



## Christian L. Marsh

### Partner / Executive Committee Member

455 Market Street | Suite 1500  
San Francisco, CA 94105

415.848.4830 | Direct  
[cmarsh@downeybrand.com](mailto:cmarsh@downeybrand.com)

#### Practice Areas

Air Quality & Climate Change | CEQA / NEPA | Endangered Species | Energy | Energy Project Development | Groundwater Law | Infrastructure | Land Use | Pipelines & Terminals | Public Trust Doctrine | Real Property & Land Use Litigation | Recycled Water | Regulatory Law & Business Permitting | Water Law | Water Rights Litigation

Public agencies and private companies turn to Christian Marsh for advice on regulatory and land use entitlement issues governing real estate developments, ground and surface water supply projects, renewable and non-renewable energy facilities, mining operations and processing plants, and port and waterfront developments.

Regardless of the project's size or scope, Christian provides effective and practical advice on matters related to **endangered species**, **water rights**, water quality, wetlands, the **public trust doctrine**, and environmental review under **NEPA and CEQA**. In addition to compliance counseling on these matters, he helps resolve administrative and threatened judicial enforcement matters alleging "take" of endangered species and unlawful discharges or alterations of streams and wetlands under state and federal law. With a particular emphasis on matters pertaining to NEPA and CEQA review, Christian represents clients in state and federal court, and represented the prevailing parties in consecutive appeals before the California Supreme Court.

Before practicing law, Christian served as an assistant to the Director of the White House Office on Environmental Policy and as special assistant in the U.S. Department of the Interior, where he advised the Deputy Secretary and the Assistant Secretary for Water & Science on endangered species and water policy in the Columbia River basin, the California Bay-Delta, and the U.S.-Mexico border region. As a consequence, Christian has a deep understanding of the regulatory process, and his clients value his insight and skillful approach when advocating before state and federal agencies. He is regularly called upon to represent clients on administrative matters before the U.S. Army Corps of Engineers, Fish & Wildlife Service, NOAA Fisheries, Bureau of Reclamation, California State Water Resources and Regional Water Quality Control Boards, Department of Fish & Wildlife, State Lands Commission, Coastal Commission, Bay Conservation & Development Commission, and local governments.

## Experience

### Representative Appeals

- *Save the Plastic Bag Coalition v. City of Manhattan Beach*, 52 Cal.4th 155 (2011). Represented appellant City of Manhattan Beach and amici curiae California League of Cities (League) and California State Association of Counties (CSAC) in appeal involving CEQA's fair argument standard. Prevailed on appeal to California Supreme Court.
- *Stockton Citizens for Sensible Planning v. City of Stockton*, 48 Cal.4th 481 (2010). Represented landowner in defense of claim that approval of a shopping center violated CEQA, the California Constitution, and California planning and zoning laws. Prevailed on appeal to California Supreme Court.
- *Buena Vista Water Storage District v. Kern Water Bank Authority*, 76 Cal.App.5th 576 (2022). Successful appeal in CEQA challenge to Environmental Impact Report (EIR) prepared in support of water rights proceedings before the State Water Resources Control Board. In line with our appeal, EIR upheld in full.
- *Environmental Council of Sacramento v. City of Elk Grove*, 2021 WL 3854906 (Unpub. 2021). Successfully defended challenge to addendum to 1,200-acre Southeast Policy Area Strategic Plan EIR adopted to address alternative habitat mitigation approved for Swainson's hawk.
- *City of Los Angeles v. Inyo County*, 67 Cal.App.5th 1018 (2021). Representing largest municipal utility in the United States in action challenging CEQA exemptions for condemnation of three solid waste landfills and appurtenant water rights in the Owens Valley. Prevailed at trial and on appeal.
- *San Francisco Baykeeper, Inc. v. California State Lands Commission*, 29 Cal.App.5th 562 (2018). Represented leaseholder in action under public trust doctrine challenging sand mining on tide and submerged lands within San Francisco Bay. Court upheld finding by State Lands Commission that mining leases will not impair trust uses or values.
- *Delaware Tetra Technologies, Inc. v. County of San Bernardino*, 247 Cal.App.4th 352 (2016). Lead counsel for county in defense of two related cases challenging a pre-project MOU regarding the Cadiz Valley Water Conservation, Recovery and Storage Project. Actions asserted claims under CEQA, the County's Desert Groundwater Management Ordinance, and principles of California water law. Prevailed at trial and on appeal.
- *Center for Biological Diversity v. County of San Bernardino*, 247 Cal.App.4th 326 (2016). Lead counsel for county in two related cases in defense of CEQA action challenging an EIR for the Cadiz Project. Prevailed at trial and on appeal.
- *San Francisco Baykeeper, Inc. v. California State Lands Commission*, 242 Cal.App.4th 202 (2015). Represented leaseholders in action challenging EIR for sand mining operations in San Francisco and Suisun Bays under CEQA and common law public trust doctrine. Prevailed at trial and appeal on all CEQA claims.
- *Masonite Corporation v. County of Mendocino*, 215 Cal.App.4th 230 (2013). Represented landowner in action challenging an EIR under CEQA and California planning and zoning laws. Prevailed on appeal.
- *Santa Teresa Citizens Action Group v. City of San Jose*, 114 Cal.App.4th 689 (2003). Defense against suit challenging construction of a pipeline for delivery of reclaimed water to a new energy facility brought by a private water company under CEQA, California planning laws, and the common law public trust doctrine. Prevailed at trial and on appeal.

