

DESERT REPORT

BY MIKE GAUTHIER AND DEBRA HUGHSON

Drive Like A Tortoise

Road tripping in Mojave National Preserve

Roads in Mojave National Preserve provide convenient routes between Palm Springs, California, and Las Vegas, Nevada, as well as between Interstates 40 and 15. They travel through some breathtaking landscapes which are popular for many travelers. The Preserve provides a sense of wonder and freedom for many who pass through it.

Unfortunately, for some drivers, it is seen as an opportunity to drive at high speeds on narrow, rural roads. Maximum speeds routinely exceed 100 plus miles per hour, creating a dangerous situation for other drivers and wildlife. Data suggest that on average about one human fatality and ten tortoise mortalities occur every year on roads in the preserve. On an interval of every few years or so, another desert bighorn sheep is struck and killed, while the daily toll on rabbits and other small animals subsidize raven overpopulations which in turn negatively impact their natural prey – juvenile desert tortoise.

Because speed is such a problem in the Preserve, Mojave leadership is asking drivers to remember the phrase “Drive like a tortoise.” This phrase speaks as much to keeping everyone safe as it does to protecting wildlife that is impacted by the consequences of unsafe driving. The goal is to change behaviors of drivers to address this issue. Currently, the average speed on paved roads in the preserve is just a little over 65 mph where the posted speed limit is 55 mph. Significantly, almost 15% are going over 75 mph. A law enforcement officer would have to write 120 tickets per day to cite every driver going 20 mph over the posted speed limit on the average day. Fridays tend to see heavier northbound traffic, while on Sundays, the heavier traffic is southbound. On busy weekends, many will attempt to drive the preserve roads

at speeds in excess of 90 mph, while hundreds more go faster than 75 mph.

As one might imagine, there are human consequences for these behaviors. The result often ends in collisions, injury, and even fatalities for the speeders and fellow drivers on the road. Ironically, a contingent of Federal Highway Administration engineers and Federal Land Transportation Program project managers encountered

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An adult desert tortoise (*Gopherus agassizii*) on Ivanpah Road in Mojave National Preserve illustrates the incompatibility of this long-lived, slow reproducing animal and high-speed vehicular traffic. NPS

A Crisis At Ash Meadows

Once again, water is the issue

Peering down out of the window of a Cessna 210 airplane humming across the northern Amargosa River watershed, two things become obvious: this landscape is extremely important, and the future of this landscape is in serious jeopardy.

As the executive director of the Amargosa Conservancy, a nonprofit organization that for two decades has been the leading voice on conservation issues in the Amargosa River watershed, people often ask me whether the river is “actually” a river. Indeed, the “hide-n-seek” river that flows from basins in western Nevada for 186 miles through the California Desert has an uncanny ability to evade our sight from our earth-bound perspectives. But while gazing out of the window of an airplane at the vast water-streaked alluvial fans, the miles of vibrantly green mesquite bosque forests, and the shimmering cerulean pools of ancient springs below, one can harbor no doubt that indeed the Amargosa River is one river: a wild, improbable, free-flowing river in one of the harshest deserts on the planet.

This opportunity to view the watershed from a bird’s eye perspective was made possible by Ecoflight, a nonprofit that offers organizations like ours the unforgettable experience of seeing the landscape from above. The purpose of our flight was to consider the state of Ash Meadows National Wildlife Refuge in light of the threats of extractive projects, including a proposed exploratory mining project on its doorstep that our organization is actively opposing.

Ash Meadows is surely no stranger to danger. The story of Ash Meadows is truly a story of direct threats to the ecosystem that have mobilized a coalition of researchers, nonprofits, landowners, and local, state and federal government agencies to take drastic actions to save it. When agricultural pumping of groundwater threatened the existence of the Devil’s Hole pupfish in the 1950s, unprecedented legal action was taken to protect the pupfish and preserve water levels in its lonesome abode. When a developer came around with visions of building the next desert metropolis and resort emporium on top of this oasis, the Nature Conservancy began acquiring crucial spring areas. This led to the eventual transfer of Ash Meadows to the U.S. Fish and Wildlife Service and the designation of Ash Meadows National Wildlife Refuge in 1984. The fact that Ash Meadows remains the largest oasis in the Mojave Desert, home to



Fairbanks Spring. Courtesy Amargosa Conservancy

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the highest local concentration of endemic species in the United States and an internationally recognized wetland, is frankly miraculous.

Unfortunately, threats and challenges remain very much on the horizon for Ash Meadows. A staggering number of proposed projects, ranging from renewable energy to open pit mining, collectively pose a threat to

BY LAURA CUNNINGHAM

Ice Age Fossils In The Nevada Desert

Threatened by large-scale renewable energy projects

Clark County, Nevada – Two proposed large-scale energy projects could significantly damage Ice Age fossils on public lands in southern Nevada.

Both the Greenlink West Transmission Project and Golden Curreant Solar Project would be built on significant Pleistocene fossil beds representing a time when marshlands were common in southern Nevada 12,000 to 100,000 years ago. Fossils preserved in these geologic formations include Columbian mammoth, sabertooth cat, camels, bison, and extinct types of horses among others.

NV Energy proposes to build the Greenlink West Transmission Project inside the boundary of the Tule Springs Fossil Beds National Monument in the Las Vegas Valley which is administered by the National Park Service (NPS). A total of 11 giant power poles would be built on NPS lands where a study using ground penetrating radar determined that the poles would damage significant fossils. Although alternative locations have been reviewed, the Interior Department continues to push this project within NPS boundaries.

On the other side of the Spring Range, the Golden Curreant Solar Project is proposed to be built on 4,400 acres of land managed by the Bureau of Land Management (BLM) in the South Pahrump Valley near Tecopa Road. In June, 2023, Basin and Range Watch co-founder Laura Cunningham located a Columbian mammoth fossil on the site. Cunningham holds a degree in paleontology from the University of California, Berkeley, and also had the mammoth tooth find verified by the Geology Department of University of Nevada, Las Vegas.

The huge molar was 18 inches long and was identified as from an old individual. Columbian mammoths (*Mammuthus columbi*) were related to the smaller, more northerly woolly mammoth (*M. primigenius*), and both species had grinding molars that they used to feed on coarse grasses.

The developer, Primergy, would cut and fill the topography for the Golden Curreant Solar Project which would obliterate any fossils located on the site. The recent mammoth tooth fossil find prompted the BLM to require Primergy to conduct a full paleontological survey before the project review can proceed further.

The desert badlands may look barren today, but they are deposits from thousands of years of spring-fed marsh habitats. Imagine Ash Meadows with herds of

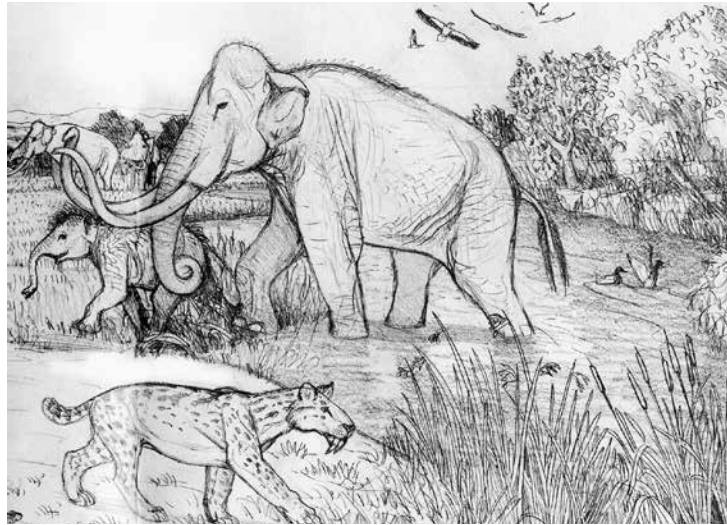


Illustration by Laura Cunningham of a Columbian mammoth (*Mammuthus columbi*) in a wetland, with sabertooth cat (*Smilodon*).



