

# Professional Biography



**LAURA G. ZAGAR** | PARTNER

*San Francisco Office Managing Partner*

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Laura Zagar guides clients in the development of multijurisdictional water, energy and infrastructure projects, and complex litigation. Laura plays a prominent part in innovative energy, water and infrastructure projects in the Western United States, including proposed offshore wind projects in California and Hawaii, the proposed restoration of the Klamath River through removal of four dams, the proposed Lake Powell Pipeline in Utah and Arizona, and SCE's completed Tehachapi Renewable Transmission Project. She also provides counsel on the innovative recycling of stormwater, agricultural runoff, and wastewater for potable and irrigation purposes under development by Monterey One Water.

From permitting and environmental regulatory review to completion of construction, Laura directs her clients' large-scale projects at every stage. Her effective counseling and leadership on projects often require collaboration with environmental, energy and engineering experts on natural and cultural resources, transmission planning, geology, energy modeling, toxicology, fate and transport, remediation, and other issues. Laura also advises emerging clean tech companies on regulatory compliance for technologies new to the market.

## **ENERGY, WATER, AND INFRASTRUCTURE PROJECT DEVELOPMENT**

In the energy sector, Laura represents utilities, energy developers, public agencies and others before federal, state, and local agencies. Her project experience includes numerous major electric transmission lines; renewable generation (including offshore wind, onshore wind, hydropower, solar, wind and biomass); conventional generation; and telecommunications.

Laura has extensive knowledge about proceedings before the California Public Utilities Commission (CPUC) and other state agencies, as well as the transmission planning process conducted by the California Independent System Operator (CAISO). As environmental and energy regulatory issues often arise during financing and other transactions, Laura provides counsel on due diligence for transactions involving the development and operation of energy and infrastructure projects.

The water sector is another focus of Laura's practice. From pipelines to reservoirs and dams, has advised on projects related to water transportation, storage, hydropower, and recycling, including Monterey's wastewater recycling project seen as an exemplar for California cities.

## **ENVIRONMENTAL AND NATURAL RESOURCES REGULATORY COUNSEL**

Highly experienced with federal, state and local authorities overseeing the development of energy and infrastructure projects, Laura represents clients before federal and state regulatory bodies.

Regulatory authorities and agencies that Laura has built productive relationships with include the Bureau of Land Management (BLM), U.S. Forest Service, U.S. Fish and Wildlife Service (USFWS), U.S. Army Corps of Engineers (USACE), U.S. National Park Service, Bureau of Reclamation, NOAA National Marine Fisheries Service (NMFS), NOAA National Marine Sanctuaries, Federal Energy Regulatory Commission (FERC), Bureau of Ocean Energy Management (BOEM), California Public Utilities Commission (CPUC), the California Energy Commission (CEC), California Department of Fish and Wildlife (CDFW), California's State Water Resources Control Board and the Regional Water Quality Control Boards, California State Lands Commission and California Coastal Commission.

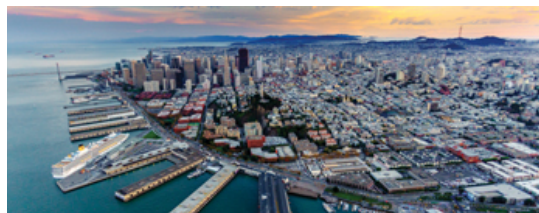
Laura provides clients with comprehensive counseling on compliance with a wide array of environmental statutes. Areas of her focus include the National Environmental Policy Act (NEPA), California Environmental Quality Act (CEQA), federal and California Endangered Species Acts (ESA), Migratory Bird Treaty Act (MBTA), Bald and Golden Eagle Protection Act, Clean Air Act, Clean Water Act, California's Porter-Cologne Act, Federal Aviation Act, and Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Laura also advises clients on statutes and regulations governing the use of federal lands, including the Federal Land Policy and Management Act (FLPMA) and the National Forest Management Act.

#### LITIGATION AND ADMINISTRATIVE PROCEEDINGS

Laura represents clients in complex and appellate federal and state litigation over the approval of energy and infrastructure projects as well as environmental and toxic tort litigation. Laura has represented clients in appeals of agency decisions, including those issued by the California Public Utilities Commission. Laura has also successfully defended labor and employment claims in federal courts.

#### LEGAL AND COMMUNITY LEADERSHIP

A leader in the community, Laura serves the managing partner of the firm's San Francisco office. She is also on the board of advisors for University of San Diego's Energy Policy Initiatives Center (EPIC) and the board of directors for the National Marine Sanctuary Foundation. She also serves on the executive committee of the board of directors for the Equality California Institute, the largest statewide LGBTQ rights organization in the nation.



## Legal Commentary on Planning and Development

Insights into legal issues relating to development and use of land and federal, state and local permitting and approval processes.

