



Pignata, Erik &lt;epignata@blm.gov&gt;

---

**Re: Railroad Right of Way**

1 message

Pignata, Erik &lt;epignata@blm.gov&gt;

Tue, Sep 2, 2014 at 11:33 AM

To: Thomas McGannon &lt;tmcgannon@whetstone-capital.com&gt;

Kathleen - the FOIA officer - will contact me when your FOIA request has been received, and will let me know what to provide based on your official request - it is a process. I was out Friday, but, I hear that email/computers were down, so that may have caused delays. I'm guessing I will be responding to your request this week.

On Tue, Sep 2, 2014 at 8:28 AM, Thomas McGannon <tmcgannon@whetstone-capital.com> wrote:

Hey Erik –

Hope you had a great Labor Day weekend.

Could you check and see if my FOIA request was received? It'd be great to get those letters.

Best,

Thomas McGannon, CFA

Whetstone Capital

2001 Shawnee Mission Parkway  
Shawnee Mission, Kansas 66205

Phone: 913.713.6212

Email: [tmcgannon@whetstone-capital.com](mailto:tmcgannon@whetstone-capital.com)

---

From: Thomas McGannon  
Sent: Monday, August 18, 2014 2:14 PM  
To: 'epignata@blm.gov'  
Subject: Railroad Right of Way

Hi Erik –

Are you working on issues related to the Railroad ROW IM that came out the other day?

If so, is there a time that would work well for a quick chat? If not, would it be possible for you to direct me to the specialist who is working on the ROW issues?

Thanks so much

Thomas McGannon, CFA

Whetstone Capital

2001 Shawnee Mission Parkway  
Shawnee Mission, Kansas 66205

Phone: 913.713.6212

Email: [tmcgannon@whetstone-capital.com](mailto:tmcgannon@whetstone-capital.com)

--

Erik Pignata, Realty Specialist  
California State Office, BLM  
2800 Cottage Way, Ste. W1928  
Sacramento, CA 95825  
(916) 978-4655  
[epignata@blm.gov](mailto:epignata@blm.gov)



Pignata, Erik &lt;epignata@blm.gov&gt;

---

**Re: Cadiz Related Letters**

4 messages

---

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

Tue, Sep 9, 2014 at 8:14 AM

I believe the FOIA officer would be releasing those to you - I've already given her everything I have within your request.

On Mon, Sep 8, 2014 at 3:22 PM, Thomas McGannon <tmcgannon@whetstone-capital.com> wrote:

Hey Erik –

Hope you are well. Just wanted to check in to see if you'd received clearance to forward me some Cadiz related letters.

Thanks so much

Thomas McGannon, CFA

Whetstone Capital

2001 Shawnee Mission Parkway  
Shawnee Mission, Kansas 66205

Phone: 913.713.6212

Email: [tmcgannon@whetstone-capital.com](mailto:tmcgannon@whetstone-capital.com)

---

--

Erik Pignata, Realty Specialist  
California State Office, BLM  
2800 Cottage Way, Ste. W1928  
Sacramento, CA 95825  
(916) 978-4655  
[epignata@blm.gov](mailto:epignata@blm.gov)

---

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

Tue, Sep 9, 2014 at 3:02 PM

This is a very difficult map for me to work with. I'm going to say probably, yes, the green line goes through some public land.

On Tue, Sep 9, 2014 at 9:26 AM, Thomas McGannon <tmcgannon@whetstone-capital.com> wrote:

Quick question –

Does the green line go through BLM lands?



Thomas McGannon, CFA

Whetstone Capital

2001 Shawnee Mission Parkway  
Shawnee Mission, Kansas 66205

Phone: 913.713.6212

Email: [tmcgannon@whetstone-capital.com](mailto:tmcgannon@whetstone-capital.com)

From: Pignata, Erik [mailto:[epignata@blm.gov](mailto:epignata@blm.gov)]  
Sent: Tuesday, September 09, 2014 10:15 AM  
To: Thomas McGannon  
Subject: Re: Cadiz Related Letters

[Quoted text hidden]  
[Quoted text hidden]

Pignata, Erik <[epignata@blm.gov](mailto:epignata@blm.gov)>  
To: Thomas McGannon <[tmcgannon@whetstone-capital.com](mailto:tmcgannon@whetstone-capital.com)>

Tue, Sep 9, 2014 at 3:08 PM

I would agree. The green line almost certainly goes through some public land.

