



Cox, Castle & Nicholson LLP
555 California Street, 10th Floor
San Francisco, California 94104-1513
P 415.392.4200 F 415.392.4250

Redacted

October 7, 2012

File No. 55016

Redacted

Pacific Gas and Electric Company
Law Department
77 Beale Street, B30A
San Francisco CA 94105

Re: Experience Relating to CEQA and California State Agency Permitting Strategy for Restoration of Line 300B MAOP

Dear Redacted

At Redacted's request, this letter summarizes my experience, and related expertise of other Cox Castle attorneys, relevant to the Company's efforts to restore the maximum allowable operating pressure (MAOP) on Line 300B to 700 psig. The Company is proceeding with Option 2B out of several options evaluated, and this involves replacing the existing pipeline on the L300B bridge over the Redacted with new pipe, after hydrotesting that new pipe on the Arizona side of the river.

The permitting strategy for this project will be closely tied to the California Environmental Quality Act issues associated with any required permits. I specialize in CEQA compliance and litigation, having advised the Company on a wide range of CEQA matters since the mid-1990s. I have substantial experience handling CEQA issues involving the State Lands Commission, the Department of Fish and Game (now renamed the Department of Fish and Wildlife), and the CPUC. This work has included the types of issues that I anticipate may arise in evaluating the best permitting strategy for L300B – determining whether a project includes any discretionary approvals subject to CEQA, evaluating whether CEQA exemptions may apply, and in situations where several agencies have authority over a project, determining which agency is best positioned to serve as the CEQA lead agency.

In terms of particular matters, I have worked with the Company and Company affiliates on matters such as CEQA exemption advice relating to the overall pipeline safety testing program and DFG approvals, CEQA advice for the powerline vegetation management project, advice on EIRs for both the Topock and Hinkley cleanup programs, CEQA strategy for transmission line upgrades before the PUC, and defense of the EIR for the State Lands Commission's approval of the North Baja natural gas pipeline.

In addition to this experience for the Company, my partners and I have experience and expertise in an number of substantive areas of permitting law that might arise as this project proceeds. My partner Redacted and I have both worked on a variety of DFG approvals and

Redacted

October 7, 2012

Page 2

consultations, and I have worked on cultural resources issues in a variety of contexts, including consultations with the California Native American Heritage Commission, work involving discoveries of Native American remains, and disputes regarding monitoring protocols for particular projects. Given the scope of this project, the work may be limited to determining the best CEQA strategy, but we also have substantial experience with projects before the CPUC, the State Lands Commission, the Department of Fish and Wildlife, and other state agencies should that additional expertise be needed.

I am enclosing my biography and that of Redacted and I both have negotiated discounted rates that apply to any work we perform for the Company, and we would apply the same discounted rates to any work on this matter.

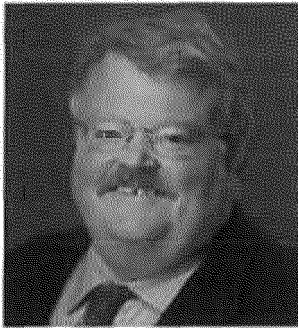
I appreciate the opportunity to work with you on this matter, and would be happy to provide any further information that is needed.

Sincerely,
Redacted

Redacted

Encls.

55016\4196510v1



Redacted

Partner

San Francisco Office
555 California Street
10th Floor
San Francisco CA 94104

Redacted

Redacted a partner with Cox, Castle & Nicholson's LLP Land Use Group in its San Francisco office. His practice focuses on the California Environmental Quality Act ("CEQA") and land use litigation and compliance. Redacted is the co-author of the leading treatise on CEQA practice for attorneys, Practice Under the California Environmental Quality Act, published in two volumes by Continuing Education of the Bar. The expanded second edition was published in 2008, and the treatise is updated annually. He is also a co-author of the text, Land Use Initiatives and Referenda in California (Solano Press, 1990). Redacted has been ranked as one of California's top environmental lawyers by The Recorder legal newspaper, as one of Northern California's Top 100 lawyers by San Francisco Magazine, and as one of the state's top attorneys in both land use and environmental law by Chambers & Partners in their 2003 through 2009 surveys of U.S. Attorneys receiving the top ranking for land use in that survey in both 2006 and 2007.

Redacted practice covers a broad range of environmental impact and land use litigation and compliance issues, including use permits and entitlements, ballot measures, general plan issues, zoning, land use compliance, land use due diligence investigations, and extending and modifying existing development plans and permits. His work on environmental impact requirements covers both state reviews under CEQA and federal reviews under the National Environmental Policy Act. He litigates CEQA cases in trial and appellate courts throughout California, including all of the appellate districts and the California Supreme Court. Redacted has litigated over 100 CEQA cases.

