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26 IN UNITED STATES DISTRICT COURT FOR THE  
27 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

28 CENTER FOR BIOLOGICAL DIVERSITY  
and CENTER FOR FOOD SAFETY,

Plaintiffs,

vs.

U.S. BUREAU OF LAND MGMT., et al.,

Defendants.

Civ. No.2:17-cv-08587

**DECLARATION OF ILEENE  
ANDERSON IN SUPPORT OF  
PLAINTIFFS' OPPOSITION TO  
MOTION TO DISMISS**

1 I, Ileene Anderson, declare as follows:

2 1. The facts set forth in this declaration are based on my personal  
3 knowledge. If called as a witness in these proceedings, I could and would testify  
4 competently to these facts.

5 2. I am an adult citizen of the United States and reside in Los Angeles,  
6 California. I have a Masters of Science in Biology from the California State  
7 University at Northridge.

8 3. I have been a member of the Center for Biological Diversity (the  
9 “Center”) since 1999. I was hired by the Center in October 2005, where I currently  
10 work as a senior scientist and public lands Desert Director.

11 4. The Center is a non-profit environmental organization whose mission is  
12 to protect air quality, endangered species, and habitat through science, policy,  
13 education, and environmental law. We have over 61,000 members, including over  
14 13,000 members in California. Like me, the Center’s members rely upon the  
15 organization to represent our interest in preserving public lands and the rare, and often  
16 imperiled, ecosystems, plants, and animals they support.

17 5. I have long had interest in the Mojave Desert of southeastern California.  
18 Because of my interest, I applied for and was appointed to BLM’s Desert Advisory  
19 Council for the California Desert Conservation Area as a renewable resources  
20 representative, serving from 1998 through 2002. This experience gave me great  
21 insight and appreciation for the California Desert Conservation Area and BLM’s  
22 challenges in managing this unique and easily damaged landscape that lies in close  
23 proximity to millions of people in southern California.

24 6. I consider the Mojave Desert of southeastern California to be an  
25 ecological gem. It is home to a vast range of flora and fauna, and home to more than  
26 100 rare species including the desert tortoise, bighorn sheep, Mojave fringe-toed  
27 lizard, and many rare and endangered plants that I have studied extensively. The  
28 Desert’s habitats are extremely diverse, spanning sand dunes, volcanic cinder cones,

1 salt flats and crucial desert perennial streams that form oases that wildlife of all types  
2 rely on.

3 7. The Mojave Desert also contains aquatic, riparian, and mesic sites, which  
4 are a rarity in desert ecosystems and are critically important to wildlife and plants in  
5 this harsh desert environment. I have visited Bonanza Spring, which is the largest  
6 spring in the southeastern Mojave Desert. It is a thriving oasis in an otherwise dry and  
7 inhospitable landscape, and it is a treasure trove of evolutionary processes, because its  
8 moist areas have been isolated for lengthy periods of time. Springs and riparian areas  
9 are a critical component of the desert ecosystem, without which many plants and  
10 animals would not be able to survive.

11 8. Like many of the Centers' members, I derive both professional and  
12 personal benefits from visiting the Mojave Desert, including adding to my scientific  
13 knowledge, and gaining aesthetic, recreational, and educational enjoyment from the  
14 natural ecosystems that these desert springs and other riparian areas support. I  
15 regularly visit various areas of the Mojave Desert—both for work and for personal  
16 enjoyment—and I have done so for more than 50 years. I have visited many of the  
17 freshwater springs within the Mojave Desert over that time. Most recently, in 2017, I  
18 visited Bonanza Spring to observe plants and animals, including rare ones, which are  
19 particularly interesting to me as a scientist. While at Bonanza Spring, I watched birds,  
20 botanized, looked at aquatic and terrestrial invertebrates, and walked the full length of  
21 the wetted and moist part of the oasis. I also have plans to visit the Mojave Desert  
22 again in May 2018 and anticipate visiting Bonanza Spring again in September to look  
23 for birds, plants and invertebrates.

24 9. The Center has a long history of working to protect the Mojave Desert  
25 and the species that call the desert home. For example, in 2000 the Center filed a  
26 lawsuit against the BLM for failing to consult with the Fish and Wildlife Service  
27 regarding impacts to ESA-listed species including the desert tortoise, Peninsular  
28 bighorn sheep, desert pupfish, Lane Mountain milkvetch, and the Pierson's milkvetch

1 from grazing, off-road vehicles, and other activities in the California Desert  
2 Conservation Area (CDCA). That lawsuit resulted in a settlement and significant  
3 protections being put in place for these and other listed species in the California  
4 deserts. *Center for Biological Diversity et al. v. BLM*, Case No. C-00-0927 WHA  
5 (JCS) (N.D. Cal.). The Center continues this work to protect the listed species and  
6 other resources of the California deserts through scientific research, public education,  
7 lawsuits, and creative media. Recently, the Center worked to establish the Mojave  
8 Trails National Monument and other desert monuments because of the increased  
9 emphasis on conservation that national monument status brings to the Mojave Desert.  
10 We also recently worked to establish stronger conservation protections for desert  
11 lands important to wildlife in BLM's land use plan amendments and as part of various  
12 project approvals.