On Tue, Sep 9, 2014 at 3:05 PM, Thomas McGannon <[tmcgannon@whetstone-capital.com](mailto:tmcgannon@whetstone-capital.com)> wrote:

Sorry Erik – I was mostly just curious if an alternate route along the green line would require BLM approval. Looking at a map of BLM administered lands would seem to suggest it would.



Thomas McGannon, CFA

Whetstone Capital

11/24/2015

DEPARTMENT OF THE INTERIOR Mail - Re: Cadiz Related Letters

2001 Shawnee Mission Parkway  
Shawnee Mission, Kansas 66205

Phone: 913.713.6212

Email: [tmcgannon@whetstone-capital.com](mailto:tmcgannon@whetstone-capital.com)

From: Pignata, Erik [mailto:[epignata@blm.gov](mailto:epignata@blm.gov)]  
Sent: Tuesday, September 09, 2014 5:03 PM

[Quoted text hidden]

[Quoted text hidden]

---

Pignata, Erik <[epignata@blm.gov](mailto:epignata@blm.gov)>  
To: Thomas McGannon <[tmcgannon@whetstone-capital.com](mailto:tmcgannon@whetstone-capital.com)>


Thu, Sep 11, 2014 at 10:45 AM

Attached is a California Desert District map that may be of use to you, regarding the 'green line.' Also, if you use google earth at all, it has "PLSS" feature/layer (Public Land Survey System). Plot the same line in google earth, and the PLSS would allow use of the Master Title Plats (official land status records) in determining ownership more specifically - and would allow for a legal description (townships, ranges, and sections) of said line to help answer your question.

I hope this helps.

[Quoted text hidden]

---

 CDD\_Application\_Map.pdf  
1723K



Pignata, Erik &lt;epignata@blm.gov&gt;

---

**Re: Response Letter**

2 messages

Pignata, Erik &lt;epignata@blm.gov&gt;

Tue, Sep 23, 2014 at 10:14 AM

To: Thomas McGannon &lt;tmcgannon@whetstone-capital.com&gt;, Kathleen Christian &lt;kchristian@blm.gov&gt;

Yes, Cadiz has basically requested more time to respond officially/formally to the BLM letter of August 20, 2014. I am a bit pressed for time this morning - I hope this email suffices for the time being.

Thanks!

On Tue, Sep 23, 2014 at 10:01 AM, Thomas McGannon <tmcgannon@whetstone-capital.com> wrote:

Hey Erik –

I hear that we haven't received a response letter yet. Could you give me a ring to talk about what, if anything, this means?

Thanks

Thomas McGannon, CFA

Whetstone Capital

2001 Shawnee Mission Parkway  
Shawnee Mission, Kansas 66205

Phone: 913.713.6212

Email: [tmcgannon@whetstone-capital.com](mailto:tmcgannon@whetstone-capital.com)

–  
Erik Pignata, Realty Specialist  
California State Office, BLM  
2800 Cottage Way, Ste. W1928  
Sacramento, CA 95825  
(916) 978-4655  
[epignata@blm.gov](mailto:epignata@blm.gov)

---

Pignata, Erik <epignata@blm.gov>

Tue, Sep 23, 2014 at 11:31 AM

To: Sandra McGinnis &lt;smcginni@blm.gov&gt;

----- Forwarded message -----

From: Thomas McGannon <tmcgannon@whetstone-capital.com>

11/24/2015

DEPARTMENT OF THE INTERIOR Mail - Re: Response Letter

Date: Tue, Sep 23, 2014 at 10:16 AM

Subject: Re: Response Letter

To: "Pignata, Erik" <[epignata@blm.gov](mailto:epignata@blm.gov)>

Cc: Kathleen Christian <[kchristian@blm.gov](mailto:kchristian@blm.gov)>

Yep. That's great. Thanks.

Sent from my iPhone

[Quoted text hidden]

[Quoted text hidden]



Pignata, Erik &lt;epignata@blm.gov&gt;

---

**Re: Any Cadiz update?**

2 messages

Pignata, Erik &lt;epignata@blm.gov&gt;

Mon, Oct 6, 2014 at 2:48 PM

To: Thomas McGannon &lt;tmcgannon@whetstone-capital.com&gt;

Same as your last request on status - Cadiz requested more time to respond to the letter from BLM of August 20, 2014. It looks like we are accepting their request for more time, with a formal letter to go out shortly.

