

# United States Senate

WASHINGTON, DC 20510

August 1, 2001

Dear Secretary Norton,

We are seeking your assistance in providing information about the proposed Cadiz Water Project in the Southern California Desert. As you may know, questions have been raised about the potential affects of the project on the desert region. Before we can fully support this effort, there are a number of concerns we would like to raise for your consideration.

The proposed contract between Cadiz Land Company and the Metropolitan Water District of Southern California would allow MWD to pump water from an aquifer in eastern San Bernardino County and use the aquifer to store excess Colorado River Water. Cadiz, which owns the property above the aquifer, is proposing an expansive monitoring system supported by both the Bureau of Land Management and the U.S. Geological Survey. This system, in theory, would provide early warning if the aquifer is being depleted faster than the natural recharge through rainfall. While we strongly support the concept of storing excess water in the desert, we are particularly concerned about the potential effects of pumping water from the aquifer and the possible depletion of water for desert wildlife.

To that end, we are interested in acquiring information from the Department on the proposed Cadiz project. Specifically, we are interested in data relating to the present condition and the natural recharge rate of the Mojave aquifer, the anticipated effects of the project on the Mojave National Preserve and other surrounding desert lands, and a full description of water rights by the Cadiz Land Company. In addition, it is unclear how this project would impact surrounding federal lands, as well as water rights. Also unclear is what agency would provide adequate enforcement and oversight of this ambitious effort. Again, our concern relates to ensuring that environmental laws are enforced and that adequate water levels are maintained to support area wildlife in the desert region.

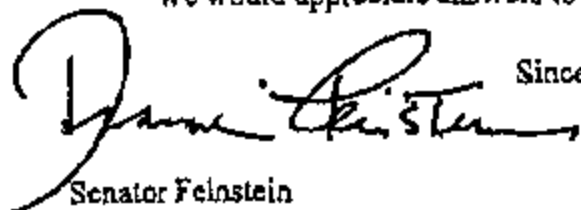
The history of Owens Lake in Inyo County provides a critical precedent that ought not be overlooked in modern day planning for water delivery and storage in the California desert. Before this project proceeds further, it is critical that these questions-and additional questions attached below-are fully addressed. We appreciate your assistance and look forward to your timely response.

1. What is the recharge rate of the water in the Mojave aquifer?
2. How much water is needed to protect the Federal lands including the Mojave National Preserve?

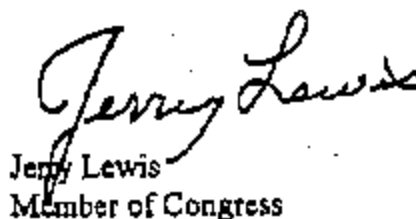
3. Has the National Park Service articulated the water needs of the Mojave National Preserve? If not, why not? Will this project proceed before this data is made available?
4. Since the California Desert Protection Act stipulates that the BLM wilderness areas are permitted to take all the water that is needed to sustain the ecosystem, will this project move forward without first assessing the federal need for water?
5. What water level is necessary to maintain the desert springs?
6. The 1980 Desert plan under the Federal Land Policy Management Act (FLPMA) attempts to minimize new corridors. Is there an existing corridor route that can be used instead of the new corridor that is proposed for the project? Does the federal government typically approve a Right of Way before having complete information from which to develop terms and conditions to protect the general public? Does the federal government typically propose to gather essential information during the monitoring phase of a project?
7. What are the Cadiz Water rights to the aquifer?
8. What is the effect of Cadiz exercising its water rights on the federal water rights and the water rights of others?
9. If the Department cannot determine with certainty the needed flows, how would the Department determine an adverse impact? What management actions would be taken to address adverse impacts? If the proposed management action is the termination of the project, how can the Department ensure that this would not come too late?
10. What safeguards will be put in place to ensure that the BLM can exercise its authority? When do these safeguards go into place? How would the Department change the terms and conditions of the project to reflect new information that arises?

We would appreciate answers to these questions as soon as possible.

Sincerely,



Senator Feinstein  
U.S. Senator



Jerry Lewis  
Member of Congress



Ken Calvert  
Member of Congress