13 10. In my opinion, the "Cadiz Valley Water Conservation, Recovery and  
14 Storage Project" or "Cadiz project" represents one of the single biggest current threats  
15 to the Mojave Desert and Mojave Trails National Monument. Cadiz is a for-profit  
16 corporation that has over 34,000 acres of private land in the Mojave Desert, most of  
17 which is surrounded on all sides by Mojave Trails National Monument. Cadiz's  
18 property sits above portions of the same underground aquifers that feed springs, seeps,  
19 and riparian areas within and near Mojave Trails National Monument, including  
20 Bonanza Springs and both Bristol and Cadiz Dry Lakes. The Cadiz project would  
21 extract an average of 50,000 acre feet (an amount equivalent to 16.3 billion gallons) of  
22 groundwater every year for 50 years from the aquifers underlying Cadiz's property.  
23 Cadiz intends to profit by selling this groundwater to municipal water districts in San  
24 Bernardino, Los Angeles, and Orange counties.

25 11. I have been closely following the scientific studies regarding the impact  
26 of the Cadiz project on fragile Mojave Desert environment. I have read the 2000 U.S.  
27 Geological Survey (USGS) study which concludes that Cadiz "grossly overestimated"  
28 the amount of natural recharge that flows through nearby watersheds and into the

1 groundwater beneath Cadiz’s land. USGS Memo at page 4. USGS also warned that  
2 “better estimates of natural recharge and discharge need to be made . . . [p]rior to the  
3 initiation of [the Cadiz P]roject . . . .” USGS Memo at page 6. A true and correct  
4 copy of USGS’s 2000 memorandum is **Exhibit A** hereto. USGS re-affirmed the  
5 findings from its 2000 memo in a 2017 letter to Senator Feinstein, explaining the  
6 agency was “not aware of new information that would change” the recharge estimates  
7 in its initial study. USGS Letter at page 1. A true and correct copy of the USGS’s  
8 letter to Senator Feinstein is **Exhibit B** hereto.

9 12. I have also read the recent peer-reviewed study published in April 2018  
10 by Zdon et al., which evaluated the groundwater that surfaces at Bonanza Spring using  
11 a combination of geologic maps, measured groundwater levels, water quality  
12 chemistry, and isotope data. The 2018 Zdon study shows that Bonanza Spring is fed  
13 by a regional water source that is in hydraulic connection with basin fill aquifer  
14 systems, rather than being an isolated, “perched” aquifer as was originally believed.  
15 Zdon Study at page 1. To me, the clear implications of this new study are profound:  
16 because Bonanza Spring is connected to the regional groundwater supply, it is likely  
17 to be harmed by the groundwater drawdown of the aquifer that Cadiz has proposed to  
18 pump water from. The project then depends on the pipeline project to move that water  
19 to urban users. A true and correct copy of the 2018 Zdon study is **Exhibit C** hereto.

20 13. I worked in coalition to stop an earlier version of the Cadiz project when  
21 I worked for different non-profit, the California Native Plant Society. The Center and  
22 I have been fighting the current Cadiz project since its inception. In 2012, the Center  
23 filed suit challenging the Cadiz project for failure to comply with CEQA. *See Ctr. for*  
24 *Biological Diversity v. County of San Bernardino*, 247 Cal. App. 4th 326 (Cal. Ct.  
25 App. 2016). Since then, we have worked at many levels to stop the Cadiz project to  
26 protect our public lands, desert resources, including water and air quality, and rare and  
27 imperiled plants and animals that would be impacted by the loss of water to this  
28 fragile ecosystem.

1           14. I understand that Cadiz cannot begin its planned groundwater pumping  
2 until it secures an economically feasible means for conveying water across the federal  
3 public land that surrounds its private land. My understanding is that Cadiz contracted  
4 with the Arizona California Railroad Company (ARZC) in 2008 to construct a  
5 massive pipeline within the right-of-way held by the railroad that extends from  
6 Cadiz’s property to the Metropolitan Water District of Southern California’s Colorado  
7 River Aqueduct near the abandoned town of Rice in an attempt to avoid the need to  
8 apply for a new right-of-way under FLPMA and the requisite environmental review  
9 under NEPA.