Columbian mammoth molar as found by Laura Cunningham at the site of the proposed Golden Curreant Solar Project in South Pahrump Valley, NV. Photo by Laura Cunningham

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A Crisis At Ash Meadows

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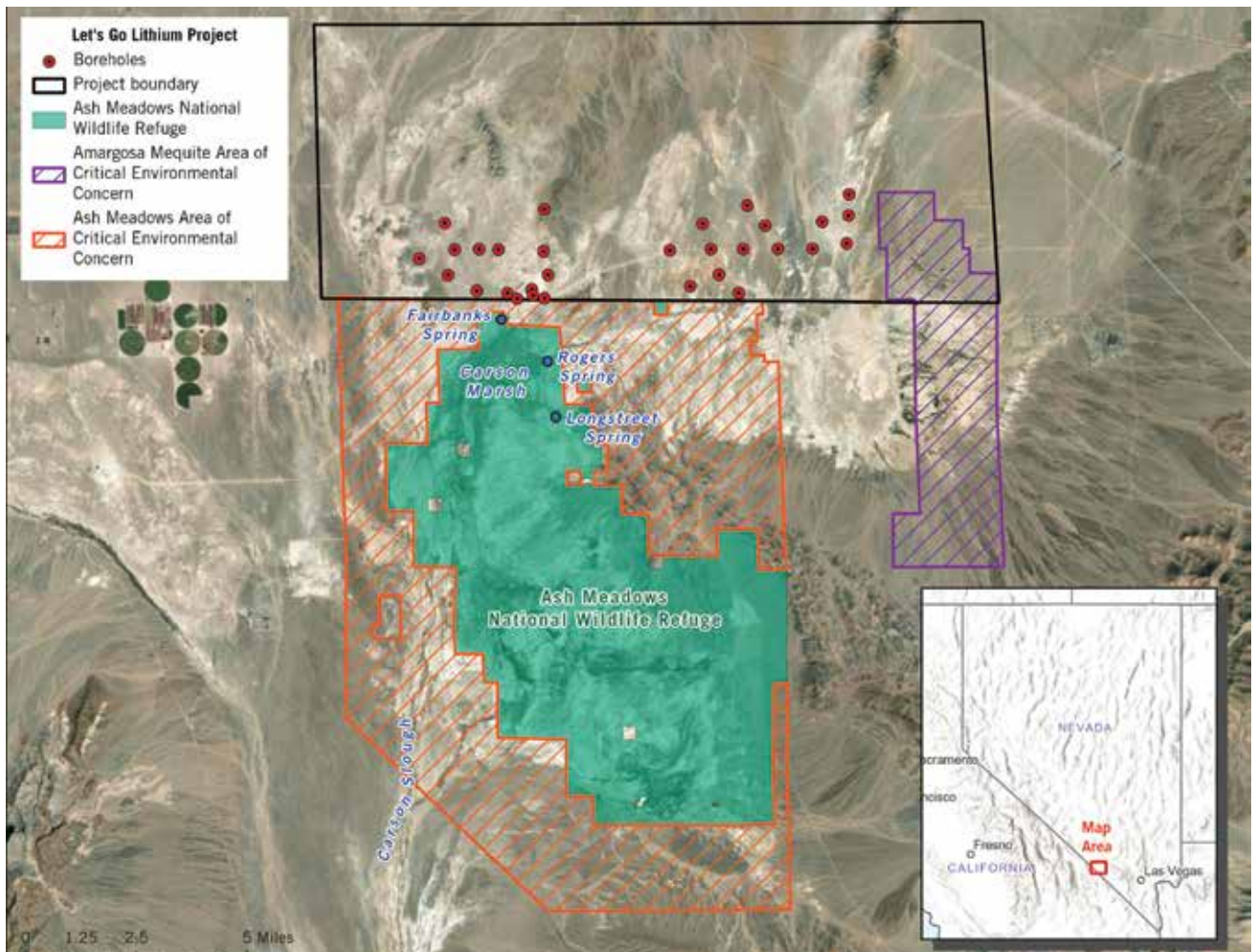
the integrity of the refuge. This is by virtue of the one thing they all need: water. There are long-term concerns regarding the historic and ongoing overpumping of groundwater in the Nevada portion of the Amargosa River watershed, of which Ash Meadows is the undisputed beating heart. Mounting stresses on the regional aquifer and disruptions to ancient hydrological flows pose an existential threat to the groundwater-dependent species, habitat, and communities of the entire watershed.

The current crisis is in the form of an exploratory lithium mining project on the northern boundary of the refuge. A Canadian mining company called Rover Metals notified the Bureau of Land Management in the spring of 2023 of their intent to conduct an exploratory drilling project to prospect for lithium. Their exploration would entail the drilling of up to 30 boreholes to a depth of 250-300 feet to retrieve core samples. The company acknowledges that they would expect to hit groundwater in every borehole. Several of these boreholes would come within 1,500 feet of historic Fairbanks Spring, home to the endangered Ash Meadows Amargosa pupfish and

Ash Meadows speckled dace.

Upon becoming aware of this project, the Amargosa Conservancy immediately convened a coalition of concerned communities and organizations to coordinate an opposition campaign. The chief concern was that the drilling of boreholes could affect the flow of Amargosa River groundwater that sustains the springs in the northern portion of Ash Meadows. A single bad borehole could cause a dewatering event that could cause catastrophic and irreparable damage to these springs and all downstream habitat areas. We also envision the possibility that this exploration would lead to the creation of an open pit lithium mine on the borders of one of the most significant biodiversity hotspots on Earth.

The public outcry in opposition to this project rang out loud and clear. A letter, signed by 22 nonprofit organizations and supported by the Timbisha Shoshone nation, was sent to leadership within the Department of the Interior. We insisted that this project not move forward without robust analysis, consultation, and the opportunity for the public to provide comment. Nearly 1,800 indi-



Drilling proposal at Ash Meadow.



Ash Meadows seen from the air. Photo by Mason Voehl

viduals wrote letters describing their love for the refuge, and their desire to see it safeguarded. Emergency legal actions were taken to prevent commencement of the drilling. Stories ran in local, regional, and national media outlets. And on July 19, 2023, the BLM officially rescinded their approval of the project, citing potential impacts to the refuge and its endangered species. They now require a plan of operations from Rover Metals and call for the National Environmental Policy Act (NEPA) process to be conducted.

Though our coalition gained a victory in stopping the immediate threat of drilling, the fight is far from over. It appears that Rover Metals intends to move the project forward following an environmental review process at some later date. The challenge remains to safeguard the refuge from this and other future projects that pose a direct threat to its hydrological (and therefore ecological) integrity. The Amargosa Conservancy believes that no mining operation of any scale in this location could avoid posing a potentially existential threat to the springs of the refuge and their endangered inhabitants. We will therefore continue to oppose Rover Metals and subsequent companies seeking to conduct exploratory mining operations on the doorstep of the refuge, and we will be engaging robustly in the NEPA process, if one is initiated.

There are other paths to proactively save Ash Meadows and the Amargosa River that should be explored now. If the story of Ash Meadows tells us one thing, it is that groundwater-dependent ecosystems must deal with threats from *beyond* their designated boundaries. Although Ash Meadows is already technically protected as a National Wildlife Refuge, its future fundamentally depends on how the entire Amargosa River (that sustains the refuge) is safeguarded. It is imperative that land managers and decision makers consider the cumulative impacts of all proposed development in this hydrological basin, and they must deny all projects that pose a threat to groundwater-dependent habitats and species in Ash Meadows.

My organization recognizes that lithium is a key element in combating climate change and that some mining must be undertaken in the near term. But there have to

be some places that are just too exceptionally important, because of their ecological and cultural significance, to be sacrificed to achieve a decarbonized energy economy. Ash Meadows is undoubtedly one of those places. The communities of the region are united in their commitment to taking every possible action to defend the future of this ecological wonderland. We will continue to stand up for the land, water, wildlife, and communities of the Amargosa River watershed, whose future is inextricably linked to the sustainable management of the groundwater that supports them.