On Fri, Oct 3, 2014 at 9:00 AM, Thomas McGannon <tmcgannon@whetstone-capital.com> wrote:

Thanks!

Sent from my iPhone

—  
Erik Pignata, Realty Specialist  
California State Office, BLM  
2800 Cottage Way, Ste. W1928  
Sacramento, CA 95825  
(916) 978-4655  
[epignata@blm.gov](mailto:epignata@blm.gov)

Pignata, Erik &lt;epignata@blm.gov&gt;

Mon, Oct 6, 2014 at 2:56 PM

To: Thomas McGannon &lt;tmcgannon@whetstone-capital.com&gt;

Not yet - I said it looks like we will be accepting their request for more time, through a formal letter. Once the letter goes out, I assume you would like a copy?

On Mon, Oct 6, 2014 at 2:49 PM, Thomas McGannon <tmcgannon@whetstone-capital.com> wrote:

A formal letter that says they have more time?

Sent from my iPhone

[Quoted text hidden]

[Quoted text hidden]





Pignata, Erik &lt;epignata@blm.gov&gt;

---

**Re: Cadiz Follow Up**

2 messages

Pignata, Erik &lt;epignata@blm.gov&gt;

Thu, Feb 19, 2015 at 10:53 AM

To: Thomas McGannon &lt;tmcgannon@whetstone-capital.com&gt;

There is a letter circulating for sumaming addressing your FOIA; it came through my division a few weeks ago, Kathleen was not sure what the hang-up was. She had prepared a CD with all the docs for your request, an inclusion to the letter.

Does that help?

On Thu, Feb 19, 2015 at 7:11 AM, Thomas McGannon <tmcgannon@whetstone-capital.com> wrote:

Hey Erik –

Just wanted to touch base and see if there is anything happening here.

Thanks

Thomas McGannon, CFA

Whetstone Capital

2001 Shawnee Mission Parkway  
Shawnee Mission, Kansas 66205

Phone: 913.713.6212

Email: [tmcgannon@whetstone-capital.com](mailto:tmcgannon@whetstone-capital.com)

---

–  
Erik Pignata, Realty Specialist  
California State Office, BLM  
2800 Cottage Way, Ste. W1928  
Sacramento, CA 95825  
(916) 978-4655  
[epignata@blm.gov](mailto:epignata@blm.gov)

Pignata, Erik &lt;epignata@blm.gov&gt;

Thu, Feb 19, 2015 at 12:03 PM

To: Thomas McGannon &lt;tmcgannon@whetstone-capital.com&gt;

No, we are formulating our evaluation with DOI legal staff.

On Thu, Feb 19, 2015 at 10:55 AM, Thomas McGannon <tmcgannon@whetstone-capital.com> wrote:

Thanks Erik. Please let me know if there is anything I can do to help facilitate delivery.

Has there been any movement on the project discussions since we last spoke?

Thomas McGannon, CFA

Whetstone Capital

2001 Shawnee Mission Parkway  
Shawnee Mission, Kansas 66205

Phone: 913.713.6212

Email: [tmcgannon@whetstone-capital.com](mailto:tmcgannon@whetstone-capital.com)

From: Pignata, Erik [mailto:[epignata@blm.gov](mailto:epignata@blm.gov)]  
Sent: Thursday, February 19, 2015 12:53 PM  
To: Thomas McGannon  
Subject: Re: Cadiz Follow Up

[Quoted text hidden]

[Quoted text hidden]



Pignata, Erik &lt;epignata@blm.gov&gt;

---

**Cadiz**

1 message

---

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

Wed, Jun 3, 2015 at 2:18 PM

Hey Erik –

Wondering if you had a minute to catch up and chat about this:

<http://www.businesswire.com/news/home/20150602006525/en/#.VW9oAc9VhBc>

Thanks!