## Representative Trial Court Cases

- *Supporters Alliance for Environmental Responsibility v. City of Los Angeles*. Successful defense against petition for writ of mandate and complaint for declaratory and injunctive relief challenging multi-family development project approved under CEQA's Class 32 infill exemption.
- *Highway 68 Coalition v. County of Monterey*. Represented lead agency in defense of challenge to concessionaire agreement for Laguna Seca Raceway on CEQA and zoning grounds. Successfully settled, securing complete dismissal of all claims.
- *Solano County v. Sacramento Municipal Utility District*. Successfully negotiated settlement of CEQA, Government Code, and Public Utility Code claims against 92-megawatt wind repowering project within the Collinsville-Montezuma Hills Wind Resource Area.
- *AIDS Healthcare Foundation v. City of Los Angeles*. Prevailed on return to writ and in defense of second writ petition in consecutive challenges to EIR for mixed-use, transit-oriented commercial and residential real estate development.
- *Furnee v. North Yuba Water District*. In defense of challenge to annual water allocations exempted under CEQA, secured complete denial of writ petition at trial.
- *North Coast Rivers Alliance v. City of Richmond*. Defense against challenge to EIR and land use approvals for redevelopment of former Point Molate Naval Fuel Depot, including claims under CEQA, Planning and Zoning Law, California Constitution, and the public trust doctrine. Prevailed at trial.
- *Griset v. County of Siskiyou*. Successful defense against challenge to county's urgency ordinance adopted to prohibit groundwater pumping for unlawful cannabis cultivation. Writ petition asserted claims under the California constitution, reasonable use doctrine, and Sustainable Groundwater Management Act (SGMA).
- *Center for Biological Diversity v. City of Temecula*. Lead counsel in defense of EIR for 270-acre specific plan within the Western Riverside County Multi-Species Conservation Plan. Successfully negotiated settlement after trial.
- *Atherton Cove Property Owners Association v. San Joaquin Area Flood Control Agency*. Helped defend challenge to multi-million dollar flood control facility on the San Joaquin River brought under CEQA and grants of sovereign lands under the public trust doctrine. Prevailed at trial.
- *Communities for a Better Environment v. San Joaquin Valley Air Pollution Control District*. Represented real party in interest in defense of action under CEQA and the Air District's air quality rules to enjoin operation of crude oil terminal. Prevailed at trial.
- *Kern Water Bank Authority v. City of Bakersfield*. Lead counsel for groundwater bank in challenge to an EIR for the city's Kern River Flow and Municipal Water Program, a program designed to appropriate additional surface waters in proceedings before the State Water Resources Control Board. Prevailed at trial.
- *Foothill Conservancy v. East Bay Municipal Utility District*. Defense against lawsuit brought under CEQA to set aside programmatic EIR for long-term water supply management program. Successfully negotiated settlement after trial.
- *Natural Resources Defense Council v. Locke*. Served as local counsel to Makah Indian Tribe, amicus curiae in defense of NOAA Fisheries' Pacific Northwest groundfish management plans under the Administrative Procedures Act (APA), NEPA, and the Magnuson-Stevens Fisheries Management Act.

