

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Needles Field Office

1303 S US 95

Needles, CA 92363

DECISION RECORD
for Fenner Gap Mutual Water Company Northern Pipeline Conversion
DOI-BLM-CA-D090-2025-0018-EA

July 2026

I. DECISION

The Bureau of Land Management (“BLM”) Needles Field Office (“NFO”) is authorizing the issuance of a right-of-way (“ROW”) under Title V of the Federal Land Policy and Management Act (“FLPMA”) to the Fenner Gap Mutual Water Company (“FGMWC”) to convert, operate, and maintain the existing Northern Pipeline for water conveyance across public lands.

This decision approves the Proposed Action as described in Section 2.2 of the environmental assessment (“EA”) prepared for this action (hereinafter referred to as the “Selected Alternative”). As described in the EA, conversion of the existing pipeline from natural gas to water conveyance requires the construction of up to seven pump stations, three of which will be located on BLM-managed lands, as well as up to 140 air and vacuum relief valves (“AR/AVs”) and 140 blow-off (“BO”) appurtenant facilities. The ROW will support the long-term operation of the pipeline for the term of the grant, with the option to renew, based on the projected operational life of the Northern Pipeline.

As discussed and analyzed in the EA, the pump stations will consist of the following typical main components: Tank(s), Surge Tanks, Vertical Turbine Pumps or Horizontal Pumps (up to 6 Duty Pumps + 2 Standby Pumps), Natural Gas Generators, Electrical Switchgear, Electrical Transformers and Hydraulic Surge Control System.

Additionally, each pump station will require an air-conditioned masonry block wall building, housing motor control centers, control and monitoring panels, and instrumentation equipment. This building will include roof mounted solar panels to provide power for lighting, ventilation, and AC systems. Each pump station will be painted to blend in with the surrounding environment.

For each pump station, natural gas will be supplied from an existing natural gas pipeline that parallels the Northern Pipeline. To access natural gas, an underground pipeline will be installed to connect each proposed pump station to the parallel existing gas pipeline, generally a distance less than 100 feet.

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Each pump station site will be paved with a concrete surface and a fence or wall would be constructed around the perimeter with access gates. The natural gas-powered generators will be installed on pads within the pump station fence-line.

The area typically needed for a finished AR/AV assembly is approximately 36 to 50 square feet, and 16 to 25 square feet for a BO unit. The BO unit can be an aboveground riser pipe with a cap, or an underground camouflaged unit dependent on specific location and existing terrain. Each BO will be equipped with an infiltration area sufficient to disperse the water released from the pipeline during infrequent maintenance or malfunction.

To prepare the existing pipeline for water conveyance, a thorough inspection will be conducted to determine whether any portion of the underground pipeline is in need of repair or rehabilitation. To complete the inspection, inspection points will be located approximately every 20-30 miles. Rehabilitation may consist of lining the pipeline, repairing sections of the pipeline, or replacing sections of the pipeline, as required.

All work areas and staging areas will be located within the existing ROW and the new approximate two-acre pump station sites. Access to the work areas will be provided through the existing maintenance access road serving the existing underground pipeline.

Once the pump stations are operational, the pipeline will be flushed with water as part of condition assessment surveys as well as startup and commissioning in order to clean the interior of the pipeline. Water may be flushed through the pipeline several times over approximately 1 to 2 months. A total of approximately 15 acre-feet of water will be conveyed through the pipeline for flushing over the course of a few hours to determine the water quality at the delivery point. Additionally, hydrostatic testing will be conducted along the pipeline using the same water used for flushing.

Once the pump stations and appurtenant facilities are installed, water will be conveyed through the pipeline in either direction. Operations will be managed from Pump Station 1 (“PS1”), located on private property near Cadiz, California. A Supervisory Control and Data Acquisition (“SCADA”) system, located near PS1, will be used to remotely control and monitor the operation of all pump stations along the pipeline. While the SCADA system supports the transmission of water across public and Department of War (“DoW”) lands, its infrastructure and operation will be located entirely on private lands and are not included as part of the proposed federal action.

This Decision Record approves the Selected Alternative, as described in Alternative 2 (Proposed Action) of the EA. The approved plan of development is attached as Appendix B of the EA. The Applicant proposed a number of Project Design Features (“PDFs”), Best Management Practices (“BMPs”) and avoidance and minimization measures (“AMMs”), which are included as Appendix A to this decision and will be implemented as part of the Selected Alternative to avoid and minimize the identified impacts to the environment. These PDFs, BMPs and AMMs are intended to minimize potential adverse effects to the environment identified and are included in the Plan of Development, Appendix B of the EA, and Section 2.3.3 of the EA.