Redacted advises, counsels, and litigates on behalf of public agencies, businesses, industry developers, and lenders and investors. He represents clients in litigation, compliance and permitting for a wide variety of facilities and projects, including energy siting and transmission, industrial and residential planned developments, port and airport facilities, water and hydroelectric facilities, mining and agricultural projects, and the adoption and amendment of local general and specific plans. In environmental impact litigation and counseling, he regularly advises clients on issues relating to the evaluation and mitigation of impacts on traffic, air, water, and habitat resources, as well as issues relating to solid and hazardous wastes, risk of accident, and environmental justice claims. He has been at the forefront of many of the recent developments relating to the evaluation of climate change issues in CEQA documents, including preparation of climate change analysis in environmental impact reports, defending CEQA documents against challenges based on climate change issues, negotiating climate change issues with the Attorney General's office, and advising statewide business groups on proposed climate

change legislation.

Redacted is frequently asked to speak on land use law and CEQA issues for the State Bar, business, public agency, and planning organizations. Redacted has lectured on land use, environmental impact, and related issues at U.C. Berkeley, U.C. Davis' King Hall School of Law, Hastings College of Law, the USC Law Center, the Golden Gate University Law School, and several University of California extension programs. He regularly presents programs on the California Environmental Quality Act to groups such as the County Counsels Association and to the Select Committee on Industry Litigation sponsored by the California Building Industry Association.

Redacted received his J.D. degree from Boalt Hall School of Law in 1982, and his B.A. degree, magna cum laude, from Dartmouth College in 1977. He is admitted to practice in the state of California, and is affiliated with many professional associations, including the Association of Environmental Professionals, California Building Industry Association, California Business Properties Association, and the Construction Materials Association of California. Redacted was the Vice Chair for Programs for the Environmental Impact Assessment Committee of the American Bar Association's Section on Environment, Energy & Resources. Redacted was on the Executive Committee of the Environmental Law Section of the California State Bar from 1996 until 1999. Redacted has served on the boards of a number of non-profit organizations, including the Child Care Law Center.

Boards, Associations, and Honors

- Listed as one of California's leading land use and environmental lawyers, Chambers & Partners, Chambers USA: America's Leading Business Lawyers, 2003 through 2009, and top-ranked in zoning and land use in 2006 and 2007.
- Named as one of the top 100 Attorneys in Northern California by San Francisco Magazine, 2007-2009.
- Listed in the 2008 and 2010 editions of the Best Lawyers in America as a top attorney in both Environmental Law and Land Use and Zoning Law, and listed in the 2006 edition in Environmental Law
- Listed in 2005 and later editions of Marquis' Who's Who in the West, Marquis' Who's Who in American Law, and Marquis' Who's Who in the World
- Named as one of the San Francisco Bay Area's top environmental lawyers, The Recorder newspaper, 2003
- Admitted to Lambda Alpha International (honorary land economics society), 2004
- San Francisco Lawyers' Club, Board of Directors, 2001-2003
- Child Care Law Center, Board of Directors, 1999- 2008
- Boys & Girls Clubs of Oakland, Director, 1986-1996; Board of Advisors, 1997-present
- California Business Properties Association, Legislative Committee, 1996 -2000
- State Bar of California, Environmental Law Section (Executive Committee Member, 1996 1999, Executive Committee Advisor, 1999 2004, Legislation Committee 1996 1997)
- Bay Area Economic Forum, CEQA Task Force, CEQA Guideline Subcommittee, 1995-1996

- State Bar of California Section on Real Property Law (Co Chair, Subsection on Zoning, 1994 1996)
- California Against Red Tape, CEQA Task Force, 1993
- California Senate Housing Committee, Ad Hoc Task Force on CEQA Reform, 1993
- California Building Industry Association, Select Committee on Industry Litigation, 1991 present
- Home Builders Association of Northern California
- Stage Left Stage Manager, *Fay Yen Fah*, Monaco Opera House, May 2009