## Representative Energy and Mining Projects

- *Solano 4 Wind Project, Solano County.* Advised regional utility district on CEQA and California Government and Public Utilities Code compliance for 92-megawatt repowering project located on 5,900 acres within the Collinsville-Montezuma Hills Wind Resource Area. Serving as lead counsel in defense of litigation challenging the project.
- *Pipeline Replacement Project, Santa Barbara, San Luis Obispo, and Kern Counties.* Advising client on all aspects of permitting and replacement of 123-mile oil pipeline, including CEQA and NEPA review, state and federal endangered species and clean water act compliance, and tribal and historical resources. Project is one of the only major infrastructure projects in California actively proceeding under the federal FAST-41 program.
- *San Francisco Bay Sand Mining, San Francisco, Solano, and Contra Costa Counties.* Counseled clients on permits and entitlements for mining construction-grade sand from San Francisco and Suisun Bays. Advised on completion of EIR and helped secure approvals from wildlife and regulatory agencies, including California Department of Fish & Wildlife, National Marine Fisheries Service, and the Bay Conservation & Development Commission.
- *Southern Owens Valley Solar Ranch, Inyo County.* Advised water and power agency on an EIR for 200-megawatt photovoltaic solar farm.
- *Santa Maria Oil Drilling & Production Plan, Santa Barbara County.* Represented energy company on EIR for expansion and development of oil wellfield and construction of pipeline for importation of recycled water for oil production activities. The EIR addressed major issues including climate change and air quality, endangered species, public safety and emergency response, and water quality.
- *Utility-Scale Solar Power Plants, California and Nevada.* Advised developer on regulatory strategies under NEPA and CEQA for development of thermal-solar power plants in California and Nevada with planned output of 750 megawatts.
- *El Dorado/Ivanpah Transmission Project, San Bernardino County.* Represented two utility-scale solar developers in supporting CEQA compliance for new substation and transmission line upgrades approved by the California Public Utilities Commission.

## Representative Real Estate Development Projects

- *Point Molate Mixed-Use Development Project, City of Richmond.* Lead land use counsel for city on redevelopment of Navy's former Point Molate Fuel Depot, including review and negotiation of all entitlements (development agreement, zoning and general plan amendments, subdivision map, and design review) and CEQA compliance for 276-acre mixed-use development project involving residential, commercial, civic, parks and open space, and transportation uses.
- *Santa Clara Square, City of Santa Clara.* Advised city on CEQA compliance for 334-acre planned community development project. This infill, mixed-use residential development comprises 1,800 apartment units, 40,000 square feet of retail, 4,500 square feet of office, and 38,000 square feet of amenities.
- *Fairfield Station Specific Plan, City of Fairfield.* Represent landowner on mixed-use project. Successfully negotiated a plan for development and preservation of vernal pool habitat for Contra Costa goldfields and California tiger salamander.

