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10 *League*

11 *(additional counsel on following pages)*

12
13 **THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **IN AND FOR THE COUNTY OF SACRAMENTO**

15 CALIFORNIA DEPARTMENT OF WATER
16 RESOURCES,

17 Plaintiff,

18 vs.

19 ALL PERSONS INTERESTED IN THE
20 MATTER of the Authorization of Delta Program
21 Revenue Bonds, the Issuance, Sale and Delivery
22 of Delta Program Revenue Bonds Series A,
23 Series B, and Subsequent Series, the Adoption of
24 the Delta Program Revenue Bond General Bond
25 Resolution and the Supplemental Resolutions
26 Providing for the Issuance of Delta Program
27 Revenue Bonds, and the Proceedings Related
28 Thereto,

Defendants.

Case No.: 34-2020-00283112-CU-MC-GDS

**VERIFIED ANSWER OF DEFENDANTS
SIERRA CLUB, CENTER FOR
BIOLOGICAL DIVERSITY, RESTORE
THE DELTA, PLANNING AND
CONSERVATION LEAGUE, and FRIENDS
OF STONE LAKES NATIONAL
WILDLIFE REFUGE TO COMPLAINT
FOR VALIDATION**

DEPT.: 31

JUDGE: Hon. Gerrit W. Wood

Action Filed: August 6, 2020

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Attorney for Defendants Restore the Delta and Planning and Conservation League

1 14. Defendants admit the allegations in paragraph 14.

2 15. No response is required to paragraph 15 because it calls for legal conclusions; to the
3 extent any facts are stated, Defendants deny each and every allegation set forth therein and further
4 respond that the referenced statutes speak for themselves.

5 16. No response is required to paragraph's 16 because it calls for legal conclusions; to the
6 extent any facts are stated, Defendants deny each and every allegation set forth therein and further
7 respond that the referenced statutes speak for themselves.

8 17. Defendants admit the allegations in paragraph 17.

9 18. Defendants admit the allegations in paragraph 18.

10 19. Defendants admit the allegations in paragraph 19.

11 20. No response is required to paragraph 20 because it calls for legal conclusions: to the
12 extent any facts are stated, Defendants deny each and every allegation set forth therein and further
13 respond that the referenced statute speaks for itself.

14 21. No response is required to paragraph 21 because this paragraph calls for legal
15 conclusions; to the extent any facts are stated, Defendants deny each and every allegation set forth
16 therein and further respond that the referenced statute and court decision speak for themselves.

17 22. No response is required to paragraph 22 because this paragraph calls for legal
18 conclusions; to the extent any facts are stated, Defendants deny each and every allegation set forth
19 therein and further respond that the referenced statute speaks for itself.

20 23. No response is required to paragraph 23 because this paragraph calls for legal
21 conclusions; to the extent any facts are stated, Defendants deny each and every allegation set forth
22 therein and further respond that the referenced Act speaks for itself.

23 24. Defendants lack sufficient information or belief to be able to answer the allegations in
24 paragraph 24 and deny them on that basis.

25 25. Defendants admit the allegations in paragraph 25.

26 26. Defendants admit the allegations in the first sentence of paragraph 26. Defendants lack
27 sufficient information or belief to be able to answer the allegations in the second and third sentences of
28 paragraph 26 and deny them on that basis. No response is required to the last sentence in paragraph 26

1 because this paragraph calls for legal conclusions; to the extent any facts are stated, Defendants deny
2 each and every allegation set forth therein and further respond that the referenced statute speaks for
3 itself.

4 27. Defendants admit the allegations in the first sentence of paragraph 27. Defendants lack
5 sufficient information or belief to be able to answer the allegations in the second sentence of paragraph
6 27 and deny them on that basis.

7 28. Defendants lack sufficient information or belief to be able to answer the allegations in
8 paragraph 28 and deny them on that basis.

9 29. Defendants deny the allegations in paragraph 29.

10 30. Defendants lack sufficient information or belief to be able to answer the allegations in
11 paragraph 30 and deny them on that basis.