Thomas McGannon, CFA

Whetstone Capital

2001 Shawnee Mission Parkway  
Shawnee Mission, Kansas 66205

Phone: 913.713.6212

Email: [tmcgannon@whetstone-capital.com](mailto:tmcgannon@whetstone-capital.com)



Pignata, Erik &lt;epignata@blm.gov&gt;

---

## MWD Contact and other stuff

2 messages

---

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

Thu, Jun 4, 2015 at 3:50 PM

Hey Erik –

Great to catch up.

Brett Barbre is my contact at the MWD. His email is [brbarbre@msn.com](mailto:brbarbre@msn.com). His phone number is 7143961350. He is a really great guy.

Here is the video I mentioned: <http://video.pbssocal.org/video/2219870939/>

Also, I thought this article was interesting: <http://pumpstopper.com/?p=360>

Good luck getting through everything!

Thomas McGannon, CFA

Whetstone Capital

2001 Shawnee Mission Parkway  
Shawnee Mission, Kansas 66205

Phone: 913.713.6212

Email: [tmcgannon@whetstone-capital.com](mailto:tmcgannon@whetstone-capital.com)

---

Pignata, Erik <epignata@blm.gov>  
To: Deanne Kidd <dykidd@blm.gov>

Fri, Jun 5, 2015 at 8:38 AM

Tom also forwarded me the enclosed link that is supposedly a PBS video with the MET guy, our buddy Scott, etc.

[Quoted text hidden]

–

Erik Pignata, Realty Specialist  
California State Office, BLM

11/24/2015

DEPARTMENT OF THE INTERIOR Mail - MWD Contact and other stuff

2800 Cottage Way, Ste. W1928  
Sacramento, CA 95825  
(916) 978-4655  
[epignata@blm.gov](mailto:epignata@blm.gov)



Pignata, Erik &lt;epignata@blm.gov&gt;

---

## Kinder Morgan and Union Pac

1 message

Pignata, Erik &lt;epignata@blm.gov&gt;

Thu, Jun 18, 2015 at 4:08 PM

To: Thomas McGannon &lt;tmcgannon@whetstone-capital.com&gt;

I've attached the pipeline/railroad caselaw, as well as a complaint referring to that lawsuit received in April.

It is interesting to be a "part of history" as the attitude towards what railroads can and can't do on ROWs on public land is shifting.

—  
Erik Pignata, Realty Specialist  
California State Office, BLM  
2800 Cottage Way, Ste. W1928  
Sacramento, CA 95825  
(916) 978-4655  
[epignata@blm.gov](mailto:epignata@blm.gov)

---

### 2 attachments



2015-04-23 - Rivera Complaint.pdf  
85K



20141105\_UPvSFPipeline\_CA Court Decision.doc  
303K



Pignata, Erik &lt;epignata@blm.gov&gt;

---

## Letter

3 messages

---

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

Wed, Sep 23, 2015 at 9:30 AM

Hey Erik –

Any news likely this week?

Thanks!

Thomas McGannon, CFA

Whetstone Capital

2001 Shawnee Mission Parkway  
Shawnee Mission, Kansas 66205

Phone: 913.713.6212

Email: [tmcgannon@whetstone-capital.com](mailto:tmcgannon@whetstone-capital.com)

---

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

Wed, Sep 23, 2015 at 9:52 AM

I have a briefing w/ the almost-highest people in my agency tomorrow on the results of our evaluation and recommendation to the State Director. No pressure or anything.

[Quoted text hidden]

–

Erik Pignata, Realty Specialist  
California State Office, BLM  
2800 Cottage Way, Ste. W1928  
Sacramento, CA 95825  
(916) 978-4655  
[epignata@blm.gov](mailto:epignata@blm.gov)

---

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

Wed, Sep 23, 2015 at 9:53 AM

You got it man!

Thomas McGannon, CFA

Whetstone Capital

2001 Shawnee Mission Parkway  
Shawnee Mission, Kansas 66205

Phone: 913.713.6212

Email: [tmcgannon@whetstone-capital.com](mailto:tmcgannon@whetstone-capital.com)

From: Pignata, Erik [mailto:[epignata@blm.gov](mailto:epignata@blm.gov)]  
Sent: Wednesday, September 23, 2015 11:52 AM  
To: Thomas McGannon  
Subject: Re: Letter

[Quoted text hidden]





Pignata, Erik &lt;epignata@blm.gov&gt;

---

## Meeting

10 messages

---

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

Mon, Sep 28, 2015 at 8:03 AM

Hey Erik –

Wanted to catch up on the meeting last week. Do you have a quick second to chat?