- *Sanctuary Master Development Plan, City of Stockton.* Represented private development company on permits and entitlements for a 2,000-acre mixed-use project. Advised the client on all aspects of CEQA and ESA compliance and helped evaluate and prepare the EIR and Water Supply Assessment.
- *Marina Center Mixed Use Project, City of Eureka.* Represented landowner and developer on 43-acre brownfield mixed-use redevelopment project on permitting and entitlement issues, including certification of the project's EIR. The EIR addressed major issues including climate change, coastal wetlands, site remediation, cultural resources, traffic, and wastewater.
- *East Cypress Corridor Specific Plan, City of Oakley.* Represented landowner and homebuilders on a 1,255-acre master-planned community, and led efforts to conduct NEPA and CEQA review and obtain all federal, state, and local permits associated with surface waters and wetlands, water quality, water supply, and threatened and endangered species.

## Representative Water Rights, Water Supply and Infrastructure Projects

- *San Gabriel River Watershed Project, Los Angeles County.* Advised major regional sanitation agency on CEQA, public trust, fish and wildlife resources (Fish & Game Code § 1602), and related water rights aspects of petition to State Water Resources Control Board to reduce surface water discharges of treated wastewater from five reclamation plants in the San Gabriel River Watershed and support reuse of wastewater for municipal purposes.
- *Vista Grande Drainage Basin Improvement Project, San Francisco and San Mateo Counties.* Representing local agency on joint EIR/EIS being prepared under CEQA and NEPA for a multi-million dollar stormwater management project, including replacement of existing infrastructure, installation of constructed wetlands, and management of water levels within drainage basin. Advising client on regulatory and permitting requirements for special use permits and federal and state approvals associated with surface waters and wetlands, endangered species and habitats, coastal development, and sovereign lands.
- *Kern Water Bank Conservation & Storage Project, Kern County.* Representing regional water bank on the Kern River in the preparation of an EIR to support water rights proceeding before the State Water Resources Control Board.
- *Concord Naval Weapons Station, Contra Costa County.* Advising park district on land-use aspects of transfer and reuse of 2,600 acres of the former naval base, including remediation and land use controls, NEPA and CEQA compliance, and permitting and consultations under the Clean Water Act, Endangered Species Act, and cultural resources laws.
- *Camanche Permit Extension, Amador and Calaveras Counties.* Advised water and utility district on CEQA compliance for extension of permit to divert and store up to 125 million gallons per day (140,000 acre-feet per year) of surface water for municipal purposes.
- *Cadiz Valley Water Conservation, Recovery, and Storage Project, County of San Bernardino.* Advised county on evaluation and approval of 50-year groundwater management plan for pumping project in Mojave Desert proposed to recover 50,000 acre-feet of native groundwater annually.

## Professional & Community Service

- San Francisco Bay Planning Coalition, Board of Directors

- California Construction and Industrial Materials Association
- California Building Industry Association
- California Association of Sanitation Agencies
- Power Association of Northern California
- Bar Association of San Francisco, Environmental Law Section; Executive Committee, 2010-2015
- California Lawyers Association, Environmental Law Section; Executive Committee, 2016-2019
- American Bar Association, Section on Environment, Energy & Resources, 2000-present
- American Bar Association, Endangered Species Committee, Former Chair and Vice-Chair, 2005-2010

## Education

- J.D., University of California College of the Law, San Francisco (formerly University of California, Hastings College of the Law), 2000
- B.A., Economics and Politics, University of California at Santa Cruz, 1992

## Honors & Rankings

- Bay Planning Coalition's 2022 Outstanding Member Award
- Best Lawyers® 2024 Natural Resources Law "Lawyer of the Year" in San Francisco
- Best Lawyers® 2022 Natural Resources Law "Lawyer of the Year" in San Francisco
- Best Lawyers in America®, Natural Resources Law, Water Law, 2020-2024
- Best Lawyers in America®, Environmental Law, Land Use and Zoning Law, Land Use and Zoning Litigation, 2023-2024
- *Super Lawyers*, Northern California Super Lawyer, Energy & Resources, 2019-2023
- *Super Lawyers*, Northern California Rising Star, Environmental Litigation, 2009-2010
- *Sacramento Magazine*, Top Lawyer, Energy & Natural Resources, Land Use/Zoning, 2016-2019
- *Sacramento Business Journal*, Best of the Bar, 2019

