

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

\_\_\_\_\_  
**GULF RESTORATION NETWORK, *et al.*,**

**Plaintiffs,**

**VERSUS**

**LISA P. JACKSON, Administrator of the United  
States Environmental Protection Agency, and  
THE UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY,**

**Defendants.**

\_\_\_\_\_

)  
) **CIVIL ACTION**  
)  
)

) **NO. 12-677**  
)

) **SECTION ‘E’ (3)**  
)

) **JUDGE SUSIE MORGAN**  
)

) **MAGISTRATE JUDGE DANIEL E.  
KNOWLES, III**  
)  
)  
)

**AGRICULTURAL ASSOCIATIONS’ MOTION  
FOR LEAVE TO INTERVENE AS DEFENDANTS**

Pursuant to Rule 24 of the Federal Rules of Civil Procedure and Local Rule 7.6,  
American Farm Bureau Federation, The Fertilizer Institute, National Pork Producers Council,  
Agricultural Retailers Association, National Corn Growers Association, Arkansas Farm Bureau  
Federation, Illinois Farm Bureau, Iowa Farm Bureau Federation, Kansas Farm Bureau, Kentucky  
Farm Bureau, Louisiana Farm Bureau Federation, Minnesota Farm Bureau Federation,  
Mississippi Farm Bureau Federation, Missouri Farm Bureau, Nebraska Farm Bureau Federation,  
Oklahoma Farm Bureau, South Dakota Farm Bureau Federation, Tennessee Farm Bureau  
Federation, Wyoming Farm Bureau, Illinois Fertilizer & Chemical Association, Missouri

Agribusiness Association, Illinois Pork Producers Association, Iowa Pork Producers Association, Minnesota Pork Producers Association, Missouri Pork Association, Tennessee Pork Producers Association, and Wisconsin Pork Producers Association (collectively, “Agricultural Associations”) respectfully move for leave to intervene in the above-captioned matter as of right under Rule 24(a). Alternatively, they move for permissive intervention under Rule 24(b).

In support of their motion, the Agricultural Associations respectfully state:

1. In 2008, Plaintiffs in this action petitioned the U.S. Environmental Protection Agency (“EPA”) to establish numeric water quality criteria for nutrients – primarily nitrogen and phosphorus – under the Clean Water Act for the states whose waters flow into the Mississippi River Basin and the northern Gulf of Mexico.

2. In July 2011, EPA denied this petition.

3. On March 13, 2012, Petitioners filed their original complaint (since amended on April 3, 2012) in this Court challenging EPA’s denial of their petition. Plaintiffs seek a ruling from the Court that EPA unlawfully failed to determine that numeric nutrient criteria are necessary to protect water quality in the states of the Mississippi River Basin.

4. If Plaintiffs succeed in this action, EPA may be ordered to establish numeric nutrient criteria for the Mississippi River Basin.

5. Such numeric nutrient criteria would form the basis for additional regulatory burdens on the Agricultural Associations’ members, many of whom hold Clean Water Act permits or are subject to state nutrient runoff regulations.

6. The Agricultural Associations are entitled to intervene in this action as of right under Rule 24(a), or, in the alternative, through permissive intervention under Rule 24(b).

7. Further grounds in support of this motion are set forth in the accompanying “Memorandum In Support Of Motion To Intervene As Defendants” and its associated declarations.

**Certification Order Local Rule 7.6**

In accordance with Local Rule 7.6, counsel for the Agricultural Associations has conferred with counsel for all parties to this action having an interest to oppose this motion to intervene. Counsel for Plaintiffs and counsel for intervening defendant, Federal Water Quality Coalition, have indicated that these parties consent to the filing and granting of the Agricultural Associations’ motion. Counsel for the federal defendants (Lisa Jackson and EPA) have indicated that these parties will take no position with regard to the Agricultural Associations’ motion.

For the reasons set forth above and in the memorandum in support of this motion, the Agricultural Associations respectfully request that this Court grant this motion for leave to intervene in this proceeding.

Dated: May 10, 2012

Respectfully submitted,

PHELPS DUNBAR LLP

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing motion (and attachments) was filed electronically using the Court's CM/ECF System this 10th day of May, 2012, which sent notification of such filing to the attorneys of record for each party, who have registered with the Court's CM/ECF system.

/s/ S. Ault Hootsell III