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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA
SOUTHERN DIVISION**

CENTER FOR BIOLOGICAL DIVERSITY,)
)
Plaintiff,)

v.)

Case No. 2:14-cv-00226-APG-VCF
(Consolidated with 2:14-cv-00228-APG-VCF)

UNITED STATES BUREAU OF LAND)
MANAGEMENT, *et al.*,)

Defendants,)
and)

PLAINTIFFS WHITE PINE
COUNTY, ET AL.'S MOTION FOR
SUMMARY JUDGMENT

SOUTHERN NEVADA WATER)
AUTHORITY,)
)
Defendant-Intervenor.)

WHITE PINE COUNTY, *et al.*,)
)
Plaintiffs,)

v.)

UNITED STATES BUREAU OF LAND)
MANAGEMENT, *et al.*,)

Defendants,)
and)

SOUTHERN NEVADA WATER)
AUTHORITY,)
)
Defendant-Intervenor.)

1 Plaintiffs White Pine County, Great Basin Water Network, Central Nevada Regional
2 Water Authority, Sierra Club, Baker Water & Sewer General Improvement District, Utah
3 Physicians for a Healthy Environment, Utah Rivers Council, Utah Audubon Council, and League
4 of Women Voters of Salt Lake, Utah (collectively, “Plaintiffs”) hereby move for summary
5 judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56-1 of the
6 Local Rules of Practice for the United States District Court for the District of Nevada. For the
7 reasons fully set forth in the accompanying Memorandum in Support of Motion for Summary
8 Judgment, Plaintiffs are entitled to summary judgment as a matter of law. Defendants
9 (collectively, “BLM”) have granted to Defendant-Intervenor Southern Nevada Water Authority
10 (“SNWA”) a right of way for construction of a pipeline to serve SNWA’s Clark, Lincoln, and
11 White Pine Counties Groundwater Development Project in contravention of BLM’s duties under
12 the National Environmental Policy Act (“NEPA”), 42 U.S.C. §§ 4321 et seq., the Federal Land
13 Policy and Management Act (“FLPMA”), 43 U.S.C. §§ 1701 et seq., the National Historic
14 Preservation Act (“NHPA”), 16 U.S.C. §§ 470 et seq., and implementing regulations established
15 pursuant to NEPA, FLPMA, and NHPA.
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19 Accordingly, Plaintiffs respectfully request that this Court grant Plaintiffs’ Motion for
20 Summary Judgment and issue an order:

- 21 (i) Declaring that BLM’s FEIS and ROD violate NEPA, FLPMA, NHPA, and
22 regulations promulgated thereunder;
23
24 (ii) Declaring that the BLM’s failure to prepare a Supplemental EIS violates NEPA;
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26 (iii) Setting aside BLM’s actions;
27
28 (iv) Voiding the validity of the right-of-way pending BLM’s full compliance with
NEPA, FLPMA, NHPA, and regulations and policies promulgated thereunder;

1 (v) Suspending and enjoining any operations on the right-of-way and order any
2 facilities built on the right-of-way to be immediately removed and remediated;

3 (vi) Retaining continuing jurisdiction of this matter until BLM fully remedies the
4 violations of law complained of herein;

5 (vii) Awarding Plaintiffs their fees, costs, and other expenses as provided by applicable
6 law; and

7 (viii) Granting Plaintiffs such further relief as may be requested subsequently by
8 Plaintiffs or as may be deemed by the Court to be just, proper, and equitable to remedy the
9 violations of law complained of herein.
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11 Dated: October 30, 2015. Respectfully submitted,

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14 /s/ Simeon Herskovits

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