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## Speaking Engagements / Events

- *CEQA Update: What the Courts/Legislature Did to Us This Year*, County Counsels' Association of California Fall 2023 Land Use Study Section Meeting, November 30, 2023
- *California's Offshore Wind Energy Potential*, Moderator, Bay Planning Coalition's 2023 Energy & Water



Nexus Workshop, September 15, 2023

- *Navigating California's Unique Legal, Permitting, and Environmental Risks for Offshore Wind*, Joint Webinar Presentation, August 5, 2022
- *Annual CEQA Update Featuring Senator Nancy Skinner*, Speaker, Bay Planning Coalition CEQA Update 2021, December 3, 2021
- *BPC Expert Briefing: CEQA Update 2020*, Bay Planning Coalition's 8th Annual CEQA Update, November 19, 2020
- *Public Trust Doctrine: Exploring the Boundaries of an Ancient Doctrine in an Era of Environmental Regulation*, Panelist, 28th Annual Environmental Law Conference at Yosemite®, October 20, 2019
- *County Administration of Groundwater Under CEQA, the Public Trust Doctrine and SGMA - ELF v. SWRCB and POWER v. Stanislaus County*, Co-presenter, County Counsels' Association of California Spring 2019 Land Use Conference, May 2-3, 2019
- *2018 ACWA Legal Briefing & CLE Workshop Presented by Downey Brand LLP*, ACWA 2018 Fall Conference & Exhibition, November 27, 2018
- *The Future of the Public Trust Doctrine in California*, Participant, Round Table Discussion, NACWA/CASA California Legal Forum & Luncheon, November 15, 2018
- *BPC Workshop: CEQA Update and Federal Regulatory Developments 2018*, Bay Planning Coalition's 6th Annual CEQA Update, October 25, 2018
- *CEQA Mid-Year Update: Case Law & November 2017 Proposed Guidelines*, Speaker, County Counsels' Association of California Spring 2018 Land Use Conference, May 4, 2018
- *CEQA Update: A Perennial Favorite*, Moderator, 26th Annual Environmental Law Conference at Yosemite®, October 22, 2017
- *Biological Resources Sections Dissected*, Presenter, Association of Environmental Professionals (AEP) 2017 State Conference, May 19, 2017
- *Public Trust Implementation on Water Rights: Mono Lake and Beyond*, Panelist, ACWA 2017 Spring Conference, May 9-12, 2017
- *The Public Trust Doctrine: Evolving Role in Land Use and Environmental Decision Making*, Presenter, County Counsels' Association of California Spring 2017 Land Use Conference, May 5, 2017
- *Legal Issues in National Park Management*, Moderator, 25th Annual Environmental Law Conference at Yosemite®, October 22, 2016
- *Hydrology and the Law*, Law Seminars International, September 15, 2016
- *Water Law Litigation and Adjudication Update: Public Trust Doctrine Boundaries for Groundwater and Related Resources*, Presenter, Argent Communications 31st Annual California Water Law & Policy Conference, June 13-14, 2016
- *Ground Water Sustainability, Cadiz Update, Recycled Water, and Basin Adjudication Issues*, Co-presenter, County Counsels' Association of California, Land Use Spring 2016 Study Section Conference, May 6, 2016
- *Land Use and CEQA Litigation Update*, Presenter, League of California Cities City Attorneys' Spring