Lectures

- Alameda County Counsel
- American Bar Association, "Little NEPA" Conference
- ABA Section on Environmental, Energy & Resources
- American Planning Association, California Chapter
- Association of Bay Area Governments
- Association of California Water Agencies
- Association of Environmental Professionals
- Bar Association of San Francisco, Environmental Law Section
- Building Owners and Managers Association
- California Building Industry Association, Select Committee On Industry Litigation
- California Business Properties Association
- California Continuing Education of the Bar
- California County Counsels Association
- California Energy Commission Staff
- California State Bar Environmental Law Section, Environmental Law Conference at Yosemite
- California State Bar Real Property Section
- California State Bar Annual Meeting
- California State Bar Section Education Institute
- Central Valley Rock, Sand & Gravel Association and Aggregate Producers Association of Northern California
- CEQA and Climate Change: A Brave New World (sponsored by Metropolitan Water District, Valley Industry and Commerce Association, FuturePorts, AB 32 Implementation Group, Los Angeles Economic Development Corporation, Central City Association of Los Angeles, Harbor Association of Industry and Commerce, Los Angeles Area Chamber of Commerce, Greater Los Angeles/Ventura Building Industry Association, Greater Corona Hispanic Chamber of Commerce
- CLE International CEQA Update Programs
- Construction Materials Association of California
- Contra Costa County CEQA Conference
- Contra Costa Industrial Council
- Developers Affordable Housing Conference



- The Equity Asset Managers Association
- Environmental Law Institute, Boot Camp on Environmental Law
- Federal Communications Bar Association
- Fresno County Bar Association
- Golden Gate University
- Hastings College of the Law
- Law Seminars International, Annual CEQA Conference
- League of California Cities, City Attorney Department
- Napa Valley Land Stewards
- Northern California Association of Law Libraries/Southern California Association of Law Libraries
- San Francisco Planning and Urban Research Association
- San Diego County Counsel
- Santa Clara County Bar Association
- Sonoma County Counsel
- Strategic Issues Conference 2007; Global Warming and the Business of Real Estate
- UC Berkeley, Environmental Spirit Conference
- UC Berkeley Extension
- UC Berkeley, Undergraduate Business Department
- UC Davis University Extension
- UC Davis, King Hall School of Law
- UC Irvine Extension
- UC Santa Barbara Extension
- UCLA Extension Annual Land Use Law and Policy Conference
- USC Law Center
- Wisconsin Real Estate Alumni

Books

- Co-author, Practice Under the California Environmental Quality Act, California Continuing Education of the Bar (two volumes, 1st Edition 1993, 2nd Edition 2008)
- Author, "Land Use Due Diligence," and co-author, "The California Environmental Quality Act," Chapters 2 and 6, in Understanding Development Regulations, Solano Press (1994)
- Co-author, Land Use Initiatives and Referenda in California, Solano Press (1990)
- Co-author, Annual Supplements to California Subdivision Map Act Practice, CEB (1987-1992)

Publications

- Co-author, "CEQA and Climate Change - Where Are We Today and Where Are We Going?" *California Real Property Journal*, Vol. 27, No. 2, 2009

- Co-author, "CA Supreme Court Bay-Delta EIR Decision Upholds Limiting Project Alternatives Based on Project Objectives, Upholds General Water Supply Analysis, and Upholds Overall Programmatic Level of Impact Review" *California Land Use Reporter*, July 2008.
- Co-author, "Evaluating Urban Decay Impacts In California Environmental Impact Reports: What has Wal-Mart Done Now?" *American Bar Association, Environmental Impact Assessment Committee Newsletter* (2007)
- Co-author, "Climate Change and the California Environmental Quality Act," *UC Davis Extension Climate Change Program* (2007)
- "Home Builder Approvals Could Be Further Complicated Under Proposed Legislation," *Builder and Developer*, July 1999
- "Proposed Law May Complicate Home Builder Approvals," *Builder and Developer*, June 1999
- "New CEQA Guideline on Environmental Standards Now in Effect," *Transfer Point*, October 1998
- "New Revisions to the CEQA Guidelines," *Bay Echo*, November/December 1998
- Co-author, "Exemption from the California Environmental Quality Act for Affordable Housing Projects Is Expanded to 100 Units," *The Transfer Point*, December 1997
- Co-author, "Environmental Mitigation and Regulatory Takings Claims After Ehrlich v. City of Culver City," *Environmental Law News*, Volume 5, Number 4, Winter 1996
- Co-author, "Development Fees and Environmental Mitigation in California After Ehrlich v. City of Culver City," *California Real Property Journal*, Fall 1996
- Co-author, "The California Supreme Court's Ehrlich Decision and What It Means for Environmental Mitigation in California," *Environmental Monitor*, Summer 1996
- "Fish and Game CEQA Fees Are Back," *The Transfer Point*, April 1996
- "Appellate Court Upholds Use Permit and Mitigated Negative Declaration for Sand and Gravel Project," *The Transfer Point*, February 1996
- "Impact Here of Supreme Court Ruling on Endangered Species," *California Building Industry Association*, Third Quarter 1995
- Co-author, "Limited to the Record," *The Recorder* (March 1995)
- "Modest Reform but New Pitfalls," *Western City* (December 1994)
- Co-author, "In with a Roar, Out with a Meow: A Review of the Legislative and Other Developments in the California Environmental Quality Act in 1993," *California Real Property Journal*, Volume 12, No. 1 (Winter 1994)
- "CEQA Legislation & Guidelines Update," *The Bay Echo* (November 1994)
- Co-author, "The U.S. Supreme Court's Dolan Decision: Implications for Development Impact Mitigation," *MBA StateLines* (September 1994)
- "The U.S. Supreme Court's Dolan Decision and What it Means for Environmental Mitigation in California," *The Bay Echo* (August 1994)
- "Reinventing the California Environmental Quality Act," *MBA StateLines* (August 1994)
- "Reinventing CEQA," *Mortgage Finance* (May 1994)
- "Is a Little Reform Better than None at All?" *BIA News* (January 1994)