12 31. Defendants lack sufficient information or belief to be able to answer the allegations in
13 paragraph 31 and deny them on that basis.

14 32. Defendants lack sufficient information or belief to be able to answer the allegations in
15 paragraph 32 and deny them on that basis.

16 33. Defendants deny the allegations in paragraph 33.

17 34. Defendants deny the allegations in paragraph 34.

18 35. Defendants deny the allegations in paragraph 35.

19 **Statutory Authority for the Financing of the Delta Program**

20 **A. The Department has Broad Authority with Respect to Project Facilities**

21 36. Defendants deny the allegations in paragraph 36.

22 37. No response is required to paragraph 37 because this paragraph calls for legal
23 conclusions; to the extent any facts are stated, Defendants deny each and every allegation set forth
24 therein and further respond that the referenced statutes speak for themselves.

25 38. Defendants deny the allegations in the first sentence of paragraph 38. No response is
26 required to the remainder of paragraph 38 because it calls for legal conclusions; to the extent any facts
27 are stated, Defendants deny each and every allegation set forth therein and further respond that the
28 referenced statute speaks for itself.

1 39. No response is required to paragraph 39 because this paragraph calls for legal
2 conclusions; to the extent any facts are stated, Defendants deny each and every allegation set forth
3 therein and further respond that the referenced statute and court decision speak for themselves.

4 40. No response is required to paragraph 40 because this paragraph calls for legal
5 conclusions; to the extent any facts are stated, Defendants deny each and every allegation set forth
6 therein and further respond that the referenced statute speaks for itself.

7 41. No response is required to paragraph 41 because this paragraph calls for legal
8 conclusions; to the extent any facts are stated, Defendants deny each and every allegation set forth
9 therein and further respond that the referenced Act speaks for itself.

10 **B. The Department has Broad Authority to Issue Revenue Bonds to Finance Planning and
Construction of Project Facilities.**

11 42. Defendants deny the allegations in paragraph 42.

12 43. No response is required to the first sentence in paragraph 43 because this sentence calls
13 for legal conclusions; to the extent any facts are stated, Defendants deny each and every allegation set
14 forth therein. Defendants deny the allegations in the second sentence in paragraph 43.

15 44. No response is required to paragraph 44 because it calls for legal conclusions; to the
16 extent any facts are stated, Defendants deny each and every allegation set forth therein and further
17 respond that the referenced statute speaks for itself.

18 45. No response is required to paragraph 45 because it calls for legal conclusions; to the
19 extent any facts are stated, Defendants deny each and every allegation set forth therein and further
20 respond that the referenced statutes speak for themselves.

21 **The Delta Program Revenue Bond Financing**

22 **A. The Delta Program General Bond Resolution and Delta Program Revenue Bonds**

23 46. Defendants admit the allegations in paragraph 46.

24 47. No response is required to paragraph 47, which purports to characterize the contents of
25 the Department's Resolution which speaks for itself and is the best evidence of its content. To the
26 extent any facts are stated, Defendants deny each and every allegation set forth therein.

27 48. No response is required to paragraph 48, which purports to characterize the contents of
28 the Department's Resolution which speaks for itself and is the best evidence of its content. To the

1 extent any facts are stated, Defendants deny each and every allegation set forth therein.

2 49. No response is required to paragraph 49, which calls for legal conclusions and purports
3 to characterize the contents of the Department's Resolution, which Resolution speaks for itself and is
4 the best evidence of its content. To the extent any facts are stated, Defendants deny each and every
5 allegation set forth therein.

6 50. No response is required to paragraph 50, which purports to characterize the contents of
7 the Department's Resolution, which speaks for itself and is the best evidence of its content. To the
8 extent any facts are stated, Defendants deny each and every allegation set forth therein.

9 51. No response is required to paragraph 51, which purports to characterize the contents of
10 the Department's Resolution, which speaks for itself and is the best evidence of its content. To the
11 extent any facts are stated, Defendants deny each and every allegation set forth therein.

