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*League of United Latin American Citizens of*  
11 *California, and La Cooperativa Campesina*  
*de California.*

12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 CENTER FOR BIOLOGICAL  
15 DIVERSITY, DEFENDERS OF  
16 WILDLIFE, and SIERRA CLUB,

17 Plaintiffs,

18 vs.

19 U.S. BUREAU OF LAND MGMT.;  
DEBRA HAALAND, Secretary of  
Interior; NADA CULVER, Senior  
20 Advisor to the Secretary of Department  
of Interior; KAREN MOURITSEN,  
21 California Director, Bureau of Land  
Mgmt.; ANDREW ARCHULETA,  
22 California Desert District Manager,  
Bureau of Land Mgmt.; MICHAEL  
23 AHRENS, Needles Field Office  
Manager, Bureau of Land Mgmt.,

24 Defendants.

Case No.: 2:21-cv-02507-GW-AS

**PROPOSED DEFENDANT -  
INTERVENORS COMMUNITY  
BUILD, INC., SOUTHERN  
CHRISTIAN LEADERSHIP  
CONFERENCE OF GREATER LOS  
ANGELES, LOS ANGELES  
METROPOLITAN CHURCHES,  
NEWSTART HOUSING  
CORPORATION, THE TWO  
HUNDRED FOR HOMEOWNERSHIP,  
FARMWORKERS INSTITUTE FOR  
EDUCATION & LEADERSHIP  
DEVELOPMENT, LEAGUE OF  
UNITED LATIN AMERICAN  
CITIZENS OF CALIFORNIA, AND  
LA COOPERATIVA CAMPESINA DE  
CALIFORNIA'S NOTICE OF  
MOTION, MOTION TO INTERVENE**

Hearing Date: March 7, 2022  
Time: 8:30 a.m.  
Courtroom: 9D  
Judge: Hon. George H. Wu

Complaint Filed: March 23, 2021

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**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that on March 7, 2022, at 8:30 a.m., or as soon thereafter as the matter may be heard in the above-entitled Court, located at 350 West 1st Street, 10th Floor, Los Angeles, California, 90012, Proposed Defendant-Intervenors Community Build, Inc. (“CBI”), Southern Christian Leadership Conference of Greater Los Angeles (“SCLC”), Los Angeles Metropolitan Churches (“LAM”), NewStart Housing Corporation (“NewStart”), The Two Hundred for Homeownership (“Two Hundred”), Farmworkers Institute for Education & Leadership Development (“FIELD”), League of United Latin American Citizens of California (“LULAC”), and La Cooperativa Campesina de California (“La Cooperativa”) (collectively, the “Disadvantaged Communities” or “DACs”) will move this Court for leave to intervene as defendants in the above-captioned action.

The DACs may intervene either as a matter of right pursuant to Federal Rule of Civil Procedure (“FRCP”) 24(a)(2), or through permissive intervention pursuant to FRCP 24(b). This Motion is based on the Memorandum of Points and Authorities set forth below, as well as the Declarations of Robert Sausedo (for CBI); Reverend William D. Smart, Jr. (for SCLC); Cheryl Branch (for LAM); Cesar Zaldivar-Motts (for NewStart); Robert J. Apodaca (for the Two Hundred for Homeownership); David Villarino (for FIELD); Jose Luis Barrera Novoa (for LULAC); and Marco Cesar Lizarraga (for La Cooperativa). For the reasons set forth below in the Memorandum of Points and Authorities, and the accompanying Declarations, this Motion should be granted as satisfying all applicable criteria for intervention as a matter of right and/or permissive intervention.

In addition, the DACs respectfully request permission from this Court to file a responsive pleading in the form of an opening and reply brief consistent with the briefing schedule for this matter, as ordered by this Court on December 14, 2021.

Lastly, this Motion is made following the conference of counsel pursuant to Local Rule 7-3, which took place over several days during the week of January 31,

2022. During this time the parties exchanged emails and had numerous phone calls. Defendants’ counsel indicated that the United States is unable to take a position at this time and will instead respond to the motion after it is filed. Plaintiffs’ counsel indicated that Plaintiffs will state their position once they have had an opportunity to review the motion; and Intervenor Cadiz’ counsel indicated that Cadiz does not oppose this Motion.

DATED: February 4, 2022

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: /s/ Kevin J. Ashe  
Jennifer Hernandez  
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Rafe Petersen (*pro hac vice pending*)

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Hundred for Homeownership, Farmworkers  
Institute for Education & Leadership  
Development, League of United Latin  
American Citizens of California, and La  
Cooperativa Campesina de California.*

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**MEMORANDUM OF POINTS AND AUTHORITIES**

**PRELIMINARY STATEMENT**

The litigation at issue commenced on March 23, 2021, when Plaintiffs, Center for Biological Diversity, Defenders of Wildlife and the Sierra Club (collectively, “Plaintiffs”) filed a complaint seeking to invalidate Defendant United States Department of Interior, Bureau of Land Management’s (“Defendant” or “BLM”) December 21, 2020 grant of two rights-of-way in favor of Cadiz, Real Estate LLC, a subsidiary of Cadiz, Inc. (the “ROW Grants”). (Dkt. No. 1). The ROW Grants are necessary components of the Cadiz Valley Water Conservation, Recovery and Storage Project (the “Project”), which will ultimately transport between 18,000 and 50,000 acre-feet per year of water (“AFY”) to communities in California. Plaintiffs alleged that the December 21, 2020 ROW Grants were unlawful and insufficiently analyzed. It is Plaintiffs’ burden to demonstrate that BLM’s approval of the ROW Grants violated the National Environmental Policy Act (“NEPA”), 42 U.S.C. §§ 4321–4347, the Federal Land Policy and Management Act (“FLPMA”), 43 U.S.C. §§ 1701–1787, and regulations and policies governing these statutes. Review of the agency action is sought under the Administrative Procedure Act (“APA”). 5 U.S.C. §§ 701–06

On December 3, 2021, Defendant moved this Court for voluntary remand of the challenged ROW Grants. (Dkt. No. 42). Incredibly, Defendants also requested that “BLM’s decision and the underlying right-of-way grants be vacated.” (Dkt. No. 42 at 8).<sup>1</sup> Defendant asserted that vacating the ROW Grants would have no disruptive consequences to the public. As result of this change of circumstance, the proposed intervenors seek to intervene in this matter to protect certain interests that are otherwise not currently represented by the existing parties to this matter.

Defendant BLM’s motion for voluntary remand signifies an acquiescence to Plaintiffs’ broad allegations, which have not been subject to the necessary record

<sup>1</sup> Page citations herein are to the page numbers at the top of the page as electronically filed.

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1 review pursuant to the APA. The allegations in Plaintiffs’ complaint, and  
2 Defendant’s unexpected endorsement of such allegations, are a direct threat to the  
3 proposed intervenors’ interests in the Project and more broadly to the DAC’s interests  
4 in an adequate, reliable, and safe water supply.

5 As explained below, intervenors have a legal, protectable interest in access to  
6 the safe, clean, reliable and affordable water that the Project would deliver to  
7 disadvantaged communities throughout Central and Southern California, as well as  
8 ensuring that tenets of environmental justice are accounted for in this matter.  
9 California’s communities of color are overwhelmingly the victims of anti-housing,  
10 no-growth “environmentalist” tactics. In seeking to block a much needed water  
11 project, this litigation places the DACs’ interests in the public health, safety and  
12 economic development of underserved communities at the center of this dispute.  
13 Intervenors’ unique interests regarding the issue of water security for low-income  
14 families and communities of color will assist the court in ruling on this matter. The  
15 proposed intervenors are therefore entitled to enter into these proceedings in order to  
16 explain the harms from setting aside the ROW Grants.

17 This Court should grant the DACs’ motion to intervene as a matter of right  
18 pursuant to FRCP 24(a)(2) because: (i) this Motion is timely, given the fact that the  
19 DAC’s sought intervention as soon as possible after the BLM sought to vacate its  
20 decision and no party will be prejudiced by the their participation; (ii) the litigation  
21 directly challenges the DACs’ significantly protectable interest in obtaining clean and  
22 affordable water from the Project; (iii) the disposition of this legal dispute and this  
23 Court’s consideration of BLM’s Motion for Remand will impact the DACs’ interest;  
24 and (iv) the DACs’ interests in this case are inadequately represented by the parties in  
25 this case, including, the Defendants and Cadiz. Alternatively, the parties should be  
26 allowed to permissively intervene.

27 ///

28 ///



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**BACKGROUND**

Proposed Intervenor-Defendant CBI is a nonprofit community development corporation dedicated to the revitalization of South Los Angeles communities through investment in youth and economic development. *See* Declaration of Robert J. Sausedo, CBI (“Sausedo Dec.”), at ¶ 5. For twenty-seven years, CBI’s mission has been to rebuild low-income communities in South Los Angeles through human capital development, community and commercial economic development. *Id.* Disadvantaged communities served by CBI’s mission include, among others, the cities of Compton, Hawthorne, Inglewood, and Carson. *Id.*, at ¶ 8. These communities have suffered disproportionately from poor water quality, industrial contamination, aging pipelines, and years of underinvestment in critical infrastructure. *Id.*

Proposed Intervenor-Defendant SCLC is the local chapter of a nationwide civil rights organization founded in 1957 by Reverend Dr. Martin Luther King. *See*, Declaration of Rev. William Smart Jr., SCLC (“Rev. Smart Dec.”), at ¶ 4. SCLC is dedicated to fighting for justice and addressing the basic needs of disadvantaged communities in South Los Angeles. *Id.* SCLC is also an active partner in the Crisis Response System of South Los Angeles (“CRSSLA”), a network of faith-based agencies, community organizations, individuals, and health and educational institutions partnering with government agencies to provide emergency preparedness, collaborative aid, and crisis management for South Los Angeles and surrounding areas during emergencies. *Id.*, at ¶ 6. Disadvantaged communities served by SCLC in Los Angeles County have suffered from lack of safe and clean drinking water for decades. *Id.*, at ¶ 7.

Proposed Intervenor-Defendant LAM is a California non-profit organization working for racial, social and economic justice. *See* Declaration of Cheryl Branch, LAM (“Branch Dec.”), at ¶ 3. Founded in 1995, LAM works with more than 60 small and medium-sized churches in South Los Angeles County empowering people

1 through active engagement with civil leaders, and connecting service providers with  
 2 those in need. *Id.* LAM’s Healthy Eating/Healthy Living Project is rooted in the  
 3 belief that decent, safe and sanitary housing is a human right. *Id.*, at ¶ 6. Access to  
 4 safe, clean and affordable drinking water is essential to this human right. *Id.* Lack of  
 5 access to clean, affordable water in communities in South Los Angeles that LAM  
 6 supports has reached a crisis level. *Id.*, at ¶ 6. Access to new water supplies is  
 7 urgently needed to address the growing crisis in affordable housing and homeless  
 8 communities in Southern California, specifically in communities served by LAM in  
 9 South Los Angeles. *Id.*, at ¶ 15.

10 Proposed Intervenor-Defendant the Two Hundred for Homeownership is a  
 11 501(c)(3) non-profit organization dedicated to “restoring and enhancing  
 12 homeownership for California’s minority families, after the 2008 recession and  
 13 notorious predatory lending and foreclosure actions wiped out trillions of dollars of  
 14 home equity in our minority communities.” *See* Declaration of Robert J. Apodaca,  
 15 The Two Hundred (“Apodaca Dec.”) at ¶ 3. The Two Hundred is engaged in  
 16 “California state court litigation against state agencies that have adopted racially  
 17 discriminatory housing policies that make production of new homes even more costly  
 18 and litigious, and also exacerbate California’s severe racial disparities including  
 19 residential segregation, homelessness, poverty, and lack of housing supplies.” *Id.*  
 20 Community access to clean and affordable water is central to the Two Hundred’s  
 21 mission of increasing the supply of housing, restoring and increasing  
 22 homeownership, and closing the racial wealth gap, which is not possible without  
 23 adequate, reliable, and safe water. *Id.*, at ¶ 7. Through its advocacy work, the Two  
 24 Hundred has observed that the “‘stakeholder table’ in water supply disputes has been  
 25 rigged in favor of those with money, to the direct detriment of people - including our  
 26 communities of color - who lack resources.” *Id.*, at ¶ 6. If the delivery of water from  
 27 the Project to communities protected by the Two Hundred’s mission is “sidelined for  
 28 an unknowable and unenforceable number of years for still more analysis . . . , the

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1 result will be to deprive [California] communities of critically needed housing and  
2 attainable homeownership, and plunge yet another generation into poverty and  
3 homelessness.” *Id.*, at ¶ 10. The Two Hundred’s “unique expertise on housing and  
4 homeownership, and contesting racially discriminatory redlining practices by public  
5 agencies, gives the [organization] a unique voice” in this litigation. *Id.*, at ¶ 8.

6 Proposed Defendant-Intervenor NewStart is a Community Housing  
7 Development Organization that provides affordable housing to low-income seniors in  
8 the cities of Huntington Park, Fontana, South Gate and the County of Los Angeles.  
9 *See* Declaration of Cesar Zaldivar-Motts, NewStart at ¶ 4. Local jurisdictions in East  
10 and Southeast Los Angeles – including the communities that NewStart serves – have  
11 restricted or denied permits for new development of affordable housing due to limited  
12 capacity of water supply infrastructure and availability of new water supplies. *Id.*, at ¶  
13 9. If the Project is halted, it would have a direct impact on NewStart’s efforts to  
14 increase the availability of affordable housing in the communities it serves. *Id.*, at ¶  
15 17.

16 Proposed Defendant-Intervenor FIELD is a non-profit organization that serves  
17 over 100,000 community members in California's agricultural regions of San Joaquin,  
18 Salinas, Sacramento, and Coachella Valleys. *See* Declaration of David M. Villarino,  
19 FIELD (“Villarino Dec.”), at ¶ 4-5. There are 23 disadvantaged communities located  
20 directly along the path of the northern Cadiz pipeline and many more that are served  
21 by water agencies that can directly connect to the pipeline. *Id.*, at ¶ 14. The northern  
22 pipeline crosses two fully adjudicated groundwater areas (Antelope Valley and  
23 Mojave) in which water transfers are permitted. *Id.* It is expected that the pipeline  
24 will directly serve Mr. Villarino, his community and other DACs served by FIELD.  
25 *Id.*, at ¶¶ 15-16.

26 Proposed Defendant-Intervenor LULAC is the oldest and largest Hispanic  
27 organizations in the United States with approximately 132,000 members. Declaration  
28 of Jose Luis Barrera Novoa, LULAC (“Novoa Dec.”), at ¶ 3. LULAC’s mission is to

1 advance the economic condition, educational attainment, political influence, housing,  
 2 health and civil rights of Hispanic Americans. *Id.* LULAC supports an increase in the  
 3 nation’s stock of affordable housing, and particularly champions increasing the  
 4 resources needed to build, rehabilitate and preserve housing for low and extremely  
 5 low-income households, including housing options for migrant farm workers and  
 6 their families. *Id.*, at ¶¶ 4, 5. LULAC also supports increasing services to poor  
 7 communities, including access to electricity and potable water. *Id.*, at ¶ 5.