- "The 1993 California Environmental Quality Act Legislation," *Shepard's California Environmental Law & Regulation Reporter* (November 1993)
- "Repairing the Engine for the Environment," *The Recorder* (September 17, 1993)
- "Recent Developments in Land Use," *Contra Costa Lawyer* (May 1993)
- "CEQA Turns Twenty-One: A Summary of Current Reform Proposals," *CEB Land Use Forum* (Spring 1993)
- Co-author, "CEQA Turns Twenty-One: A Call for Reform," *CEB Land Use Forum* (Spring 1993)
- "Prospects for Reform of the California Environmental Quality Act in 1993," *BNA California Environment Reporter* (March 1993)
- "The New Delta Protection Commission," *California Land Use Law & Policy Reporter* (February 1993)
- "A Simpler Environment," *The Recorder* (September 1992)
- "Review of 1992 California Environmental Quality Act Legislation," *Environmental Assessor* (Winter 1992)
- Co-author, "Due Diligence, Conditions, Representations and Warranties: Land Use Matters," Program Materials for 6th Annual Real Property Practice Institute, *Acquiring & Disposing of Real Property in the 90's: Current Issues & Emerging Trends, Continuing Education of the Bar* (1989)
- Co-author, "Development Agreements: Securing Vested Rights and Projects Completion Benefits, Zoning & Planning Law Report," *Clark Boardman* (April 1988)
- Co-author of various land use articles in the Los Angeles Daily Journal

Education

- J.D., University of California at Berkeley School of Law (Boalt Hall), 1982
- B.A., Dartmouth College, *magna cum laude*, 1977

Recent Publications

- "Second Quarter CEQA Case Law Update", *Quarterly CEQA Case Law Update* (08.08.12)
- "Court Upholds EIR Against Challenges to Fire Services Analysis and Adaptive Mitigation Program", *Client Alert* (07.10.12)
- "California Supreme Court Confirms That Exhaustion of Administrative Remedies Required Before Challenging CEQA Exemption", *CCN Client Alert* (06.14.12)
- "Second District Court of Appeal Affirms Agency Discretion to Determine the Baseline for Environmental Impact Review Under CEQA", *CCN Client Alert* (06.06.12)
- "First Quarter CEQA Case Law Update", *Quarterly CEQA Case Law Update* (May 2012)
- "2011 Fourth Quarter CEQA Case Law Update", *Quarterly CEQA Case Law Update* (February 2012)
- "Court Rules CEQA Review Required for New Bay Area Air District Rules", *CCN Client Alert* (01.13.12)
- "2011 Third Quarter CEQA Case Law Update", *Quarterly CEQA Case Law Update* (November 2011)
- "2011 Second Quarter CEQA Case Law Update", *Quarterly CEQA Case Law Update* (August 2011)
- "2011 First Quarter CEQA Case Law Update", *Quarterly CEQA Case Law Update* (May 2011)

