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13 UNITED STATES DISTRICT COURT
14 FOR THE CENTRAL DISTRICT OF CALIFORNIA
15 WESTERN DIVISION

16 CENTER FOR BIOLOGICAL DIVERSITY,) Civ. No. 2:20-cv-00371
17 CENTRAL CALIFORNIA ENVIRONMENTAL)
18 JUSTICE NETWORK, LOS PADRES)
19 FORESTWATCH, NATIONAL PARKS) **NOTICE OF RELATED**
20 CONSERVATION ASSOCIATION, NATURAL) **CASES**
21 RESOURCES DEFENSE COUNCIL, PATAGONIA)
22 WORKS, SIERRA CLUB, and THE WILDERNESS) **(Local Rule 83-1.3.1)**
23 SOCIETY,)

24 Plaintiffs,

25 v.

26 U.S. BUREAU OF LAND MANAGEMENT;)
27 DAVID BERNHARDT, in his capacity as Secretary)
28 of the U.S. Department of the Interior; KAREN)
MOURITSEN, in her capacity as California State)
Director of the U.S. Bureau of Land Management,)

Defendants.

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7 *California Environmental Justice Network, Los*

8 *Padres ForestWatch, Patagonia Works, and Sierra*

Club

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1 **NOTICE OF RELATED CASES**

2 Pursuant to Local Rule 83-1.3.1, Plaintiffs Center for Biological Diversity,
3 Central California Environmental Justice Network, Los Padres ForestWatch, National
4 Parks Conservation Association, Natural Resources Defense Council, Patagonia
5 Works, Sierra Club, and The Wilderness Society (collectively “Plaintiffs”) file this
6 notice to inform the Court and other parties that this case is related to *ForestWatch v.*
7 *United States Bureau of Land Management*, No. CV-15-4378-MWF (JEMx) (C.D.
8 Cal., filed June 10, 2015), assigned to the Honorable Judge Michael W. Fitzgerald.

9 The instant action is related to *ForestWatch* because both cases (a) arise from
10 the same or closely related events, (b) call for determination of the same or
11 substantially related or similar questions of law and fact, and (c) would entail
12 substantial duplication of labor if heard by different judges. C.D. Cal. R. 83-1.3.1.
13 Pursuant to Local Rule 83-1.3.1, satisfying any one of these criteria is enough for the
14 cases to be related. Here, however, the cases satisfy all three criteria.

15 First, both cases arise from the same or closely related events. C.D. Cal. R. 83-
16 1.3.1(a). In *ForestWatch*, plaintiffs Center for Biological Diversity and Los Padres
17 ForestWatch successfully challenged the U.S. Bureau of Land Management’s
18 (“BLM’s”) Bakersfield Field Office’s 2014 adoption of a resource management plan
19 (“2014 RMP”) and accompanying Final Environmental Impact Statement (“FEIS”).
20 The 2014 RMP opened over 1 million acres of federal land and mineral estate to
21 extensive oil and gas leasing and development, including through use of hydraulic
22 fracturing or “fracking,” a dangerous and polluting oil extraction technique whereby a
23 mix of water, sand, and toxic chemicals is injected down an oil well under pressure to
24 fracture the surrounding oil-bearing rock formation. Plaintiffs in *ForestWatch* brought
25 suit under the National Environmental Policy Act (“NEPA”), claiming that BLM
26 failed to analyze the impacts of fracking on the diverse and already vulnerable public
27 resources in central California, including air quality, water, and wildlife. On
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1 September 6, 2016, Judge Fitzgerald held in *ForestWatch* that BLM’s FEIS failed to
2 take a “hard look” at the impacts of fracking in the 2014 RMP, as NEPA requires.
3 BLM agreed to prepare supplemental NEPA documentation to address the
4 deficiencies identified by the Court and to issue a new decision document that will
5 amend or supersede the existing record of decision.

6 On December 12, 2019, BLM issued its Record of Decision adopting a
7 Supplemental Environmental Impact Statement (“SEIS”) in purported compliance
8 with Judge Fitzgerald’s order in *ForestWatch*. The instant action now challenges the
9 2019 SEIS and BLM’s continuing failure to take a “hard look” at the impacts of
10 fracking in the SEIS. Center for Biological Diversity and Los Padres ForestWatch are
11 plaintiffs in both cases and BLM is the principal defendant in both cases. Thus, both
12 cases arise from the same or closely related events: BLM’s failure to adequately
13 examine the impacts of fracking in conjunction with its adoption of the 2014 RMP.

14 Second, both cases call for determination of the same or substantially related or
15 similar questions of law and fact. C.D. Cal. R. 83-1.3.1(b). Both cases involve similar
16 factual and legal inquiries into whether BLM complied with NEPA by taking a proper
17 hard look at the impacts of fracking authorized in its 2014 RMP. BLM’s flawed
18 projections for oil and gas development and fracking in the planning area also underlie
19 both cases. And both cases ultimately decide whether BLM can legally authorize
20 expansive oil and gas activities, including fracking, on the land subject to the 2014
21 RMP.

22 Finally, the instant case would entail substantial duplication of labor if heard by
23 a different judge. C.D. Cal. R. 83-1.3.1(c). Judge Fitzgerald and his court staff are
24 already familiar with the issues in this case, including the detrimental impacts of
25 fracking, the agency’s obligations under NEPA, and the environmental analyses
26 completed by BLM in the 2012 FEIS and 2014 RMP. Accordingly, assignment of this
27 case to Judge Fitzgerald is appropriate under Local Rule 83-1.3.1 because it would
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1 entail substantial duplication of labor to understand these complex issues.

2 Respectfully submitted,

3 Dated: January 14, 2020

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