8 Proposed Defendant-Intervenor La Cooperativa is a 501(c)(3) non-profit  
 9 association of agencies implementing and administering farm worker service  
 10 programs. Declaration of Marco Cesar Lizarraga, La Cooperativa (“Lizarraga Dec.”),  
 11 at ¶ 5. La Cooperativa’s member agencies help communities achieve prosperity and  
 12 self-sufficiency through education, training, placement, and other supportive services  
 13 at more than 80 locally engaged, bilingual offices. *Id.* La Cooperativa’s member  
 14 agencies also operate a range of one-stop centers, mobile service units, and other  
 15 service access sites throughout California, primarily in agricultural counties, with 66  
 16 service centers throughout 31 of California’s rural counties. *Id.* Access to reliable,  
 17 clean water is essential to the communities served by La Cooperativa, and as a result,  
 18 the organization is working to ensure farm workers have reliable access to safe  
 19 drinking water and are part of the conversation around the transition that will occur in  
 20 the State’s farming communities as a result of climate change and efforts to better  
 21 manage the groundwater basins across the San Joaquin Valley. *Id.*, at ¶¶ 6, 12.

22 This case is about environmental justice. “Lack of access to safe, reliable and  
 23 affordable water in Communities of Color is a real and growing crisis.” *See*, Rev.  
 24 Smart Dec., at ¶ 7. The ability of poor minority communities to access safe and  
 25 reliable water is a focal point of the environmental justice movement. The U.S. EPA  
 26 defines environmental justice as the “[f]air treatment and meaningful involvement of  
 27 all people regardless of race, color, national origin, or income with respect to the  
 28 development, implementation, and enforcement of environmental laws, regulations,

1 and policies.”<sup>2</sup> The Biden Administration’s declared commitment to Environmental  
 2 Justice included, among other things, “spurring economic opportunity for  
 3 disadvantaged communities that have been historically marginalized and  
 4 overburdened by pollution and underinvestment in housing, transportation, water and  
 5 wastewater infrastructure, and health care.”<sup>3</sup> Yet, for environmental justice to be  
 6 meaningful it has to actually be acted on by agencies such as BLM – mere lip service  
 7 benefits no one.

8 Disadvantaged communities in California – particularly those represented by  
 9 the proposed intervenors – suffer disproportionately from poor water quality,  
 10 industrial contamination, aging pipelines, and underinvestment in critical  
 11 infrastructure to support minimum health and safety standards and economic growth.  
 12 Rev. Smart Dec. at ¶ 8. Through a combination of limited tax bases and higher  
 13 poverty rates, many disadvantaged communities “face a lack of current and planned  
 14 water.” Sausedo Dec., at ¶ 9. More intense and frequent droughts caused by climate  
 15 change (which can result in increasingly stringent conservation measures and  
 16 efficiency standards) have made California’s water supplies less reliable and more  
 17 expensive, which in turn disproportionately impacts low-income families and  
 18 communities of color, including South Los Angeles cities such as Compton,<sup>4</sup>  
 19 Hawthorne, Inglewood, and Carson (Branch Dec., at ¶ 6). For example, one public  
 20 report indicates that water rates in Los Angeles have risen by as much as 71% from  
 21 2010 to 2017. Sausedo Dec., at ¶ 11.

22 It is well known that water and utility costs account for a higher percentage of  
 23 family income for those who live in disadvantaged communities and that the majority

24 \_\_\_\_\_  
 25 <sup>2</sup> See, U.S. EPA, *Environmental Justice*, available at <https://www.epa.gov/environmentaljustice>  
 (last accessed on Dec. 30, 2021).

26 <sup>3</sup> Memorandum M-21-28, July 20, 2021, available at [https://www.whitehouse.gov/wp-  
 content/uploads/2021/07/M-21-28.pdf](https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf)

27 <sup>4</sup> For example, less than two years ago, the Los Angeles Local Agency Formation Commission was  
 28 forced to shut down a small water agency that had been serving the City of Compton for decades  
 (the Sativa Los Angeles County Water District) due to poor water quality and an inability to repair  
 aging infrastructure. Sausedo Declaration, at ¶ 8.

1 of people who live in disadvantaged communities are people of color. *Id.* A report by  
 2 the Thurgood Marshall Institute at the NAACP Legal Defense and Education Fund  
 3 titled *Water Color – A Study of Race & the Water Affordability Crisis in American*  
 4 *Cities* observed a “strong, persistent” relationship between race and water access. The  
 5 report cited a 2017 study which concluded that more than one- third of U.S.  
 6 households may be unable to afford their water bills in the next five years, if bills  
 7 continue to increase at their current rates. *Id.*, at ¶ 12.

8 In response to increasingly severe droughts, lack of storage capacity and  
 9 disruptions in water deliveries, many disadvantaged communities have been forced to  
 10 rely more heavily on local groundwater sources. Rev. Smart Dec. at ¶ 8. Yet,  
 11 groundwater in many areas of Los Angeles County are too polluted for human  
 12 consumption. *Id.* “Migrating plumes of toxins from industrial waste leaching into  
 13 groundwater for years is making more and more of the LA County’s wells  
 14 undrinkable.” *Id.* The drought emergency is particularly acute in California’s Central  
 15 Valley, where certain water agencies that receive supplies from the State Water  
 16 Project (“SWP”) and Central Valley Project received zero allocations for water in  
 17 2021 and have been told to expect reductions in water deliveries as much as 85% in  
 18 2022. Villarino Dec. at ¶ 7.

19 Beyond these urgent public health and safety concerns, access to clean sources  
 20 of water is urgently needed to address California’s unprecedented housing crisis.  
 21 Branch Dec. at ¶ 15; *see also* Apodaca Dec., at ¶ 4 (California state laws now  
 22 requires local agencies to approve more housing to solve what Governor Newsom has  
 23 acknowledged is a “3.5 million housing shortfall.”). Increased water security is  
 24 specifically needed to address the growing crisis in affordable housing and  
 25 homelessness in the DACs in Southern California. *Id.* In unequivocal terms, “to deny  
 26 access to water is to deny access to housing.” Branch Dec. at ¶ 16.

27 Farmworker communities throughout California’s Central Valley suffer  
 28 disproportionately from unsafe water and are the target of cutbacks due to restrictions

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1 on agricultural uses of water in response to climate change. Lizarraga Dec. at ¶¶ 6,  
 2 12, Villarino Dec., ¶¶ 6, 9. For example, the drought of 2009 spurred a loss of over  
 3 20,000 farmworker jobs and \$350 million in lost crops, prompting the Governor to  
 4 allocate over \$50 million to be spent on emergency food and shelter for those put out  
 5 of work because of the drought. Lizarraga Dec. at ¶ 7. A 2020 report from UC  
 6 Berkeley details the potential economic impacts of such groundwater cutbacks,  
 7 including \$7 billion in lost crop revenue and 42,000 jobs. *Id.*, at ¶ 8.<sup>5</sup> FIELD has  
 8 observed that rural farmworkers suffer from the current housing crisis that is only  
 9 exacerbated by a lack of clean water supplies, with as many as 400,000 to 800,000  
 10 farmworkers living in cramped, unsafe conditions. Villarino Dec., at ¶¶ 6-9. Chronic  
 11 water shortages and lack of reliable back-up water supplies are discouraging the  
 12 development of affordable housing in California, with many areas halting housing  
 13 construction due to lack of water. *Id.*, at ¶ 11-12.

14 Defendant’s motion for remand acknowledges that the Project would diversify  
 15 the source of water for communities that presently lack access to reliable water  
 16 sources, including state designated disadvantaged communities such as the those  
 17 represented by proposed intervenors. (Dkt. No. 42 at 10). Yet, BLM fails to see the  
 18 significance of this fact.

19 Many cities and unincorporated areas of South Los Angeles – whom several  
 20 proposed intervenors serve – receive water supplies from the SWP and the Colorado  
 21 River through member agencies of the Metropolitan Water District (“Metropolitan”),  
 22 which then delivers water to retail water agencies and public utilities such as Golden  
 23 State Water Company (“Golden State”) and California Water Service Group (“Cal  
 24 Water”). Sausedo Dec. at ¶ 13. Golden State and Cal Water each hold an option to  
 25 acquire 5,000 acre-feet of water from the Project for a total of 10,000 acre-feet, which  
 26 is enough water for 80,000 – 100,000 customers. *Id.*, at ¶ 14. Both Golden State and

27 \_\_\_\_\_  
 28 <sup>5</sup> *Blueprint Economic Impact Analysis: Phase One Results*, Sunding, D. et al., (Feb 15, 2020), available at  
<https://www.restorethedelta.org/wp-content/uploads/SJV-Blueprint-for-Extinction-Economic-Study-2-15-2020.pdf>

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1 Cal Water commented on the benefits the Project would offer to their customers  
2 during the public comment period on the Project’s environmental review under the  
3 California Environmental Quality Act (“CEQA”) (i.e., the Environmental Impact  
4 Report). *Id.* For example, Golden State indicated that it would utilize water from the  
5 Project to serve its customers, including South and Southwest Los Angeles cities of  
6 Compton, Carson, Inglewood, and Hawthorne. *Id.* Cal Water indicated that it would  
7 utilize water from the Project to serve customers in eastern Ventura County and Los  
8 Angeles County, including customers in Compton, Harbor City, Long Beach, Los  
9 Angeles, Torrance, Montebello, Commerce, Vernon and Monterey Park. *Id.*

10 The Project would conserve groundwater that would otherwise be lost to  
11 evaporation and deliver up to 50,000 AFY to public water agencies that serve  
12 disadvantaged communities in Southern California. Sausedo Dec., at ¶ 12; 15.  
13 Conserved water from the Project could be made available in two ways: (i) the  
14 completion of a planned 43-mile pipeline, and (2) delivery through the Northern  
15 Pipeline which crosses the California Aqueduct and connects to the SWP. *Id.*, at ¶ 15.  
16 Thus, conserved water from the Project would diversify the water supply made  
17 available in South Los Angeles County and improve reliability, which would support  
18 opportunity for stabilized water rates and investment in water infrastructure for  
19 communities that are suffering from a lack of access to clean, reliable water. *Id.*, at ¶  
20 16.

21 For the Central Valley, the Cadiz pipeline could transport water from the  
22 California Aqueduct, the Los Angeles Aqueduct and the Mojave River Pipeline to  
23 water agencies that serve communities in the San Joaquin Valley. Villarino Dec., at ¶  
24 14. There are twenty three adjudicated groundwater sources that could be transported  
25 through the Northern Pipeline to reach disadvantaged, rural communities and  
26 farmworkers living in the Central Valley. Novoa Dec., at ¶ 15. The Project’s pipeline  
27 infrastructure could therefore interconnect with existing state water systems, enabling  
28 trades between California’s public and private water suppliers and provide new water



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1 access to farm worker communities that have historically been limited to local  
2 groundwater or state and federal farm water imports. Lizarraga Dec. at ¶ 14. Any  
3 additional water access will help impoverished farmworker communities, such as  
4 those in Tooleville, East Orosi and East Porterville in Tulare County and Tombstone  
5 Territory in Fresno County, to supplement their supply, which could improve water  
6 quality and address water shortages. *Id.*

7 On the other hand, halting the Project – which both Plaintiffs and BLM now  
8 support – would have a direct adverse impact on the proposed intervenors’ efforts to  
9 serve disadvantaged communities. *Id.*, at ¶ 17. Improvements in quality of life  
10 conditions for the people living in DACs, including fair access to housing,  
11 infrastructure and economic opportunity, are directly connected to access to clean  
12 water and the infrastructure necessary to deliver clean water to these communities. *Id.*  
13 If the Project cannot move forward, disadvantaged communities will continue to  
14 suffer. *Id.*

15 **ARGUMENT**

16 **I. THE DACs ARE ENTITLED TO INTERVENE AS OF RIGHT.**

17 An applicant for a motion to intervene as a matter of right pursuant to FRCP  
18 24(a)(2) must demonstrate four elements: (1) the motion must be timely; (2) the  
19 applicant must claim a “significantly protectable” interest relating to the property or  
20 transaction which is the subject of the action; (3) the applicant must be so situated  
21 that the disposition of the action may as a practical matter impair or impede its ability  
22 to protect that interest; and (4) the applicant’s interest must be inadequately  
23 represented by the parties to the action. *Freedom from Religion Found., Inc. v.*  
24 *Geithner*, 644 F.3d 836, 841 (9th Cir. 2011); *citing California ex rel. Lockyer v.*  
25 *United States*, 450 F.3d 436, 440 (9th Cir. 2006).

26 Although applicants bear the burden of establishing these elements, the Ninth  
27 Circuit has consistently instructed that “the requirements for intervention are [to be]  
28 broadly interpreted in favor of intervention.” *United States v. Alisal Water Corp.*, 370

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1 F.3d 915, 919 (9th Cir. 2004); *see also Wilderness Soc. v. U.S. Forest Serv.*, 630 F.3d  
2 1173, 1179 (9th Cir. 2011) (*en banc*) (noting that the “liberal policy in favor of  
3 intervention serves both efficient resolution of issues and broadened access to the  
4 courts.”) A court’s review of a motion to intervene should be “guided primarily by  
5 practical considerations,” not technical distinctions. *See United States v. Stringfellow*,  
6 783 F.2d 821, 826 (9th Cir. 1986), *vacated on other grounds sub nom., Stringfellow*  
7 *v. Concerned Neighbors in Action*, 480 U.S. 370 (1987).

8 As discussed below, because the DACs’ motion fully satisfies all four criteria  
9 for intervention as a matter of right, this Court should grant this motion accordingly.

10 **A. The DACs’ Motion to Intervene is Timely.**

11 This motion is timely given the U.S. Department of Justice’s recent request to  
12 vacate the ROW Grants for the Project. (Dkt. No. 42 at 28-30). The DACs’ had no  
13 way of knowing that the Defendants would not vigorously defended this matter until  
14 the day that filing was made (December 3, 2021). Upon being made aware of this  
15 change, the DACs proceeded with all due speed to organize and prepare an informed  
16 and timely motion to intervene. Efforts to meet with BLM to express concern were  
17 rebuffed. *Novoa Dec.* at ¶ 18

18 Timeliness is determined by the totality of the circumstances facing would-be  
19 intervenors, with a focus on three primary factors: “(1) the stage of the proceeding at  
20 which an applicant seeks to intervene; (2) the prejudice to other parties; and (3) the  
21 reason for and length of the delay.” *United States v. Alisal Water Corp.*, 370 F.3d  
22 915, 921 (9th Cir. 2004). In analyzing these factors, courts should bear in mind that  
23 “[t]he crucial date for assessing the timeliness of a motion to intervene is when  
24 proposed intervenors *should have been aware that their interests would not be*  
25 *adequately protected by the existing parties.*” *Smith v. Marsh*, 194 F.3d 1045, 1052  
26 (9th Cir. 1999) (emphasis added).

27 First, this Motion occurs at an early and acceptable stage in this proceeding. To  
28 date, the proceedings in this case have not moved beyond the preliminary stages

1 regardless of the passage of time since Plaintiff’s complaint was filed on March 23,  
 2 2021. On May 20, 2021 and July 19, 2021, this court approved stipulations extending  
 3 Defendant’s time to file an answer, and on August 30, 2021, the court granted a  
 4 stipulation to stay the case entirely. It is relevant that none of the parties have filed  
 5 responsive pleadings to challenge the legal sufficiency of Plaintiffs’ arguments. *See,*  
 6 *Sierra Club v. U.S. EPA.*, 995 F.2d. 1478, 1481 (9th Cir. 1993) ( intervention was  
 7 timely because motion was made at the outset of litigation before EPA had filed an  
 8 answer). Thus, the intervention in this case will occur at an early and acceptable stage  
 9 of this litigation.