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II. COMPLIANCE AND CONFORMANCE

The authority for this decision is established by the BLM's responsibility under Title V of FLPMA, 43 U.S.C. § 1761, and the BLM regulations (43 CFR 2800).

The Selected Alternative will take place on public lands designated as part of the California Desert Conservation Area Plan ("CDCA") of 1980, as amended by the Desert Renewable Energy Conservation Plan ("DRECP"). The Selected Alternative detailed above specifically conforms to the following management objectives from the CDCA and DRECP, consistent with 43 CFR 1610.5-3(a), 1601.0-5(b)-(c):

- The objectives and management actions for Areas of Critical Environmental Concern ("ACECs") in the DRECP allow the BLM to issue FLPMA rights-of-way that are compatible with the ACEC's management goals:
 - "Land use authorization proposals (new, renewal, and amendment) will be analyzed on a case-by-case basis to assess whether they are compatible with the ACEC and its management goals" (DRECP, Appendix B, pp.479, 613, 649, 704).
 - "To the degree possible, new utility rights-of-ways shall be sited as close together as practical given engineering specifications, human safety, and other limiting factors" (DRECP Appendix B, pp. 613, 649, 704).
- Regarding California Desert National Conservation Lands ("CDNCL") under the DRECP, "[t]he conservation and management actions ("CMAs") allow for a variety of uses as long as they can be managed to be compatible with protecting the California Desert National Conservation values." (DRECP, Appendix A, p. A-3).
- The CDCA Plan requires pipelines with diameters greater than 12 inches to be located within designated utility corridors (CDCA, Page 93; see also DRECP LUPA-LANDS-8). The existing pipeline is located within a designated corridor.
- The CDCA Plan requires new water transmission facilities to be located within designated utility corridors (CDCA, Page 15, Table 1, 7. Transmission Facilities). New proposed supporting facilities are located within a designated corridor.

III. PUBLIC INVOLVEMENT

BLM published information and updates about the Proposed Action and EA, including BLM contact information, on the BLM National NEPA Register and considered comments received from the public in the course of preparing the EA.

IV. RATIONALE FOR DECISION

Under FLPMA, BLM is responsible for reviewing ROW grant applications to determine whether and to what extent to authorize proposed actions on the public lands it manages.

I have reviewed the EA and based on the information therein, the Finding of No Significant Impact ("FONSI"), the project's record, and consultation with BLM staff, I have decided to approve the Selected Alternative (the Proposed Action as described and analyzed in the EA),

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which includes activities to convert an existing buried natural gas pipeline for water conveyance and operate the pipeline on public lands.

The decision to approve the Selected Alternative is based on the following considerations:

- The Selected Alternative is consistent with FLPMA, which mandates that public lands be managed for multiple use and sustained yield, including the long-term needs of future generations for renewable and nonrenewable resources. Further, the NEPA analysis supports a determination that the ROW would be used in a manner that prevents unnecessary or undue degradation to public lands.
- The Selected Alternative meets the BLM's purpose and need to respond to a ROW grant application under FLPMA to authorize the use of public (federal) lands for the transportation of water through the existing pipeline, i.e., a conversion of the Mineral Leasing Act right-of-way grant to a FLPMA Title V right-of-way. The Selected Alternative also meets FGMWC's goals of using existing infrastructure to convey water for beneficial uses and to improve water supply reliability for local demands along the pipeline route as well as other areas, including for disadvantaged communities. The No Action Alternative does not meet this purpose and need, and without the implementation of the Selected Alternative, water infrastructure in Southern California would continue to be constrained.
- The Selected Alternative is consistent with and complies with applicable land use plans. The Selected Alternative would repurpose an existing buried pipeline in a utility corridor. Although the ROW includes lands which have been designated under the CDCA and DRECP, including California Desert National Conservation Lands (CDNCL) (regulated as part of the National Landscape Conservation System [NLCS]), the Mojave Trails National Monument (also regulated as part of the NLCS), Amboy National Conservation Lands ("NCL"), National Trails Viewshed Special Recreation Management Area ("SRMA"), and the Bristol, Pisgah, Superior Cronese, and Fremont-Kramer Area of Critical Environmental Concerns ("ACECs"), the Selected Alternative complies with the management goals for these areas. The Applicant has voluntarily included compensatory mitigation in CDNCL areas at a 3:1 ratio. The Selected Alternative is also consistent with the Mojave Trails National Monument Proclamation.
- Although the Selected Alternative includes activities located within habitat for the Mojave desert tortoise, which is federally listed as threatened, impacts will be avoided through implementation of measures including a Desert Tortoise Avoidance and Protection Plan. Through consultation with the U.S. Fish and Wildlife Service under the CDCA programmatic consultation and programmatic biological opinion, in compliance with Section 7 of the Endangered Species Act, conservation measures will apply to prevent impacts to desert tortoise habitat and individual tortoises.
- Although cultural resources and historic properties were identified within the area of potential effect, the Selected Alternative will not adversely affect those resources. The