VISIT THE CALIFORNIA LAND USE & DEVELOPMENT LAW REPORT



## Ranked by Chambers USA Two Years in a Row

Environment

#### PROFESSIONAL RECOGNITION

- Ranked by *Chambers USA*, as "America's Leading Environmental Lawyers," 2021 – 2022
- *SD Metro*, "40 Under 40 Award," 2016
- Listed in *Best Lawyers in America*: CleanTech Law, 2016 – 2023
- Recommended by *The Legal 500*: Industry Focus: Environmental - Transactional and Regulatory; Real Estate and Construction: Land Use/Zoning, 2015
- *Daily Journal*, "Top Women Lawyers," 2013
- *Law360*, Rising Environmental Star, 2012

#### PROFESSIONAL LEADERSHIP

- Cleantech San Diego, Board of Directors
- Conference of California Public Utility Counsel, Member
- San Diego County Bar Association, Member
- Energy Bar Association, Member

## **COMMUNITY INVOLVEMENT**

- Equality California Institute, Board Member
- National Marine Sanctuary Foundation, Board Member
- Princeton University Annual Giving Campaign, Volunteer
- UCLA School of Law, Law Firm Challenge, Volunteer

## **RELATED EMPLOYMENT**

- Latham & Watkins LLP, San Diego, Partner, Associate, 2004 - 2014

## **CLERKSHIPS**

- Hon. James Browning, U.S. Court of Appeals for the Ninth Circuit
- Hon. Nora Manella, U.S. District Court for the Central District of California

## **EXPERIENCE**

### **WATER, ENERGY AND INFRASTRUCTURE PROJECTS**

#### **WIND PROJECT ON TRIBAL LANDS**

Represent developer of a proposed onshore wind project on a federal Indian reservation in San Diego County. The Bureau of Indian Affairs approved the lease between the developer and the tribe, and will generate substantial economic benefits for the tribe. The representation includes review under the National Environmental Policy Act, the Endangered Species Act, and the Clean Water Act.

#### **CLEARWAY ENERGY, INC.**

Represented Clearway Energy, Inc., a leading publicly-traded energy infrastructure investor, in related transactions in which it acquired equity interests in a 1,204 MW portfolio of renewable energy projects, including five geographically diversified wind, solar, and solar-plus-storage assets, and formed a joint venture with Hannon Armstrong, a leading climate-solutions investor, through which Clearway and Hannon will co-invest in the development of the portfolio, with Clearway acting as manager of the joint venture and the underlying renewable energy projects.

#### **WATER RECYCLING AND GROUNDWATER REPLENISHMENT PROJECT IN CALIFORNIA**

Represent public agency in the development of a water recycling and groundwater replenishment project in the Monterey region, which will treat wastewater using state-of-the-art microfiltration and reverse osmosis technology for use in replenishing potable groundwater supplies and to supplement agricultural irrigation supplies. The representation includes review under the California Environmental Quality Act, the National Environmental Policy Act, the Clean Water Act, the National Marine Sanctuaries Act, and the Endangered Species Act, as well as analysis of water rights and other environmental compliance matters needed to construct and implement the project.

#### **OFFSHORE WIND PROJECT IN CALIFORNIA**

Represent developer of a proposed offshore wind project near Morro Bay, California. The project is under the jurisdiction of the Bureau of Ocean Energy Management, and will require additional approvals from NOAA Fisheries, the U.S. Army Corps of Engineers, as well as California state and local agencies.

#### **OFFSHORE WIND PROJECT IN HAWAII**

Serve as environmental and permitting counsel on a proposed 400 MW offshore wind project in Hawaii, which will assist Hawaii in achieving its 100% renewable energy mandate. The project is under the jurisdiction of the Bureau of Ocean Energy Management, and will require additional approvals from NOAA Fisheries, the U.S. Army Corps of Engineers, as well as state and local agencies.

#### **WATER TRANSPORTATION AND HYDROPOWER PROJECT IN THE SOUTHWEST**

Represent public agency on a proposed 140-mile water pipeline to transport water from Lake Powell to Washington and Kane Counties in Southern Utah that crosses Bureau of Land Management and National Park Service lands. The project will also include six hydroelectric facilities, which will supply a portion of the energy needed for the project.

#### **RESTORATION OF THE KLAMATH RIVER**

Provide counsel on the proposed removal of four dams along the Klamath River, one of the most ambitious river restoration projects in the United States. Once completed, the project will restore more than 400 miles of fisheries habitat along the California and Oregon border.

#### **SOLAR PROJECT IN CALIFORNIA**

Represent developer of a large-scale solar project in San Bernardino County. The representation includes review under the California Environmental Quality Act, the Endangered Species Act, as well as analysis of water rights and other environmental compliance matters needed to construct and implement the project.

#### **SEAWATER AIR CONDITIONING PROJECT IN HAWAII**

Provide representation for a district seawater air conditioning project in Hawaii, which will provide chilled water to Honolulu to reduce the electricity consumption used for air conditioning by up to 75%. The project is under the jurisdiction of federal, state, and local agencies, including the U.S. Army Corps of Engineers, and NOAA Fisheries.