10 In addition, the Ninth Circuit has held that the “[m]ere lapse of time alone is  
 11 not determinative” in assessing timelines. *United States v. State of Oregon*, 745 F.2d  
 12 550, 552 (9th Cir. 1984) (“*State of Oregon*”). Where a change of circumstances  
 13 occurs, and that change is the “major reason” for the motion to intervene, the stage of  
 14 proceedings factor should be analyzed by reference to the change in circumstances,  
 15 and not the commencement of the litigation. *See, e.g., State of Oregon*, 745 F.2d at  
 16 551-52 (granting State of Idaho’s motion to intervene filed fifteen years after the  
 17 commencement of litigation, due to a “change of circumstance” where two Indian  
 18 tribes intended to withdraw from or renegotiate a settlement, which created “the  
 19 possibility of new and expanded negotiations.”); *Smith v. Los Angeles Unified School*  
 20 *District*, 830 F.3d 843, 854-56 (9th Cir. 2016) (although proposed intervenors sought  
 21 to intervene in the action approximately 20 years after its commencement, defendant  
 22 school district’s adoption of a flat quota requiring the reduction of special education  
 23 center enrollment by 33 percent constituted a change in circumstances warranting  
 24 intervention).

25 Like the cases above, a significant “change in circumstances” occurred in this  
 26 litigation on December 3, 2021, when Defendant filed its motion to transfer the ROW  
 27 Grants back to BLM for further analysis and requested to vacate those decisions.  
 28 (Dkt. No. 42). The voluntary request to set aside the ROW Grants was an alarming

1 modification to the nature of this litigation that has a direct impact on the DACs’  
 2 rights.<sup>6</sup> Thus, the operative date for assessing the timeliness of the DACs’ Motion  
 3 should be December 3, 2021. It was at that point that the DACs became aware that  
 4 Defendant BLM would no longer defend the ROW Grants, and that the DACs’  
 5 interests in this case became considerably less protected by the existing parties to this  
 6 litigation. *See Smith v. Marsh*, 194 F.3d at 1052.

7 Before that point, at least two parties involved in this litigation were seeking to  
 8 preserve the ROW Grants: Defendant and Intervenor Cadiz. The DACs reasonably  
 9 expected that Defendant would marshal arguments as to why its approvals were  
 10 lawful, and that Cadiz would also make certain arguments to preserve their position.  
 11 Now that Defendant BLM has had a 180-degree change in heart in this litigation, one  
 12 less party is seeking to preserve the ROW Grants, despite the existence of credible  
 13 and persuasive legal arguments to do so. Defendant even goes as far as to suggest that  
 14 there are no disruptive consequences from the request to vacate and that alleged  
 15 environmental harm favors their request. (Dkt. No. 42 at 29-30). This is an extremely  
 16 one-sided view of the impacts of the request that would completely ignore various  
 17 harms to the DACs. These are separate and apart from anything that may be alleged  
 18 by Cadiz. Like the intervenors in *State of Oregon* and *Los Angeles Unified School*  
 19 *District*, the DACs are now moving intervene in a timely fashion, and as “reasonably  
 20 practicable” following this significant change in circumstances.

21 Second, given that the case is still in its infancy, allowing the DACs to  
 22 intervene would not prejudice other parties. The Ninth Circuit has ruled that the only  
 23 “prejudice” that is relevant is that which flows from a prospective intervenor’s failure  
 24 to intervene after he knew, or reasonably should have known, that his interests were  
 25 not being adequately represented—and not from the fact that including another party

26 \_\_\_\_\_  
 27 <sup>6</sup> Upon learning of the proposed remand, representatives from CRSSLA and LULAC sought to  
 28 meet with the Department of the Interior and BLM to explain the impact further delay of the Project  
 would have on the DACs, but such requests were ignored. *See* Branch Dec. at ¶ 15; Novoa Dec. at ¶  
 18.

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1 in the case might make resolution more “difficult[ ].” *State of Oregon*, 745 F.2d at  
2 552–53; *see also Stallworth v. Monsanto Co.*, 558 F.2d 257, 267 (5th Cir. 1977)  
3 (“For the purpose of determining whether an application for intervention is timely,  
4 the relevant issue is not how much prejudice would result from allowing intervention,  
5 but rather how much prejudice would result from the would-be intervenor’s failure to  
6 request intervention as soon as he knew or should have known of his interest in the  
7 case.”).

8         Allowing DACs to intervene will not delay or frustrate the current schedule for  
9 this case. Under the current briefing schedule ordered by this Court on December 14,  
10 2021, opening briefs on the Motion to Remand are due March 18, 2022; reply briefs  
11 due by April 15, 2022; and a hearing set for May 5, 2022. The DACs do not seek to  
12 change that schedule. The DACs are ready to join the existing parties in the current  
13 briefing schedule and participate at the upcoming hearing. In contrast, if this Motion  
14 is denied, the prejudice to the DACs will be significant.

15         Third, as explained above, there has been no delay in the DACs’ proposed  
16 intervention. It became imperative for DACs to intervene in this case upon learning  
17 of Defendant BLM’s Motion for Remand. Since that significant development, the  
18 proposed intervenors acted expediently in organizing, engaging counsel and  
19 fashioning a case strategy for this significant proceeding. The parties have therefore  
20 proceeded with all due speed to make an informed and timely Motion to Intervene  
21 within approximately two months upon learning of these changed circumstances.

22         **B. The DACs Have an Interest in the Decisions and Decision-**  
23         **making Processes Subject to this Action.**

24         A motion for intervention as of right must entail “an interest relating to the  
25 property or transaction which is the subject matter of the action.” FRCP 24(a)(2). The  
26 Ninth Circuit has held that intervention of right must be supported by a “significantly  
27 protectable interest relating to the subject of the action.” *See Southwest Center for*  
28 *Biological Diversity v. Berg*, 268 F.3d 810, 818 (9th Cir. 2001). To establish a

1 significantly protectable interest relating to the subject of the action, it is sufficient  
2 that (i) the interest asserted is protectable under law, and (ii) there is a “relationship”  
3 between the legally protected interest and the claims at issue. *Wilderness Soc. v. U.S.*  
4 *Forest Serv.*, 630 F.3d 1173, 1180 (9th Cir. 2011); *Berg*, 268 F.3d at 818.

5 “No specific legal or equitable interest need be established to satisfy this test.  
6 Instead, the interest test directs courts to make a practical, threshold inquiry, and is  
7 primarily a practical guide to disposing of lawsuits by involving as many apparently  
8 concerned persons as is compatible with efficiency and due process.” *U.S. v. City of*  
9 *Los Angeles*, 288 F.3d 391, 398 (9th Cir. 2002). This test is construed “broadly in  
10 favor of proposed intervenors.” *Wilderness Soc. v. U.S. Forest Serv.*, 630 F.3d 1173,  
11 1179 (9th Cir. 2011). The Ninth Circuit has held that “[i]f an absentee would be  
12 substantially affected in a practical sense by the determination made in an action, [it]  
13 should, as a general rule, be entitled to intervene....” *Citizens for Balanced Use v.*  
14 *Montana Wilderness Ass’n*, 647 F.3d 893, 899 (9th Cir. 2011) (quoting Fed. R. Civ.  
15 P. 24 advisory committee’s note). Further, in the NEPA context, intervenors  
16 generally demonstrate a sufficient interest for intervention of right if they “will suffer  
17 a practical impairment of [their] interests as a result of the pending litigation.”  
18 *California ex rel. Lockyer*, 450 F.3d at 441.

19 The proposed intervenors have a significant interest in the benefits that the  
20 Cadiz Project will bring to impoverished and disadvantaged communities throughout  
21 Central and Southern California. These communities not only suffer from some of the  
22 most degraded drinking water quality in California, but also face serious threats of  
23 future water shortages from the increasing prevalence of drought. In addition to  
24 ensuring that environmental justice principles are accounted for (an important issue  
25 under NEPA), the proposed intervenors seek to protect their respective communities’  
26 right to access clean water; health and safety; economic opportunities; and the human  
27 right to housing that is contingent upon water security.

28

1 At current, many communities for whom the proposed intervenors serve  
 2 receive water supplies from the public utilities Golden State and Cal Water. Sausedo  
 3 Dec. at ¶ 13. As explained above, each of these utilities hold an option to acquire  
 4 5,000 acre-feet of water from the Project for a total of 10,000 acre-feet, which is  
 5 enough water for 80,000 – 100,000 customers. *Id.*, at ¶ 14. While Golden State and  
 6 Cal Water have not sought to intervene in this case, their comments on prior  
 7 environmental review processes for this Project establish a clear link of water  
 8 availability from the Project to disadvantaged communities. *Id.* In the Central Valley,  
 9 the northern pipeline crosses two fully adjudicated groundwater areas (Antelope  
 10 Valley and Mojave) in which water transfers are permitted. Villarino Dec., at ¶ 14.  
 11 “There are 23 disadvantaged communities located directly along the path of the  
 12 pipeline and many more that are served by water agencies that can directly connect to  
 13 the pipeline.” *Id.*

14 California courts have confirmed that water providers and water users have a  
 15 significant protectable interest in matters that impact water supply and water  
 16 allocations. *See, e.g., California Trout, Inc. v. United States Bureau of Reclamation*,  
 17 115 F. Supp. 3d 1102, 1119-20 (C.D. Cal. 2015) (waters users had significant  
 18 protectable interests in water contracts and water supply, for purposes of intervening  
 19 in litigation regarding the operation of the Cachuma project); *Northwest Env’t Def.*  
 20 *Ctr. v. United States Army Corps of Engineers*, 479 F.Supp.3d 1003, 1010 (D. Or.  
 21 2020) (noting that city was permitted to intervene in litigation challenging federal  
 22 approvals for river basin flood control project, on the basis that case would likely  
 23 impact city’s water supply). As explained above, water from the Project would aid  
 24 disadvantaged communities across California, including those in South Los Angeles  
 25 (Sausedo Dec. at ¶¶ 12 – 15) and the Central Valley. Villarino Dec. at ¶ 15, Lizarraga  
 26 Dec. at ¶¶ 14-15.

27 In turn, there is a direct impact on housing which cannot be built without a  
 28 dedicated water source and water infrastructure. There are option contracts and

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1 adjudicated supplies in place. Villarino Dec., at ¶ 14. Water can be conveyed through  
2 the pipeline and then stored in existing groundwater banks adjacent to the Northern  
3 Pipeline existing banks in the Antelope Valley and Mojave groundwater basin and  
4 then exchanged for delivery to Tehachapi through State Project contractors. *Id.*  
5 Hence, the Project would diversify water supply, add to system flexibility and  
6 increase water reliability, which would support opportunity for stabilized water rates  
7 and investment in water infrastructure for communities that are suffering from a lack  
8 of access to clean, reliable water. *Id.*, at ¶ 16. In sum, “[t]he Project means more  
9 water, cleaner water and more housing for underserved populations in poor, minority  
10 communities.” Villarino Dec. at ¶ 15.

11 Finally, there are environmental justice interests at stake. The proposed  
12 intervenors’ interest in the public health and safety and economic viability of their  
13 communities as dependent on water security is analogous to the conservation-related  
14 interests accepted as the basis for intervention in other cases. See, e.g., *Citizens for*  
15 *Balanced Use v. Montana Wilderness Ass’n*, 647 F.3d 893, 899 (9th Cir. 2011)  
16 (interest group’s interest in “conserving and enjoying wilderness character” of land  
17 subject to litigation). The intervenors have a significant protectable interest in  
18 providing access to clean and reliable water and housing for minority and low-  
19 income populations which are human health, economic, and social effects that must  
20 be considered under NEPA.

21 ///

22 ///

23 **C. Unless Allowed to Intervene, the DACs Will Not be Able to**  
24 **Protect Their Interests.**

25 If the proposed intervenors are not immediately made a party to this action,  
26 they will have no other legal means to challenge the disruptive consequences of the  
27 request to vacate the ROWs. See, *Forest Conservation Council*, 66 F.3d at 1498  
28 (citing *United States v. Oregon*, 839 F.2d 635, 639 (9th Cir. 1988) for the proposition



1 that Ninth Circuit precedence recognizes “practical limitations on the ability of  
2 intervention applicants to protect interests in the subject of the litigation after court-  
3 ordered equitable remedies are in place”). Without intervention, the DACs face the  
4 injustice of having their interests erased or impaired by this action without being  
5 heard.

6 Setting aside the ROW Grants would have a clear adverse impact on the  
7 intervenors’ mission to serve their communities and families in dire need of water  
8 supply. Rev. Smart Dec. at ¶ 21. If the Project cannot move forward, disadvantaged  
9 communities will continue to suffer from lack of reliable water *quantity* and *quality*.  
10 In turn, new housing cannot be built without demonstrating adequate water supplies  
11 even during a multi-year drought period. Apodaca Dec., at ¶ 5. Local governments  
12 will continue to restrict and deny permits for development of affordable housing due  
13 to limited capacity of water supply infrastructure and availability of new water  
14 supplies. Zaldivar-Motts Dec., at ¶ 9; Villarino-Gonzalez Dec. at 12. Thus,  
15 continuing to deny communities water will deprive them of critically needed housing  
16 and attainable homeownership, and plunge yet another generation into poverty and  
17 homelessness. Apodaca Dec., at ¶¶ 10-12; Zaldivar-Motts Dec., at ¶ 16. This will  
18 thwart years of progress towards providing water security. Sausedo Dec. at ¶ 17.  
19 Proposed intervenors will have to divert limited resources to address this setback  
20 while the communities they serve continue to suffer. *Id.*; Rev. Smart Dec. at ¶ 21.  
21 The social, health and environmental consequences of the impact of a lack of  
22 affordable and clean water and the collateral impact on the proposed intervenors  
23 cannot be understated and must be protected.

24 **D. Other Parties in this Litigation Do Not Adequately Represent**  
25 **the DACs’ Interests.**

26 To satisfy the fourth prong of Rule 24(a)(2), proposed intervenors must show  
27 that the existing parties do not adequately represent their interests. The prospective  
28 intervenor bears the burden of demonstrating that the existing parties may not

1 adequately represent its interest. *Sagebrush Rebellion, Inc. v. Watt*, 713 F.2d 525, 528  
2 (9th Cir. 1983). However, the burden of showing inadequacy is “minimal,” and the  
3 applicant need only show that representation of its interests by existing parties “*may*  
4 *be*” inadequate. *Berg*, 268 F.3d at 823 (9th Cir. 2001); *citing Trbovich v. United Mine*  
5 *Workers*, 404 U.S. 528, 538 n. 10 (1972) (emphasis added).

