

# REGION: Environmental groups sue over Cadiz water project

Cadiz Inc. has proposed pumping 16 billion gallons of water per year from beneath land it owns and beyond in the Mojave Desert.

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Four environmental groups filed a lawsuit Friday, Aug. 31, against San Bernardino County and an Orange County water district to challenge a controversial groundwater mining project in the Mojave Desert.

The crux of the lawsuit is the question of which agency should serve as lead on the Cadiz Valley Water Conservation, Recovery and Storage Project, which would pump 16 billion gallons of groundwater per year from ancient aquifers.

The Center for Biological Diversity, National Parks Conservation Association, Sierra Club San Gorgonio chapter and the San Bernardino Valley Audubon Society contend the county should have led the environmental review of the project, not the Santa Margarita Water District in Mission Viejo, which has signed on as a future buyer of the water from Cadiz Inc.

The water district is named in the suit for approving the environmental impact report on the project on July 31. The county has 90 days from that date to approve or reject the environmental impact report, and can issue or deny a permit for the project.

The project “is in San Bernardino County, that’s where all the impacts are going to be; they should be in charge, not some Orange County water agency,” said Ileene Anderson, a biologist with the Tucson-based Center for Biological Diversity.

San Bernardino County spokesman David Wert said the county has no authority over whether it is the lead agency.

“Santa Margarita claimed lead status before the county had a chance to,” he said. “The county can’t just switch that.”

County lawyers said that historically, once an agency claims lead status, the state doesn’t overturn it, Wert said. The county didn’t challenge the status because if defeated, it would have been locked out of the process, he said.

“This way, at least we have a seat at the table,” Wert said.

Adam Lazar, a staff attorney for the Center for Biological Diversity, disagreed.

The California Environmental Quality Act says that such a dispute would be submitted to the state Office of Planning and Research for a decision. If defeated, the county would still be the responsible agency, which can give a thumbs-up or down to the environmental impact report, Lazar said.

The groups want the report voided and redone by the county, and they want the county named lead agency.

The project would extract groundwater from an open valley beneath 45,000 acres that Cadiz Inc. owns south of the Marble Mountains, 40 miles east of Twentynine Palms. The area lies between the Mojave National Preserve and Joshua Tree National Park in eastern San Bernardino County.

The \$225 million project would provide water for about 400,000 people served by six water districts throughout California, including Jurupa Community Services District in Riverside County.

Critics say the pumping would cause a drop in the water table that would dry up springs supporting bighorn sheep and other wildlife. They also have raised concerns that it could cause dust storms on nearby dry lake beds, adversely affect air quality, overdraw the water table and alter the flow of groundwater beneath the Mojave Preserve over the 50-year life of the project.

Hydrologists from the U.S. Geological Survey and elsewhere say Cadiz's estimates of natural recharge to the aquifer are overstated.

This is the second lawsuit challenging the project. Delaware Tetra Technologies Inc., which operates a brine mining operation at two dry lakes near Cadiz's property, also is contesting Santa Margarita as the lead agency.

Both lawsuits center on the county's groundwater management ordinance, designed to protect resources in the desert. The ordinance was passed in 2002, after an earlier version of the Cadiz project was proposed. Metropolitan Water District was a partner on that earlier version but abandoned it amid environmentalists' opposition and cost concerns.

Lazar, the attorney for the environmentalists, said the county violated the ordinance by not setting an acceptable rate of decline for the aquifer or danger levels that would trigger alerts of harm, before the environmental impact report was approved.