12 52. No response is required to paragraph 52, which purports to characterize the contents of
13 the Department's Resolution, which speaks for itself and is the best evidence of its content. To the
14 extent any facts are stated, Defendants deny each and every allegation set forth therein.

15 53. No response is required to paragraph 53, which purports to characterize the contents of
16 the Department's Resolution, which speaks for itself and is the best evidence of its content. To the
17 extent any facts are stated, defendants deny each and every allegation set forth therein.

18 54. No response is required to paragraph 54, which purports to characterize the contents of
19 the Department's Resolution, which speaks for itself and is the best evidence of its content. To the
20 extent any facts are stated, defendants deny each and every allegation set forth therein.

21 **B. The First and Second Supplemental Resolutions**

22 55. Defendants admit the allegations in paragraph 55.

23 56. No response is required to paragraph 56, which purports to characterize the contents of
24 the Department's First Supplemental Resolution, which Resolution speaks for itself and is the best
25 evidence of its content. To the extent any facts are stated, Defendants deny each and every allegation
26 set forth therein.

27 57. No response is required to paragraph 57, which purports to characterize the contents of
28 the Department's First Supplemental Resolution, which Resolution speaks for itself and is the best

1 evidence of its content. To the extent any facts are stated, Defendants deny each and every allegation
2 set forth therein.

3 58. No response is required to paragraph 58 because this paragraph calls for legal
4 conclusions and purports to characterize the contents of the Department's Resolution and First
5 Supplemental Resolution which speak for themselves and are the best evidence of their contents. To the
6 extent any facts are stated, Defendants deny each and every allegation set forth therein.

7 59. No response is required to paragraph 59, which purports to characterize the contents of
8 the Department's Resolution and Second Supplemental Resolution, which Resolutions speaks for
9 themselves and are the best evidence of their contents. To the extent any facts are stated, Defendants
10 deny each and every allegation set forth therein.

11 60. No response is required to paragraph 60, which purports to characterize the contents of
12 the Department's Second Supplemental Resolution, which Resolution speaks for itself and is the best
13 evidence of its contents. To the extent any facts are stated, Defendants deny each and every allegation
14 set forth therein

15 61. No response is required to paragraph 61, which purports to characterize the contents of
16 the Department's Second Supplemental Resolution, which Resolution speaks for itself and is the best
17 evidence of its contents. To the extent any facts are stated, Defendants deny each and every allegation
18 set forth therein.

19 **Statutory Authorization to Bring this Validation Action**

20 62. Defendants admit the allegations in paragraph 62.

21 63. Defendants admit the allegations in paragraph 63.

22 64. Defendants admit the allegations in paragraph 64.

23 65. No response is required to paragraph 65 because it calls for legal conclusions; to the
24 extent any facts are stated, Defendants deny each and every allegation set forth therein and further
25 respond that the referenced statutes speak for themselves.

26 66. No response is required to paragraph 66 because it calls for legal conclusions; to the
27 extent any facts are stated, Defendants deny each and every allegation set forth therein and further
28 respond that the referenced statutes speak for themselves.

1 **Service by Publication of Summons**

2 67. No response is required to paragraph 67 because it calls for legal conclusions; to the
3 extent any facts are stated, Defendants deny each and every allegation set for the therein and further
4 respond that the referenced statute speaks for itself.

5 68. Defendants lack sufficient information or belief to be able to answer the allegations in
6 paragraph 68 and deny them on that basis.

7 69. Defendants lack sufficient information or belief to be able to answer the allegations in
8 paragraph 69 and deny them on that basis.

9 70. Defendants lack sufficient information or belief to be able to answer the allegations in
10 paragraph 70 and deny them on that basis.

11 71. Defendants lack sufficient information or belief to be able to answer the allegations in
12 paragraph 71 and deny them on that basis.

13 **First Cause of Action**

14 (Determination of Validity)

15 72. Defendants incorporate their responses to paragraphs 1 through 71 above as though fully
16 set forth herein.

17 73. Defendants deny the allegations in paragraph 73.

18 74. Defendants deny the allegations in paragraph 74.