(sorry for the hassle, my boss keeps asking me for an update)

Thomas McGannon, CFA

Whetstone Capital

2001 Shawnee Mission Parkway  
Shawnee Mission, Kansas 66205

Phone: 913.713.6212

Email: [tmcgannon@whetstone-capital.com](mailto:tmcgannon@whetstone-capital.com)

---

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

Mon, Sep 28, 2015 at 1:15 PM

The meeting was internal with department solicitors and BLM bigwigs - it would not be stuff I can discuss outside of that room. We are still trying to have the State Director sign his determination business letter on Wednesday (possibly Friday if we don't experience shut-down), if that helps.

[Quoted text hidden]

–  
Erik Pignata, Realty Specialist  
California State Office, BLM  
2800 Cottage Way, Ste. W1928  
Sacramento, CA 95825  
(916) 978-4655  
[epignata@blm.gov](mailto:epignata@blm.gov)

---

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

Tue, Sep 29, 2015 at 10:04 AM

Thanks Erik. Would you mind letting me know when there is something to report? I'll try and refrain from bothering you

Sent from my iPhone

[Quoted text hidden]

---

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

Wed, Sep 30, 2015 at 11:49 AM

Any signing today?

Wont it be great when I don't bother you anymore. Thanks Erik

Thomas McGannon, CFA

Whetstone Capital

2001 Shawnee Mission Parkway  
Shawnee Mission, Kansas 66205

Phone: 913.713.6212

Email: [tmcgannon@whetstone-capital.com](mailto:tmcgannon@whetstone-capital.com)

From: Pignata, Erik [mailto:[epignata@blm.gov](mailto:epignata@blm.gov)]  
Sent: Monday, September 28, 2015 3:16 PM  
To: Thomas McGannon  
Subject: Re: Meeting

[Quoted text hidden]

---

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

Thu, Oct 1, 2015 at 12:11 PM

Oh, I have a feeling Cadiz, Inc. isn't going anywhere . . . so you'll get to keep bugging me.

No, with the continuing resolution signed, we are continuing to revise, but, for sure, it would be signed tomorrow - unless something outlandish happens.

[Quoted text hidden]

---

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

Thu, Oct 1, 2015 at 12:13 PM

Ha, well that's great. Maybe one of these days ill get to buy you a beer or something as a thank you.

Will you be able to send it to me when it gets signed?

Thomas McGannon, CFA

Whetstone Capital

2001 Shawnee Mission Parkway  
Shawnee Mission, Kansas 66205

Phone: 913.713.6212

Email: [tmcgannon@whetstone-capital.com](mailto:tmcgannon@whetstone-capital.com)

From: Pignata, Erik [<mailto:epignata@blm.gov>]  
Sent: Thursday, October 01, 2015 2:12 PM

[Quoted text hidden]

[Quoted text hidden]

---

Pignata, Erik <[epignata@blm.gov](mailto:epignata@blm.gov)>  
To: Thomas McGannon <[tmcgannon@whetstone-capital.com](mailto:tmcgannon@whetstone-capital.com)>

Thu, Oct 1, 2015 at 12:25 PM

Yes. We've recommended a business letter, with an enclosure of a cover memo and summary of the evaluation. Most likely I'll work with the FOIA officer to post the entire case record to some website - in anticipation of the numerous FOIA we'll receive (thus having the ability to direct to the website).

[Quoted text hidden]

---

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

Fri, Oct 2, 2015 at 9:30 AM

Still on track or is outlandishness ensuing?

Sent from my iPhone

[Quoted text hidden]

---

Pignata, Erik <[epignata@blm.gov](mailto:epignata@blm.gov)>  
To: Thomas McGannon <[tmcgannon@whetstone-capital.com](mailto:tmcgannon@whetstone-capital.com)>

Fri, Oct 2, 2015 at 9:47 AM

It is out of my hands now, and should be signed today, soon - and, sorry, I won't be able to send you any copies until Office of Communications and the State Director do their congressional outreach / public notice / press release / or whatever they do for these things, etc.

[Quoted text hidden]

---

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

Fri, Oct 2, 2015 at 9:48 AM

No worry. Thanks for the heads up.