6 In determining the “adequacy of representation,” courts consider whether the  
7 interest of a present party is such that it will undoubtedly make all the intervenor’s  
8 arguments; whether the present party is capable and willing to make such arguments;  
9 and whether the intervenor would offer any necessary elements to the proceedings  
10 that other parties would neglect. *California v. Tahoe Reg’l Planning Agency*, 792  
11 F.2d 775, 778 (9th Cir. 1986) (citation omitted). Each of these factors weighs in favor  
12 of allowing the DACs to join this litigation.

13 Now that Defendant BLM has stated its intent to abandon its lawful ROW  
14 Grants, it is now more important than ever for the DACs to be permitted to defend  
15 the legality of that decision and at the very least to present arguments concerning the  
16 disruptive consequences of the request to vacate. Even if that were not the case,  
17 BLM’s interests in this case are by nature distinct from the more narrowly-tailored  
18 interests of the DACs. The Ninth Circuit has consistently ruled that the federal  
19 government is not the only party capable of defending the validity of federal actions.  
20 *See, e.g., W. Watersheds Project v. Kraayenbrink*, 632 F.3d 472, 482 (9th Cir. 2011)  
21 (holding that national organization of public lands ranchers had standing to appeal  
22 judgment invalidating nationwide grazing regulations for federal lands, despite  
23 BLM’s abandonment of appeal; same national organization intervened in trial court  
24 proceedings below); *Kootenai Tribe of Idaho v. Veneman*, 313 F.3d 1094, 1110 (9th  
25 Cir. 2002) (holding that intervenors could appeal and challenge a grant of injunctive  
26 relief for alleged NEPA violations when federal defendants decided not to appeal).  
27 This is particularly true here where the consequences of an election appear to be a  
28 change of heart concerning defense of agency action.

1           It matters not that the DACs and Intervenor Cadiz are both proponents of the  
2 Project. Although “[w]here an applicant for intervention and an existing party have  
3 the same ultimate objective, a presumption of adequacy of representation arises,” that  
4 presumption is rebuttable upon a showing that the applicant and the existing parties  
5 “do not have sufficiently congruent interests.” *See, e.g., Berg*, 268 F.3d at 823 (9th  
6 Cir. 2001)(noting that City intervenor’s range of considerations in development is  
7 broader than the profit-motives of the developer); *California Dump Truck Owners*  
8 *Ass’n v. Nichols*, 275 F.R.D. 303, 308 (E.D. Cal. 2011) (noting that California Air  
9 Resources Board is a public agency that must balance relevant environmental and  
10 health interests with competing resource constraints and the interests of various  
11 constituencies that can be at odds with the environmental NGO’s interests). The  
12 intervenors have been historically disenfranchised from this process and need to  
13 represent themselves.

14           Intervenor Cadiz will not make the same arguments and represent the interests  
15 of the DACs. While it is true that the DACs and Intervenor Cadiz share the same  
16 ultimate goal of upholding the ROW Grants for the Project, the parties clearly have  
17 different interests underlying that goal. Cadiz is the holder of the two ROWs that are  
18 at issue, and as such, “has a ‘personal interest [in this litigation] that does not belong  
19 to the general public...” (Dkt. 16 at 11, Dkt. 16-1 at 4.) Cadiz’s defense arguments in  
20 support of BLM’s interpretation and approvals will be made from the ROW holder’s  
21 economic perspective. *Id.* In contrast to Cadiz’s interest in preserving their property  
22 interests in the ROWs and financial stake in the Project, the DACs’ interests lie with  
23 the public health and safety of their communities, facilitating increased water supply  
24 and improved water quality, addressing the housing crisis, and ensuring that tenets of  
25 environmental justice are appropriately considered in this litigation. As such, the  
26 DACs have a sufficiently divergent interests from Cadiz (as a business entity) to  
27 overcome any presumption of adequate representation.

28           No parties other than the DACs can focus on the importance of clean water to

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1 these communities and the callous disregard of these interests stemming from the  
2 desire to vacate the ROWs and halt the Cadiz Project.

3 **II. IN THE ALTERNATIVE, THE COURT SHOULD GRANT THE DACs**  
4 **PERMISSIVE INTERVENTION.**

5 Notwithstanding the above persuasive argument that the DACs may intervene  
6 as of right, the Court may grant permissive intervention pursuant to FRCP 24(b)(2):

7 Upon timely application anyone may be permitted to  
8 intervene in an action . . . when an applicant’s claim or  
9 defense and the main action have a question of law or fact in  
10 common. . . . In exercising its discretion the court shall  
consider whether the intervention will unduly delay or  
prejudice the adjudication of the rights of the original parties.

11 To meet the standard of permissive intervention, the intervenor applicant must  
12 (a) submit a timely motion and (b) demonstrate a common question of law and fact  
13 between the applicant’s claim or defense and the main action. *Venegas v. Skaggs*, 867  
14 F.2d 527, 529 (9th Cir. 1989), *aff’d* 495 U.S. 82 (1990).

15 First, the above discussion demonstrates the timeliness of this motion — this  
16 case is in its infancy and intervention will not cause undue delay or prejudice the  
17 other parties.

18 Second, DACs’ claims and defenses share common questions of law and fact  
19 with the main action. As discussed above, Plaintiffs seek to invalidate Defendant  
20 BLM’s approval of the ROW Grants, and therefore to prevent implementation of the  
21 Project. Defendant BLM’s wish to acquiesce to this request without so much as a  
22 thought as to whom it may impact. The DACs are prepared to offer defenses and  
23 questions of law and fact to defend the legality of the ROW Grants, including  
24 arguments as to why the ROW Grants are proper under NEPA and FLPMA  
25 regulations and policies implementing the same and the unique impact of vacature on  
26 the DACs. Thus, there is no question that the DACs have common defenses and  
27 questions of law and fact in defense of the ROW Grants. Accordingly, there is  
28

1 adequate support for this Court to find that the DACs meet the standards for  
2 permissive intervention pursuant to FRCP 24(b)(2).

3 **CONCLUSION**

4 For the reasons set forth above, the DACs respectfully requests that the Court  
5 grant this Motion to Intervene as of right pursuant to Rule 24(a)(2), or in the  
6 alternative, grant permissive intervention under Rule 24(b), with no restrictions on  
7 party status or participation.

8  
9 DATED: February 4, 2022

Respectfully submitted,

10 HOLLAND & KNIGHT LLP

11  
12 By: /s/ Kevin Ashe  
13 Jennifer Hernandez  
14 Kevin J. Ashe  
15 Rafe Petersen (*pro hac vice pending*)

16 *Attorney for Proposed Defendant-Intervenors,*  
17 *Community Build, Inc., Southern Christian*  
18 *Leadership Conference of Greater Los Angeles,*  
19 *Los Angeles Metropolitan Churches, NewStart*  
20 *Housing Corporation, The Two Hundred*  
21 *for Homeownership, Farmworkers Institute*  
22 *for Education & Leadership Development,*  
23 *League of United Latin American Citizens of*  
24 *California, and La Cooperativa Campesina*  
25 *de California.*

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**PROOF OF SERVICE**

State of California            )  
County of Orange            )     ss.

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is Three Park Plaza, Suite 1400, Irvine, California 92614.

On **February 4, 2022**, I electronically filed and served the attached document:

**PROPOSED DEFENDANT -INTERVENORS  
COMMUNITY BUILD, INC., SOUTHERN  
CHRISTIAN LEADERSHIP CONFERENCE OF  
GREATER LOS ANGELES, LOS ANGELES  
METROPOLITAN CHURCHES, NEWSTART  
HOUSING CORPORATION, THE TWO HUNDRED  
FOR HOMEOWNERSHIP, FARMWORKERS  
INSTITUTE FOR EDUCATION & LEADERSHIP  
DEVELOPMENT, LEAGUE OF UNITED LATIN  
AMERICAN CITIZENS OF CALIFORNIA, AND LA  
COOPERATIVA CAMPESINA DE CALIFORNIA'S  
NOTICE OF MOTION, MOTION TO INTERVENE**

with the Clerk of the Court using the CM/ECF system which will then send a notification of such filing to the following:

*Please see attached Service List.*

I declare that I am employed in the office of a member of the bar of this Court whose direction the service was made.

Executed on **February 4, 2022**, at Irvine, California.

  
\_\_\_\_\_  
Michelle Woo

Holland & Knight LLP  
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Irvine, CA 92614-8537  
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*Center for Biological Diversity, et al v. U.S. Bureau of Land Mgmt., et al.*  
Case No.: 2:21-cv-02507-GW-AS

**SERVICE LIST**

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Lisa T. Belenky  
Center for Biological Diversity

Gregory Cahill Loarie  
Earthjustice

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[lbelenky@biologicaldiversity.org](mailto:lbelenky@biologicaldiversity.org)

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Environment & Natural  
Resources Division

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Center for Biological Diversity, et al.,

Plaintiffs,

vs.

United States Bureau of Land  
Management, et al.

Defendant.

) Case No.: 2:21-cv-02507-GW-AS

) **DECLARATION OF ROBERT SAUSEDO**  
) **IN SUPPORT OF PROPOSED**  
) **DEFENDANT-INTERVENOR'S**  
) **COMMUNITY BUILD, INC.**  
) **MOTION TO INTERVENE**

**DECLARATION OF ROBERT SAUSEDO** R~S

I, Robert Sausedo, declare as follows:

1. I am over 18 years of age and make the following statements based upon personal knowledge of the facts. If called as a witness, I could competently testify to these statements.

2. I live in Baldwin Hills, in Los Angeles County, California. I was born and raised in Los Angeles and educated at West Los Angeles Community College.

3. I have been engaged in civic matters that impact the communities of South Los Angeles for more than 30 years, including economic development, housing, social justice, youth, literacy and healthcare. I have also held several local,




statewide and national positions in the energy efficiency and financial services sectors.

~ 9

4. I previously served as Deputy for Agency and Review for the Los Angeles County Board of Supervisors representing the Second District which covers the cities of Carson, Compton, Hawthorne, Inglewood and Lynwood, among others, and more than 40 unincorporated areas primarily in the South and Southwestern portion of Los Angeles County, a substantial number of which are disadvantaged communities as defined by California Public Resource Code section 75005(g). My responsibilities included a broad portfolio covering economic development, community engagement, and commission appointments.

5. I currently serve as President and Chief Executive Officer of Community Build, Inc. ("CBI"), a nonprofit community development corporation established in response to the conditions that led to the civil unrest in Los Angeles in 1992. CBI is dedicated to the revitalization of South Los Angeles communities through investment in youth and commercial economic development. For twenty-seven years, CBI has been a recognized leader in advocating for investment in South Los Angeles' underserved communities to address inequities in access to critical resources, such as housing, jobs, education, healthcare and public infrastructure. As President and Chief Executive Officer, I manage a staff of sixty-eight employees in two separate locations. One of my major responsibilities is to lead executive

management in identifying new program services and growth opportunities that will enable Community Build to achieve its strategic objectives and ensure long-term viability as a key African American community development corporation that meets the unique needs of underserved groups in South Los Angeles and adjacent service areas. For nearly three decades Community Build has lived its mission to rebuild low-income communities in South Los Angeles through human capital development, community and commercial economic development. 

6. I am also Founder and President of the Crisis Response System of South Los Angeles (“CRSSLA”), a network of faith-based agencies, community organizations, individuals, and health and educational institutions partnering with government agencies to provide emergency preparedness, collaborative aid, and crisis management for South Los Angeles and surrounding areas during emergencies. CRSSLA is primarily focused on addressing the health and economic disasters impacting South Los Angeles communities resulting from the COVID-19 pandemic.

7. Disadvantaged communities served by Community Build in large portions of Southern California and in particular Los Angeles County, have suffered from the absence of clean and reliable water. Access to safe, clean, affordable water is crucial, especially during the novel COVID-19 pandemic. Before the pandemic, disadvantaged communities in South Los Angeles already faced barriers accessing

financing for maintenance and capital projects. The pandemic exacerbated these challenges for low-income communities faced with limited resources, aging infrastructure and rapidly rising water bills.

8. Disadvantaged communities in South Los Angeles, including Compton, Hawthorne, Inglewood, Carson, among others, have suffered disproportionately from poor water quality, industrial contamination, aging pipelines, and underinvestment in critical infrastructure to support minimum health and safety standards and economic growth. The communities of South Los Angeles are dependent upon imported water to mitigate the impacts of local groundwater contamination. For example, less than two years ago, the Los Angeles Local Agency Formation Commission was forced to shut down a small water agency that had been serving the City of Compton for decades (the Sativa Los Angeles County Water District) due to poor maintenance, “disgusting” water and the inability to repair aging infrastructure without passing on millions of dollars in costs to its predominantly low-income customers.

9. Disadvantaged communities also suffer disproportionately under severe and persistent drought conditions resulting from climate change, with increasingly stringent conservation measures and water use efficiency standards. It is well known that water and utility costs already account for a higher percentage of family income. Through a combination of limited tax bases and higher poverty

rates, many disadvantaged communities face a lack of current and planned water infrastructure.

10. A recent analysis by Consumer Reports shows that in cities across the U.S. the combined price of water and sewage increased by an average of 80 percent between 2010 and 2018, with more than two-fifths of residents in some cities living in neighborhoods with unaffordable bills. The report's findings reveal the painful impact of expanding water poverty crisis as aging infrastructure, environmental cleanups, changing demographics and the climate emergency fuel exponential price hikes in almost every corner of the country.

11. Climate change is making water supplies to South Los Angeles less reliable, which results in higher water rates. Water rates in Los Angeles rose by as much as 71% from 2010 to 2017, according to a survey by Circle of Blue, a water news website.

12. The Cadiz Water Project ("Project") in San Bernardino County would conserve groundwater that would otherwise be lost to evaporation and deliver up to 50,000 acre-feet of water per year to water agencies that currently receive water from the State Water Project ("SWP") and serve disadvantaged communities, including disadvantaged communities in South and Southwest Los Angeles County. Water from this Project could help communities in South Los Angeles County either by being transported through a proposed pipeline from the Cadiz property to the

Colorado River Aqueduct to the southeast of the property or by an existing pipeline that Cadiz is trying to repurpose to convey water in a northwesterly direction towards the City of Barstow and then across the upper portion of the Antelope Valley.

13. Most cities and unincorporated areas of South Los Angeles receive water supplies from the SWP and the Colorado River through member agencies of the Metropolitan Water District (“Metropolitan”), which then delivers water to retail water agencies and public utilities such as Golden State Water Company (“Golden State”) and California Water Service Group (“Cal Water”).

RS

14. Golden State, a regulated water utility serving more than 1 million customers in California, and Cal Water, a regulated water utility serving more than 1.7 million customers in California, each hold an option to acquire 5,000 acre-feet of water from the Project for a total of 10,000 acre-feet, or enough water for 80,000 – 100,000 people. In public documents related to the Environmental Impact Report for the Project, Golden State indicated that it would utilize conserved water from the Project to serve customers primarily located in Los Angeles, Orange, San Bernardino, and Imperial Counties, including the South and Southwest Los Angeles cities of Compton, Carson, Inglewood, Hawthorne, among others. Additionally, in public documents related to the Environmental Impact Report for the Project, Cal Water indicated it would utilize conserve water from the Project to serve customers in eastern Ventura County and Los Angeles County, including its Dominguez and

East Los Angeles Districts, which deliver water to portions of Compton, Harbor City, Long Beach, Los Angeles, Torrance, Montebello, Commerce, Vernon, and Monterey Park. Many of the communities serviced by Golden State and Cal Water are disadvantaged communities that we directly support.

p. 7

15. Conserved water from the Project could be made available to residents in South Los Angeles in two ways. First, with the completion of a planned 43-mile pipeline. Second, by delivery from through the Northern Pipeline which crosses the California Aqueduct and connects to the SWP. Once in the SWP system, it can be exchanged or transferred to Golden State similar to how the SWP currently exchanges water to Metropolitan and its twenty-nine (29) member agencies.