19 75. No response is required to paragraph 75 because it calls for legal conclusions; to the
20 extent any facts are stated, Defendants deny each and every allegation set forth therein and further
21 respond that the referenced statute and Resolutions speak for themselves.

22 76. Defendants deny the allegations in paragraph 76.

23 77. Defendants deny the allegations in paragraph 77.

24 78. Defendants deny the allegations in paragraph 78.

25 79. Defendants deny the allegations in paragraph 79.

26 80. Defendants deny the allegations in paragraph 80.

27 81. Defendants deny the allegations in paragraph 81.

28 82. Defendants deny the allegations in paragraph 82.

1 83. Defendants deny the allegations in paragraph 83.

2 84. Defendants deny the allegations in paragraph 84.

3 85. Defendants deny the allegations in paragraph 85.

4 86. Defendants deny the allegations in paragraph 86.

5 87. Defendants deny the allegations in paragraph 87.

6 88. Defendants deny the allegations in paragraph 88.

7 **AFFIRMATIVE DEFENSES**

8 **First Affirmative Defense**

9 89. The Complaint for Validation fails to state facts sufficient to state a cause of action.

10 **Second Affirmative Defense**

11 90. The Department's claims are premature and not ripe for judicial resolution.

12 **Third Affirmative Defense**

13 91. The Delta Reform Act was enacted into law becoming effective in 2010. The Delta
14 Reform Act as codified in Water Code § 85089 mandates that:

15 Construction of a new Delta conveyance facility shall not be initiated until the persons or
16 entities that contract to receive water from the State Water Project and the federal Central
17 Valley Project or joint powers authority representing those entities have made
arrangements or entered into contracts to pay for both of the following:

- 18 (a) The costs of the environmental review, planning, design, construction, and mitigation,
including mitigation required pursuant to Division 13 (commencing with Section
19 21000 of the Public Resources Code) required for the construction, operation, and
20 maintenance of any new Delta water conveyance facility.
21 (b) Full mitigation of property tax or assessments levied by local governments or special
districts for land used in the construction, location, mitigation, or operation of new
Delta conveyance facilities.

22 92. The issuance of revenue bonds by the Department to finance the capital costs of the
23 Delta Program Project, and other actions by the Department which the Department seeks to Validate in
24 this action, are contrary to law because the Delta Reform Act requires that the persons or entities
25 contracting to receive water from the water projects pay all costs of environmental review, planning,
26 design, construction, and mitigation required for the construction, operation, and maintenance of any
27 new Delta water conveyance facility.

28 93. This Validation action and the Department actions sought to be validated are part of

1 ongoing efforts to unlawfully subsidize the “Delta Program Project” which Project the Department
2 alleges it defines in ¶ 26 of the complaint.

3 94. The Delta Program Project is unlawful under other provisions of the Delta Reform Act
4 in addition to Water Code § 85089, including but not limited to, sections 85021, 85023, 85053, 85054,
5 and 85320.

6 95. The Department cannot obtain any relief in this action prior to this court determining
7 whether the Department actions sought to be validated are lawful under the Delta Reform Act.

8 **Fourth Affirmative Defense**

9 96. The California Environmental Quality Act (CEQA) is codified at Public Resources Code
10 Sections 21000 et seq. Guidelines for implementation of CEQA are codified at 14 Cal. Code Regs
11 sections 15000 et seq. The California Supreme Court has held, “The foremost principle under CEQA is
12 that the Legislature intended the act ‘to be interpreted in such manner as to afford the fullest possible
13 protection to the environment within the reasonable scope of the statutory language.’” *Laurel Heights*
14 *Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 390.

15 97. CEQA, mandates in Public Resources Code § 21102,

16 No state agency, board, or commission shall request funds, nor shall any state agency, board, or
17 commission which authorizes expenditures of funds, other than funds appropriated in the
18 Budget Act, authorize funds for expenditure for any project, other than a project involving only
19 feasibility or planning studies for possible future actions which the agency, board, or
20 commission has not approved, adopted or funded, which may have a significant effect on the
environment unless such request or authorization is accompanied by an environmental impact
report.