Thomas McGannon, CFA

Whetstone Capital

2001 Shawnee Mission Parkway  
Shawnee Mission, Kansas 66205

Phone: 913.713.6212

Email: [tmcgannon@whetstone-capital.com](mailto:tmcgannon@whetstone-capital.com)

From: Pignata, Erik [mailto:[epignata@blm.gov](mailto:epignata@blm.gov)]  
Sent: Friday, October 02, 2015 11:47 AM

[Quoted text hidden]

[Quoted text hidden]



Pignata, Erik &lt;epignata@blm.gov&gt;

---

## NEPA Lead Agency

4 messages

---

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

Wed, Oct 14, 2015 at 10:36 AM

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

Thanks

Thomas McGannon, CFA

Whetstone Capital

2001 Shawnee Mission Parkway  
Shawnee Mission, Kansas 66205

Phone: 913.713.6212

Email: [tmcgannon@whetstone-capital.com](mailto:tmcgannon@whetstone-capital.com)

---

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

Wed, Oct 14, 2015 at 10:56 AM

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

[Quoted text hidden]

—

Erik Pignata, Realty Specialist  
California State Office, BLM  
2800 Cottage Way, Ste. W1928  
Sacramento, CA 95825  
(916) 978-4655  
[epignata@blm.gov](mailto:epignata@blm.gov)

---

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

Wed, Oct 14, 2015 at 10:58 AM

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?

Thomas McGannon, CFA

Whetstone Capital

2001 Shawnee Mission Parkway  
Shawnee Mission, Kansas 66205

Phone: 913.713.6212

Email: [tmcgannon@whetstone-capital.com](mailto:tmcgannon@whetstone-capital.com)

From: Pignata, Erik [mailto:[epignata@blm.gov](mailto:epignata@blm.gov)]  
Sent: Wednesday, October 14, 2015 12:57 PM  
To: Thomas McGannon  
Subject: Re: NEPA Lead Agency

[Quoted text hidden]

---

Pignata, Erik <[epignata@blm.gov](mailto:epignata@blm.gov)>  
To: Thomas McGannon <[tmcgannon@whetstone-capital.com](mailto:tmcgannon@whetstone-capital.com)>

Wed, Oct 14, 2015 at 11:05 AM

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.

[Quoted text hidden]



Pignata, Erik &lt;epignata@blm.gov&gt;

---

## 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  
Shawnee Mission, Kansas 66205

Phone: 913.713.6212

Email: [tmcgannon@whetstone-capital.com](mailto:tmcgannon@whetstone-capital.com)

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

Thomas McGannon, CFA

Whetstone Capital

2001 Shawnee Mission Parkway  
Shawnee Mission, Kansas 66205

Phone: 913.713.6212

Email: [tmcgannon@whetstone-capital.com](mailto:tmcgannon@whetstone-capital.com)

From: Pignata, Erik [mailto:[epignata@blm.gov](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](mailto:tmcgannon@whetstone-capital.com)> wrote:

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

Thanks

Thomas McGannon, CFA

Whetstone Capital

2001 Shawnee Mission Parkway  
Shawnee Mission, Kansas 66205

Phone: 913.713.6212

Email: [tmcgannon@whetstone-capital.com](mailto:tmcgannon@whetstone-capital.com)

—

Erik Pignata, Realty Specialist

California State Office, BLM

2800 Cottage Way, Ste. W1928

Sacramento, CA 95825



(916) 978-4655

[epignata@blm.gov](mailto:epignata@blm.gov)

--

Erik Pignata, Realty Specialist

California State Office, BLM

2800 Cottage Way, Ste. W1928

Sacramento, CA 95825

(916) 978-4655

[epignata@blm.gov](mailto:epignata@blm.gov)

---

Pignata, Erik <[epignata@blm.gov](mailto:epignata@blm.gov)>  
To: Thomas McGannon <[tmcgannon@whetstone-capital.com](mailto: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](mailto:epignata@blm.gov)>  
To: Elizabeth Meyer-Shields <[eameyer@blm.gov](mailto:eameyer@blm.gov)>

Fri, Nov 6, 2015 at 2:03 PM

what I think tom wants to know about cadiz

[Quoted text hidden]