#### **TRANSMISSION LINE IN SOUTHERN CALIFORNIA\***

Served as lead outside counsel on a 173-mile, US\$2 billion transmission line in Southern California, which provides up to 4,500-MW of transmission capacity for new renewable resources in the Tehachapi area. The project is the first major renewable transmission project in the United States, a portion of which is the first underground 500 kV transmission line in the nation. The project was under the jurisdiction of many state and federal agencies, including the California Public Utilities Commission, the National Forest Service, the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service.

#### **EAGLE CONSERVATION IN WESTERN UNITED STATES\***

Development of eagle conservation plans and submission of golden eagle take permit applications in the Western United States for renewable generation projects.

#### **WIND PROJECT IN CALIFORNIA\***

A 318-MW wind project in Kern County, California, which is under the jurisdiction of, among others, Kern County, the Bureau of Land Management, and the U.S. Fish and Wildlife Service, including the first lethal take authorization for the California condor.

#### **WIND PROJECT IN EASTERN SAN DIEGO COUNTY\***

A 200-MW wind project in eastern San Diego County, crossing lands under the jurisdiction of the Bureau of Land Management, the Bureau of Indian Affairs, the California State Lands Commission and the County of San Diego.

### **LITIGATION AND ADMINISTRATIVE PROCEEDINGS**

#### **DEFENSE OF WASTE MANAGEMENT COMPANY**

Defend waste management company in enforcement proceedings before the Regional Water Quality Control Board concerning alleged violations of a Cleanup and Abatement Order.

#### **APPEAL OF CALIFORNIA PUBLIC UTILITIES COMMISSION DECISION**

Appeal a California Public Utilities Commission decision on behalf of telecommunications carrier.

#### **DEFENSE OF UTILITY IN CALIFORNIA\***

Defense of a utility in a California state court challenge to the utility's use its existing easement rights to construct a critical high-voltage transmission line.

#### **DEFENSE OF MUNICIPAL GOVERNMENT\***

Defense of a municipal government from a complex civil rights claims brought by a police officer's union related to collective bargaining and donning and doffing of uniforms.

### **EMERGING ENERGY COMPANIES**

#### **DISTRIBUTED WIND COMPANY**

Represent an emerging distributed wind company based in San Diego, California. The company designs, manufactures, and delivers wind energy products that are light weight, highly portable, and efficient with an emphasis on being a complementary solution to other renewable energy sources.

\*Prior Experience

## **NEWS**

12.01.2022

### ***Perkins Coie Strengthens National Patent Litigation Practice with Four Prominent Partners***

Press Releases

Perkins Coie announced today the addition of a prominent four-partner patent litigation group that further deepens the firm's powerhouse capabilities for technology sector clients in California and nationally. Partners Stefani Shanberg, Nathan Sabri, Veronica Ascarrunz, and Robin Brewer have all joined Perkins Coie's internationally recognized Intellectual Property (IP) litigation practice.

11.18.2022

### ***Perkins Coie and Coalition of Private and Public Sector Environmental and Energy Lawyers Secure U.S. Government Approval for World's Largest Dam Removal and Restoration Project***

Press Releases

Working with a coalition of environmental and energy lawyers from the public and private sectors, Perkins Coie is pleased to announce the Federal Energy Regulatory Commission's approval of the Klamath River Renewal Corporation (KRRRC) proposal to

start the world's largest dam removal and restoration project.

08.18.2022

***Best Lawyers® 2023 Recognizes 403 Perkins Coie Attorneys***

Press Releases

Perkins Coie is proud to announce that 403 of its attorneys have been recognized by *Best Lawyers® 2023*. A total of 279 attorneys were selected by their peers for inclusion in the 2023 edition of *The Best Lawyers in America®* and 124 attorneys were selected for inclusion in the 2023 edition of *Best Lawyers: Ones to Watch*.

06.01.2022

***Perkins Coie Named Among Top Law Firms in 2022 Chambers USA***

Press Releases

Perkins Coie is proud to announce that it has again been ranked by Chambers & Partners, publishers of *Chambers USA: America's Leading Lawyers for Business*, as one of the top law firms in the United States.

05.13.2022

***Perkins Coie Recognized by the San Francisco Business Times and Silicon Valley Business Journal as a 2022 Bay Area Best Place to Work***

Press Releases

Perkins Coie is pleased to announce that it has ranked highly on the *San Francisco Business Times* and the *Silicon Valley Business Journal's* 2022 "Best Places to Work" list for the Bay Area.

08.26.2021

***Best Lawyers® 2022 Recognizes 367 Perkins Coie Attorneys***

Press Releases

Perkins Coie is proud to announce that 367 of its attorneys were recognized by the 2022 *Best Lawyers®*. A total of 278 attorneys were selected by their peers for inclusion in the 2022 edition of *The Best Lawyers in America®* and 89 attorneys were selected for inclusion in the 2022 edition of *Best Lawyers: Ones to Watch*.

05.20.2021

***Perkins Coie Named Among Top Law Firms in 2021 Chambers USA***

Press Releases

Perkins Coie is proud to announce that it has again been ranked by Chambers & Partners, publishers of *Chambers USA: America's Leading Lawyers for Business*, as one of the top law firms in the United States.

