



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

NOV - 5 2001

Honorable Dianne Feinstein
United States Senate
Washington, D.C. 20510

Dear Senator Feinstein:

Thank you for your letter of October 30, 2001, to Secretary of the Interior Gale A. Norton, regarding the proposed Cadiz Groundwater Storage and Dry-Year Supply Program. Secretary Norton has asked me to respond.

I am pleased that you found our September 28 response to your earlier letter helpful in clarifying some of your concerns regarding this project. As you noted, we are in the final protest period for this project, which ends November 5. This protest period, following extensive public comment periods on the environmental impact statement (EIS), is set by regulation when a plan amendment is being proposed, as is the case for the Cadiz project. The plan amendment is necessary since the water pipeline proposed to cross public lands administered by the Bureau of Land Management is outside of the utility corridors established through the California Desert Conservation Area Plan.

The BLM's planning regulations at 43 CFR 1610.5-2 state: "The protest shall be in writing and shall be filed with the Director. The protest shall be filed within 30 days of the date the Environmental Protection Agency published the notice of receipt of the final environmental impact statement containing the plan or amendment in the Federal Register." There is no provision in the regulations for extension. The protest period is limited to 30 days in part because a protestor must have participated in the planning process and because they can only protest an issue already raised by the public. The protest can only state why the responsible official's proposed decision is believed to be wrong, so it should not take more than 30 days.

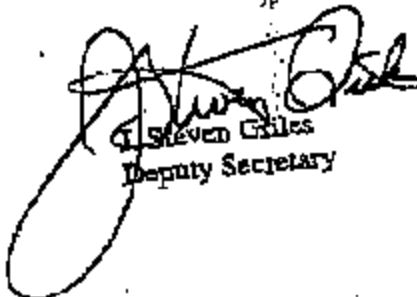
Moreover, while the BLM has commonly extended the "comment" period on controversial draft resource management plans and EISs, we have never granted an extension to a protest period. We do not believe it would be fair to the thousands of protestors who filed on time or the hundreds who were denied an extension to make an exception and grant one at this time.

I regret that we are unable to grant an extension of the protest period. I do note that you have asked four additional questions as a followup to your earlier letter, and I have asked BLM

California State Director Mike Pool and his counterparts at the U.S. Geological Survey and the National Park Service to respond to your specific questions as quickly as possible.

Please be assured that the Department of the Interior and the BLM will be carefully considering all the public comments raised, as well as your specific concerns, in reaching a decision on this important project. We will continue to keep your staff informed of the project's status.

Sincerely,


G. Steven Giles
Deputy Secretary