16. Additional water made available from the Project, or water transfers made possible by the conversion of a natural gas pipeline to carry water that could be delivered to Los Angeles, would add to system flexibility and increase water reliability. Better access to clean, reliable water is urgently needed to address the water crisis facing many disadvantaged communities within South and Southwest Los Angeles. This water could diversify the supply available in South Los Angeles County and improve reliability, which would support opportunity for stabilized water rates and investments in water infrastructure for communities that are suffering from a lack of access to clean, reliable water. In turn, this would help with the housing crisis taking place in Southern California.

17. On the other hand, if the Project is halted it would have a direct impact on Community Build's efforts and the communities that we serve. This will thwart years of progress towards water security. In turn, will have to divert limited resources to address this matter and essentially start our advocacy from square one. There are no other options for affordable, clean water. Improvements in quality of life conditions for the people of South Los Angeles County including fair access to housing, infrastructure and economic opportunity are directly connected to reliable access to clean water and the infrastructure necessary to deliver it to the community. If the Cadiz Project is shelved for several years for yet more analysis, it will mean that the communities we serve will continue to suffer.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 01/31, 2022 in Los Angeles, California.

A handwritten signature in black ink, appearing to read 'RS', written over a horizontal line.

Robert Sausedo

**PROOF OF SERVICE**

State of California )  
County of Orange ) ss.

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is Three Park Plaza, Suite 1400, Irvine, California 92614.

On **February 4, 2022**, I electronically filed and served the attached document:

**DECLARATION OF ROBERT SAUSEDO IN  
SUPPORT OF PROPOSED DEFENDANT-  
INTERVENOR'S COMMUNITY BUILD, INC.  
MOTION TO INTERVENE**

with the Clerk of the Court using the CM/ECF system which will then send a notification of such filing to the following:

*Please see attached Service List.*

I declare that I am employed in the office of a member of the bar of this Court whose direction the service was made.

Executed on **February 4, 2022**, at Irvine, California.

  
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*Center for Biological Diversity, et al v. U.S. Bureau of Land Mgmt., et al.*  
Case No.: 2:21-cv-02507-GW-AS

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Center for Biological Diversity, et al.,

Plaintiffs,

vs.

United States Bureau of Land  
Management, et al.

Defendant.

) Case No.: 2:21-cv-02507-GW-AS

) **DECLARATION OF REVEREND**  
) **WILLIAM D. SMART, JR.**  
) **IN SUPPORT OF PROPOSED**  
) **DEFENDANT-INTERVENOR'S**  
) **SOUTHERN CHRISTIAN**  
) **LEADERSHIP CONFERENCE.**  
) **MOTION TO INTERVENE**

---

**DECLARATION OF REVEREND WILLIAM D. SMART, JR.**

I, William D. Smart, Jr., declare as follows:

1. I am over 18 years of age and make the following statements based upon personal knowledge of the facts. If called as a witness, I could competently testify to these statements.

2. I live in Los Angeles, County California. I was educated at Miles College in Alabama, receiving a Bachelor of Science Degree in Social Work in 1980, and Duke University in North Carolina, receiving a Master of Divinity Degree in 1983.

3. I have been fighting for justice since 1968 having held local, statewide and national positions in social justice organizations including as Co-Chair of the Black-Brown Unity Commission and member of Community Call to Action in Los Angeles; as President of the National Association of Colored People (“NAACP”) in Jackson, Tennessee, and State Director of Economic Development for the NAACP in Tennessee; and as a board member of the Southern Christian Leadership Conference (“SCLC”) in Birmingham, Alabama. I also served for 9 years as Director of Training and Outreach for the Los Alliance for a New Economy, a nationally recognized nonprofit organization fighting for economic equality and a cleaner economy, including working to secure clean, safe, affordable and reliable water for all.

4. I currently serve as President and Chief Executive Officer of the Greater Los Angeles Southern Christian Leadership Conference, an affiliate of the nationwide organization founded in 1957 by Reverend Dr. Martin Luther King following the Montgomery, Alabama Bus Boycott. SCLC’s focus is to educate youth and adults in the areas of personal responsibility, leadership potential, and community service; to ensure economic justice and civil rights and to eradicate racism wherever it exists. SCLC is dedicated to fighting for justice and addressing the basic needs for communities of color in Los Angeles, including disadvantaged communities in South Los Angeles.

5. I also currently serve as Co-Pastor of the Christ Liberation Ministries in Los Angeles, and founder and Chief Executive Officer of Hurting and Hungry, a community resource help center dedicated to meeting the basic safety net needs of food, water, clothing and shelter to the homeless and destitute in Los Angeles.

6. SCLC is also an active partner in the Crisis Response System of South Los Angeles (“CRSSLA”), a network of faith-based agencies, community organizations, individuals, and health and educational institutions partnering with government agencies to provide emergency preparedness, collaborative aid, and crisis management for South Los Angeles and surrounding areas during emergencies.

7. Lack of access to safe, clean, reliable and affordable water in Communities of Color is a real and growing crisis. Disadvantaged communities served by SCLC in Los Angeles County have suffered from lack of safe, clean drinking water for decades, but the crisis has become especially severe in the last several years due to the impacts of climate change on California’s water supplies. Before the COVID-19 pandemic, disadvantaged communities in South Los Angeles already suffered disproportionately from poor water quality, industrial contamination, aging pipelines, and lack of investment in critical infrastructure to support minimum health and safety standards. The twin disasters of another severe drought and the COVID-19 pandemic have pushed Communities of Color beyond

the breaking point, with unemployment rates reaching as high as 40%, rapidly rising water, food and utility bills and increasing homelessness.

8. It is commonly known that most of LA County's water is imported from the State Water Project and the Colorado River. It is also commonly known that increasingly severe droughts, lack of storage capacity and environmental regulations are disrupting traditional supplies resulting in drastic reductions in water deliveries and heavier reliance on local groundwater. However, groundwater in many areas of the County is too polluted to drink. Migrating plumes of toxins from industrial waste leaching into groundwater for years is making more and more of the LA County's wells undrinkable. In fact, ten years ago testing showed contamination detected in 40 percent of the Los Angeles area groundwater wells used for drinking water, but even years of remediation by Environmental Protection Agency-led Superfund projects haven't solved the problem.

9. Communities of color in Los Angeles County suffer disproportionately from contaminated local water and lack of financial resources to remediate contamination or repair aging water infrastructure. The result is brown water flowing from taps and higher water rates. The UCLA School of Law reported that small county water systems often struggle to provide their customers with clean drinking water at an affordable rate due to groundwater contamination, financial problems and other issues. Some water suppliers treat the water to remove most of the

contamination and pass costs onto ratepayers, while others blend contaminated water with other sources of clean water to lower their concentration, if they have access to supplies of clean water needed to blend.

10. The communities of South Los Angeles are dependent upon imported water to mitigate the impacts of local groundwater contamination. For example, after County officials forced the shut down a small water agency that had been serving the City of Compton for decades (the Sativa Los Angeles County Water District) due to contaminated water and the inability to repair aging infrastructure, the City of Compton's drinking water is now a blend of groundwater and surface water imported by the Metropolitan Water District of Southern California (MWD). MWD's imported water sources are, in turn, a blend of water from the State Water Project and water from the Colorado River Aqueduct. As drought conditions continue to worsen, competition for scarce water resources intensifies, and disadvantaged communities are disproportionately impacted.

11. Disadvantaged communities also suffer disproportionately under the rising cost of water and increasingly stringent conservation measures and water use efficiency standards. It is well known that water and utility costs account for a higher percentage of family income for those who live in disadvantaged communities and that the majority of people who live in disadvantaged communities are people of color.

12. A report by the Thurgood Marshall Institute at the NAACP Legal Defense and Education Fund, entitled “Water / Color – A Study of Race & the Water Affordability Crisis in American Cities” delineated with painful clarity the “strong, persistent” relationship between race and water access, the increasing unaffordability of water. In a 2017 study, cited in the report, researchers concluded that more than one- third of U.S. households may be unable to afford their water bills in the next five years, if bills continue to increase at their current rates.

13. I am familiar with the Cadiz Water Project (“Project”) in San Bernardino County, which would conserve groundwater that would otherwise be lost to evaporation and deliver up to 50,000 acre-feet of new water per year to water agencies that currently receive water from the State Water Project (“SWP”) and Colorado River Aqueduct and serve disadvantaged communities, including disadvantaged communities in South and Southwest Los Angeles County.

14. I am also familiar with the Cadiz proposal to convert an existing 220-mile natural gas pipeline to transport water and that conserved water from the project, or surplus water from other sources stored during wet years, could be transported through the pipeline to reach more than 500,000 people in Kern, Los Angeles, and San Bernardino Counties, including disadvantaged communities served by SCLC in South Los Angeles.

15. Most cities and unincorporated areas of South Los Angeles receive water supplies from the SWP and the Colorado River through member agencies of the Metropolitan Water District (“Metropolitan”), which then delivers water to retail water agencies and public utilities such as Golden State Water Company (“Golden State”) and California Water Service Group (“Cal Water”).

16. Golden State Water Company (“Golden State”), a regulated water utility serving more than 1 million customers in California, and California Water Service Group (“Cal Water”), a regulated water utility serving more than 1.7 million customers in California, each hold an option to acquire 5,000 acre-feet of water from the Project for a total of 10,000 acre-feet, or enough water for 80,000 – 100,000 people.

17. In public documents related to the Environmental Impact Report for the Project, Golden State indicated that it would utilize conserved water from the Project to serve customers located in Los Angeles County, including the South and Southwest Los Angeles cities of Compton, Carson, Inglewood, Hawthorne, among others. Cal Water indicated it would utilize conserved water from the Project to serve customers in eastern Ventura County and Los Angeles County, including its Dominguez and East Los Angeles Districts, which deliver water to portions of Compton, Harbor City, Long Beach, Los Angeles, Torrance, Montebello, Commerce, Vernon, and Monterey Park. Many of the communities serviced by



Golden State and Cal Water are disadvantaged communities that SCLC directly supports.

18. Conserved water from the Project could be made available to residents in South Los Angeles in two ways. First, with the completion of a planned 43-mile pipeline. Second, by delivery through the Northern Pipeline which crosses the California Aqueduct and connects to the SWP. Once in the SWP system, it can be exchanged or transferred to Golden State or Cal Water similar to how the SWP currently exchanges water to Metropolitan and its twenty-nine (29) member agencies.

19. Additional water is urgently needed to address the growing water quality and affordability crises facing many disadvantaged communities within South and Southwest Los Angeles.

20. When it comes to access to clean water, time is money that disadvantaged communities do not have. In the twenty years federal agencies have been studying this project, only to come to the same conclusions again and again, the cost of water has risen dramatically, from less than \$40 per acre-foot in 2010 to more than \$1,250 per acre-foot today, according to reports published by the University of California; and water rates in Los Angeles have risen by more than 70%, according to a survey by Circle of Blue, a water news website. Disadvantaged communities cannot afford any more unnecessary delay in accessing new supplies.

21. If this Project is halted or further delayed it will have a direct impact on SCLC's ability to continue to fulfill its mission to provide for the basic needs of the communities we serve. In turn, SCLC will have to divert limited resources to address this matter while the communities we serve continue to suffer.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 1/31, 2022 in Los Angeles, California.



---

Reverend William D. Smart, Jr.

**PROOF OF SERVICE**

1  
2 State of California )  
3 County of Orange ) ss.

4 I am employed in the County of Orange, State of California. I am over the age  
5 of 18 and not a party to the within action. My business address is Three Park Plaza,  
6 Suite 1400, Irvine, California 92614.

7 On **February 4, 2022**, I electronically filed and served the attached document:

8 **DECLARATION OF REVEREND WILLIAM D.**  
9 **SMART, JR. IN SUPPORT OF PROPOSED**  
10 **DEFENDANT-INTERVENOR'S SOUTHERN**  
11 **CHRISTIAN LEADERSHIP CONFERENCE**  
12 **MOTION TO INTERVENE**

13 with the Clerk of the Court using the CM/ECF system which will then send a  
14 notification of such filing to the following:

15 *Please see attached Service List.*

16 I declare that I am employed in the office of a member of the bar of this Court  
17 whose direction the service was made.

18 Executed on **February 4, 2022**, at Irvine, California.

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20 \_\_\_\_\_  
Michelle Woo

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Case No.: 2:21-cv-02507-GW-AS

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Center for Biological Diversity, et al.,

Plaintiffs,

vs.

United States Bureau of Land  
Management, et al.

Defendant.

) Case No.: 2:21-cv-02507-GW-AS

) **DECLARATION OF CHERYL**  
) **BRANCH**

) **IN SUPPORT OF PROPOSED**  
) **DEFENDANT-INTERVENOR'S**

) **LOS ANGELES**

) **METROPOLITAN CHURCHES.**

) **MOTION TO INTERVENE**

**DECLARATION OF CHERYL BRANCH**

I, Cheryl Branch, declare as follows:

1. I am over 18 years of age and make the following statements based upon personal knowledge of the facts. If called as a witness, I could competently testify to these statements.

2. I live in Los Angeles County, California. I was educated at the University of Southern California, receiving a Bachelor of Science Degree in Public Administration in 1991 and Southern New Hampshire University, receiving a Master of Science in Community Economic Development in 2010.

3. I currently serve as Executive Director of Los Angeles Metropolitan Churches (“LAM”), a position I have held for nearly 9 years. Founded in 1995, LAM is a California non-profit organization working for racial, social, and economic justice. LAM works with more than 60 small and medium-sized churches in South Los Angeles County empowering people through active engagement with civic leaders and connecting people providing services with the people who need them most.

4. LAM is also an active partner in the Crisis Response System of South Los Angeles (“CRSSLA”), a network of faith-based agencies, community organizations, individuals, and health and educational institutions partnering with government agencies to provide emergency preparedness, collaborative aid, and crisis management for South Los Angeles and surrounding areas during emergencies.

5. LAM’s Healthy Eating/Healthy Living Project is rooted in the belief that decent, safe and sanitary housing is a human right, and access to safe, clean, affordable drinking water is essential to decent, safe and sanitary housing.

6. Lack of access to clean, affordable drinking water in communities in South LA that LAM supports has reached a crisis level. More intense and more frequent droughts caused by climate change have made California’s water supplies less reliable and more expensive, disproportionately impacting low-income families

and communities of color for whom water and utility costs account for a higher percentage of family income. Disadvantaged communities also bear a disproportionate burden under increasingly stringent conservation measures having to conserve brown water from the tap while relying on bottled water to drink, cook, and even bathe while wealthy areas served by large water districts barely acknowledge Governor Newsom's call for voluntary water conservation efforts.

