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## SECTION 10 BLM AUTHORIZED OFFICER

A BLM Authorized Officer will be designated to enforce the terms and conditions of any right-of-way grant(s) the BLM issues for the Cadiz Project facilities in accordance with the statutory and regulatory provisions governing the right-of-way grant.

### 10.1 RESPONSIBILITIES

The BLM Authorized Officer shall be responsible to exercise BLM's enforcement authority to require compliance with the terms and conditions of the right-of-way grant(s) issued for the project facilities. The BLM Authorized Officer will:

- Work closely with Metropolitan to review and provide input and guidance on the detailed plan submitted by Metropolitan for installing the initial set of monitoring features and developing and calibrating an initial series of water resources models;
- Review and determine whether to approve or modify the initial set of monitoring features and water resources models during the pre-operational phase of the project;
- Review the data, analyses, proposed refinements to the Management Plan and corrective measures submitted by Metropolitan, and require modifications if necessary, and approve or reject proposed refinements. The BLM Authorized Officer will provide a written response to Metropolitan within sixty (60) days regarding when a decision on proposed refinements will be made, provided that such decisions will be made within 180 days and will include a statement of the scientific basis and data used in making the decision;
- Review and consider comments and recommendations made by the TRP for the refinement of action criteria, refinement of water resources models and air quality analysis methodologies in conjunction with measured data, the refinement of the Management Plan, and the modification of project operations;
- Enforce the terms and conditions of the right-of-way grant by requiring changes in project operations, where applicable, to protect critical resources;
- Work closely with Metropolitan to review and provide input and guidance regarding the Closure Plan for the Cadiz Project;
- Review and determine whether to approve or modify the Closure Plan on the basis of input from Metropolitan and the TRP;
- Call for meetings of the TRP and consider requests for such meetings by the TRP members for the purposes of considering the matters set forth above;
- Provide for public participation at BLM discretion;
- This Management Plan will be a condition of the Right-of-Way Grant and may not be revised without the written approval of the BLM Authorized Officer.

### 10.2 DECISION-MAKING PROCESS

The decision-making process will be initiated if (a) an action criterion is exceeded, or (b) if Metropolitan requests any proposed refinements to the Management Plan, or (c) if BLM otherwise determines a need to propose refinements to the Management Plan. The BLM Authorized Officer shall consider the data, analysis, assessments, and proposed refinements of the Management Plan received from Metropolitan, together with any comments and recommendations submitted by members of the TRP and the public. The BLM Authorized Officer will provide a written response to Metropolitan within sixty (60) days regarding when a decision on proposed refinements will be made, provided that such decisions will be made in

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accordance with Title 43 Code of Federal Regulations Part 2800, and will be issued within 180 days and include a statement of the scientific basis and data used in making the decision.

In accordance with the terms and conditions set forth in the right-of-way grant issued for the project to ensure compliance with the Management Plan (i.e. project operations and corrective measures will not adversely impact critical resources identified in the Management Plan), the BLM Authorized Officer shall have the enforcement authority to require a change in the Management Plan, project operations and/or implemented corrective measures, in accordance with Title 43 Code of Federal Regulations Part 2800. The BLM Authorized Officer will provide Metropolitan with written notice and opportunity to respond to any such changes proposed by the BLM Authorized Officer, provided that such notice shall include a statement of the scientific basis and data considered in proposing the change.

The decisions of the BLM Authorized Officer shall be subject to appeal to the Interior Board of Land Appeals (IBLA) in accordance with the regulations governing such appeals under Title 43 Code of Federal Regulations Part 4.