- "2010 Fourth Quarter CEQA Case Law Update", *Quarterly CEQA Case Law Update* (February 2011)
- "Climate Plan Enjoined? Trial Court Issues Proposed Decision Regarding Implementation of AB 32 Scoping Plan", *CCN Client Alert* (02.01.11)
- "Ninth Circuit Allows Project Applicants to Defend Their Projects Against NEPA Lawsuits", *CCN Client Alert* (01.14.11)
- "New Guidance Issued on Categorical Exclusions for Streamlined NEPA Review", *CCN Client Alert* (11.29.10)
- "Court Of Appeal Confirms That The Scope Of Subsequent CEQA Review Is Limited By The Scope Of The Agency's Subsequent Approval", *CCN Client Alert* (10.25.10)
- "2010 Third Quarter CEQA Case Law Update", *Quarterly CEQA Case Law Update* (October 2010)
- "2010 Second Quarter CEQA Case Law Update", *Quarterly CEQA Case Law Update* (July 2010)
- "Water Supply Assessments In California: New Court Decision Explores Reach Of SB 610", *CCN Client Alert* (06.02.10)
- "California's First Published Court Decision On CEQA And Greenhouse Gas Emissions Sets Aside "Cursory Described" Mitigation Measures", *CCN Client Alert* (04.27.10)
- "2010 First Quarter CEQA Case Law Update", *Quarterly CEQA Case Law Update* (April 2010)
- "California Supreme Court Rejects The Use Of Permit Limits As The Environmental Baseline For New Projects", *CCN Client Alert* (April 2010)
- "California Supreme Court Rejects Attempts to Undermine CEQA's Statue of Limitations", *CCN Client Alert* (April 2010)
- "California Supreme Court Upholds 30-day Statute of Limitations for CEQA Lawsuits Challenging Subsequent Approval Decisions by Lead Agencies", *CCN Client Alert* (02.12.10)
- "Court Rules City Should Have Prepared EIR Before Enacting A Ban On Plastic Bags At Retail Stores", *CCN Client Alert* (January 2010)
- "2009 Fourth Quarter CEQA Case Law Update", *Quarterly CEQA Case Law Update* (December 2009)
- "It's Not Just About Water: Land Use and Other Provisions in the California Delta Water Bills", *CCN Client Alert* (11.05.09)
- "Recent Federal Property Rights Decisions Confirm Viability of Takings Challenges", *CCN Client Alert* (10.08.09)
- "2009 Third Quarter CEQA Case Law Update", *Quarterly CEQA Case Law Update* (October 2009)
- "In Significant New CEQA Decision, Court of Appeal Issues First Ruling on Analysis of Energy Impacts", *CCN Client Alert* (09.21.09)
- "Bay Area Air Quality Management District Proposes Sweeping New CEQA Air Quality Guidelines", *CCN Client Alert* (09.18.09)
- "San Joaquin Valley Unified Air Pollution Control District to Consider Adoption of Policies and Guidance Regarding Evaluation of Greenhouse Gas Emissions Under CEQA ", *CCN Client Alert* (09.17.09)
- "Natural Resources Agency Proposes Draft CEQA Guidelines on Greenhouse Gas Emissions", *Client Alert* (07.06.09)
- "Spring Quarter 2009 CEQA Case Law Update", *Quarterly CEQA Case Law Update* (Spring 2009)

- "CEQA and Climate Change - Where are We Today and Where Are We Going?", *California Real Property Journal* (Spring 2009)
- "Office of Planning and Research Transmits Draft CEQA Guidelines on Greenhouse Gas Emissions to the Resources Agency for Certification and Adoption", *Client Alert* (04.14.09)
- "Winter Quarter 2009 CEQA Case Law Update", *Quarterly CEQA Case Law Update* (Winter 2009)
- "Court of Appeal Issues Decision in Sunrise Douglas Litigation", *CCN Client Alert* (03.26.09)
- "Court Highlights Risk of Violating CEQA with Water Supply Contracts", *Client Alert* (02.02.09)
- "Office of Planning and Research Issues Preliminary Draft of CEQA Guidelines on Greenhouse Gas Emissions", *Client Alert* (01.08.09)
- "Court of Appeal Clarifies Water Supply Analysis Required for New Development Projects", *Client Alert* (11.20.08)
- "The California Supreme Court Sets New Rules for Determining When Preliminary Agreements for Development Projects Require Environmental Impact Review", *Client Alert* (10.31.08)
- "Air Resources Board Releases Proposed Draft of CEQA Guidance on Greenhouse Gas Emissions", *Client Alert* (10.24.08)
- "California Supreme Court Bay-Delta EIR Decision Upholds Limiting Project Alternatives Based on Project Objectives, Upholds General Water Supply Analysis, and Upholds Overall Programmatic Level of Impact Review", *California Land Use Law & Policy Reporter* (07.01.08)
- "California Supreme Court Bay-Delta EIR Decision Upholds Limiting Project Alternatives Based on Project Objectives, Upholds General Water Supply Analysis, and Upholds Overall Programmatic Level of Impact Review", *California Land Use Law & Policy Reporter* (07.01.08)
- "Office of Planning and Research Issues Its Technical Advisory on CEQA and Climate Change", *Client Alert* (06.19.08)
- "California Supreme Court Upholds Bay-Delta Environmental Impact Report, Including Alternatives Analysis And Programmatic Level of Impact Review", (06.10.08)
- "State Supreme Court Provides Guidance on Water Supplies and CEQA", *Western City* (09.01.07)
- "Evaluating Urban Decay Impacts in California Environmental Impact Reports: What Has Wal-Mark Done Now?", *ABA Environmental Impact Assessment Committee Newsletter* (07.01.07)
- "Climate Change and the California Environmental Quality Act", *UC Davis Extension Climate Change Program* (07.01.07)
- "Water Supplies For New Housing Development: The California Supreme Court Wades In", *Perspectives* (Summer 2007)
- "Climate Change and Environmental Impact Reports", *Perspectives* (Spring 2007)
- "Water Supplies for New Housing Development: The California Supreme Court Wades In.", *California Real Estate Journal* (02.26.07)
- "California Supreme Court Clarifies CEQA Requirements for Analysis of Water Supplies (PDF)", *Client Alert* (02.05.07)

