



Pignata, Erik <epignata@blm.gov>

Barstow Route

3 messages

Thomas McGannon <tmcgannon@whetstone-capital.com>
To: "Pignata, Erik" <epignata@blm.gov>

Fri, Oct 16, 2015 at 10:10 AM

I think I've asked this before, but if Cadiz were to use the EPNG gas pipe would they need BLM approval?

Thomas McGannon, CFA*Whetstone Capital*2001 Shawnee Mission Parkway
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Phone: 913.713.6212

Email: tmcgannon@whetstone-capital.com**From:** Pignata, Erik [mailto:epignata@blm.gov]
Sent: Wednesday, October 14, 2015 1:06 PM
To: Thomas McGannon
Subject: Re: NEPA Lead Agency

That's right, a 1/5 purchaser of total water was in that vestige. But, a CA judge didn't have a problem with that aspect (SMWD's role in the EIR was challenged by 6 or so enviro groups - but it upheld).

Doesn't sound shady to me at all.

On Wed, Oct 14, 2015 at 10:58 AM, Thomas McGannon <tmcgannon@whetstone-capital.com> wrote:

That wiley ol' gal.

When they went through CEQA was the SMWD the sole determinant of the magnitude of the environmental impacts from the project?

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From: Pignata, Erik [mailto:epignata@blm.gov]

Sent: Wednesday, October 14, 2015 12:57 PM

To: Thomas McGannon

Subject: Re: NEPA Lead Agency

Yes, I would think so - but, Feinstein keeps inserting appropriations language that does not allow us to accept applications from them.

On Wed, Oct 14, 2015 at 10:36 AM, Thomas McGannon <tmcgannon@whetstone-capital.com> wrote:

If Cadiz were to commence the NEPA process, would the BLM be the lead agent?

Thanks

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Pignata, Erik <epignata@blm.gov>
To: Thomas McGannon <tmcgannon@whetstone-capital.com>

Fri, Oct 16, 2015 at 11:11 AM

Yes, this would be a realty action called an "assignment." The interest in the authorization would be "assigned" to a new holder (Cadiz). There are more realty details:

- 1) The El Paso authorization is under a different authority (the Mineral Leasing Act, or MLA) than what Cadiz would need for authority (the Federal Land Policy and Management Act, or FLPMA), thus "assignment" would need to be a concurrent action with "amending" the grant for a substantial deviation in what was originally authorized.
- 2) Through the NEPA process, if a viable non-federal alternative is not presented, then even actions off of public land get including in the analysis for the action, although not in the authorization itself (for although BLM doesn't have jurisdiction to authorize an action on private, it still must consider all effects in these circumstances). This would be the so called "but, for . . ." test / connected actions. Thus, whatever they would need to do to convert a gas line to a water line would include describing and analyzing effects for the entire project, on and off public land (I assume - I have not seen a proposal; the proposed action may have a non-federal alternative, so, this is speculative for me at this point).
- 3) Given #2, and the political situation, we would probably be looking at an EIS (not an EA) for processing/analyzing such an application.
- 4) The 2012 EIR for the conveyance pipeline states that "Phase II" (possible pipeline conversion) would only come after "Phase I" (tapping and discharge from the aquifer) - they said they wouldn't want to swell the aquifer or some hydrological concern like that. This presents another problem for analysis - for BLM wouldn't dive into an EIS-level project (pipeline conversion) before knowing the outcome of a yet-to-be-applied for connected project (conveyance pipeline), for at least as presented in 2012, Phase II relies on and comes after Phase I.

So, I don't know, but, would imagine substantial involvement on BLM's part (and other agencies, etc.) in any applications for pipeline conversion.

[Quoted text hidden]

Pignata, Erik <epignata@blm.gov>
To: Elizabeth Meyer-Shields <eameyer@blm.gov>

Fri, Nov 6, 2015 at 2:03 PM

what I think tom wants to know about cadiz

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