7. Disadvantaged communities in Los Angeles County have suffered from lack of safe, clean drinking water for decades, but the crisis has become especially acute due to the combined disasters of extreme drought and the COVID-19 pandemic on top of what many political and policy leaders believe is the biggest crisis facing California today: lack of affordable housing.

8. California is facing an unprecedented housing crisis. Governor Newsom has determined that the state has 3 million fewer homes than those needed to serve our existing residents. The housing crisis has in turn made California the poorest state in the nation, as repeatedly confirmed by the US Census Bureau using President Obama's poverty metric that recognizes housing costs. The housing crisis and related homelessness crisis disproportionately burdens California's communities of color, as again repeatedly confirmed by United Way of California and numerous academics including those from Stanford University. In LA County Black people comprise 40% of the homeless population even though they represent

only 9% of the total population. A 2018 report issued by Los Angeles Homeless Services Authority concluded that the disproportionate rate of homelessness among Black people in LA County is the result of institutional and structural racism in education, criminal justice, housing, employment and health care.

9. The State of California has determined that to meet the housing crisis 1.34 million new housing units must be built in Southern California.

10. Under numerous longstanding laws and policies, California's local jurisdictions cannot authorize construction of new housing without secure, stable, and resilient water supplies that are sufficient even during multiple consecutive drought years.

11. I am familiar with the Cadiz Water Project ("Project") in San Bernardino County, which would conserve groundwater that would otherwise be lost to evaporation and deliver up to 50,000 acre-feet of new water per year to water agencies that currently receive water from the State Water Project ("SWP") and Colorado River that could be used to support new affordable housing in communities served by LAM in South and Southwest Los Angeles County.

12. I am also familiar with the Cadiz proposal to convert an existing 220-mile natural gas pipeline to transport water and that conserved water from the project, or surplus water from other sources stored during wet years, could be transported through the pipeline to support affordable housing development in Kern,



Los Angeles, and San Bernardino Counties, including disadvantaged communities served by LAM.

13. Golden State Water Company (“Golden State”), and California Water Service Group (“Cal Water”), regulated water utilities serving more than 2.7 million customers in California, each hold an option to acquire 5,000 acre-feet of water from the Project for a total of 10,000 acre-feet, or enough water for 80,000 – 100,000 people.

14. In public documents Golden State and Cal Water each indicated that they would utilize conserved water from the Project to serve customers in Los Angeles, Kern, San Bernardino and Ventura Counties, including the South and Southwest Los Angeles cities of Compton, Carson, Inglewood, Hawthorne, Harbor City, Long Beach, Los Angeles, Torrance, Montebello, Commerce, Vernon, and Monterey Park among others. Many of the communities serviced by Golden State and Cal Water are disadvantaged communities that LAM directly supports.

15. Access to new water supplies is urgently needed to address the growing crisis in affordable housing and homelessness in Southern California, specifically in communities served by LAM in South Los Angeles. Representatives from CRSSLA sought to meet with the Department of the Interior and the Bureau of Land Management to explain the impact further delay of this project would have on the communities we serve. Those requests were ignored.

16. In California, to deny access to water is to deny access to housing. None of the parties in this matter represent the interests of the disadvantaged communities we serve. This is why LAM, and the 27,000 people of faith we represent in South Los Angeles, respectfully seeks to be recognized as a party in this matter.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 31<sup>st</sup> of January, 2022 in Los Angeles, California.



---

Cheryl Branch

**PROOF OF SERVICE**

1  
2 State of California )  
3 County of Orange ) ss.

4 I am employed in the County of Orange, State of California. I am over the age  
5 of 18 and not a party to the within action. My business address is Three Park Plaza,  
6 Suite 1400, Irvine, California 92614.

7 On **February 4, 2022**, I electronically filed and served the attached document:

8 **DECLARATION OF CHERYL BRANCH IN**  
9 **SUPPORT OF PROPOSED DEFENDANT-**  
10 **INTERVENOR'S LOS ANGELES METROPOLITAN**  
11 **CHURCHES' MOTION TO INTERVENE**

12 with the Clerk of the Court using the CM/ECF system which will then send a  
13 notification of such filing to the following:

14 *Please see attached Service List.*

15 I declare that I am employed in the office of a member of the bar of this Court  
16 whose direction the service was made.

17 Executed on **February 4, 2022**, at Irvine, California.

18   
19 \_\_\_\_\_  
20 Michelle Woo

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*Center for Biological Diversity, et al v. U.S. Bureau of Land Mgmt., et al.*  
Case No.: 2:21-cv-02507-GW-AS

**SERVICE LIST**

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Lisa T. Belenky  
Center for Biological Diversity

Gregory Cahill Loarie  
Earthjustice

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Luther L. Hajek  
U.S. Department of Justice  
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Resources Division

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Christopher O. Murray  
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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Center for Biological Diversity, et al.,	)	Case No.: 2:21-cv-02507-GW-AS
	)	
Plaintiffs,	)	<b>DECLARATION OF CESAR</b>
	)	<b>ZALDIVAR MOTTS IN</b>
vs.	)	<b>SUPPORT OF PROPOSED</b>
	)	<b>DEFENDANT-INTERVENOR’S</b>
United States Bureau of Land Management, et al.	)	<b>NEWSTART HOUSING</b>
	)	<b>CORPORATION’S MOTION TO</b>
	)	<b>INTERVENE</b>
Defendant.	)	
	)	
	)	
	)	
	)	

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**DECLARATION OF CESAR ZALDIVAR MOTTS**

I, Cesar Zaldivar Motts, declare as follows:

1. I am over 18 years of age and make the following statements based upon personal knowledge of the facts. If called as a witness, I could competently testify to these statements.

2. I live in the City of Hacienda Heights, California, was born and raised in Southeast Los Angeles and educated at Bell High School, the University of Missouri at Kansas City and the University of California at Davis.

3. I worked in the California State Assembly and California State Senate from 1994 to 2006 as a legislative aide to elected officials representing East and Southeast Los Angeles County and was responsible for policy development and legislation related to energy, utilities, healthcare, human services, economic and environmental justice, and programs to assist low-income and disadvantaged communities.

4. I currently serve as Executive Director and Chief Executive Officer of Newstart Housing Corporation (“NewStart”). NewStart is currently designated as a Community Housing Development Organization (CHDO) in the cities of Huntington Park, Fontana, South Gate and the County of Los Angeles. It is driven by a long-term vision to provide quality affordable housing to low-income seniors and families whom may otherwise not have many options for adequate shelter. NewStart has partnered with Whittier First Day and Jovenes Inc. to provide transitional housing services for those individuals that require support.

5. NewStart currently owns and manages 208 affordable housing units in the Cities of Bell, Huntington Park, South Gate, Fontana and Chino, California. All or parts of the cities in which NewStart’s affordable housing units are located are designated Disadvantaged or Severely Disadvantaged Communities as defined by California Public Resource Code section 75005(g). NewStart’s work is unique in that the tenants who reside in their properties have access to numerous social service

programs provided by partnered organizations. These programs include nutrition services, health resources, childcare, advocacy and transportation services. This linkage between housing and social services is critical in improving the well-being of the community which we serve.

6. California has a well-documented housing and homelessness crisis, which was severely exacerbated by the housing market collapse, financial crisis and yawning racial wealth gap among families that lost homes during the Great Recession of 2007-2009, the COVID-19 pandemic and the impact of severe, persistent, and climate-induced drought on access to safe, reliable and affordable water resources.

7. Under numerous longstanding laws and policies, California's local jurisdictions cannot authorize construction of new housing without secure, stable, and resilient water supplies that are sufficient even during multiple consecutive drought years.

8. Disadvantaged communities in East and Southeast Los Angeles in particular, including Bell, Boyle Heights, Cudahy, Southgate, Commerce, Maywood, East Los Angeles, Huntington Park and Vernon, among others, have suffered disproportionately from the lack of water supply required for the development of affordable housing.

9. I am familiar with the fact that in recent years, local jurisdictions in East and Southeast Los Angeles, that have restricted or denied permits for new development of affordable housing due to limited capacity of water supply infrastructure and availability of new water supplies.

10. The State of California has long-term systemic water supply shortages that are particularly acute in the Central and Southern California, and agencies that receive water supplies from the State Water Project (SWP) received a zero allocation of water in 2021 have been told to expect reductions in water deliveries of as much as 85% in 2022 due to continued severe drought conditions.

11. I am familiar with the Cadiz Water Project located in San Bernardino County and Cadiz' plan to conserve groundwater that would otherwise be lost to evaporation and provide water to public water suppliers that receive water from the State Water Project and serve disadvantaged communities in Central and Southern California. The Cadiz Project would enable water exchanges that could reach almost any disadvantaged community in California. I believe that this Project is essential to help alleviate the water crisis facing the cities and unincorporated areas of East and Southeast Los Angeles and Inland Empire, and will have a positive impact on the housing crisis. The social, health and environmental consequences of the impact of a lack of affordable and clean water and the collateral impact on housing cannot be understated.



12. If the Project is halted it would have a direct impact on NewStart's efforts to increase the availability of affordable housing in the communities that we serve. Our work is directly tied to whether there is access to clean water in the community we serve. If the Cadiz Project is blocked by this litigation it will mean that the housing crisis will continue.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 1, 2022 in Huntington Park, California.

A handwritten signature in black ink that reads "Cesar Zaldivar Motts". The signature is written in a cursive style and is positioned above a horizontal line.

Cesar Zaldivar Motts

**PROOF OF SERVICE**

1  
2 State of California )  
3 County of Orange ) ss.

4 I am employed in the County of Orange, State of California. I am over the age  
5 of 18 and not a party to the within action. My business address is Three Park Plaza,  
6 Suite 1400, Irvine, California 92614.

7 On **February 4, 2022**, I electronically filed and served the attached document:

8 **DECLARATION OF CESAR ZALDIVAR MOTTS IN**  
9 **SUPPORT OF PROPOSED DEFENDANT-**  
10 **INTERVENOR'S NEWSTART HOUSING**  
11 **CORPORATION'S MOTION TO INTERVENE**

12 with the Clerk of the Court using the CM/ECF system which will then send a  
13 notification of such filing to the following:

14 *Please see attached Service List.*

15 I declare that I am employed in the office of a member of the bar of this Court  
16 whose direction the service was made.

17 Executed on **February 4, 2022**, at Irvine, California.

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20 Michelle Woo

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*Center for Biological Diversity, et al v. U.S. Bureau of Land Mgmt., et al.*  
Case No.: 2:21-cv-02507-GW-AS

**SERVICE LIST**

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Lisa T. Belenky  
Center for Biological Diversity

Gregory Cahill Loarie  
Earthjustice

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U.S. Department of Justice  
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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Center for Biological Diversity, et al.,

Plaintiffs,

vs.

United States Bureau of Land  
Management, et al.

Defendant.

Case No.: 2:21-cv-02507-GW-AS

**DECLARATION OF ROBERT J.  
APODACA  
IN SUPPORT OF PROPOSED  
DEFENDANT-INTERVENOR'S  
THE TWO HUNDRED FOR  
HOME OWNERSHIP'S MOTION  
TO INTERVENE**

**DECLARATION OF ROBERT J. APODACA**

I, Robert J. Apodaca, declare as follows:

1. I am over 18 years of age and make the following statements based upon personal knowledge of the facts. If called as a witness, I could competently testify to these statements.

2. I live in Oakland (Alameda County) and in Burbank (Los Angeles County), California. I was born and raised in New Mexico, and became a California resident when I enrolled in the University of California in Berkeley (UCB) as an undergraduate in 1969. While at UCB and for the past 52 years, I have worked in civil rights leadership roles for Latinos and other members of California's

communities of color, including establishing the multi-ethnic residential community Casa Joaquin Murrieta in 1970 to support the academic and leadership development of the then 150 Latinos enrolled at UCB - housing and support that has continued to this day. I also serve on numerous boards, including the Greenlining Institute which was founded to end the "redlining" practice of racially discriminatory financing, zoning, and regulatory actions of government agencies, banks, utilities and other powerful stakeholders.

3. I currently serve as Co-Founder, Policy Director, and Vice President of The Two Hundred for Home Ownership, a 501(c)(3) non-profit organization dedicated to restoring and enhancing homeownership for California's minority families, after the Great Recession of 2008 and notorious predatory lending and foreclosure actions wiped out trillions of dollars of home equity in our minority communities. The Two Hundred for Home Ownership is engaged in California state court litigation against state agencies that have adopted racially discriminatory housing policies that make production of new homes even more costly and litigious, and also exacerbate California's severe racial disparities including residential segregation, homelessness, poverty, and lack of housing supplies.

4. Under California law, new housing cannot be approved without an adequate, reliable, and safe water supply. Anti-housing advocates routinely block water supplies as a "guerrilla war" tactic to block new housing under a purportedly

"environmental" but in fact racially discriminatory banner. For example, because California state laws now require local agencies to approve more housing to solve what Governor Newsom acknowledged is a 3.5 million housing shortfall, notoriously anti-housing and anti-growth activists now turned to depriving communities of adequate water supplies as a tactic to stop the expansion of housing supplies. This brutal anti-water tactic "backfires" during droughts, when existing water supplies decrease to levels that are insufficient even for existing communities.

5. California's communities of color are overwhelmingly the victims of these anti-water, anti-housing no-growth "environmentalist" tactics. New housing cannot be built without demonstrating adequate water supplies even during a multi-year drought period, and no-growth "population bomb" activists like Plaintiffs in the instant lawsuit continue to deprive hard working families – mostly younger, browner, and poorer than older incumbent homeowners in wealthy communities – who continue to suffer from the housing supply shortfall. During droughts, water supply shortfalls become acute, and water costs more – again causing disparate harm to mostly working families (the majority of whom are minorities), including households with children and teenagers, over 30% of whom cannot pay normal monthly expenses even with California's financial assistance programs: these families are at the highest risk of evictions and homelessness.

6. What we have found, during our work for The Two Hundred for Home Ownership, is that the "stakeholder table" in water supply disputes has been rigged in favor of those with money, to the direct detriment of people - including our communities of color - who lack resources. Politicians move on, and ideologically aligned agency appointees likewise move on. What one political appointee approves, the next political appointee disapproves – and those with money can go to court, lobby, and even install their favorite colleagues, to gain advantage.

7. The Two Hundred for Home Ownership cannot achieve its public service mission of increasing the supply of housing, and restoring and increasing homeownership and closing the racial wealth gap, without adequate, reliable, and safe water. The environmentalists purport to represent the public interest in advancing vague environmental goals: we represent actual people who actually need a place to live and have been discriminated against and deprived of the homeownership and multi-generational wealth accumulation that environmentalists (and their parents and grandparents) take for granted. Community access to clean and affordable water is central to our mission.

8. The Two Hundred for Home Ownership's unique expertise on housing and homeownership, and contesting racially discriminatory redlining practices by public agencies, gives us a unique voice in the current lawsuit. Upholding and defending a paperwork permit transfer to re-use an existing idled fossil fuel pipeline

to bring clean, reliable and sustainable new water supplies to the California regions with the highest Latino and minority populations, in California Southern California and Central Valley communities, is environmental justice. Hence, The Two Hundred for Home Ownership represents the actual communities that will benefit from the challenged project. In contrast, the unilateral capitulation by former environmental activists now holding federal agency jobs to their longstanding anti-housing, anti-growth environmentalist colleagues, is another shameful redlining practice by the same federal bureaucracy that deprived our communities of access to insured mortgages and loans, located freeways to intentionally destroy our neighborhoods and promote segregation, and insisted on racially exclusionary residential covenants. Hence, if the court were to grant the relief Plaintiffs seek, our communities will be the ones that again suffer the consequences of water insecurity.

