

BLM Rescinds Policies that Led to Determination Requiring Federal Review of Cadiz Water Conservation, Recovery and Storage Project

Upon his confirmation on March 1, 2017, a bipartisan group of 18 Congressional Representatives sent a letter to Secretary of the Interior Ryan Zinke urging him to immediately rescind the October 2015 Bureau of Land Management (“BLM”) determination that required federal approval of the Cadiz Water Conservation Recovery and Storage Project (“Cadiz Project”). They also asked him to recognize that the project is within the Arizona and California Railroad’s (“ARZC”) right-of-way over federal land.

The Cadiz Project would save water lost to evaporation and salinity in the Cadiz Valley and Fenner Valley aquifer system in the Mojave Desert to provide a reliable water supply for Southern California. The water would be moved from the project area via pipeline to the Colorado River Aqueduct. The pipeline would be located along the ARZC right-of-way.

The 2015 BLM determination addressed the co-location of the water pipeline with railroad infrastructure, ultimately changing the standard of evaluation from “furthering a railroad purpose” to “originating from a railroad purpose.” That change would require the Cadiz Project to obtain separate approval from BLM. The Representatives argue that the October 2015 determination had the effect of unfairly “moving the goalposts.” (For additional background and analysis of the 2015 determination, see “[BLM Determines that Cadiz Project Needs Federal Approval](#),” *JOW* October 2015).

The letter also notes that the project has already undergone “rigorous environmental review.” In May 2016, an appellate court ruling affirmed six previous court judgements validating the approvals and state environmental reviews—and none of the parties challenging the project filed petitions for review by the California State Supreme Court. (For more on the appellate court ruling, see “[Appellate Court Affirms Cadiz Project’s Environmental Approvals](#),” *JOW* June 2016).

The Members of Congress further their case by highlighting the project’s water supply and economic benefits, and they note that it requires zero public funding.

BLM responded on March 29, 2017 by issuing a one-page interim memorandum that rescinds the policies related to railroad rights-of-way, which led to the 2015 determination.

On April 4, 2017, U.S. Senator Dianne Feinstein (D–CA) criticized BLM’s action saying, “The Trump administration has once again put corporate profits ahead of the public’s interest...” and vowing to fight “this latest effort to push the Cadiz water project through without the proper environmental review.”

In a response to Senator Feinstein, Cadiz CEO Scott Slater notes that her objection is based on old data.

“Senator Feinstein regrettably relies on outdated, 17-year-old data inconsistent with presently known facts as foundation to oppose a project which will safely and sustainably create new water for 400,000 people, has broad bipartisan community support, will generate 5,900 new jobs, and will drive nearly \$1 billion in economic growth. Two public agencies and twelve separate court opinions have expressly repudiated her arguments and sustained our project in accordance with CEQA, the highest environmental legal standard anywhere in America.”

BLM has not yet rescinded the October 2015 determination or issued a new determination regarding whether the Cadiz Project is within the scope of the ARZC right-of-way.

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