Perhaps James Everett Deacon, the late pioneer of desert pupfish research and legal champion in the U.S. Supreme Court case that protected the Devil's Hole pupfish, put it best in the March 1970 issue of *Cry California*. On the Ash Meadows crisis of the time he reflected:

"We know what must be done to save the pupfish. What we need is the commitment to see to it that they continue to thrive. For if by our inaction we allow the desert pupfish, and perhaps with them the wonders of Death Valley, to be exterminated for the short-term economic advantage of a few, we will have committed a crime comparable to bombing the Louvre to make way for a parking lot." — *Deacon and Brunnell, 1970*

These are the words ringing in my ears above the steady thrum of the Cessna 210 engine, gazing out upon one of our last best places that needs defending now more than ever.

Mason Voehl is an activist and writer representing the Amargosa Conservancy as its Executive Director. Over the last decade, Mason has cultivated a love affair with the American West through the mediums of climbing, backpacking, and general rambling with his wife Sarah and two dogs. Mason's essays on human-land relations have been featured in The Dark Mountain Project, Climbing Magazine, and the Black Mountain Radio podcast.



Ash Meadows Amargosa Pupfish. Courtesy USFWS

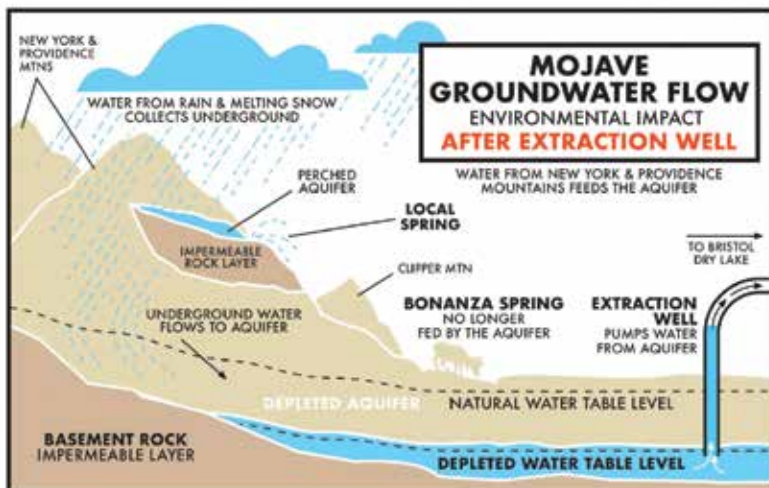
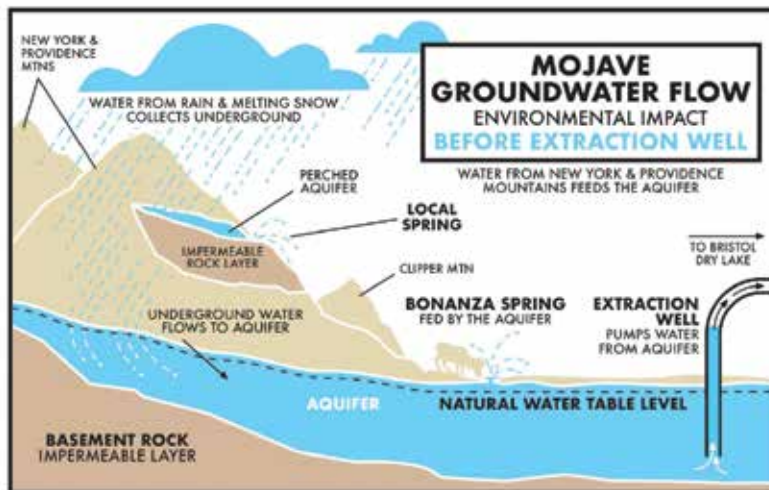
BY CHRIS CLARKE

Harvesting Desert Groundwater

Cadiz Inc. tries again

When you think of possible new sources of water for a thirsty California, it's unlikely the Mojave Desert would be the first source to come to mind. The Mojave is famously the driest place in the United States. Bagdad California, a former stop on Route 66 about 75 miles east of Barstow, went for more than two years – July 1912 to November 1914 – without any measurable rain whatsoever. Average rainfall throughout the Mojave Desert ran about five inches per year, pre-climate change. That's about a third of the average in semiarid Los Angeles.

So it might be surprising to learn that a controversial corporation, Cadiz Inc., has been trying for the last few decades to extract an average of 50,000 acre-feet of groundwater each year from a spot not far from Bagdad, and then to sell that water to California water agencies. But it's true. Cadiz would mine an aquifer full of non-renewable water that was deposited during the Ice Ages, threatening the Mojave's crucial desert springs and seeps critical to wildlife ... and held as extremely important by nearby Native tribes.



Mojave Desert Land Trust

Unsurprisingly, the Cadiz project has attracted near-unanimous opposition from environmental organizations, environmental justice groups, water quality interests, and tribes. Those groups have waged a so-far successful campaign to keep Cadiz from moving forward. But Cadiz isn't giving up. In a move that has angered many environmental justice groups, Cadiz is trying to rebrand itself as essentially a social services organization that only wants to serve California's frontline communities by supplying a new source of clean, reliable and affordable water. Even if those claims were true, Cadiz still faces nearly insurmountable hurdles before it can export a drop of water to the rest of California.

The context

In the late 1990s, Cadiz teamed up with the Metropolitan Water District of Southern California to extract that fossil water and pump it into the MWD's Colorado River Aqueduct for sale to MWD's 26 member agencies. As the pipeline from Cadiz's wells to the aqueduct would have crossed land managed by the Bureau of Land Management, the project needed to undergo environmental analysis under the National Environmental Policy Act (NEPA). This allowed other federal agencies such as the US Geological Survey and National Park Service to weigh in on the likely impacts from Cadiz's tapping of the ancient aquifer.

The USGS opined that the amount of water Cadiz wanted to mine from the

aquifer, as much as two million acre-feet of Pleistocene groundwater over the course of 50 years, far outstripped the amount of water naturally returned to the aquifer through rain and snow. This meant that Cadiz's plan would inevitably dry up springs and seeps connected to the aquifer and that the groundwater level would take centuries to recover. That persuaded MWD to back away from the project in 2002, a near lethal blow for Cadiz.

Sadly, the lesson Cadiz learned was "avoid environmental review at all costs." Introducing a rebranded version of its project in the late 2000s, Cadiz crafted a strategy that would allow the company to skirt environmental review by the federal government, while putting state environmental review under the California Environmental Quality Act in the hands of a prospective customer that was desperate for new supplies to fuel upscale suburban growth. Cadiz promised a sweetheart deal on water for Santa Margarita Water District (SMWD) if the agency approved the project.

Unsurprisingly, SMWD approved the state environmental analysis of the project, which relied on inflated estimates of aquifer recharge to bolster the company's claim that it posed no danger to desert springs. The company didn't fare so well on the federal side, as the Obama administration blocked Cadiz's attempt to claim that it was exempt from NEPA analysis due to its proposed use of a railroad right of way to run its pipeline to the Colorado River Aqueduct. Obama also designated the 1.6 million-acre Mojave Trails National Monument surrounding Cadiz in February 2016, raising the stakes for protecting surface water sources.

Enter the Crony State

In the first few weeks of 2017, the incoming Trump administration signaled it would reverse that Obama era decision. Cadiz's attorney David Bernhardt of the firm Brownstein Hyatt Farber Schreck had been put in charge of the new administration's Interior Department Transition Team.

Court challenges to the state environmental review failed, but Federal Court decisions in 2019 and 2022 struck down the administrative attempts to give Cadiz improper passes to evade NEPA analysis of environmental impacts. In 2019, the courts objected to the railroad right of way gambit, essentially forcing Cadiz to look to another option, the so-called "Northern Pipeline": several hundred miles of retired oil and gas pipeline that runs past Cadiz's land and into the Bakersfield area where it could connect with major water conveyances such as the State Water Project. In 2022, the BLM approval of permits for the Northern Pipeline without analysis under NEPA or the National Historic Preservation Act was rejected.