05.06.2021

***Laura Zagar Quoted in Law360—Federal Highway Guidance No Power Line Project Panacea***

General News

*Law360*

Partner Laura Zagar was quoted in "Federal Highway Guidance No Power Line Project Panacea," an article in *Law360*, regarding the guidance released by the U.S. Department of Transportation's Federal Highway Administration.

01.14.2021

***Perkins Coie Recognized as the Leading 2021 Best Workplace in the Bay Area by Great Place to Work® and Fortune***

Press Releases

Perkins Coie is pleased to announce that it has been named as the Bay Area's leading employer by research and consulting firm Great Place to Work® and *Fortune* for the first time.

01.04.2021

***Perkins Coie Represents Clearway Energy, Inc. in 1.6 GW Renewable Energy Deal***

Press Releases

Perkins Coie represented Clearway Energy, Inc. (CWEN), a leading publicly traded renewable energy infrastructure investor, in a multipart transaction in which it acquired from its parent company and renewable development partner, Clearway Energy Group LLC, equity interests in a geographically diverse 1.6 GW portfolio of wind, solar, and energy storage projects.

08.20.2020

***Best Lawyers® 2021 Recognizes 358 Perkins Coie Attorneys***

Press Releases

Perkins Coie is proud to announce that 358 of its attorneys were recognized by *Best Lawyers® 2021*. A total of 290 attorneys were selected by their peers for inclusion in the 2021 edition of *The Best Lawyers in America®* and 68 attorneys were selected for inclusion in the inaugural edition of *Best Lawyers: Ones to Watch*.

08.17.2020

***Laura Zagar Quoted in Law360 - 4 Keys to Submitting Winning Clean Energy Project Bids***

General News

Law360

Laura Zagar was quoted in the Law360\* article, "[4 Keys to Submitting Winning Clean Energy Project Bids](#)," regarding securing an appropriate project site.

01.16.2020

***Perkins Coie Recognized as One of the 2020 Best Workplaces in the Bay Area by Great Place to Work® and Fortune***  
Press Releases

Perkins Coie is pleased to announce that it has been named as one of the Bay Area's top employers by research and consulting firm Great Place to Work® and *Fortune* for the third consecutive year.

01.06.2020

***Perkins Coie Mentioned in Multiple Publications Regarding the Newly Appointed Office Managing Partners***  
General News

Perkins Coie was mentioned in multiple publications regarding the new appointed office managing partners in San Francisco, Palo Alto, San Diego, and Portland offices.

01.03.2020

***Perkins Coie Appoints Four New Office Managing Partners for Bay Area, San Diego and Portland***  
Press Releases

Perkins Coie is pleased to announce that it has appointed four partners to manage its San Francisco, Palo Alto, San Diego and Portland offices.

08.15.2019

***Best Lawyers® 2020 Recognizes 283 Perkins Coie Attorneys***

Press Releases

Perkins Coie is proud to announce that 282 of its attorneys were selected by their peers for inclusion in the 2020 edition of *The Best Lawyers in America®*.

02.20.2019

***Laura Zagar Quoted in Law360 - Ore. Project's Renewable Trifecta Won't Be Easy To Copy***

General News

Law360

Partner Laura Zagar was quoted in "Ore. Project's Renewable Trifecta Won't Be Easy To Copy," an article in *Law360*, regarding the 300-megawatt wind, 50-megawatt solar and 30-megawatt battery storage project in Eastern Oregon and obstacles that stand in the way of other co-located wind and solar energy projects.

08.20.2018

***Best Lawyers® 2019 Recognizes 277 Perkins Coie Attorneys***

Press Releases

Perkins Coie is proud to announce that 277 of its attorneys were selected by their peers for inclusion in the 2019 edition of *The Best Lawyers in America®*.

08.15.2017

***Best Lawyers® 2018 Recognizes 281 Perkins Coie Attorneys***

Press Releases

Perkins Coie is proud to announce that 281 of its attorneys were selected by their peers for inclusion in the 2018 edition of *The Best Lawyers In America®*.

04.06.2017

***Perkins Coie Attorneys Receive Prestigious Burton Award for Distinguished Writing***

Press Releases

Perkins Coie is proud to announce that Washington, D.C. partner William G. Malley, San Diego partner Laura Godfrey Zagar and Boise associate Stephanie M. Regenold have been selected by the Burton Awards as recipients of the 2017 *Law360* Distinguished Writing Award for their article "Environmental Streamlining Measures in Title 41 of the FAST Act: What Will They Mean for Infrastructure Project Developers?"

08.15.2016

***Best Lawyers® 2017 Recognizes 252 Perkins Coie Attorneys***

Press Releases

Perkins Coie is proud to announce that 252 of its attorneys were selected by their peers for inclusion in the 2017 edition of *The Best Lawyers In America®*, the oldest and most respected peer-review publication in the legal profession.