9. We do not seek to expand the causes of action at issue in this lawsuit. We do seek to defend, instead of surrender, our right to the environmentally benign delivery, through an existing pipeline, of state water supplies that successfully ran a multi-decade gauntlet of state and local permitting, and state lawsuits.

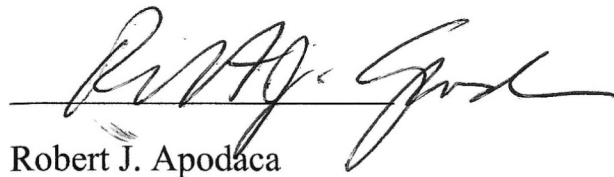
10. If delivery of Cadiz project water – in an existing pipeline (!) – to our communities is hijacked by this most recent round of appointed federal bureaucrats at the behest of their environmentalist allies, and sidelined for an unknowable and unenforceable number of years for still more analysis (to be followed by still more



delays and years of lawsuit challenges), the result will be to deprive our communities of critically needed housing and attainable homeownership, and plunge yet another generation into poverty and homelessness.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 1/31, 2022 in Burbank, California.

  
Robert J. Apodaca

**PROOF OF SERVICE**

1  
2 State of California )  
3 County of Orange ) ss.

4 I am employed in the County of Orange, State of California. I am over the age  
5 of 18 and not a party to the within action. My business address is Three Park Plaza,  
6 Suite 1400, Irvine, California 92614.

7 On **February 4, 2022**, I electronically filed and served the attached document:

8 **DECLARATION OF ROBERT J. APODACA IN**  
9 **SUPPORT OF PROPOSED DEFENDANT-**  
10 **INTERVENOR'S THE TWO HUNDRED FOR HOME**  
11 **OWNERSHIP'S MOTION TO INTERVENE**

12 with the Clerk of the Court using the CM/ECF system which will then send a  
13 notification of such filing to the following:

14 *Please see attached Service List.*

15 I declare that I am employed in the office of a member of the bar of this Court  
16 whose direction the service was made.

17 Executed on **February 4, 2022**, at Irvine, California.

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19 \_\_\_\_\_  
20 Michelle Woo

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**SERVICE LIST**

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Lisa T. Belenky  
Center for Biological Diversity

Gregory Cahill Loarie  
Earthjustice

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U.S. Department of Justice  
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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Center for Biological Diversity, et al.,	)	Case No.: 2:21-cv-02507-GW-AS
	)	
Plaintiffs,	)	<b>DECLARATION OF DAVID M. VILLARINO - GONZALEZ</b>
	)	
vs.	)	<b>IN SUPPORT OF PROPOSED DEFENDANT-INTERVENOR'S FARMWORKER INSTITUTE FOR EDUCATION AND LEADERSHIP DEVELOPMENT</b>
	)	
United States Bureau of Land Management, et al.	)	
	)	
Defendant.	)	
	)	
	)	
	)	
	)	

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**DECLARATION OF DAVID VILLARINO-GONZALEZ**

I, David Villarino-Gonzalez, declare as follows:

1. I am over 18 years of age and make the following statements based upon personal knowledge of the facts. If called as a witness, I could competently testify to these statements.

2. I live in Kern County, California in Tehachapi. I was educated at California State University - Fresno, receiving a Bachelor of Arts degree in Liberal Studies in 1987.

3. I am the grandson of Juan de Dios Gonzalez, the farmworker organizer who led the nation's first successful desegregation lawsuit and school boycott efforts known as "The Lemon Grove Incident" (Alvarez v. School Board, San Diego Federal District Court, 1931). I began my career in 1972 working for Cesar Chávez as an organizer for the United Farm Workers (UFW) in San Diego and held senior positions at UFW and SEIU local 1000 for over 20 years. I have been engaged in labor, civil rights and justice matters for the farmworker community for nearly 50 years.

4. I presently serve as the President and Chief Executive Officer of Farmworkers Institute for Education & Leadership Development (FIELD), a 501(c)3 charitable and educational non-profit organization, founded in 1978 by Cesar Chávez. FIELD is headquartered in Tehachapi, California and serves over 100,000 community members in California's agricultural regions of San Joaquin, Salinas, Sacramento, and Coachella Valleys.

5. FIELD's mission is to promote economic and social prosperity in underserved populations in poor, minority communities. We are committed to strengthening rural communities through our core values of integrity, innovation opportunity and self-sufficiency. One of the issues we focus our advocacy on is the water crisis and how it affects farmworkers.

6. It is well known that the State of California is in the midst of a severe drought, and that drought conditions have a disproportionate impact on poor, rural communities, particularly farmworkers and their families in the San Joaquin Valley.

7. The current drought emergency, as with every drought in California, is particularly acute in California's Central Valley. Agencies that receive water supplies from the State Water Project (SWP) and Central Valley Project received zero allocations of water in 2021 have been told to expect reductions in water deliveries of as much as 85% in 2022 due to continued severe drought conditions.

8. California is also in the midst of a growing housing crisis. While homelessness in cities often get the most attention, the crisis is just as acute in rural areas, where rental housing is extremely expensive and very difficult to find.

9. Farmworkers are bearing the brunt of California's drought and housing crises. Even before the current drought, farmworkers throughout California's agricultural regions faced an extraordinary housing shortage with many of the state's 400,000 to 800,000 farmworkers living in cramped, unsafe conditions.

10. The pandemic has exacerbated the problem. At the beginning of the pandemic, farmworkers were deemed essential workers and risked their lives to feed our nation—experiencing higher rates of infection with COVID-19 due in part to severely overcrowded living conditions with no room to isolate or practice social distancing.

11. Chronic water shortages and lack of reliable back-up water supplies are discouraging the development of affordable housing in California, particularly in San Joaquin Valley. For developers to build housing, they must obtain a “will serve” letter, official confirmation by the water provider in the area that the new development can receive water.

12. In recent public statements, San Joaquin Valley government officials identified “uncertainty when it comes to water” as a significant headwind in development of new housing required to meet state-mandated housing goals. Officials in Tulare County said the county is adding roughly 240 new building permits per year, about 15% of state mandated goals. And water shortages have led some towns, such as Yetttem, Seville and East Orosi to enact moratoriums on growth, banning construction of new housing altogether because there isn’t enough water or sewer capacity. Madera County officials halted completion of an affordable housing project last August due to dry wells.

13. I am familiar with the Cadiz Water Project located in San Bernardino County and Cadiz’ plan to conserve groundwater that would otherwise be lost to evaporation and deliver up to 50,000 acre-feet of water per year to public water suppliers that receive water from the State Water Project (SWP) and serve disadvantaged communities in Central and Southern California. I am also familiar with the Cadiz proposal to convert an existing 220-mile natural gas pipeline to



transport water through the pipeline for underserved communities in Central and Southern California.

14. The Cadiz northern pipeline crosses two fully adjudicated groundwater areas (Antelope Valley and Mojave) in which water transfers are permitted. I live in in Tehachapi, a disadvantaged community adjacent to the pipeline. There are 23 disadvantaged communities located directly along the path of the pipeline and many more that are served by water agencies that can directly connect to the pipeline<sup>1</sup>. The Cadiz pipeline could also move water from the California Aqueduct, the Los Angeles Aqueduct and the Mojave River Pipeline to water agencies that serve communities in the San Joaquin Valley. Groundwater or banked surplus water from the State Water Project or Colorado River could also be transported through the pipeline to reach more than 500,000 people in Kern, Los Angeles, and San Bernardino Counties. In conjunction with groundwater banks currently under development in Mojave Water Agency and the Antelope Valley, the Cadiz Project would enable water exchanges that could reach almost any disadvantaged community in California. Water can be conveyed through the pipeline and then stored in existing groundwater banks adjacent to the Northern Pipeline existing

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<sup>1</sup> Partial List: Barstow, Lancaster, Adelanto, California City, Apple Valley, Hesperia, Victorville, Tehachapi, Twentynine Palms, Yucca Valley, Boron, Joshua Tree, Lenwood, Lucerne Valley, Mettle, Mojave, Morongo Valley, Mountain View Acres, North Edwards, Phelan, Pion Hills, Rosamond, Stallion Springs,

banks in the Antelope Valley and Mojave groundwater basin and then exchanged for delivery to Tehachapi through State Project contractors. Thus, it is expected that the Project will directly serve my community (and me personally) and thousands of our members.

15. Additional water made available from the Project, or water transfers made possible by the conversion of a natural gas pipeline to carry water would add to system flexibility and increase water reliability for dozens of communities in the San Joaquin Valley, including disadvantaged communities and farmworkers. The Project means more water, cleaner water and more housing for underserved populations in poor, minority communities.

16. The pipeline is already in the ground and can safely be transitioned out of fossil fuels to the beneficial and urgently needed use of water conveyance. If the Cadiz Project or the pipeline conversion is not allowed to proceed as planned, it will be a significant setback to FIELD's efforts and will directly harm the communities we assist.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on Feb 3, 2022 in Tehachapi, California.



David M. Villarino

**PROOF OF SERVICE**

1  
2 State of California )  
3 County of Orange ) ss.

4 I am employed in the County of Orange, State of California. I am over the age  
5 of 18 and not a party to the within action. My business address is Three Park Plaza,  
6 Suite 1400, Irvine, California 92614.

7 On **February 4, 2022**, I electronically filed and served the attached document:

8 **DECLARATION OF DAVID M. VILLARINO-**  
9 **GONZALEZ IN SUPPORT OF PROPOSED**  
10 **DEFENDANT-INTERVENOR'S FARMWORKER**  
11 **INSTITUTE FOR EDUCATION AND LEADERSHIP**  
12 **DEVELOPMENT**

13 with the Clerk of the Court using the CM/ECF system which will then send a  
14 notification of such filing to the following:

15 *Please see attached Service List.*

16 I declare that I am employed in the office of a member of the bar of this Court  
17 whose direction the service was made.

18 Executed on **February 4, 2022**, at Irvine, California.

19   
20 \_\_\_\_\_  
Michelle Woo

Holland & Knight LLP  
3 Park Plaza, Suite 1400  
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Tel: 949.833.8550  
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*Center for Biological Diversity, et al v. U.S. Bureau of Land Mgmt., et al.*  
Case No.: 2:21-cv-02507-GW-AS

**SERVICE LIST**

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Center for Biological Diversity, et al.,	)	Case No.: 2:21-cv-02507-GW-AS
	)	
Plaintiffs,	)	<b>DECLARATION OF JOSE LUIS</b>
	)	<b>BARRERA NOVOA</b>
vs.	)	<b>IN SUPPORT OF PROPOSED</b>
	)	<b>DEFENDANT-INTERVENOR'S</b>
	)	<b>LEAGUE OF UNITED LATIN</b>
United States Bureau of Land Management, et al.	)	<b>AMERICAN CITIZENS OF</b>
	)	<b>CALIFORNIA</b>
	)	
Defendant.	)	
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	)	

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**DECLARATION OF JOSE LUIS BARRERA NOVOA**

I, Jose Luis Barrera Novoa, declare as follows:

1. I am over 18 years of age and make the following statements based upon personal knowledge of the facts. If called as a witness, I could competently testify to these statements.

2. I live in Ventura County California. I was educated at Ventura College, receiving an Associate's degree in Political Science and Government in 2015, and at the University of California at Davis, receiving Bachelor of Arts degrees in Political Science and Government and Spanish Language and Literature in 2018.

3. I currently serve as the California State Director for the League of United Latin American Citizens ("LULAC"). With approximately 132,000 members throughout the United States and Puerto Rico, LULAC is the largest and oldest Hispanic Organization in the United States. LULAC's mission is to advance the economic condition, educational attainment, political influence, housing, health and civil rights of Hispanic Americans through community-based programs operating at more than 1,000 LULAC councils nationwide.

4. LULAC supports an increase in the nation's stock of affordable housing. It particularly champions an increase in resources to build, rehabilitate and preserve housing for low and extremely low-income households in both the rental and purchase markets. In addition, LULAC supports the development of

more housing for the elderly; the creation of additional emergency shelter to permanent housing for victims of domestic violence; investments in green affordable housing; the development of integrated permanent supportive housing for people with disabilities and an increase in funding for programs and services to end homelessness.

5. LULAC also supports increasing services and affordable housing units for America's rural poor, including the development of housing options for migrant farm workers and their families, and access to such basic amenities as electricity and potable water.

6. It is well known that the State of California has long-term systemic water supply shortages, and that chronic water shortages are particularly acute in the San Joaquin Valley and Southern California. During the current drought emergency, agencies that receive water supplies from the State Water Project (SWP) received a zero allocation of water in 2021 and have been told to expect reductions in water deliveries of as much as 85% in 2022 due to continued severe drought conditions.

7. Farmworkers, which are overwhelmingly of Latin American descent, are bearing the brunt of California's drought and housing crisis. Even before the current severe drought, farmworkers throughout California's agricultural regions



faced an extraordinary housing shortage with many of the state's 400,000 to 800,000 farmworkers living in cramped, unsafe conditions. And, while homelessness in cities often get the most attention, the crisis is just as acute in rural areas, where rental housing is extremely expensive and very difficult to find.

8. The COVID-19 pandemic has exacerbated the problem. At the beginning of the pandemic, farmworkers were deemed essential workers and risked their lives to feed our nation—experiencing higher rates of infection with COVID-19 due in part to severely overcrowded living conditions with no room to isolate or practice social distancing.

9. The COVID-19 pandemic also exposed the necessity of providing clean, reliable and affordable water like never before. Communities that have access to clean water can thrive at home, at work, and as a community. Currently, hundreds of water suppliers across California are out of compliance with the state's drinking water standards, primarily in majority Latino communities in the San Joaquin Valley and other state designated disadvantaged communities.

10. Disadvantaged communities in this region have endured toxic pollution and unreliable water resources for decades. Often, Californians who live in these communities are low income and people of color who are frequently asked to conserve, to do more with less water, while clean water continues to flow to

affluent communities. Adding insult to injury, residents who are served by small water systems often pay more for their water than those who are served by larger systems.

11. The issue of racial equity is front and center in understanding access to critical resources including water and housing. The California State Water Resources Control Board formally recognized the disparities in our system stating: “race is the strongest predictor of water and sanitation access,” and pledged to work toward equitable access to resources and services. Yet, solutions still languish through decades long permitting, litigation, and rule changes that ultimately delay access for minority-majority communities.

12. Moreover, chronic water shortages, dry wells and lack of reliable back-up water supplies are discouraging the development of affordable housing in California, particularly in the San Joaquin Valley. For developers to build housing, they must obtain a “will serve” letter, official confirmation by the water provider in the area that the new development can receive water.

13. In recent public statements, officials with the Tulare County Resource Management Agency blamed “uncertainty when it comes to water” as a significant headwind in development of new housing required to meet state-mandated housing goals. Officials said the county is adding roughly 240 new building permits per

year, about 15% of state mandated goals. Madera County officials halted completion of an affordable housing project last August due to dry wells. And water shortages have led some towns, such as Yettam, Seville and East Oroshi to enact moratoriums on growth, banning construction of new housing altogether because there isn't enough water or sewer capacity.