Meanwhile, the California Legislature took note of Cadiz's efforts to sidestep environmental laws. New peer-reviewed science published in 2018 proved that

several springs were connected to the aquifer Cadiz would mine; the studies also supported the USGS's earlier estimate of aquifer recharge that was far below Cadiz's claims. In 2019, the California Legislature passed Senate Bill 307, which barred Cadiz (or anyone else) from exporting groundwater from the eastern Mojave Desert unless the state determined that the export would not harm the desert's natural or cultural resources. As Cadiz's lobbyists said during debate over the bill, this is a standard that – if applied stringently – would be impossible for the company to pass. Governor Newsom, a longtime Cadiz critic, signed the bill into law in July 2019.

Cadiz was thus pushed toward the same federal environmental review that had nearly killed it in 2002. The company would likely fare worse under NEPA review in the 2020s than it had two decades earlier, as that earlier review did not account for climate change that would lessen overall precipitation in the Mojave, meaning much slower aquifer recharge.

Cadiz showed a rugged determination that would be almost admirable if the company's intent wasn't to drain the desert for profit. Fueled by infusions of capital from risk-tolerant hedge funds, Cadiz's board opted to wait for a more favorable political climate to push its project through, spending the intervening time polishing its tarnished public image.

First Cadiz tried, starting in 2018, to advance a series of bogus studies of its environmental impacts conducted by a supportive hydrologist for a friendly water agency, the Three Valleys Municipal Water District in Claremont. The hydrologist, Anthony Brown, is a long-time Cadiz supporter who had already "studied" the precise topic in the past, repeatedly coming up with

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Sierra Club Activists visit Bonanza Spring in 2019.

Photo by Chris Clarke

Drive Like A Tortoise

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such an event enroute to a highway safety meeting at the Kelso Depot. The issue got their attention, and things really started happening. A Road Safety Study was undertaken in 2022 that will be implemented this year, including better signage, rumble strips, and other safety improvements.

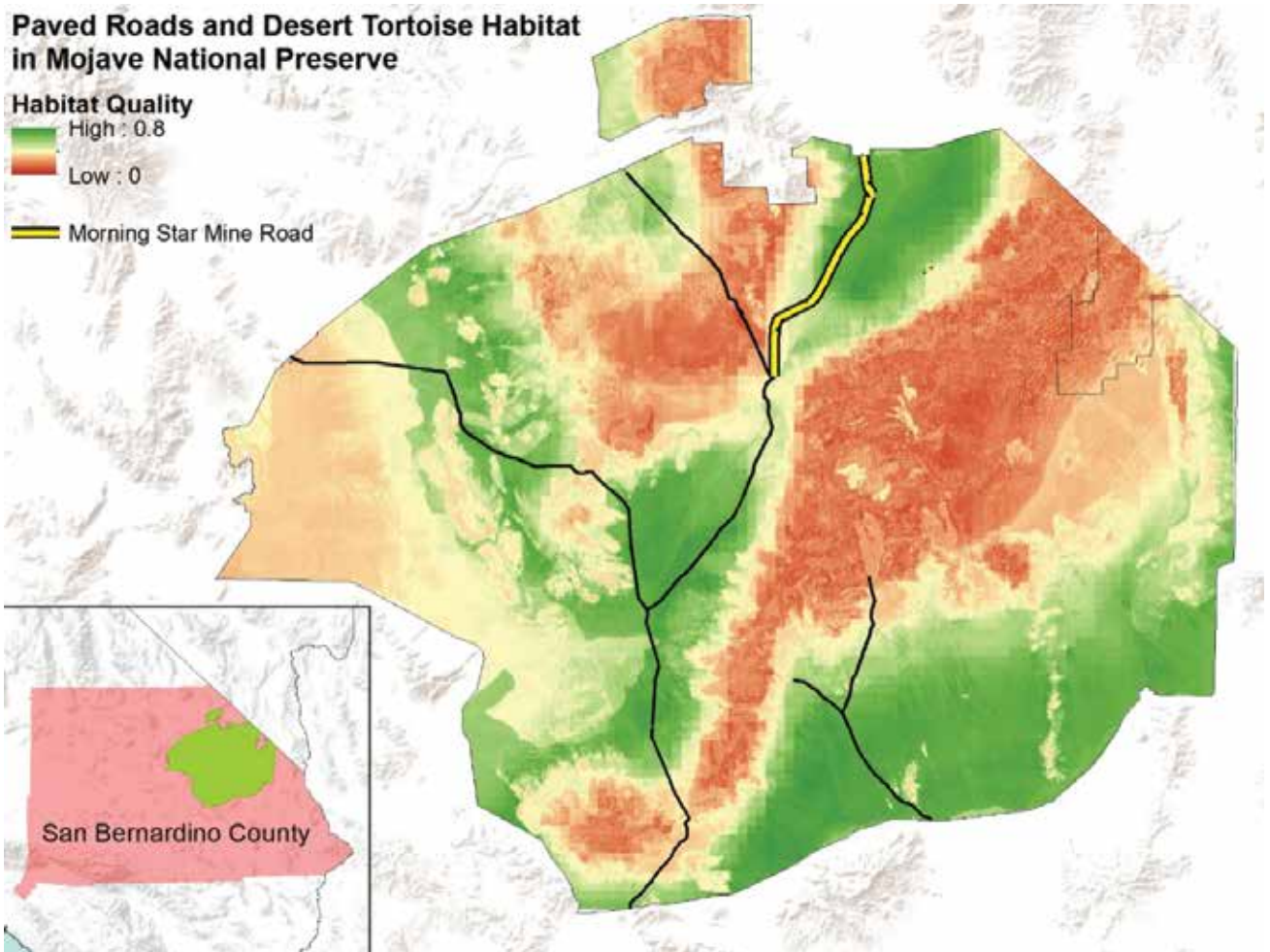
The impacts of excessive speeding and reckless driving go well beyond the risks to other drivers. Unsafe driving is also a huge risk for an endangered national treasure – the desert tortoise. The U.S. Fish and Wildlife Service published “Critical Habitat for the Desert Tortoise” on February 8, 1994, a few months before Congress created the Mojave National Preserve. A big part of the new preserve’s mission was to protect the tortoise. However, with current road and speeding conditions, tortoises will continue to be killed on the roads at unsustainable rates.

With this point in mind, Mojave leadership is taking steps to protect these creatures. About 77% of the

paved roads in the preserve are in tortoise habitat. Mojave staff are planning to construct five miles of tortoise barrier fencing as part of the rehabilitation of Cima Road in 2023. Lessons learned will be applied to future highway projects. Our models indicate that tortoise barrier fencing is required on at least 18-miles of Kelso Cima Road and 15-miles of South Kelbaker Road to prevent unsustainable tortoise mortalities.

The preserve’s road rehabilitation and deferred maintenance projects were also given highest priority for our region. Removal of asphalt from Morning Star Mine Road is planned as part of the FHWA’s Wildlife Crossings Pilot Program. We will be considering comments from the public and stakeholders who may, or may not, wish to maintain the Morning Star Mine Road as a higher speed, paved highway.

Road updates for Mojave National Preserve: 1) Cima Road will be closed until spring of 2024. 2) Improvement plans for Kelso-Cima and South Kelbaker Roads are



Relative desert tortoise habitat quality in Mojave National Preserve shows the overlap with paved roads. Both tend to follow the lower elevation, flat valleys.



The slightest lapse of attention while driving in the preserve can prove fatal. The driver of the gray pickup in the background dropped a wheel off the edge of the pavement into soft sand and over-corrected. The pickup rolled over into the oncoming lane, impacting the small car, whose driver did not survive. Federal Land Transportation and Federal Highways Administration managers were the first to arrive at the scene.

Photo by Mike Gautier

moving forward. 3) North Kelbaker Road will remain in a passable condition until Cima Road is completed. 4) The washed-out section at 17-mile point will then be rebuilt in a more storm-resistant fashion.

In the latter half of this decade, you might expect lengthy road closures of the north-south routes while these roads are rebuilt. Once reopened they will be much safer and designed to enhance tortoise habitat connectivity while keeping tortoises off the pavement. Travelers on the new north-south shortcut through the preserve will experience a safer drive and perhaps a high likelihood of meeting a park ranger if not respecting the posted speed limits. The traveler on the new preserve roads might also notice a new fee structure and the ubiquity of the “Drive Like a Tortoise” motto. Commercial vehicles should expect to be stopped and cited when they are in violation of Preserve regulations.