Recent Speaking Engagements

Past Events

- California Environmental Quality Act (CEQA): New Legislative and Regulatory Developments, and Practical Guidance Tips for Navigating the Changes - *Law Seminars International* - (04.30.12)
- CEQA Update - *UCLA Extension, 25th Annual Land Use Law and Planning Conference* - (01.21.11)
- New CEQA Guidelines on Greenhouse Gasses - *California Chapter, American Planning Association Conference* - (11.03.10)
- CEQA Case Law - Latest Developments - *CLE 6th Annual CEQA Conference* - (09.16.10)
- CEQA Case Law - Latest Developments - *CLE 6th Annual CEQA Conference* - (08.19.10)
- New Revisions to CEQA Guidelines for Greenhouse Gas Emissions - *Law Seminars International - TeleBriefing* - (12.03.09)
- New CEQA Guidelines on Climate Change: What they Say and What they Don't Say - *Law Seminars International 5th Annual Comprehensive Workshop on CEQA* - (09.25.09)
- Judicial and Legislative Update - *CLE International's 5th Annual CEQA Conference* - (09.21.09)
- 4th Annual CEQA Conference - *CLE International* - (08.14.08)
- The Heat is On: Greenhouse Gases and Climate Change Litigation - *Law Seminars International Environmental Resource Litigation* - (07.29.08)
- Green Series: Land Use and Climate Change - *ULI San Francisco* - (06.12.08)
- CEQA: The Essentials - *CA State Bar's 27th Annual Real Property Retreat* - (05.03.08)
- CEQA Update - What Did the Courts Do to Us this Year? - *The County Counsels' Association of California - Land Use Fall 2007 Conference* - (12.06.07)
- AB 32 & CEQA; Impacts on the Business of Real Estate - *Global Warming and the Business of Real Estate - CBPA Strategic Issues Conference* - (11.02.07)
- Greenhouse Gas Emissions and CEQA/NEPA: Many Questions, Few Answers - *2007 Environmental Law Conference* - (10.18.07)
- CEQA and Climate Change: A Brave New World - *AB 32 Implementation Group* - (10.10.07)
- CEQA in Courts - New Interpretations - (08.20.07)

Other Notable Publications and Speaking Engagements

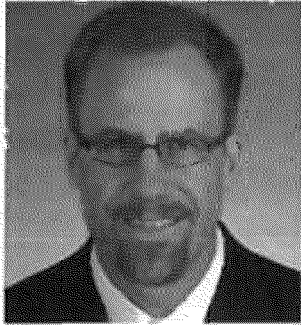
- Co-author, "Practice Under the California Environmental Quality Act" *California Continuing Education of the Bar* (two volumes, 1st Edition 1993, 2nd Edition 2008)
- Co-author, "CA Supreme Court Bay-Delta EIR Decision Upholds Limiting Project Alternatives Based on Project Objectives, Upholds General Water Supply Analysis, and Upholds Overall Programmatic Level of Impact

Review "California Land Use Reporter, July 2008.