08.19.2015

***Partner Laura Godfrey Zagar Quoted in Law360***

General News



Law360

Partner Laura Godfrey Zagar was quoted in a Law360 article titled, "In Clean Energy Crusade, Hard To Tell Friend From Foe," regarding possible tension between environmentalist, policy makers and the renewable industry.

08.17.2015

### ***Best Lawyers® 2016 Recognizes 245 Perkins Coie Attorneys***

Press Releases

Perkins Coie is proud to announce that 245 of its attorneys were selected by their peers for inclusion in the 2016 edition of *The Best Lawyers In America®*, the oldest and most respected peer-review publication in the legal profession; a more than 10 percent increase over the 221 firm attorneys recognized by *Best Lawyers* in the 2015 edition.

07.09.2015

### ***Perkins Coie Receives Recommendations In 2015 Legal 500 United States***

Press Releases

Perkins Coie is pleased to announce it has been recommended in the 2015 edition of *The Legal 500 United States* as a **Top-Tier Firm** in two national; Litigation: Product Liability and mass tort - aerospace/aviation, and Real Estate and construction: Land use/zoning.

05.05.2015

### ***Laura Godfrey Zagar Featured in About Careers***

General News

*About Careers*

Laura Godfrey Zagar was featured in an *About Careers* article, "[Attorney Finds Passion as an Environmental and Energy Law Advocate.](#)"

03.31.2014

### ***Laura Godfrey Zagar Quoted in Law360***

General News

Partner Laura Godfrey Zagar was quoted in a Law360 article, "Wind Project Challenges Over Bird Deaths Fail To Take Off," regarding the broad language of the Migratory Bird Treaty Act and its implications for developers.

02.25.2014

### ***Perkins Coie Continues National Expansion of Environmental Practice***

Press Releases

Perkins Coie is pleased to announce that Laura Godfrey Zagar has joined the firm's San Diego office as a partner in the firm's Environment, Energy & Resources (EER) practice. Before joining Perkins Coie, Godfrey Zagar was a partner with Latham & Watkins in San Diego.

## **PUBLICATIONS**

01.19.2023

### ***Keeping Pace: Aligning California's Phase-Out of Gas Cars With the Charging Infrastructure Required***

Articles

*Santa Clara Business Law Chronicle*

When you put it that way, California's new plan to phase out gas-powered cars by 2035 hits differently—the transition is real and will accelerate soon.

12.08.2022

### ***BOEM Conducts First-Ever California Offshore Wind Lease Sale***

Updates

On December 6–7, 2022, the Bureau of Ocean Energy Management (BOEM) held its third offshore wind lease sale this year—and the first of its kind for floating wind—bringing in \$757.1 million from five lease areas off the central and north coasts of California.

11.18.2022

### ***FERC Approves License Surrender for the Lower Klamath Project***

Updates

On November 17, 2022, the Federal Energy Regulatory Commission issued an order approving the surrender of the FERC license for the Lower Klamath Project.

10.20.2022

### ***BOEM Releases Final Sale Notice for California Offshore Wind Lease Sale***

Updates

The Bureau of Ocean Energy Management (BOEM) issued its [Final Sale Notice](#) (FSN) on October 18, 2022, for the first offshore wind energy leases on the west coast of the United States.

09.07.2022

### ***California Seeks To Curb Declining Water Supply With New Executive Actions***

Updates

Governor Gavin Newsom announced a revamped water strategy on August 11, 2022, in response to updated projections that California could witness a 10% reduction in water supply by 2040 due to the accelerated impacts of climate change.

07.18.2022

### ***California Expands Energy Commission's Jurisdiction to Bolster Clean Energy Development***

Updates

Gov. Newsom signed AB 205 into law on June 30, 2022, a legislative effort that significantly expands the California Energy Commission's jurisdiction and encourages the development of new clean energy projects.

06.16.2022

### ***California Court Rules Bees Can Be Listed Under the California Endangered Species Act***

Updates

In a notable decision interpreting the California Endangered Species Act, a California court of appeal ruled that insects are eligible for listing as threatened, endangered, or candidate species under the act.

06.08.2022

### ***BOEM Proposes First Ever West Coast Offshore Wind Lease Sale***

Updates

The Bureau of Ocean Energy Management published its Proposed Sale Notice on May 31, 2022, for what would be the first ever offshore wind energy leases on the west coast of the United States.

12.16.2021

### ***Opportunities and Challenges in Biden's Plan for a Zero-Carbon Federal Government by 2050***

President Biden signed an executive order on December 8, 2021, directing the federal government to use its scale and procurement power to slash its carbon emissions by 65% by 2030 and achieve net-zero emissions by 2050

12.16.2021

### ***The Biden Administration's Plan for a Zero-Carbon Federal Government by 2050***

Updates

President Biden signed an executive order on December 8, 2021, directing the federal government to use its scale and procurement power to slash its carbon emissions by 65% by 2030 and achieve net-zero emissions by 2050.

09.29.2021

### ***California Commits \$15 Billion to Fighting Climate Change***

Updates

Governor Gavin Newsom signed a \$15 billion legislative package on September 23, 2021, funding efforts to combat climate change in California over the next three years.