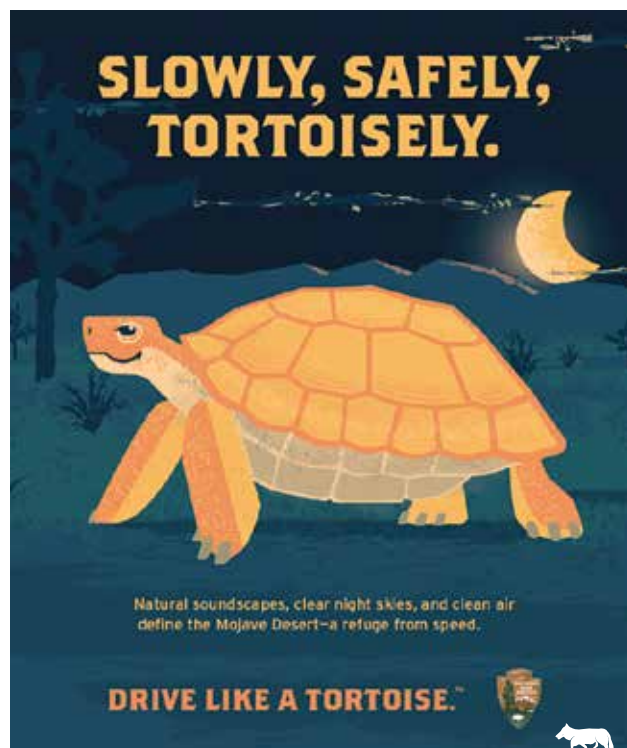
The Drive-Like-a-Tortoise™ campaign is a multimedia initiative to help visitors in the Preserve understand the risks to themselves and desert wildlife caused by reckless speeding. The signs and messaging are being distributed and displayed across the Arizona, California, and Nevada desert region. Multiple agencies are starting to display the yellow diamond signs, and cooperating associations are encouraged to market and amplify the

messages to an even larger community. The creativity and messaging are within the public domain and may be shared and distributed to a broader community beyond Mojave National Preserve. We are hopeful that other agencies, partners, and landowners will promote this important public safety message.

Remember, the secret to a long life is a slow life. Drive Like A Tortoise: Slowly, Safely, Tortoisely.

Mike Gautier is the superintendent of Mojave National Preserve. He started his career in the NPS at Olympic National Park in 1985, and has worked in numerous other park as well in several administrative positions in Washington DC. He is the author of Mount Rainier: A Climbing Guide and is currently the acting superintendent at Lake Mead NRA.

Debra Hughson is the deputy superintendent at Mojave National Preserve. She started at the preserve in 2001, first as Science Advisor and then for the past nine years as Chief of Science and Resource Stewardship. Debra holds a Ph.D. in Earth and Environmental Science with a dissertation in Hydrology at New Mexico Institute of Mining and Technology.



One of the multimedia graphics now in public domain that Land managers, NGOs, and cooperating associations like the Western National Parks Association are encouraged to distribute.

BY JARED NAIMARK

Lithium Mining In The Desert

A threat to land, air, and water

Readers of the *Desert Report* know better than most the unparalleled beauty of desert landscapes. The desert is also full of complex, life-giving relationships that sustain communities and our planet, from tiny fungi storing carbon deep below, to trickling spring-sheds bristling with endemic plants and wildlife and ancient trail networks and cultural landscapes stewarded by Indigenous peoples since time immemorial.

Caring for the desert is essential to confronting our intertwined climate and ecological crises. Unfortunately, the desert is often treated as a wasteland and a sacrifice zone for extractive industries. Toxic pollution from past mining booms represents a major environmental injustice across the desert, with abandoned mine sites yet to be cleaned up. Now the desert is facing a new “white gold” rush for lithium, in high demand for rechargeable batteries used in electric vehicles. According to Desert Fog, as of January 2023 there were 83 lithium exploration projects across the Mojave and Great Basin deserts.

We need a rapid transition away from fossil fuels, and electric vehicles powered by lithium-ion batteries are an important part of the solution. But this must be



Conceptual diagram of circular minerals economy.
Illustration courtesy of Earthworks.



Pit lake from an abandoned gold mine, Imperial County, CA. Pit lakes often have poor water quality and can be extremely acidic, requiring perpetual treatment.
All photos this spread by Jared Naimark.

a just transition, not one where communities and ecosystems are sacrificed to profit-driven industries. Global mining companies are trying desperately to rehabilitate their image. Drumming up fear of China, they say in the interest of national security we need to mine lithium, cobalt, nickel, and rare earths here at home. The result is a greenwashed mineral rush that threatens to irreversibly impact land, air, water, and livelihoods.

If we are serious about climate and clean energy, the best way to secure these minerals is to build a robust recycling system. Rather than mining, we need to focus on building a circular economy to responsibly source the materials needed for a fossil-free future. Recent research from University of California Davis and the Climate + Communities Project found that progressive policies, including best case recycling and smaller car size, could reduce projected US lithium demand by 92% in 2050.

In general, lithium can be mined in one of three ways: in open pits from hardrock or clay deposits, through brine evaporation, or through a new technology called Direct Lithium Extraction (DLE).

Some lithium is found in clay deposits. For example, at Rhyolite Ridge, near Fish Lake Valley, Nevada, Loneer wants to build an open pit to mine this clay for lithium and process it with sulfuric acid. The project would likely

drive the Tiehm's Buckwheat, recently listed on the Endangered Species Act, to extinction. Subsequently, the company re-submitted a plan of operations which surrounds the plant population and lacks a sufficient buffer to prevent the likelihood of extinction. The project would also desecrate cave springs, an important hunting ground for the Western Shoshone, and a place where cultural knowledge is passed down from generation to generation. Rhyolite Ridge is within the sovereign unceded treaty lands of the Western Shoshone based on the Treaty of Ruby Valley 1863. The United Nations has called out the United States for this ongoing denial of treaty rights, to which the United States has yet to respond.

Lithium is also found dissolved in brine. For example, evaporation ponds from salt flats, known as *salares* in Argentina and Chile, are a major source of lithium produced globally today. However, these operations have a huge impact on water in already arid environments, depleting aquifers relied on by Indigenous peoples in the Andean highlands. The only active lithium mine in the United States uses evaporation ponds at Silver Peak, Nevada. More brine exploration is underway across the desert. For example, at Panamint Valley, an exploration project was approved under a "finding of no significant impact" despite objections from environmental advocates.

Many proponents of lithium brine mining in the desert say they will use a new technology called Direct Lithium Extraction (DLE) instead of, or in conjunction with, evaporation to minimize environmental impacts. DLE refers to a set of technologies, such as adsorption and ion exchange, that use chemical and physical processes to directly remove lithium from brine – similar to how a



Tiehm's Buckwheat



Drilling for lithium brine in Imperial Valley.

water softener removes minerals from water. Imperial Valley in southern California is home to one of the largest lithium deposits in the world, dissolved in brine deep below ground on the southern shore of the Salton Sea. This hot brine is currently extracted through geothermal wells to generate electricity at 11 power plants and then re-injected back underground. Three companies are developing projects to extract lithium at existing and new geothermal plants by using DLE. However, very little information is publicly available about how these technologies work and their potential environmental impacts. Communities have raised concerns about environmental justice: whether DLE would add to the significant environmental health burden that they are already facing due to poor air quality and the receding Salton Sea. Indigenous communities have also raised concerns about impacts to cultural sites at the Salton Sea. In the context of climate change, growth of the lithium extraction industry may be limited by the availability of freshwater from the Colorado River, the majority of which currently goes to agriculture.