- Co-author, "Evaluating Urban Decay Impacts In California Environmental Impact Reports: What has Wal-Mart Done Now?" American Bar Association, Environmental Impact Assessment Committee Newsletter (2007)
- Co-author, "Climate Change and the California Environmental Quality Act" UC Davis Extension Climate Change Program (2007)

Professional Affiliations

- State Bar of California



Redacted

Partner

San Francisco Office
555 California Street
10th Floor
San Francisco CA 94104
Redacted

Redacted is a partner in the San Francisco office of Cox, Castle & Nicholson LLP and a member of the firm's Land Use and Natural Resources practice group. He specializes in land use and natural resources entitlement, compliance, and litigation matters for residential and commercial developers and public agencies throughout the state of California.

Redacted land use practice includes obtaining all forms of land use entitlements, including development agreements, vesting and tentative maps, annexations, general plan amendments, rezoning, site development permits, and other land use approvals for urban infill, large-scale master-planned development, residential and commercial mixed-used development, and renewable energy projects.

His natural resources practice includes obtaining permits and approvals under the federal and state Endangered Species Acts, Section 404 of the Clean Water Act, Section 1603 of the California Fish and Game Code (streambed alteration agreements), and the Porter-Cologne Water Quality Control Act (water quality certifications and waste discharge requirements) for residential, commercial, and renewable energy developers. He has assisted in establishing mitigation banks and conservation easements to satisfy permit obligations, and he has participated in the review and preparation of large-scale habitat conservation plans and natural community conservation plans on behalf of both private developers and public agencies. He also has extensive experience preparing and reviewing environmental documents prepared pursuant to the California Environmental Quality Act, the National Environmental Policy Act, and Section 404 of the Clean Water Act.

Redacted also has significant litigation experience defending project approvals on behalf of residential and commercial developers and public agencies in both state and federal courts. He has litigated numerous challenges to project approvals brought under the California Environmental Quality Act, the National Environmental Policy Act, the Clean Water Act, the Endangered Species Act, and a variety of California planning and zoning laws.

Education

- University of California, Berkeley, School of Law (Boalt Hall), JD 2000
- University of Idaho, Environmental Science MS, 1997
- Southwest Texas State University, BA 1994

Recent Publications

- "Fourth District Upholds Lead Agency's Decision Not to Prepare Subsequent CEQA Analysis for a Project Initially Evaluated in a Negative Declaration", *California Land Use Law & Policy Reporter* (June 2012)
- "Second District Upholds Use of Future Projected Conditions As Baseline For Environmental Analysis of a Light Rail Project", *California Land Use Law & Policy Reporter* (June 2012)
- "First Quarter CEQA Case Law Update", *Quarterly CEQA Case Law Update* (May 2012)
- "U.S. Fish and Wildlife Service Issues Final Land-Based Wind Energy Guidelines", *CCN Client Alert* (04.06.12)
- "U.S. Supreme Court Rules That a Clean Water Act Compliance Order Can Now Be Challenged in Court", *CCN Client Alert* (03.22.12)
- "The Army Corps of Engineers Issues New Procedures for Determining Wetland Fill Permit Mitigation Ratios", *CCN Client Alert* (03.01.12)
- "2011 Fourth Quarter CEQA Case Law Update", *Quarterly CEQA Case Law Update* (February 2012)
- "EPA and Army Corps of Engineers Issue Proposed Guidance That Would Expand Their Jurisdiction Under the Clean Water Act", *CCN Client Alert* (05.06.11)
- "Ninth Circuit Allows Project Applicants to Defend Their Projects Against NEPA Lawsuits", *CCN Client Alert* (01.14.11)
- "New Guidance Issued on Categorical Exclusions for Streamlined NEPA Review", *CCN Client Alert* (11.29.10)
- "Take of Endangered Plants in Privately-Owned Wetlands Not Prohibited Under Endangered Species Act", *CCN Client Alert* (08.27.10)
- "A Breath Of Fresh Air - Federal Court Rejects Lawsuit Against Wetlands Fill Permit", *CCN Client Alert* (06.03.10)
- "State and Federal Wildlife Agencies Struggle over California's Listing of California Tiger Salamander", *CCN Client Alert* (05.06.10)
- "California Supreme Court Rejects Attempts to Undermine CEQA's Statue of Limitations", *CCN Client Alert* (April 2010)
- "A Brave New World for Land Use Regulation in the Delta and Along the San Francisco Bay Shoreline", *California Land Use Law and Policy Reporter* (March 2010)
- "2009 Fourth Quarter CEQA Case Law Update", *Quarterly CEQA Case Law Update* (December 2009)
- "It's Not Just About Water: Land Use and Other Provisions in the California Delta Water Bills", *CCN Client Alert* (11.05.09)
- "Incidental Take Authorized for Projects Benefiting Species and Their Habitat", *CCN Client Alert* (10.14.09)
- "Court Expands Corps' Jurisdiction Over Some Seaside Activity", *CCN Client Alert* (10.13.09)
- "2009 Third Quarter CEQA Case Law Update", *Quarterly CEQA Case Law Update* (October 2009)
- "UC Merced Receives Wetlands Permit for Campus and University Community", (05.14.09)
- "Obama Withdraws Bush-Era Endangered Species Regulation", *CCN Client Alert* (05.04.09)
- "Ninth Circuit Provides Guidance on Triggers for Environmental Impact Statements", *CCN Client Alert* (04.30.09)
- "Winter Quarter 2009 CEQA Case Law Update", *Quarterly CEQA Case Law Update* (Winter 2009)