05.10.2021

### ***US Fish and Wildlife Service Proposes to Revoke Recent MBTA Final Rule***

Updates

The U.S. Fish and Wildlife Service has issued a proposed rule to revoke its January 7, 2021, final rule, which had determined the Migratory Bird Treaty Act prohibits only the intentional take of migratory birds, and not incidental and unintentional take associated with development activities or project operations.

04.06.2021

### ***Now Is the Time to Double Down in Support of Women Lawyers***

Articles

*The Recorder*

It's no secret that women, particularly women of color, have for decades faced tremendous hurdles when it comes to achieving equal opportunities and compensation in the legal industry.

03.31.2021

### ***Expect Significant Investments in Water Infrastructure***

Updates

President Biden's Build Back Better initiative includes extensive investment in drinking water, wastewater, and stormwater systems with the hope of upgrading aging infrastructure, making it more resilient in the face of climate change, and addressing historical inequities.

07.14.2020

### ***Supreme Court Revives Clean Water Act General Permit for Pipeline and Utility Line Projects***



Updates

The U.S. Supreme Court delivered near-term relief to project developers on June 6, reinstating one of the U.S. Army Corps of Engineers' key nationwide Clean Water Act permits.

06.22.2020

### ***CPUC Adopts Short-Term Actions to Accelerate Microgrid Deployment***

Updates

The California Public Utilities Commission (CPUC) on June 17, 2020, issued its [Decision Adopting Short-Term Actions to Accelerate Microgrid Deployment and Related Resiliency Solutions in California.](#)

01.08.2019

### ***Federal Court Requires Additional Environmental Review for Offshore Fracking Off California Coast***

Updates

A federal court recently prohibited the U.S. Department of the Interior from approving any plans or permits for offshore fracking off the California coast until it complies with the Endangered Species Act (ESA) and the Coastal Zone Management Act (CZMA).

12.04.2018

### ***California Affirms State Law Prohibition of Incidental Take of Migratory Birds Despite Contrary Federal Stance***

Updates

The California Department of Fish and Wildlife and the California attorney general have jointly issued an advisory regarding California's state law protections for migratory birds.

11.29.2018

### ***Supreme Court Limits Authority to Designate Critical Habitat Under Endangered Species Act***

Updates

In a unanimous decision with immediate repercussions for the administration of the Endangered Species Act (ESA), the U.S. Supreme Court held that an area is eligible for designation as critical habitat under ESA only if it is also "habitat" for the species within the meaning of the statute.

Updated 07.25.2018

### ***Major Changes Proposed to Endangered Species Act Regulations***

Updates

The U.S. Fish and Wildlife Service and National Marine Fisheries Service published three proposed rules last week that would revise the regulations implementing portions of the Endangered Species Act.

06.21.2018

### ***CEQ Invites Comments on Potentially Sweeping Changes to NEPA Regulations***

Updates

The Council on Environmental Quality yesterday issued an advance notice of proposed rulemaking inviting input on potential changes to the CEQ regulations under the National Environmental Policy Act, the federal law that requires environmental impact assessment for projects involving federal funding or other federal approvals.

04.19.2018

### ***Federal Agencies Sign MOU to Require "One Federal Decision" on Major Infrastructure Projects***

Updates

On April 9, 2018, the heads of a dozen federal agencies executed a memorandum of understanding on implementation of Executive Order 13807, which directed federal agencies to expedite environmental review and permitting for major infrastructure projects.

02.15.2018

### ***White House Releases Final Proposal to Streamline Infrastructure Permitting***

Updates

On February 12, 2018, the White House released a set of proposals to streamline the federal environmental review process for infrastructure projects.

01.31.2018

### ***White House Proposes to Streamline Environmental Reviews for Infrastructure Projects***

Updates

The Washington Post last week reported a leaked White House document that revealed a far-reaching set of proposals to streamline the environmental review process for infrastructure projects.

01.02.2018

### ***Department of Interior Reverses MBTA's Take Definition in a New Solicitor's Opinion***

Updates

The U.S. Department of the Interior's Office of the Solicitor issued [Memorandum M-37050](#), on December 22, 2017, which adopts the position that the Migratory Bird Treaty Act (MBTA) prohibition on the "taking" or "killing" of migratory birds applies only to deliberate acts intended to take a migratory bird.

08.24.2017

### ***Executive Order Aims to Speed Up Environmental Reviews of Infrastructure Projects***

Updates

President Donald J. Trump issued [Executive Order 13807](#), on August 15, 2017, which is intended to accelerate the environmental review and permitting for infrastructure projects that require an environmental impact statement under the National Environmental Policy Act.

08.01.2017

### ***Should Infrastructure Project Developers Invoke Streamlined Environmental Review Under FAST-41?***

Updates

Title 41 of the Fixing America's Surface Transportation Act (FAST-41) includes measures to streamline environmental reviews for certain infrastructure projects.