Proponents of these projects say that lithium extraction must move forward as quickly as possible, despite uncertainties and adverse impacts to the environment, public health, and Indigenous rights. However, true climate justice solutions must look beyond simple technological shifts from fossil fuels to minerals. Instead, we can work towards dismantling the powerful forces that got us here in the first place, and transform society for the better. A daunting task, no doubt, but I would like to offer four recommendations for a better path forward:

1. Reform the 1872 Mining Law.

In the past 150 years, mining has become vastly more destructive, but our federal mining law has not been updated to respond to the scale and impact of industrial extraction. Federal agencies still consider mining to be the preferred use of public land. This law should be reformed to require the Free, Prior, and Informed Consent (FPIC) of Indigenous Communities. The UN

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Large Scale Solar On Public Lands

A new BLM rule affecting development

The vast Amargosa Desert by Death Valley National Park has remained mostly unchanged for the 32 years I have lived in the region. It lies mostly in Nevada, includes unique wetlands at Ash Meadows National Wildlife Refuge, the Devil's Hole, and endless viewsheds, as well as burrowing owls, kit foxes, and a host of endemic plants and insects. A population of sand dwelling Mojave fringe-toed lizards was recently discovered near Big Dune. While most of the California side is protected in one way or another, the Nevada side has remained open for development for decades, but until now there has been little interest.

At the end of June, 2023, the Bureau of Land Management auctioned off four large parcels of BLM lands in the Amargosa Desert for large-scale solar leasing – totaling 23,675 acres or 39 square miles. In all, 105 million dollars were spent!

Two of the parcels were in the Amargosa Solar Energy Zone, an 8,000 acre parcel of land established under the 2012 Western Solar Plan. The plan was intended to expedite solar development on public lands regionally but direct it toward designated “Solar Energy Zones” that were said to have some of the least conflicts. But the plan also created 22 million acres of “Variance Lands” that are open to solar development with some additional scrutiny. The problem with the Solar Energy Zones is that developers greatly dislike the upfront filing fees and were equally displeased with the competitive bidding process they needed to engage in. As a result, most solar applications ended up on the variance lands, many located right next to the Amargosa Solar Energy Zone.

The other two parcels were left out of the Western Solar Plan review and the BLM sees them as easier to lease to developers.

On June 16, 2023, the BLM published a proposed rule that would revise the agency's existing regulations for wind and solar rights-of-way and leases on public lands. The goal is to promote the development of renewable energy on public lands and deliver greater certainty for the private sector. The rule would generally eliminate some of the fees and revise the competitive leasing process to make it less expensive for developers. Among the major changes:

1. Rental rates and capacity fees for solar and wind rights-of-way would be adjusted and reduced. The Energy Act of 2020 modified the Federal Land Management

Policy Act so these fees could be specifically reduced for solar and wind developers. Solar Developers must now pay a multicomponent charge for acreage rents, capacity fees, and for competitive bids. This would be reduced to an acreage rent or capacity rent.

2. A capacity fee would be assessed based on wholesale power prices and the *actual energy produced* by a facility rather than base it on an estimate of the energy that could be generated at a facility and additionally an acreage fee based on per-acre values for pastureland would be implemented.

3. The existing regulations require the BLM to use a competitive process to lease lands within Solar Energy Zones. The new rule would give the BLM discretion to use a competitive process both within and outside of Solar Energy Zones.

4. The new rule would revise the BLM prioritization process. The prioritization process, created in 2016, gave BLM the discretionary authority to place project proposals with high or low conflicts in high, medium or low priority status. The new rule would direct BLM to consider factors that are more favorable to solar and wind developers.

5. Right-of-way grants for solar and wind developers would be extended from 30 years to 50 years.

We see the proposed rule as an action that will take public lands management backwards, and we are disturbed that the BLM is giving this special attention to one public land user group for commercial benefits. We believe this will set future precedents for all development of federal lands.

The Interior Department and Congress are moving forward with plans to deploy 25 GW of renewable energy on public lands by 2025, but is it responsible to expedite 40 square miles of development in the Amargosa Desert? The BLM has said at public meetings that if all the solar applications in the area were developed, nearly 15,000 acre feet of water would be needed just to construct them all. In the case of the four solar proposals which were auctioned off, about 6,000 or more acre feet of water will be needed for construction in a basin that is over-drafted by 17,000 acre feet. The four parcels are all within a 25 mile radius of Devil's Hole, and the State of Nevada has imposed limits on water withdrawal within this radius.

We are disappointed that the BLM has told us they

Ice Age Fossils

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giant Columbian mammoths. The rugged badlands south of Pahrump represent paleowetland deposits that are tens of thousands of years old, and during the Pleistocene these wetlands were habitat for foraging megafauna.

During the Pleistocene Epoch, which lasted from 2 million years ago to 10,000 years ago, the climate was generally colder and rainier in the Southwest deserts. Continental glaciers spread across northern Eurasia and much of Canada. During the Last Glacial Maximum, approximately 20,000 years ago, bristlecone pines grew as low as the foothills of the mountains surrounding Tule Springs.

The fossil mammoth molar was left in place, and the BLM notified of its presence. Tusks and other fossil remains could also be here. The area should be protected and studied, not destroyed by bulldozers and graders for solar panels that can easily go in the built environment.

Both projects are being reviewed with Environmental Impact Statements under the National Environmental Policy Act.

Laura Cunningham is the co-founder of Basin and Range Watch, is the California Director at Western Watersheds Project, and lives next to Death Valley National Park. She has worked in the field of wildlife and fishery biology and is author of A State of Change: Forgotten Landscapes of California (Heyday, 2010).

will not consider cumulative environmental impacts for the new solar proposed rule because it is not a National Environmental Policy Act review. But there is clearly a connection between creating a favorable economic environment for renewable energy developers and the environmental impacts associated with their development.

In comments, Basin and Range Watch has asked for the fees to be increased for more environmentally destructive projects and that the Prioritization Process become more public so we can have more of a seat at the table. We are disappointed the BLM has already decided to sacrifice the Amargosa Desert – an action that will change it forever. More than ever, now is the time to ask permitting agencies to consider built-environment alternatives for siting energy development.

Kevin Emmerich is a former park ranger and field biologist. He has lived in the Mojave Desert for thirty years. Together with his wife, they founded the non-profit conservation organization Basin & Range Watch which advocates for environmentally responsible stewardship of the American southwestern deserts.

Desert Report Website

All the articles in this issue are available individually on the Desert Report website: www.desertreport.org. Footnotes which are not available in the printed issue, can be found at the end of their respective articles along with active links to other references. Past issues of the Desert Report and other information about the Sierra Club Desert Committee can be found on the website as well.

Future Committee Meetings

The November meeting of the Desert Committee will be held online with a zoom format. The February meeting will be held in-person in Shoshone as in the past. Details for these meetings will be posted on www.desertreport.org and on the Desert Forum as soon as they are available.

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A New Conservation Rule For BLM Administered Lands

Questions remain but response is largely positive

The Federal Land Policy and Management Act (FLPMA) directs the Bureau of Land Management (BLM) to manage the public lands under its charge “on the basis of multiple use and sustained yield” and to do so “in a manner that – among other things – will preserve and protect certain lands in their natural conditions.” Given that FLPMA became law in 1976 you might be forgiven for presuming that by now (nearly 50 years later) the agency would have established a comprehensive framework to implement its sustained yield mandate and concentrate on preserving and protecting lands. It hasn’t. But now it’s trying.

The BLM PROPOSED RULE¹² is intended to do several laudable things: a) prioritize the health and resilience of ecosystems across public lands; b) protect intact landscapes and restore degraded habitat; c) apply land health standards to all BLM managed public lands uses; d) clarify that conservation is a “use” within the multiple-use framework; e) revise regulations so the agency better meets FLPMA’s requirement prioritizing Areas of Critical Environment Concern (ACECs). Importantly, all of this work is geared towards leveling the playing field and making sure conservation is treated the same as other uses of the public lands. As the BLM explains: “The proposed rule does not prioritize conservation above other

uses; it puts conservation on an equal footing with other uses.” (The BLM has a handy and thorough webpage on the rule at <https://www.blm.gov/public-lands-rule>).

The conservation community has largely rallied around the proposed rule saying greater emphasis on conservation as required by FLPMA is long overdue and it could help address long standing concerns regarding climate, biodiversity loss, and consultation with Native American tribal governments. Nevertheless, calls for improvement are widespread and well founded.