- "Court of Appeal Issues Decision in Sunrise Douglas Litigation", *CCN Client Alert* (03.26.09)
- "The Services Issue Final Rule Amending Section 7 Consultation Regulations", *Client Alert* (12.12.08)
- "EPA and Army Corps of Engineers Issue Revised Wetlands Guidance", *Client Alert* (12.4.08)
- "Floating A New Boat on the Jurisdictional Waters - Army Corps of Engineers and EPA Issue Rapanos Guidance", *Eastern Water Law & Policy Reporter* (Aug-Sept 2007)
- "EPA and Army Corps of Engineers Issue Rapanos Guidance", *CCN Client Alert* (06.06.07)

Recent Speaking Engagements

Past Events

- Wetlands and Land Use Update - *California Water & Law Policy Conference* - (04.20.12)
- Resources Update: Wetlands and Endangered Species - *California County Counsels' Association Land Use Section* - (05.07.10)
- The New Water Legislation and Land Use Issues, Impacts on Urban Water Management Plans - *2010 California Water Law & Policy MCLE Conference* - (04.22.10)
- Resources Update: Wetlands and Endangered Species - *Land Use Spring 2009 Study Section Conference* - (05.08.09)
- The Supplemental EIS - When to Prepare It; Scope and Substance; Standard of Review - *Third Annual NEPA Conference* - (03.29.07)

Other Notable Publications and Speaking Engagements

SELECTED PUBLICATIONS:

- *A Brave New World for Land Use Regulation in the Delta and Along the San Francisco Bay Shoreline*, California Land Use Law and Policy Reporter (Mar. 2010)
- *It's Not Just About Water, and It's Not Just About the Delta: Land Use Regulation and the New Water Bills*, California Land Use Law and Policy Reporter (Dec. 2009)
- *Minor Revisions, Major Implications: The Recent Amendments to the Endangered Species Act Section 7 Regulations*, California Land Use Law and Policy Reporter (Mar. 2009)
- *Floating A New Boat on the Jurisdictional Waters - Army Corps of Engineers and EPA Issue Rapanos Guidance*, California Land Use Law and Policy Reporter (Aug./Sept. 2007)

RECENT SPEAKING ENGAGEMENTS:

- *Rapanos Redux? The Federal and State Wetland Implications of Sackett v. EPA*, 2012 California Water Law & Policy Conference, San Francisco, CA (April 2012)
- *Natural Resources Topics: Incidental Take Authorization and the Public Trust Doctrine*, California County

Counsels' Association Land Use Section, Palm Springs, CA (April 2012)

- *The State's Proposed Wetlands Policy: The Fits and Starts of a New Regulatory Regime*, 2011 California Water Law & Policy Conference, San Francisco, CA (June 2011)
- *Resources Update: Wetlands and Endangered Species*, California County Counsels' Association Land Use Section, San Diego, CA (May 2011)
- *The New Water Legislation and Land Use Issues, Impacts on Urban Water Management Plans*, 2010 California Water Law & Policy Conference, San Francisco, CA (Apr. 2010)
- *The Supplemental EIS - When to Prepare It; Scope and Substance; Standard of Review*, Third Annual NEPA Conference, San Francisco, CA (Mar. 2007)

Professional Affiliations

- State Bar of California
- State Bar of California, Environmental Legislation Committee, Member
- California Land Use Law and Policy Reporter, Editor
- Association of California Water Agencies, Member
- Bay Planning Coalition, Member

COMMUNITY AFFILIATIONS:

- Island Conservation, Board of Directors Member
- Ecology Law Research Institute, Inc., President