10           15. In 2015, I agreed with and was overjoyed when BLM determined that  
11 Cadiz’s proposed pipeline is beyond the scope of the railroad rights-of-way held by  
12 ARZC. I understood this to mean that Cadiz would be required to apply for a new  
13 right-of-way in accordance with the Federal Land Policy and Management Act  
14 (FLPMA)—and to undergo a public federal environmental review process—before  
15 the pipeline could proceed. A true and correct copy of BLM’s Recommendation  
16 Report regarding the Cadiz pipeline, in which BLM details the legal and factual basis  
17 for its 2015 determination, is **Exhibit D** hereto. I believe that a public process and  
18 additional environmental review are needed to ensure that all impacts of the pumping  
19 and pipeline proposal are fully considered and disclosed to the public—particularly in  
20 light of Zdon et al.’s recent hydrological studies.

21           16. In my experience, BLM’s consideration of any new right-of-way under  
22 FLPMA would require robust environmental review under NEPA, and I believe that  
23 an environmental review process under NEPA would provide needed analyses of data  
24 about impacts to desert resources from the proposed pumping and pipeline project that  
25 were not fully disclosed or considered in the previous state CEQA process.

26           17. It is my understanding that the BLM’s 2015 determination that the Cadiz  
27 pipeline proposal is beyond the scope of the ARZC rights-of-way had the effect of  
28 stymying the entire Cadiz project. For example, I read in a Cadiz “10-K” filing with

1 the Securities and Exchange Commission from early 2016 that Cadiz acknowledged  
2 BLM's 2015 determination meant that proceeding with the project would require  
3 Cadiz either to file suit challenging BLM's determination or to seek a new right of  
4 way from BLM. Cadiz 10-K at page 21. Cadiz stated that "[b]oth alternatives will  
5 likely result in delay of final Project implementation and we cannot reasonably predict  
6 the outcome of either process." Cadiz 10-K at page 21. A true and correct copy of  
7 Cadiz's 10-K is **Exhibit E** hereto. I also have read a more recent July 2017 letter to  
8 BLM in which Cadiz's CEO conceded that "doubts related to the validity of the  
9 [AZRC] right-of-way exist" as a result of BLM's 2015 determination that "must be  
10 lifted for the [Cadiz] Project to proceed." Cadiz 2017 Letter at page 2. A true and  
11 correct copy of Cadiz's July 2017 letter is **Exhibit F** hereto.

12 18. The Trump Administration's determination on October 13, 2017 that the  
13 Cadiz pipeline is within the scope of the ARZC right-of-way reversed the earlier BLM  
14 2015 decision regarding this issue, and has caused me to suffer injury-in-fact, because  
15 it clears the way for Cadiz to proceed with its pipeline and groundwater pumping  
16 without any federal environmental review of the impacts of the project and without a  
17 right-of-way. After BLM issued its October 13, 2017 determination, I read a press  
18 release from Cadiz (that was also attached to an "8-K" with the SEC) in which Cadiz  
19 states that, in light of BLM's determination, "no further federal permits and  
20 authorizations are required for Project construction within the ARZC railroad right-of-  
21 way" and that the company will "now turn its attention to final engineering design."  
22 Cadiz 8-K at page 4. A true and correct copy of Cadiz's 8-K filing is **Exhibit G**  
23 hereto.

24 19. I followed the press reports regarding the Trump administration's  
25 appointment of David Bernhardt to be Deputy Secretary of the Interior with great  
26 concern, because I believe that his work as a former Cadiz lobbyist shows he has a  
27 conflict of interest in regard to the Cadiz project and it would be inappropriate for him  
28 to oversee the agency that is making decisions regarding the project. Among the news

1 stories that I read at that time regarding these conflicts was a May 18, 2017 Los  
2 Angeles Times article that outlined some of his conflicts. A true and correct copy of  
3 the Los Angeles Times article is **Exhibit H** hereto. I am concerned that Bernhardt's  
4 confirmation as Deputy Secretary of the Interior in July 2017—before BLM issued its  
5 October 13, 2017 determination regarding the Cadiz pipeline that reversed BLM's  
6 prior position and would allow Cadiz to move forward with the project without  
7 FLPMA or NEPA compliance—is evidence of that conflict of interest. One of the  
8 news reports that I read after the BLM's new determination regarding Cadiz was  
9 issued, an October 18, 2017 Washington Post story, explains Bernhardt's conflicts as  
10 well. A true and correct of the Washington Post article is **Exhibit I** hereto.