Some have noted the omission of Lands With Wilderness Character (LWCs) in the draft rule. LWCs are areas the BLM has already inventoried and determined to have wild qualities but have only rarely been protected by the agency. Providing those protections should be a natural place for the agency to identify “intact landscapes” and start ramping up the conservation priority contained in FLPMA.

Another area of focus among conservation groups has been the further prioritization of ACECs in the proposed rule. The consensus is the final rule needs to do better by this important designation. ACECs are specifically identified in FLPMA as places the BLM must prioritize – both designation and protection – and thus comments have urged the agency to include a presumption of designation as the agency considers potential



Arch Canyon, Bears Ears Monument. Photo by Ray Bloxham

ACECs with eligibility criteria including habitat connectivity and biodiversity. One place especially called out as an opportunity for ACECs is the protection and restoration of old and mature forests.

The general areas of recommended improvements correspond with a set of several congressional letters of support that have been sent to Interior Secretary Haaland over the last year. The letters, led by Sen. Durbin (IL), Sen. Heinrich (NM), Rep. Huffman (CA) and Rep. DeGette (CO) have highlighted the importance of BLM using all the tools in its administrative toolbox to conserve public lands, including the designation of new wilderness study areas (something that can occur now, separate and apart from finalizing the Rule) and ACECs. While not directed towards the proposed Rule they do give further credence to the improvements to it voiced by conservation organizations.

Though the tone of the draft Rule is even handed and the stated objectives easily track with the letter and spirit of FLPMA as well as accepted elements of conservation biology, some in Congress have reacted with vehement opposition. Rep. Curtis of Utah (Chair of the GOP Climate Caucus) and Sen. Barrasso of Wyoming (ranking member on the Energy and Natural Resources Committee) introduced companion bills^{3,4} both of which would “require the Director of the BLM to withdraw a rule of the BLM relating to conservation and landscape health” and preclude anything similar from being advanced in the future. In a hearing before the House Natural Resources Committee Rep. Westerman (Chair of the Committee) said the Rule would mean a “seismic shift” in BLM management and Rep. Stauber (MN) characterized it as a land grab driven by an “extreme, radical climate activist agenda.” Opposition to Curtis’ bill was led by Rep. Huffman (CA) and Rep. Stansbury (NM) who said the rule would “help us manage our lands in a more balanced way” and noted that “Much of what I’ve heard here today is just not true.” The Committee approved Curtis’ bill (HR 3397) on a party-line vote; debate and a possible vote before the full House of Representatives are likely. The Senate bill (S.1435) awaits Committee action.=

Much of the debate surrounding the draft rule focuses on a new tool — “conservation leases” that would be used to restore and conserve certain lands. BLM says such leases would allow an external entity such as a Tribal Nation or non-governmental organization to “enter into an agreement with the BLM to help achieve restoration or mitigation outcomes.” Some in the GOP claim this would allow the removal of public lands by environmental groups from livestock grazing and mining, though the plain language of the draft rule makes it clear this is not the goal. On the other hand, many in the conservation community support the concept as a new tool to mitigate damage and encourage restoration efforts of “natural environments, cultural or historic resources, and ecolog-

ical communities.” Some have voiced concerns that the leases, by granting specified management authority to private entities, could become a means of further privatizing public lands.

The Sierra Club submitted extensive comments with an emphasis on protecting habitat connectivity, migration corridors, and the core areas of intact lands tied with those features. In that context the Club joined the call for protecting identified Lands With Wilderness Character (LWCs). Conservation leases, it said, should be used “for the purpose of ensuring ecosystem resilience through protecting, managing, or restoring natural environments, cultural or historic resources, and ecological communities including species and their habitats” and rejected the practice of “chaining” pinyon/juniper woodlands as an acceptable tool for the leases. In addition, the Sierra Club wrote that the agency should site utility-scale solar projects only within BLM designated priority Solar Energy Zones with low impacts and lying near existing substation and transmission infrastructure in order to “avoid unnecessary and undue degradation”.

It’s refreshing to see the Bureau of Land Management saying:

“It is imperative for the BLM to steward public lands to maintain functioning and productive ecosystems and work to ensure their resilience, that is, to ensure that ecosystems and their components can absorb, or recover from, the effects of disturbances and environmental change. This proposed rule would pursue that goal through protection, restoration, or improvement of essential ecological structures and functions. The resilience of public lands will determine the BLM’s ability to effectively manage for multiple use and sustained yield over the long term.”

As always, the proof is in the pudding. Time will tell.

The comment period on the draft rule closed July 5 with over 90% of the 150,000+ comments submitted speaking favorably of the rule.⁵ The agency will take several months to review the submissions and make revisions before announcing a final rule which is anticipated to occur around the end of the year.

Clayton Daughenbaugh is the Organizing Director for the Southern Utah Wilderness Alliance and volunteers as the Vice-Chair of the Sierra Club’s Wildlands and Wilderness Grassroots Network Team.

(1) <https://www.blm.gov/public-lands-rule>

(2) <https://www.federalregister.gov/documents/2023/04/03/2023-06310/conservation-and-landscape-health>

(3) <https://subscriber.politicopro.com/article/eenews/2023/06/21/house-committee-oks-bill-to-block-blm-public-lands-rule-00102991>

(4) <https://www.hcn.org/articles/south-landline-public-lands-rule-rhetoric-gets-wacky>

(5) <https://westernpriorities.org/2023/07/analysis-public-comments-overwhelmingly-support-blm-public-lands-rule/>

Whose Water Is It?

A proposed limit on water bottler's claim in the San Bernardino National Forest

California State Water Board may soon act to limit BlueTriton brands siphoning of water from springs in the Strawberry Creek watershed in the San Bernardino National Forest for bottling.

Water is essential to life. In California, where over-taxed water resources must meet a variety of societal and biological needs and water law is particularly complex, ensuring that scarce water resources are protected and that only authorized diversions are made is difficult.

Water rights in California are infinitely complicated with different legal structures for surface water, groundwater, and riparian rights. Anyone who has followed the never-ending battles among farmers, cities, and conservationists over water that flows through the Sacramento-San Joaquin River Delta or water levels in Mono Lake knows that there are rarely simple answers when water rights are at stake. Yet as complex as it may be, the basic legal principle enshrined in the state constitution is clear: all water in the state is held in trust for the people of California. Too bad the bottled water industry doesn't share that view.

Nestle is the country's biggest seller of packaged water in disposable plastic bottles. It bought the Arrowhead Mountain Spring Water label and its water claims in the San Bernardino National Forest in 1992 when it

acquired Perrier, which had bought the Arrowhead brand from another food conglomerate. In 2021, Nestle sold its interest in Arrowhead to BlueTriton Brands.

In April 2021, State Water Resources Control Board staff, in response to multiple complaints, issued a proposed cease-and-desist order which found that Nestle/BlueTriton Brands did not have adequate water rights to be diverting all of the spring water that it had been taking in Strawberry Canyon. BlueTriton Brands requested a hearing on the draft order in May 2021, sending it to the Administrative Hearings Office of the State Water Resources Control Board. The Administrative Hearings Office's evidentiary hearings process started in August 2021, and resulted in a revised proposed cease-and-desist order that will be heard by the State Water Resources Control Board this fall.

While it's true that the Arrowhead brand has taken water from some springs in the area for more than a century, the springs in Strawberry Canyon watershed were not tapped by the company until the 1930's, and the draft order found that the company never took any steps to lawfully acquire *surface* water rights to that spring water. The present spring water diversions involve drilling deep into the mountain to capture water before it can ever reach the surface. In response to these findings, the company did an about-face and claimed it is only taking *groundwater* (not surface water), and that it has a right to take unlimited amounts of groundwater from beneath the national forest. In fact, the Forest Service never considered the question of whether the company could take groundwater under the National Forest (which the U.S. Forest Service has rights to as the overlying owner) because the company had previously claimed it needed only surface water rights.

The Center for Biological Diversity (CBD), the Sierra Club, and other groups have intervened in the Administrative Hearings Office process and have participated through expert testimony, cross-examination of witnesses, and briefing. The Hearing Officer has been thorough and included a public field trip in February 2022 to some of the water diversion sites.