14. I am familiar with the Cadiz Water Project located in San Bernardino County and the Cadiz Inc. plan to conserve groundwater at its property that would otherwise be lost to evaporation and deliver an average of 50,000 acre-feet of water per year to public water suppliers that receive water from the State Water Project (SWP) and serve disadvantaged communities in Central and Southern California. I am also familiar with the Cadiz proposal to convert an existing 220-mile natural gas pipeline to transport water through the pipeline for underserved communities in Central and Southern California.

15. The Cadiz northern pipeline crosses two fully adjudicated groundwater areas (Antelope Valley and Mojave) in which water transfers are permitted. There are 23 disadvantaged communities located directly along the path of the pipeline and many more that are served by water agencies that can directly connect to the pipeline<sup>1</sup>. The Cadiz pipeline could also move water from the

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<sup>1</sup> Partial List: Barstow, Lancaster, Adelanto, California City, Apple Valley, Hesperia, Victorville, Tehachapi, Twentynine Palms, Yucca Valley, Boron, Joshua Tree, Lenwood, Lucerne Valley, Mettle, Mojave, Morongo Valley, Mountain View Acres, North Edwards, Phelan, Pion Hills, Rosamond, Stallion Springs, Indio, Coachella, Compton, Carson, Inglewood, Hawthorne, Bell, Bell Gardens, Cudahy, Hollydale, Huntington Park, Paramount,

California Aqueduct, the Los Angeles Aqueduct and the Mojave River Pipeline to water agencies that serve communities in the San Joaquin Valley and across southern California. Groundwater or banked surplus water could be transported through the pipeline to reach almost any disadvantaged community in California.

16. Additional water made available from Cadiz, or water transfers made possible by the conversion of the retired natural gas pipeline to carry water, would add to system flexibility and increase water reliability for dozens of communities in the San Joaquin Valley, including disadvantaged communities and farmworkers.

17. The pipeline is already in the ground and can safely be transitioned out of fossil fuels to the beneficial and urgently needed use of water conveyance. If the Cadiz Project or the pipeline conversion are shelved for several years for another analysis, it will mean that the communities LULAC serves and advocates for will continue to suffer.

18. On behalf of LULAC, I attempted for several months to meet with the US Bureau of Land Management leadership to communicate our concerns about their change in commitment to permits already granted to the Cadiz pipeline conversion project. I was never granted an opportunity by BLM to meet directly on this issue and only received a formal reply to my letters after BLM's course in this

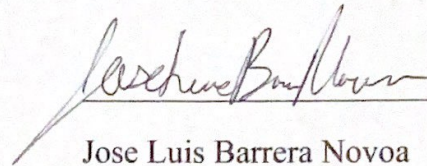
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South Gate, Vernon, Willowbrook, Glendora, Covina, West Covina, La Puente, Hacienda Heights, City of Industry, Whittier, La Mirada, La Habra, Buena Park and unincorporated portions of California's Los Angeles, Ventura, Orange, San Bernardino, Riverside, Kern and Imperial counties.

lawsuit had already been decided. This treatment is indicative of a disregard for the communities most affected by the policy decision and an antiquated, bureaucratic view of water access issues in California.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 4th, 2022 in February, California.



Jose Luis Barrera Novoa

**PROOF OF SERVICE**

1  
2 State of California )  
3 County of Orange ) ss.

4 I am employed in the County of Orange, State of California. I am over the age  
5 of 18 and not a party to the within action. My business address is Three Park Plaza,  
6 Suite 1400, Irvine, California 92614.

7 On **February 4, 2022**, I electronically filed and served the attached document:

8 **DECLARATION OF JOSE LUIS BARRERA NOVOA**  
9 **IN SUPPORT OF PROPOSED DEFENDANT-**  
10 **INTERVENOR'S LEAGUE OF UNITED LATIN**  
11 **AMERICA CITIZENS FOR CALIFORNIA**

12 with the Clerk of the Court using the CM/ECF system which will then send a  
13 notification of such filing to the following:

14 *Please see attached Service List.*

15 I declare that I am employed in the office of a member of the bar of this Court  
16 whose direction the service was made.

17 Executed on **February 4, 2022**, at Irvine, California.

18   
19 \_\_\_\_\_  
20 Michelle Woo

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*Center for Biological Diversity, et al v. U.S. Bureau of Land Mgmt., et al.*  
Case No.: 2:21-cv-02507-GW-AS

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Center for Biological Diversity, et al.,	)	Case No.: 2:21-cv-02507-GW-AS
	)	
Plaintiffs,	)	<b>DECLARATION OF MARCO</b>
	)	<b>CESAR LIZARRAGA IN</b>
vs.	)	<b>SUPPORT OF PROPOSED</b>
	)	<b>DEFENDANT-INTERVENOR'S</b>
	)	<b>LA COOPERATIVA CAMPESINA</b>
United States Bureau of Land Management, et al.	)	<b>DE CALIFORNIA</b>
	)	
Defendant.	)	
	)	
	)	
	)	
	)	

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**DECLARATION OF MARCO CESAR LIZARRAGA**

I, Marco Cesar Lizarraga, declare as follows:

1. I am over 18 years of age and make the following statements based upon personal knowledge of the facts. If called as a witness, I could competently testify to these statements.

2. I currently reside in Sacramento, California. I was born in Mexicali, Mexico, and migrated to the United States in 1959 at the age of 13. For many years, my family found employment following as migrant workers for farms



working with grape and other seasonal crops. My family finally settled in the town of Calexico, California in 1.

3. I graduated from University of California Santa Barbara, with my B.A. in Economics in 1976 and in 2004 completed an M.A. in Educational Technology at California State University of Sacramento.

4. I have dedicated my life to serving farm workers and improving their quality of life and am proud to be an activist in my community advocating for Chicanos, Mexicans and other Latinos in California's rural, farmworker and disadvantaged communities.

5. I currently serve as the executive director of La Cooperativa Campesina de California, a statewide 501 (c)3 non-profit association of agencies implementing and administering farm worker service programs. I have served in this capacity for the past 21 years. La Cooperativa's member agencies operate a range of one-stop centers, mobile service units, and other service access sites throughout California, primarily in agricultural counties with 66 service centers throughout 31 of California's rural counties. Our member agencies help our clients, and their communities achieve lasting prosperity and self-sufficiency through education, training, placement, and other supportive services and operate more than 80 locally engaged, bilingual offices.

6. Access to reliable, clean water is essential to the communities served by La Cooperativa. Farmworker communities throughout California suffer disproportionately from unsafe water and are the target of cutbacks due to restrictions on agricultural uses of water as a response to climate change and changes to availability of water supply due to drought and infrastructure crises.

7. Drought, water shortage, and systemic changes significantly impact the farm worker community. The severe 2009 drought caused the loss of over 20,000 farmworker jobs and \$350 million in lost crops, prompting the Governor to allocate over \$50 million to be spent on emergency food and shelter for those put out of work because of the drought. California is in the midst of its third year of severe drought conditions with restrictions on water being implemented by state and federal managers of agricultural water systems including the State Water Project and the Central Valley Project. Further, the Sustainable Groundwater Management Act is expected to leave fallow 500,000 to one million acres of California farm land.

8. The farm worker community bears the brunt of statewide mandates to reduce agricultural water use realized in job losses or limited economic opportunity. A 2020 U.C. Berkeley report for example details the potential economic impacts of such groundwater cutbacks, including \$7 billion in lost crop revenue and 42,000 jobs.

9. Farm workers also suffer disproportionately from a lack of access to quality water at home, due to lack of quality infrastructure in the disadvantaged communities with high rates of poverty where they reside. These communities also lack the resources to invest in quality domestic service and compete with agricultural producers.

10. In a drought year, California drinking water wells go dry in increasing numbers. During the 2012 to 2016 drought, more than 2,600 wells across the state failed to produce water. According to data released by the California Department of Water Resources, 973 residential wells went dry in 2021. Approximately 70 percent of those wells are in the San Joaquin Valley.

11. Communities must drill deeper wells or rely on imported water via truck or buying bottled water. Without access to water, a home can become worthless and difficult to sell. Without access to water, new affordable homes cannot be built to support. This disproportionately impacts lower-income and Latino communities. A natural side effect of limited domestic water supply is limited housing stock and high rates of homelessness. While the economic impacts of cutbacks to agricultural water are devastating, the social impacts on low-income, often times migrant residents is far worse.

12. La Cooperativa Campesina de California is working with other social justice organizations to ensure farm workers and their families have reliable access

to safe drinking water and are part of the conversation around the transition that will occur in the State's farming communities as a result of climate change and efforts to better manage the groundwater basins across the San Joaquin Valley.

13. I am familiar with the Cadiz Water Project located in San Bernardino County which would conserve groundwater that is lost to evaporation and deliver up to 50,000 acre-feet of water per year to public water suppliers that serve disadvantaged communities in California. I am also familiar with the Cadiz Inc. proposal to convert an existing 220-mile natural gas pipeline to transport water through the pipeline for underserved communities in California.

14. Cadiz's infrastructure could interconnect several state water systems enabling trades between California's public and private water suppliers and provide new water access to farm worker communities that have historically been limited to local groundwater or state and federal farm water imports. Any additional water access will help impoverished farmworker communities, such as those in the disadvantaged communities of Tooleville, East Orosi and East Porterville in Tulare County and Tombstone Territory in Fresno County, to supplement their supply, which could improve water quality and also potentially address water debt.

15. Additional water made available from Cadiz, or water transfers made possible by the conversion of a natural gas pipeline to carry water would add to

system flexibility and increase water reliability for dozens of communities in the San Joaquin Valley, including disadvantaged communities and farmworkers.

16. Without additional water supply, we fear a repeat of historic drought of 2012-16, and the 2007-09 drought which set off a cascade of events that has proved disastrous for groundwater supplies of impoverished farmworker communities

17. The pipeline is already in the ground and can safely be transitioned out of fossil fuels to the beneficial and urgently needed use of water conveyance.

18. If new water storage and conveyance projects are halted or continuously delayed it would have a direct impact on La Cooperativa Campesina de California's efforts and the farmworker communities that we serve. This will thwart our current efforts to improve water security in disadvantaged communities.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 2/4, 2022 in Sacramento, California.



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Marco Lizarraga

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**PROOF OF SERVICE**

State of California            )  
  )  
County of Orange            )        ss.

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is Three Park Plaza, Suite 1400, Irvine, California 92614.

On **February 4, 2022**, I electronically filed and served the attached document:

**DECLARATION OF MARCO CESAR LIZARRAGA  
IN SUPPORT OF PROPOSED DEFENDANT-  
INTERVENOR'S LA COOPERATIVA CAMPESENA  
DE CALIFORNIA**

with the Clerk of the Court using the CM/ECF system which will then send a notification of such filing to the following:

*Please see attached Service List.*

I declare that I am employed in the office of a member of the bar of this Court whose direction the service was made.

Executed on **February 4, 2022**, at Irvine, California.

  
\_\_\_\_\_  
Michelle Woo

Holland & Knight LLP  
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Irvine, CA 92614-8537  
Tel: 949.833.8550  
Fax: 949.833.8540

*Center for Biological Diversity, et al v. U.S. Bureau of Land Mgmt., et al.*  
Case No.: 2:21-cv-02507-GW-AS

**SERVICE LIST**

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Center for Biological Diversity

Gregory Cahill Loarie  
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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

CENTER FOR BIOLOGICAL  
DIVERSITY, DEFENDERS OF  
WILDLIFE, and SIERRA CLUB,

Plaintiffs,

vs.

U.S. BUREAU OF LAND MGMT.;  
DEBRA HAALAND, Secretary of  
Interior; NADA CULVER, Senior  
Advisor to the Secretary of Department  
of Interior; KAREN MOURITSEN,  
California Director, Bureau of Land  
Mgmt.; ANDREW ARCHULETA,  
California Desert District Manager,  
Bureau of Land Mgmt.; MICHAEL  
AHRENS, Needles Field Office  
Manager, Bureau of Land Mgmt.,

Defendants.

CADIZ, INC. and CADIZ REAL  
ESTATE, LLC,

Proposed Intervening Defendants.

Case No.: 2:21-cv-02507-GW-AS

**[PROPOSED] ORDER GRANTING  
PROPOSED DEFENDANT-  
INTERVENORS', COMMUNITY  
BUILD, INC., SOUTHERN  
CHRISTIAN LEADERSHIP  
CONFERENCE OF GREATER LOS  
ANGELES, LOS ANGELES  
METROPOLITAN CHURCHES,  
AND THE TWO HUNDRED FOR  
HOMEOWNERSHIP'S MOTION TO  
INTERVENE**

Hearing Date: March 7, 2022  
Time: 8:30 a.m.  
Courtroom: 9D  
Judge: Hon. George H. Wu

Complaint Filed: March 23, 2021

Having considered Community Build, Inc., Southern Christian Leadership  
Conference of Greater Los Angeles, Los Angeles Metropolitan Churches, NewStart  
Housing Corporation, and The Two Hundred For Homeownership's (collectively, the  
"Disadvantaged Communities" or "DACs") Motion to Intervene, the Court finds that



1 each of the DACs meet the requirements for intervention as a right pursuant to  
2 Federal Rule of Civil Procedure 24(a). The DACs are hereby granted party status in  
3 this matter.

4 IT IS HEREBY ORDERED:

5 1. The DACs' Motion to Intervene as Defendants is GRANTED.

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DATED: \_\_\_\_\_, 2022

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HON. GEORGE H. WU  
UNITED STATES DISTRICT COURT JUDGE

**PROOF OF SERVICE**

1  
2 State of California )  
3 County of Orange ) ss.

4 I am employed in the County of Orange, State of California. I am over the age  
5 of 18 and not a party to the within action. My business address is Three Park Plaza,  
6 Suite 1400, Irvine, California 92614.

7 On **February 4, 2022**, I electronically filed and served the attached document:

8 **[PROPOSED] ORDER GRANTING PROPOSED**  
9 **DEFENDANT-INTERVENORS', COMMUNITY**  
10 **BUILD, INC., SOUTHERN CHRISTIAN**  
11 **LEADERSHIP CONFERENCE OF GREATER LOS**  
12 **ANGELES, LOS ANGELES METROPOLITAN**  
13 **CHURCHES, AND THE TWO HUNDRED FOR**  
14 **HOMEOWNERSHIP'S MOTION TO INTERVENE**

15 with the Clerk of the Court using the CM/ECF system which will then send a  
16 notification of such filing to the following:

17 *Please see attached Service List.*

18 I declare that I am employed in the office of a member of the bar of this Court  
19 whose direction the service was made.

20 Executed on **February 4, 2022**, at Irvine, California.

21   
22 \_\_\_\_\_  
23 Michelle Woo  
24  
25  
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27  
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Holland & Knight LLP  
3 Park Plaza, Suite 1400  
Irvine, CA 92614-8537  
Tel: 949.833.8550  
Fax: 949.833.8540

*Center for Biological Diversity, et al v. U.S. Bureau of Land Mgmt., et al.*  
Case No.: 2:21-cv-02507-GW-AS

**SERVICE LIST**

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Earthjustice

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