwater resource.

Based on the foregoing, it is respectfully requested that the Supplement in its current form be rejected and that any future supplements or proposals incorporate the above comments.

G28-3

Sincerely,

LAW OFFICE OF GARRY L. HAYES

  
GARRY L. HAYES, ESQ.

GLH:ran  
enc.

Refer to comment

G28-1

Properties owned by Mojave Lands Conservation LLC, and GVR, Inc. by parcel number in the Mojave National Preserve

APN 567-151-12

APN 567-151-20

APN 0543-271-20

APN 0563-021-006

APN 0656-071-15

APN 0568-171-19

Total Acres 2680

"A"

Refer to comment

G28-1

PARCEL NO. 1:

SECTION 29, TOWNSHIP 12 NORTH, RANGE 15 EAST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND.

PARCEL NO. 2:

THAT PORTION OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 12 NORTH, RANGE 15 EAST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND, BOUNDED AS FOLLOWS:

BEGINNING AT A STANDARD U.S. GENERAL-LAND OFFICE BRASS CAP AT THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 12 NORTH, RANGE 15 EAST, SAN BERNARDINO MERIDIAN; THENCE EAST 2640.14 FEET ALONG THE SOUTH LINE OF SAID SECTION 20 TO A STANDARD U.S. GENERAL LAND OFFICE BRASS CAP, SAID POINT BEING THE SOUTH 1/4 CORNER OF SAID SECTION 20; THENCE RETRACING ALONG THE SOUTH LINE OF SAID SECTION 20, WEST 269.46 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 45.00 FEET; THENCE WEST 30.00 FEET; THENCE SOUTH 45.00 FEET TO THE SOUTH LINE OF SAID SECTION 20; THENCE EAST ALONG THE SOUTH LINE OF SAID SECTION 20, 30.00 FEET TO THE TRUE POINT OF BEGINNING.

" B "