04.04.2017

### ***CA Supreme Court Boosts Plaintiffs' Challenges to Endangered Species Listing Under CESA***

Updates

The Supreme Court of California recently ruled that under the California Endangered Species Act (CESA), plaintiffs may use a delisting petition, supported by new evidence, to challenge a prior decision by the California Fish and Game Commission to list an endangered species.

03.06.2017

### ***Fish and Wildlife Service Approves New 30-Year Eagle Act Rule***

Updates

The U.S. Fish and Wildlife Service has formally approved the long-awaited, 30-year eagle take rule, which will allow renewable energy companies and other developers of large projects to obtain a 30-year permit (as opposed to the previous five-year permit) for the incidental take of bald and golden eagles.

03.02.2017

### ***Executive Order Signals Federal Clean Water Act Jurisdiction Will Be Narrowed***

Updates

In the latest chapter of the seemingly never-ending controversy over the Clean Water Act's reach, on February 28, 2017, President Trump signed an [executive order](#) directing the U.S. Environmental Protection Agency and the U.S. Army Corp of Engineers to rescind or revise the Obama administration's 2015 Clean Water Rule.

01.31.2017

### ***DOI Issues Solicitor's Opinion That MBTA Prohibits Incidental Take***

Updates

The U.S. Department of the Interior's Office of the Solicitor issued Memorandum M-37041 on January 10, 2017, arguing that incidental take is prohibited under the Migratory Bird Treaty Act (MBTA).

09.15.2016

### ***California's New Climate Change Laws Tighten Limits on GHG, Increase Legislative Oversight of CARB***

Updates

California Governor Jerry Brown signed into law last week two controversial anti-climate change bills that will tighten greenhouse gas (GHG) limits by 40% and increase legislative supervision of the California Air Resources Board (CARB)—the agency responsible for reducing GHG emissions.

08.30.2016

### ***D.C. Circuit Overturns FWS Approval of Wind Farm Due to Bat Concerns***

Updates

The U.S. Court of Appeals for District of Columbia Circuit recently held that the U.S. Fish and Wildlife Service violated the National Environmental Policy Act by approving an Ohio wind energy project without looking at all reasonable alternatives for reducing deaths to the endangered Indiana bat.

08.11.2016

### ***Ninth Circuit Finds Navy's Low Frequency Active Sonar Program Violates Marine Mammal Protection Act***

Updates

In [NRDC v. Pritzker](#), the U.S. Court of Appeals for the Ninth Circuit confirmed that the Marine Mammal Protection Act's (MMPA) incidental take authorizations will be construed narrowly and conservatively, giving the benefit of doubt to marine mammal species.

08.09.2016

## ***EPA Declines to Regulate Forest Road Discharges Under the Clean Water Act***

Updates

The Environmental Protection Agency issued a [decision](#) on July 5, 2016, that declined to regulate discharges from forest roads for regulation under Section 402 of the Clean Water Act.

05.31.2016

## ***If At First You Do Not Succeed: Fish and Wildlife Service Tries Again With 30-Year Eagle Act Permit***

Updates

On May 6, 2016, the Fish and Wildlife Service published a [proposed rule](#) that would substantially change how the Service administers its conservation and management program under the Bald and Golden Eagle Protection Act.

Spring 2016

## ***Environmental Streamlining Measures in Title 41 of the FAST Act: What Will They Mean for Infrastructure Project Developers?***

Articles

*Environmental Law News*

Congress passed the Fixing America's Surface Transportation Act (FAST Act) last December. The FAST Act provides new funding for surface transportation projects and includes measures to streamline environmental reviews for highway, transit, and rail projects.

03.17.2016

## ***FWS Proposes Revisions to Development Mitigation Policy***

Updates

The U.S. Fish and Wildlife Service (FWS) published draft revisions on March 8, 2016 to its 1981 Mitigation Policy for mitigating the impacts of development projects to natural resources.

02.17.2016

## ***Would the Supreme Court Stay EPA's Clean Power Plan Today?***

Updates

The senior-most U.S. Supreme Court Justice, Antonin Scalia, passed away on February 13, 2016 just days after the Supreme Court, by a slim 5 to 4 majority, stayed the EPA's enforcement of the Clean Power Plan.

02.16.2016

## ***New Critical Habitat Regulations Published Under the Endangered Species Act***

Updates

On February 11, 2016, the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service jointly published final regulations and a final policy addressing critical habitat under the Endangered Species Act.

02.11.2016

## ***Supreme Court's Stay on EPA's Clean Power Plan Places States in Limbo***

Updates

On Tuesday, February 9, 2016, only a few weeks after the U.S. Court of Appeals for the District of Columbia Circuit denied a multistate plea to stop the U.S. EPA's Clean Power Plan, the United States Supreme Court issued a highly unusual judicial stay on the EPA's implementation of the Clean Power Plan.

10.07.2015

## ***Migratory Birds Of A Feather Don't Always Flock Together***

Articles

*Law360*

## **PRESENTATIONS**

01.19.2022

### ***32nd Annual Land Use and Development Law Briefing***

Webinars

A 90-minute multi-panelist briefing on the recent evolution of land use, planning, CEQA, and environmental law in California.