21 Feasibility and planning studies exempted by this section from the preparation of an
22 environmental impact report shall nevertheless include consideration of environmental factors.

23 98. The Department’s Bond Resolutions authorize expenditures of funds for more “than a
24 project involving only feasibility or planning studies for possible future actions.” The Bond Resolutions
25 include, in addition to “Delta Program Planning Costs,” “Delta Program Capital Costs.” Delta Program
26 Capital Costs are defined to mean “the cost and expense of environmental review, planning,
27 engineering, design, and, if and when determined by the Department to be appropriate, acquisition and
28 construction of units for the conveyance of water in and about the Sacramento-San Joaquin Delta.” The
inclusion of engineering, design, acquisition, and construction in the Bond Resolutions is alleged in ¶¶

1 1, 3, 5, 27, 28, 30, 41, 42, 53, 59, and 83 of the complaint; set forth in the General Bond Resolution
2 which is Exhibit 1 to the complaint at pp. 1, 2, 3, and section 804 at p. 25; and set forth in the Second
3 Supplemental Resolution which is Exhibit 3 to the complaint at p. 3.

4 99. The Department’s Bond Resolutions also authorize expenditures of funds for “operating
5 expenses” meaning the cost of operation and maintenance of the Delta Program Project. Operating
6 expenses are included in the General Bond Resolution which is Exhibit 1 to the complaint at pp. 1, 2, 3,
7 4, 5, 21 section 503, 23 section 605, 25 sections 804 and 805; and in the Second Supplemental
8 Resolution which is Exhibit 3 to the complaint at p. 2.

9 100. The Delta Program Project may, and will, have a significant effect on the environment.
10 The Department alleges it issued its Notice of Preparation (NOP) initiating CEQA review of the single
11 tunnel Delta conveyance facility on January 15, 2020. (Complaint ¶¶ 2, 26.) The NOP listed 24
12 probable significant environmental effects of the Project. (NOP at pp. 9-10.) Several of the probable
13 significant effects listed by the Department include: Water Supply: changes in water deliveries; Surface
14 Water: changes in river flows in the Delta; Water Quality: changes to water quality constituents and/or
15 concentrations from operation of facilities; Fish and aquatic Resources: effects to fish and aquatic
16 resources from construction and operation of the water conveyance facilities. (NOP at p. 9.)

17 101. The Department failed to proceed in the manner required by CEQA, and violated
18 CEQA, including the plain language of Public Resources Code § 21102, when it adopted the General
19 Bond Resolution and the First and Second Supplemental Resolutions on August 6, 2020, without
20 having first prepared an environmental impact report (EIR.)

21 102. Pursuant to CEQA, the CEQA Guidelines, and California case law, agencies may not
22 take any actions that could limit the choice of alternatives or mitigation measures, or give impetus to a
23 planned project in a manner that forecloses alternatives or mitigation measures that would ordinarily be
24 part of CEQA review of that public project.

25 103. The Department’s adoption and approval of the General Bond Resolution, First
26 Supplemental Resolution, and Second Supplemental Resolution and other actions the Department seeks
27 to validate give impetus to the project in a manner foreclosing alternatives and mitigation measures
28 contrary to CEQA.

1 104. The Delta Program Project, referred to as the “Delta Program facilities,” “may include,
2 but are not limited to, water diversion intake structures located on the Sacramento River and a tunnel to
3 convey water to Banks Pumping Plant.” (Complaint ¶ 47; General Bond Resolution, Exhibit 1 to
4 Complaint at p.3.)

5 105. The Department defines the Project with greater specificity in the NOP. “The proposed
6 project would construct and operate new conveyance facilities in the Delta that would add to existing
7 SWP [State Water Project] infrastructure. New intake facilities as points of diversion would be located
8 in the north Delta along the Sacramento River between Freeport and the confluence with Sutter Slough.
9 The new conveyance facilities would include a tunnel to convey water from the new intakes to the
10 existing Banks Pumping Plant and potentially the federal Jones Pumping Plant in the south Delta.”
11 (NOP at p. 2.)