On May 4, 2023, the Hearing Officer issued a draft proposed cease-and-desist order on some of the water that Nestlé /BlueTriton Brands had been diverting. The revised draft order, issued on July 7, 2023, is based on a finding that BlueTriton lacks the necessary water rights.



Headwater Spring, December 4, 2021 - Barely a trickle.
Photo by Hugh Bialecki.

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Specifically, the draft proposed order would require that Tunnels 2 and 3, and Boreholes 1, 1A, 7, 7A, 7B, 7C and 8 must only be used to deliver established riparian water rights to the Arrowhead Springs Hotel property which is now owned by the San Manuel Band of Indians. The proposed order also requires monthly reporting on the total daily amounts of diversions at all the facilities. While the revised cease-and-desist order would not require changes at Boreholes 10, 11 and 12 that divert a spring complex further down the watershed, it would require monitoring and reporting of water diversions in that area also.

The CBD and Sierra Club are supportive of the Hearing Officer's draft proposed cease-and-desist order because it will allow more water to flow down Strawberry Creek, revitalizing the riparian area, and will begin the process of restoring these public lands. The State Water Resources Control Board will ultimately make a final decision on the cease-and-desist order sometime in the Fall of 2023. BlueTriton Brands may, however, decide to challenge the order in State Court. If they do, we will be there to continue to defend the springs that support Strawberry Creek.

In summary, the siphoning of spring water for bottling comes at a cost, including to fish and wildlife in the forest that rely on the water for their survival. We hope that the water board acts quickly to protect the springs in Strawberry Canyon and that restored flows soon help revive the rare riparian and aquatic habitats along Strawberry Creek.

Ileene Anderson is a senior scientist with the Center for Biological Diversity. She is also the California Deserts Director for the organization and has worked on conservation issues in the California deserts for over 25 years.

Also at Issue: Forest Service Special Use Permits for Pipelines and Boreholes

In 2014, an estimated 28 million gallons were piped away from the San Bernardino National Forest to be bottled and sold under Nestlé's Arrowhead brand of bottled water even though the permit for the four-mile pipe had expired nearly three decades ago. The Forest Service renewed that permit in 2018 and required specific studies on the impacts of the water use. The Forest Service is now waiting for the water board decision before considering a new permit and undertaking a robust environmental review process.

Declaration on the Rights of Indigenous Peoples and other international human rights standards enshrine Indigenous Peoples' right to FPIC on projects affecting their lands, territories, resources, and cultural heritage. This includes the right to meaningful dialogue and the right to say "yes," "no," or "yes with conditions" to a project, and to revoke consent at any time.

2. Build a circular minerals economy based on reuse, recycling, and recovery.

Instead of endlessly mining lithium from the ground, we should implement policies to source lithium and other minerals from existing materials. One example is to require recycling of electric vehicle batteries, which has the potential to reduce demand for mined lithium by at least 25%. There's even a bill introduced in California to do just that. At the federal level, Congress passed the Infrastructure Law and Inflation Reduction Act in 2021, which provided resources to develop sustainable battery design, labeling, and recycling. Later this year, we expect Congress to consider new legislation that may help put those circular economy models into practice.

3. Build cars with smaller batteries, and reduce dependency on cars all together.

Demand for mined lithium can be reduced even further if we support building efficient, smaller vehicles with less battery material. Similarly, if we support public electric transportation instead of private electric vehicles, drastically less lithium will be required.

4. Stand in solidarity with frontline communities defending land, air, and water from mining in both the global North and global South.

Implement Free, Prior, and Informed Consent (FPIC), for projects impacting Indigenous lands and peoples. We need to respect the treaty rights of Indigenous peoples such as the Treaty of Ruby Valley. And we need to implement the Jemez Principles in advocacy and organizing to center communities that are most impacted since those closest to the problem are closest to the solutions.

We don't have to buy into the mining industry's narrative that pits electrification against desert conservation. With these four solutions as a starting point, we can escape that false choice and chart a better path forward. Protecting desert landscapes from the impacts of lithium mining will be crucial for climate justice, and it will take all of us joining in to steward the places we love.

Jared Naimark is the California Mining Organizer with Earthworks, working to protect communities and the environment from the adverse impacts of mining. More info at <https://earthworks.org>

Harvesting Desert Groundwater

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results favorable to Cadiz. An outpouring of opposition from environmental justice and conservation activists caused Three Valleys' board to repudiate its arrangement with Cadiz in 2022.

Wokewashing

In a parallel strategy, Cadiz persuaded a handful of social justice groups not usually involved in conservation or environmental justice issues to support the project, describing it as a much-needed source of “reliable, clean, and affordable” water. Cadiz also offered free water to the Salton Sea Authority and to the Torres Martinez Cahuilla Tribe – about 5,000 acre-feet per year in total.

Those groups cannot be faulted for a knee jerk support of clean, reliable and affordable water for frontline communities. But MWD (with USGS's help) had already decided Cadiz would not be a reliable source of water, as drying springs would likely force the company to stop pumping eventually. Furthermore, the groundwater Cadiz would mine contains carcinogenic Chromium 6 in amounts several hundred times the state's public health goal, as well as arsenic and other contaminants. Even without removing those contaminants, an expensive process in itself, water from Cadiz's wells would cost customers between two and five times more than water from the State Water Project. So the “reliable, clean and affordable” water Cadiz dangles in front of its social justice-oriented allies would be none of the three.

Whether this “wokewashing” strategy will pay off for Cadiz is uncertain. Signs are that the Environmental Justice community isn't taking the bait.

Failure to learn from court losses

Despite being seemingly blocked, Cadiz isn't playing a waiting game. In July of this year, the Needles Field Office of the BLM announced it was considering restarting the agency's permit process for the Northern Pipeline without NEPA review, using a Categorical Exclusion (CatEx). This is an option when a project being examined is so minor and trivial that it clearly has no environmental impact. The BLM's rationale was that this initial phase of the permit process merely granted Cadiz the ability to operate an oil and gas pipeline; conversion to a water pipeline would require a permit under another law entirely, which would be where NEPA would come into play.

But one of the requirements for using a Categorical Exclusion is that the CatEx cannot be used to cover one aspect of a broader project with likely impacts on the environment. To quote the Code of Federal Regulations:

To use a CATEX, the proponent must satisfy the following three screening conditions:

(A) The action has not been segmented. Determine that the action has not been segmented to meet the definition of a CATEX. **Segmentation can occur when an action is broken down into small parts in order to avoid the appearance of significance of the total action.** An action can be too narrowly defined, minimizing potential impacts in an effort to avoid a higher level of NEPA documentation. The scope of an action must include the consideration of connected, cumulative, and similar actions. (Emphasis mine.)

Cadiz has maintained for years that it wants the Northern Pipeline in order to ship water from its wells to potential paying customers. By considering a CatEx to cover one step in the process of creating Cadiz's Northern Pipeline without considering the effects of the entire project on the environment, BLM is clearly segmenting the action in question – a violation of Federal law.

BLM offered a surprisingly short 15-day comment period for its proposed CatEx. That comment period has now ended. Of roughly two dozen groups signing onto a protest letter objecting to the use of the CatEx about a third were well-respected environmental justice organizations such as the Environmental Justice Coalition for Water and the California Environmental Justice Alliance. These groups clearly haven't been hoodwinked by Cadiz's marketing strategy. They know that frontline communities don't need expensive, carcinogenic water that tastes like it's been run through hundreds of miles of an abandoned oil and gas pipeline. One can only hope that many more Californians come to this realization.

Chris Clarke joined National Parks Conservation Association in 2017. As California Desert Associate Director, he works with desert communities to protect national parks, monuments, and other protected places. He lives in Twentynine Palms.



Oasis at Bonanza Spring. Photo by Chris Clarke



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To receive *Desert Report* please see details on the back cover. Articles, photos, and original art are welcome. Please contact Craig Deutsche (craig.deutsche@gmail.com, 310-477-6670) about contributions well in advance of deadline dates: February 1, May 1, August 1, and November 1.

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