08.24.2021

### ***Wind Development on Federal Lands: What We've Learned and Where We're Headed***

Speaking Engagements

[The Rocky Mountain Mineral Law Foundation / Webinar](#)

01.15.2019; 01.17.2019; 01.23.2019;

01.29.2019.

### ***29th Annual Land Use & Development Law Lunch Briefing***

Seminars

2018 has been another eventful year in the evolution of land use and planning law in California.

06.13.2018

### ***The Future of Offshore Energy (Part 2): Technical Solutions and Anticipated Impacts***

Speaking Engagements

VERGE Hawaii / Honolulu, HI

06.07.2018

### ***Navigating The Course Through The U.S. Government in Offshore Wind***

Speaking Engagements

U.S. Offshore Wind Conference and Exhibition / Boston, MA

03.27.2018

### ***Pure Water Monterey Environmental and Biological Permitting Adventures***

Speaking Engagements

WateReuse Conference / Monterey, CA

01.18.2018; 01.24.2018; 01.25.2018;

01.30.2018.

### ***28th Annual Land Use & Development Briefing***

Seminars

2017 has been another eventful year in the development of land use and planning law in California.

11.02.2017

### ***Federal and State Case Law Update***

Speaking Engagements

Electric Power and Project Development in California / San Francisco, CA

09.13.2017

### ***Marine Renewable Energy: Looking West for Energy***

Speaking Engagements

Pacific Ocean Energy Trust, Ocean Renewable Energy Conference XII / Portland, OR

05.20.2017

### ***Connected Actions and Cumulative Effects***

Speaking Engagements

AEP Conference / San Francisco, CA

05.08.2017 - 05.09.2017

### ***NEPA Legal, Practice & Policy Developments***

Speaking Engagements

11th Annual NEPA Conference / San Francisco, CA

01.18.2017; 01.25.2017; 01.26.2017;

02.07.2017; 02.22.2017.

### ***27th Annual Land Use & Development Law Briefing***

Seminars

2016 has been another dynamic year in the development of land use and planning law in California.

06.22.2016

### ***Is Near-Shore Ocean Technology the Next Wave in Clean Energy***

Speaking Engagements

2016 VERGE Hawaii / Honolulu, HI

01.21.2016; 01.26.2016; 02.02.2016;

02.22.2016;

### ***26th Annual Land Use & Development Law Briefing***

Seminars

2015 has been a year of significant developments in land use, CEQA and environmental and resources law.

09.24.2015

## ***Overview of the Endangered Species Act***

Speaking Engagements

CLE International Endangered Species Act Seminar / San Francisco, CA

08.11.2015

## ***California As An Export Market For Renewables?***

Speaking Engagements

LSI's Energy in the Southwest / Santa Fe, NM

07.21.2015

## ***Heading Off Opposition of Infrastructure Development: Legal, Communication and Political Perspectives***

Speaking Engagements

American Gas Association Legal Forum / Carlsbad, CA

2015

## ***25th Annual Land Use & Development Law Briefing Materials***

Seminars

The 25th Annual Land Use & Development Law Breakfast Briefing presentation focused on 2014 developments and trends in land use, affordable housing, school facilities financing, CEQA, real estate and environmental and resources Law. [Download PDF version of presentation materials](#)

03.03.2015 - 03.04.2015

## ***Waste to Biogas & Clean Fuels Finance & Investment Summit***

Speaking Engagements

Co-Chair

Waste to Biogas & Clean Fuels F&I Summit / Santa Clara, CA

01.28.2015

## ***Climate Change Outlook***

Speaking Engagements

Gowlings' Environmental Law for Business Seminar / Toronto, Canada

Presented on Climate Change Developments in the United States at the Federal and State Levels.

01.21.2015; 01.22.2015; 01.27.2015;

02.12.2015

## ***25th Annual Land Use and Development Law Briefing***

Seminars

A 90-minute multi-panelist presentation on 2014 developments and trends in Land Use, CEQA, Real Estate, and Environmental and Resources Law.

05.13.2014

## ***Bureau of Land Management Review of Proposed Projects***

Speaking Engagements

LSI's Tribal Environmental Quality Protection Conference / Cabazon, CA

## **AREAS OF FOCUS**

### **PRACTICES**

- California Environmental, Land Use, Energy & Resources
- Climate Law
- Environment & Natural Resources
- Environmental Litigation
- Infrastructure Development
- Land Use & Development
- Native American Law & Policy
- Project Finance

### **INDUSTRIES**

- Energy Law
- Mining
- Clean Technology
- Land Development
- Forest Products
- Digital Media & Entertainment, Gaming & Sports
- Sports

## **BAR AND COURT ADMISSIONS**

- California
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Central District of California
- U.S. District Court for the Eastern District of California
- U.S. District Court for the Southern District of California

## **EDUCATION**

- UCLA School of Law, J.D., *Order of the Coif*, 2002
- Princeton University, A.B., *cum laude*, 1999