12 New facilities proposed for the Delta Conveyance Project include, but are not limited to, the
13 following:

- 14 - Intake facilities on the Sacramento River
- 15 - Tunnel reaches and Tunnel shafts
- 16 - Forebays
- 17 - Pumping Plant
- 18 - South Delta Conveyance Facilities (NOP at p. 3.)

19 The NOP includes a map, “Figure 1,” which shows the areas under consideration for the facilities.

20 (NOP at p. 4.) “Other ancillary facilities may be constructed to support construction of the conveyance
21 facilities including, but not limited to, access roads, barge unloading facilities, concrete batch plants,
22 fuel stations, mitigation areas, and power transmission and/or distribution lines.” (NOP at p. 3.) “Under
23 the proposed project, the new north Delta facilities would be sized to convey up to 6000 cfs of water
24 from the Sacramento River to the SWP facilities in the south Delta (with alternatives of different flow
25 rates, as described in the ‘Alternatives’ section below).” (NOP at p. 3.)

26 The proposed project would include two intakes with the maximum diversion capacity of about
27 3,000 cfs each. The size of each intake location could range from 75 to 150 acres, depending
28 upon fish screens selection, along the Sacramento River and include a state-of-the-art fish
screen, sedimentation basins, tunnel shaft, and ancillary facilities. An additional 40 to 60 acres
at each intake location would be temporarily disturbed for staging of construction facilities,
material storage, and a concrete batch plans, if needed. (NOP at p. 5.) The proposed single main
tunnel and connecting tunnel reaches would be constructed underground with the bottom of the
tunnel at approximately 190 feet below the ground surface. (NOP at p. 5.)

1 More Project details are included in the NOP.

2 106. The Department's creation of the funding mechanisms and fiscal activities adopting and
3 approving the Bond resolutions involve commitment to a specific project which may, indeed will, result
4 in a potentially significant physical impact on the environment. The Resolutions and the Bonds are not
5 within the exemption from what is a "project" pursuant to CEQA, set forth in the CEQA Guidelines, 14
6 Cal. Code Regs § 15378(b)(4.)

7 107. The Department cannot obtain any relief in this action because the Department has failed
8 to prepare and certify the EIR required by CEQA to accompany the authorizations of the Bond
9 Resolutions adopted by the Department as of August 6, 2020.

10 **Fifth Affirmative Defense**

11 108. The Department lacks authority to issue revenue bonds for its proposed Delta
12 conveyance without an affirmative vote by California voters.

13 109. The Department's Bond Resolutions violate Proposition 9, passed by California voters
14 in 1982. Proposition 9 revoked any and all authority the Department had to fund a Delta conveyance
15 project pursuant to the Central Valley Project Act. (Water Code §§ 11100, *et seq.*) The Burns-Porter
16 Act (Water Code §§ 12930 *et seq.*) does not provide any independent authority for funding a Delta
17 conveyance.

18 **Sixth Affirmative Defense**

19 110. The Department's Bond Resolutions are invalid because they authorize the issuance of
20 revenue bonds that are dependent on fees and taxes to be collected by the State Water Contractors that
21 require voter approval under Proposition 13 and/or Proposition 26.

22 111. Under the long-term contracts between the Department and the State Water Contractors,
23 the State Water Contractors are contractually obligated to raise property taxes to pay their obligations to
24 the Department if they are unable to raise sufficient funds through service fees. (See, for example,
25 Paragraph 34 of the long-term contract between the Department and the Metropolitan Water District of
26 Southern California.)

27 112. The size and scale of the proposed Delta conveyance will necessarily require State
28 Water Contractors to raise revenues in ways that will require affirmative approval by two-thirds of the

1 voters within the Contractors' service areas, pursuant Proposition 13 and/or Proposition 26.

2 113. The Department cannot reliably repay its bond debt created by the Bond Resolutions
3 since the revenues required for such repayment will require future voter approval by two-thirds of
4 voters within each Contractor's service area.

