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9
 10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 12 WESTERN DIVISION

13
 14 **STATE OF CALIFORNIA, by and**
 15 **through GAVIN NEWSOM,**
 16 **Governor, XAVIER BECERRA,**
 17 **Attorney General, the CALIFORNIA**
 18 **AIR RESOURCES BOARD, the**
 19 **CALIFORNIA DEPARTMENT OF**
 20 **FISH AND WILDLIFE, and the**
 21 **CALIFORNIA DEPARTMENT OF**
 22 **WATER RESOURCES,**

23 Plaintiff,

24 v.

25 **JOE STOUT, Acting California State**
 26 **Director, United States Bureau of**
 27 **Land Management; DAVID**
 28 **BERNHARDT, Secretary of the**
Interior, United States Department of
the Interior; UNITED STATES
BUREAU OF LAND
MANAGEMENT; UNITED STATES
DEPARTMENT OF THE
INTERIOR,

Defendants.

Case No. 2:20-cv-504

NOTICE OF RELATED CASES

(Local Rule 83-1.3.1)

NOTICE OF RELATED CASES

1
2 Plaintiff State of California hereby informs the Court and other parties
3 pursuant to Local Rule 83-1.3.1 that its action is related to two cases: *Los Padres*
4 *ForestWatch v. U.S. Bureau of Land Management*, No. 2:15-cv-04378 MWF
5 (JEMx) (C.D. Cal., complaint filed June 10, 2015), assigned to the Honorable Judge
6 Michael W. Fitzgerald; and *Center for Biological Diversity v. U.S. Bureau of Land*
7 *Management*, No. 2:20-cv-00371 DSF (SSx) (C.D. Cal., complaint filed Jan. 14,
8 2020). California's action satisfies all three criteria for relating to *ForestWatch* and
9 *Center for Biological Diversity*, which itself is related to *ForestWatch*. L.R. 83-
10 1.3.1(a)-(c); see Pls.' Notice of Related Cases, *Ctr. for Biological Diversity*, No.
11 2:20-cv-00371 DSF (SSx) (C.D. Cal. Jan. 14, 2020), ECF No. 5. Satisfying any
12 one criteria is sufficient. L.R. 83-1.3.1.

13 First, the cases arise from the same or closely related events. L.R. 83-1.3.1(a).
14 The *ForestWatch* plaintiffs had challenged in 2015 a resource management plan
15 and Final Environmental Impact Statement ("FEIS") adopted by the United States
16 Bureau of Management's Bakersfield Field Office ("BLM"), which opened more
17 than one million acres of federal land and mineral estate to oil and gas leasing,
18 including development through the controversial hydraulic fracturing method. The
19 *ForestWatch* plaintiffs claimed, and Judge Fitzgerald held, that BLM's FEIS failed
20 to take a "hard look" at the impacts of hydraulic fracturing as required by the
21 National Environmental Policy Act ("NEPA"). *ForestWatch*, No. CV-15-4378
22 MWF (JEMx), 2016 WL 5172009, at *1, 10-13 (C.D. Cal. Sept. 6, 2016). To
23 address the deficiencies in its environmental review identified by Judge Fitzgerald,
24 BLM produced a Supplemental Environmental Impact Statement ("SEIS") and
25 adopted it on December 12, 2019, but it too is deficient. California now challenges
26 BLM's continued failure in its 2019 SEIS to take the required "hard look" under
27 NEPA. California's action, like the *Center for Biological Diversity* complaint filed
28 earlier this week, arises from BLM's 2014 environmental review and resource

1 management plan whose deficiencies were litigated in *ForestWatch*, and therefore it
2 is related to both cases.

3 Second, the cases call for determination of the same or substantially related
4 questions of law and fact. L.R. 83-1.3.1(b). Like *Center for Biological Diversity*,
5 California’s action calls for a determination whether BLM met NEPA’s
6 requirement to take a “hard look” at impacts of hydraulic fracturing in its 2019
7 environmental review—the same question posed by *ForestWatch* in 2015 about an
8 earlier environmental review of the same resource management plan.

9 Judge Fitzgerald heard arguments, examined the extensive record, and made
10 determinations on that question in *ForestWatch*, and another judge would have to
11 substantially duplicate his labor if assigned California’s instant action (or *Center*
12 *for Biological Diversity*). L.R. 83-1.3.1(c). Accordingly, assignment of this case to
13 Judge Fitzgerald is appropriate.

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15 Dated: January 17, 2020

Respectfully submitted,

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