11 20. I am personally harmed by BLM's October 13, 2017 determination  
12 regarding the Cadiz Project pipeline. I believe construction and operation of the  
13 pipeline will disrupt wildlife and worsen air quality in and around Mojave Trails  
14 National Monument. Moreover, BLM's new determination with respect to the Cadiz  
15 pipeline will allow Cadiz to begin its proposed groundwater pumping without any  
16 federal environmental review. I am also concerned that construction and operation of  
17 the Cadiz project will add to air pollution in the Monument as desert lakebeds begin to  
18 dry, and their surface will no longer be held in place. Desert winds will then pick up  
19 and disperse the fine surface particles from the lakebed, creating greater PM<sub>10</sub> and  
20 PM<sub>2.5</sub> pollution, just as in the desiccated Owens Valley of California.

21 21. The construction impacts to the Mojave Desert ecosystem area will injure  
22 my interests in and enjoyment of the public lands, especially by increasing noise,  
23 traffic, and dust along the pipeline route and road, scaring wildlife away, and  
24 potentially harming rare plants in the path of construction, operation, and maintenance  
25 of the pipeline. The long-term impacts of the operation of the Cadiz pumping project  
26 and pipeline will additionally injure my interests in and enjoyment of the Mojave  
27 Desert by adversely impacting plants and animals I observe and study, reducing scarce  
28 yet critical water resources for those same plants and animals, and further impairing



1 the already unhealthful air quality and therefore the wide open vistas that have made  
2 the Mojave Desert famous.

3 22. In addition, I am concerned that the quality of the water Cadiz wants to  
4 sell to urban users could impair public health. I live in the City of Los Angeles and  
5 our water provider—the Los Angeles Department of Water and Power—has refused  
6 to contract for the Cadiz water because of concerns about the environmental impacts,  
7 the water quality and the unsustainability of the project in general. I also know that  
8 other urban water districts, including the Upper San Gabriel Valley Municipal Water  
9 District where Center members live, have also declined to enter into a Letter of Intent  
10 with Cadiz for similar reasons to the City of Los Angeles’ Department of Water and  
11 Power. They are justifiably concerned about the health risks associated with  
12 introducing water containing hexavalent chromium and other heavy metals into  
13 southern California’s water supply and the impacts from consuming water containing  
14 known health hazards and carcinogens. I worry about the risks of consuming this  
15 water when I visit other areas of Southern California and about other Center members  
16 in urban areas of southern California whose local water providers may not have the  
17 same concerns or are unaware of the environmental and sustainability risks of this  
18 proposed project.

19 23. My injuries described above are the direct result of BLM’s October 13,  
20 2017 determination that the Cadiz project pipeline falls within the scope of the  
21 railroad rights-of-way held by the Arizona California Railroad Company.  
22 Specifically, I am injured by BLM’s decision to not require Cadiz to comply with  
23 FLPMA, to proceed without an environmental review under NEPA, and by BLM’s  
24 failure to undertake environmental review before making the October 13, 2017  
25 determination.

26 24. If this Court were to grant the relief requested in this lawsuit, my injuries  
27 would be redressed. For example, a declaration that the BLM must comply with  
28 FLPMA and NEPA before allowing the pipeline to cross public lands would give me

1 and other members of the public a chance to consider the impacts and weigh in on  
2 avoidance, minimization, and mitigation needed if the project were to be permitted. If  
3 BLM required Cadiz to apply for a new right-of-way under FLPMA, there would be a  
4 public process for any proposed permit and environmental review that could result in  
5 the project being denied or changed substantially to protect the air and water resources  
6 and other desert plants and animals that I value. Cadiz has already indicated that it is  
7 either unwilling or unable to proceed with its project unless BLM recognizes that its  
8 pipeline falls within the ARZC right-of-way.

9 I hereby declare under penalty of perjury that the foregoing is true and correct  
10 to the best of my knowledge and belief.

11 Executed on May 2, 2018 in Los Angeles, California.

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14 ILEENE ANDERSON  
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**List of Exhibits**

<i>Document</i>	<i>Exhibit Letter</i>
U.S. Geological Survey Memorandum (Feb. 23, 2000)	A
U.S. Geological Survey Letter to Senator Diane Feinstein (May 5, 2017)	B
Zdon et al. article published in Environmental Forensics (2018)	C
U.S. Bureau of Land Management Recommendation Report (2015)	D
Cadiz Inc. Form 10-K Filing with the U.S. Securities and Exchange Commission (2016)	E
Cadiz Inc. Letter to U.S. Bureau of Land Management (July 17, 2017)	F
Cadiz Inc. Form 8-K Filing with the U.S. Securities and Exchange Commission (2017)	G
Bettina Boxall, “Trump Interior Department nominee tells Senate panel he can avoid potential conflicts of interest” (L.A. Times, May 18, 2017)	H
Dino Grandoni, “The Energy 202: Interior greenlights desert water project, prompting call for investigation” (Washington Post, Oct. 18, 2017)	I