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documentation related to compliance with and consultation under Section 106 of the National Historic Preservation Act (“NHPA”) and input from consulting parties addressed presence of historic properties, cultural resources, historic and scenic trails, and resources of Tribal importance. The analysis and consultation support the BLM’s finding of no adverse effect to historic properties consistent with 36 CFR 800.5(b)-(d).

- The scope of analysis in the EA, NHPA Section 106 consultation, and ESA Section 7 consultation, is appropriately based on BLM’s jurisdiction. I considered the relationship between the Selected Alternative and the source of water to be conveyed in the pipeline and determined that potential impacts associated with the source of water are not caused by the Selected Alternative and are outside the scope of this federal review. Rather, any potential impacts associated with the source of water were addressed in connection with a separate groundwater project located on private lands through permitting and regulatory review processes administered by San Bernardino County and other state and local agencies and are beyond the BLM’s regulatory authority and jurisdiction.

We acknowledge the BLM’s previous position in approving Cadiz’s assignment of the MLA ROW in 2023 was that any proposal to convert the Northern Pipeline to allow for the transport water would require consideration of the impacts to environmental and historic resources associated with the extraction of water.

However, as explained in the EA, in light of the Supreme Court’s decision in *Seven County Infrastructure Coalition v. Eagle County*, 605 U.S. 168 (2025) and the development of updated NEPA procedures by the Department of the Interior in 2025 and 2026, the BLM has reassessed that previous position and determined that the scope of analysis of the reasonably foreseeable effects of the Selected Alternative should not encompass the extraction of groundwater that FGMWC may convey through the existing pipeline.

Nonetheless, to address issues in prior litigation, I considered the source of water, including the protective measures in the Groundwater Management, Monitoring, and Mitigation Plan, and reliable prior environmental analyses and scientific studies. I found that the record demonstrates that required mitigation and monitoring of the source of water prevent any potentially significant adverse impacts to resources on public lands, including in the Mojave Trails National Monument.

As explained in the FONSI, the impacts of the Selected Alternative on the issues and resources identified through scoping were analyzed in the EA, and determined not to result in significant impacts. Therefore, the preparation of an Environmental Impact Statement (“EIS”) is not necessary.

This decision is conditioned on the implementation of all PDFs, BMPs and AMMs identified in the EA for the Selected Alternative (and included in Attachment A to this Decision Record), which will be incorporated as terms and conditions of the ROW grant, as well as compliance with applicable local, state, and federal permits. No additional mitigation measures are required

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because the measures in Attachment A of this Decision Record appropriately avoid and minimize impacts and prevent any unnecessary or undue degradation.

V. APPROVAL

Based on the foregoing, it is my decision to approve the issuance of a FLPMA Title V ROW grant by the BLM to the Applicant for Fenner Gap Mutual Water Company Northern Pipeline Conversion

for the Selected Alternative, subject to terms, conditions, stipulations, design features, and minimization measures provided in this Decision Record.

This decision is effective immediately.

RONALD NUCKLES  Digitally signed by
RONALD NUCKLES
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Ronald O. Nuckles

Date

Field Manager, Needles Field Office

Bureau of Land Management

I hereby approve the ROW decision. My approval of this decision constitutes the final decision of DOI, in accordance with the regulations at 43 CFR § 4.402(b)(2) and is not subject to appeal under DOI regulations at 43 CFR Part 4. Any challenge to this decision, including the BLM Authorized Officer's issuance of the ROW as directed by this decision, must be brought in federal district court.

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Lanny E. Erdos

Date

Director, Office of Surface Mining,

Reclamation, and Enforcement

Exercising Authority of the Assistant Secretary --Land and Minerals Management

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