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*Attorneys for Plaintiffs Lower San Pedro
Watershed Alliance; Center for Biological
Diversity; Sierra Club; Maricopa Audubon
Society; Tucson Audubon Society; and
Cascabel Conservation Association*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

_____)	
Lower San Pedro Watershed Alliance;)	
Center for Biological Diversity;)	
Sierra Club; Maricopa Audubon Society;)	No. CV-19-48-TUC-RCC
Tucson Audubon Society; and)	
Cascabel Conservation Association,)	Judge: Raner C. Collins
)	
Plaintiffs,)	
)	
v.)	PLAINTIFFS' MOTION
)	FOR PARTIAL SUMMARY
Col. Aaron Barta, in his official capacity)	JUDGMENT ON NEPA AND
as Commander of the Los Angeles District)	CWA CLAIMS
of the U.S. Army Corps of Engineers;)	
Amy Lueders, in her official capacity)	
as Regional Director of the Southwest)	
Region of the U.S. Fish and Wildlife)	
Service; the U.S. Army Corps of Engineers;)	
and the U.S. Fish and Wildlife Service,)	
)	
Defendants.)	
_____)	

Pursuant to Fed. R. Civ. Pro. 56, and LRCiv. 56.1, Plaintiffs Lower San Pedro Watershed Alliance et al. (collectively, the Watershed Alliance) submit this Motion for Partial Summary Judgment challenging the U.S. Army Corps of Engineers' (Corps) decision to grant a permit under Section 404 of the Clean Water Act (CWA) for the Villages at Vigneto. The Corps' decision violates the National Environmental Policy Act (NEPA) and CWA, as alleged in claims one through six of the Amended Complaint.

These claims will be resolved upon cross motions for partial summary judgment, as set forth in this Court's Scheduling Order of December 15, 2020, ECF No. 50.¹ The Watershed Alliance has contemporaneously filed a Memorandum in Support of this motion, consistent with this Court's Order. *See* Minute Entry (July 29, 2019), ECF No. 23. The Watershed Alliance has also provided a Statement of Facts (SOF), as required by L.R. Civ. 56.1, as well as five standing declarations from its members. Once briefing on this is complete, the Watershed Alliance will provide an appendix with record excerpts of all documents cited in its briefs.

As shown in the attached supporting Memorandum, partial summary judgment should be granted in favor of the Watershed Alliance and, pursuant to the Administrative Procedure Act, this Court should set aside and vacate the challenged 404 permit and Environmental Assessment.

Respectfully submitted this 21st day of December, 2020,

/s/ Stuart Gillespie
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¹ The Court bifurcated this action, instructing the Watershed Alliance to file a motion for partial summary judgment on its NEPA and CWA claims while it simultaneously seeks to complete the record and pursue discovery to corroborate bad-faith political interference relating to the Endangered Species Act claim. ECF No. 38.

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STATEMENT REGARDING ORAL ARGUMENT

The Watershed Alliance believes that oral argument would be beneficial given the factual complexity of the case and the significant issues regarding NEPA and the CWA.

CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2020, I electronically transmitted the foregoing and all exhibits to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all CM/ECF registrants.

/s/ Stuart Gillespie