5 **Seventh Affirmative Defense**

6 114. The Complaint is uncertain, ambiguous, and vague in defining the nature of the actions
7 sought to be validated and the scope of the relief requested.

8 **Eighth Affirmative Defense**

9 115. The Complaint lacks the specificity required by law, such as to allow this Court to
10 provide the Department the relief it requests.

11 **Ninth Affirmative Defense**

12 116. These answering Defendants reserve all other defenses that may potentially become
13 available as a result of information developed during the case.

14 **Prayer for Relief**

15 These answering Defendants pray for relief and judgment in their favor as follows:

16 1. That the Complaint for Validation be dismissed or judgment entered in favor of these
17 answering Defendants;

18 2. That Plaintiff take nothing by this suit;

19 3. For costs of suit;

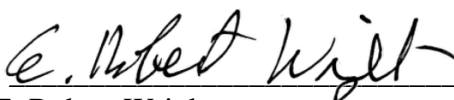
20 4. For attorney's fees pursuant to law including Code of Civil Procedure section 1021.5;

21 and

22 5. For such other and further relief as the Court deems just and proper.

23
24 DATED: October 27, 2020

SIERRA CLUB

25
26 By: 

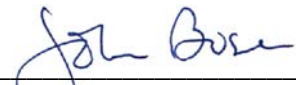
E. Robert Wright

27 Attorney for Defendants Sierra Club, Restore the Delta,
28 and Planning and Conservation League

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DATED: October 27, 2020

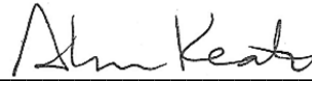
CENTER FOR BIOLOGICAL DIVERSITY

By: 

John Buse
Attorney for Defendant Center for Biological Diversity
and Friends of Stone Lakes National Wildlife Refuge

DATED: October 27, 2020

LAW OFFICE OF ADAM KEATS, PC

By: 

Adam Keats
Attorney for Defendants Restore the Delta and Planning
And Conservation League

Verification

I, Adam Keats, am counsel of record for Defendants Planning and Conservation League and Restore the Delta. I am signing this verification due to Defendants' absence from the county of San Francisco, and because facts in the petition are within my knowledge. I have read the foregoing Answer to Complaint for Validation and know the contents thereof. The same is true of my own knowledge, except as to those matter that are alleged on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 27th day of October, 2020, in San Francisco, California.

A handwritten signature in black ink that reads "Adam Keats". The signature is written in a cursive, flowing style.

Adam Keats

1 STATE OF CALIFORNIA, COUNTY OF ALAMEDA

2 I am employed in Oakland, California. I am over the age of 18 and not a party to the foregoing action.

3 My business address is Center for Biological Diversity, 1212 Broadway, Suite 800, Oakland, California

4 94612. My email address is trettinghouse@biologicaldiversity.org.

5 On October 27, 2020, I served a true and correct copy of the following document(s):

6 **VERIFIED ANSWER OF DEFENDANTS SIERRA CLUB, CENTER FOR BIOLOGICAL**
7 **DIVERSITY, RESTORE THE DELTA, PLANNING AND CONSERVATION LEAGUE, and**
8 **FRIENDS OF STONE LAKES NATIONAL WILDLIFE REFUGE TO COMPLAINT FOR**
9 **VALIDATION**

10 [X] BY MAIL: By placing a true and correct copy thereof in sealed envelope(s). Such envelope(s)
11 were addressed as shown below. Such envelope(s) were deposited for collection and mailing following
12 ordinary business practices with which I am readily familiar.

11 Michael Weed
12 ORRICK, HERRINGTON & SUTCLIFFE LLP
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14 Sacramento, California 95814-4497
15 mweed@orrick.com

16 *Attorney for Plaintiff*

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Sacramento, CA 95814

Attorney for Interested Party

1 [x] STATE: I declare under penalty of perjury under the law of California that the foregoing is true
2 and correct.

3 Executed on October 27, 2020 at Oakland, California.

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5 Theresa Rettinghouse
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