Conference, May 4-6, 2016

- *Does the Public Trust Doctrine Apply to Groundwater?*, Panelist, American Ground Water Trust, Annual California Groundwater Law Conference, April 26, 2016
- *Recent Developments in the Regulation of Streams and Surrounding Resources*, Presenter, CalCIMA 2015 Education Conference, November 15-18, 2015
- *CEQA Update 2015*, Panelist, Bay Planning Coalition, October 6, 2015
- *CEQA Litigation Update, Hot Topics and Trends*, Co-presenter, ACWA Annual CLE Workshop, September 10-11, 2015
- *Local Groundwater Ordinances and Other Management Actions*, Panelist, American Ground Water Trust, Annual California Groundwater Law Conference, May 15, 2015
- *CEQA and Land Use Litigation Update*, Presenter, League of California Cities, 2015 City Attorneys' Spring Conference, May 6, 2015
- *Ground Water Issues In a Drought Era*, Presenter, California State Association of Counties Land Use Study Section Conference, May 1, 2015
- *California's Wetland Area Protection Policy, An Update on the State's Permitting Regime*, Presenter, California Land Use Law & Policy Second Annual Conference, March 9-10, 2015
- *CEQA Update 2014*, Panelist, Bay Planning Coalition, October 29, 2014
- *Cadiz Valley Groundwater: The Search for New Supplies and Storage in the Desert*, Panelist, Argent Communications 29th Annual California Water Law & Policy Conference, June 20, 2014
- *Management or Madness: Regulatory Frameworks for Groundwater*, Presenter, American Ground Water Trust, Annual California Groundwater Law Conference, May 20, 2014
- *Water Supply Assessments and County Administration of Groundwater*, Presenter, County Counsels' Association of California, May 2, 2014
- *CEQA Reform 2013: Issues, Proposals & Solutions*, Presenter, Association of California Water Agencies, October 3, 2013
- *CEQA Reform and Litigation*, Presenter, League of California Cities 2013 Annual Conference, September 19, 2013
- *Save the Plastic Bag Coalition and CREED: Breathing Life Into the Fair Argument Standard?*, Presenter, League of California Cities, 2012 City Attorneys' Spring Conference, May 3, 2012
- *CEQA Reform and Water Law*, Presenter, Argent Communications 28th Annual California Water Law & Policy Conference, April 23, 2013
- *Land Use Developments Affecting Water*, Presenter, Argent Communications, April 23, 2013
- *Implementing NEPA and CEQA Projects*, Presenter, National Association of Environmental Professionals, April 3, 2013
- *Finding Ways for Migratory Birds and Renewable Energy to Coexist*, Presenter, Sacramento County Bar Association, June 5, 2012



- *Shifting Sands and Evolving Obligations Under CEQA*, Presenter, State Bar of California, Real Property Law Section, May 6, 2012

## Publications

- *California Offshore Wind Gains Momentum with Two Key Milestones in April*, Downey Brand Energy Publication, April 15, 2022
- *Developing Offshore Wind in California – Environmental Permitting and Interconnection Considerations*, Downey Brand Energy Publication, February 18, 2022
- *The California Supreme Court Decides 'Protecting Our Water and Environmental Resources v. County of Stanislaus,' Finding Groundwater Well Permits are Discretionary, Now and Then*, California Water Law & Policy Reporter, Volume 31, Number 1, October 2020
- *Streamlining the Federal Environmental Review Process: The Pros and Cons of FAST-41*, Natural Resources & Environment, Volume 35, Number 1, Summer 2020, July 27, 2020
- *Fifth Appellate District Holds Kern County Oil and Gas Activity Ordinance Invalid*, California Water Law & Policy Reporter, Volume 30, Number 7, April 2020
- *California's Public Trust Doctrine Draws Attention in the Courts*, Legal Notes, Western City, February 1, 2019
- *Appellate Ruling Extends Public Trust Doctrine to Groundwater*, The Daily Transcript, September 24, 2018
- *Protecting the Environment: Water Supply Planning & Endangered Species*, CEB California Municipal Law Handbook - Chapter Editor, 2012-2013
- *Compliance with Federal, State, and Regional Agency Requirements*, CEB California Land Use Practice - Chapter Editor, 2011-2013
- *The California Supreme Court's Recent Flood of CEQA Decisions*, Los Angeles Lawyer Magazine Vol. 33, No. 10, January 2011
- *Renewable Energy: Streamlining Review Under NEPA and the ESA*, ABA Section of Environment, Energy & Resources, Trends Newsletter Vol. 42, No. 2, November/December 2010
- *California's New Water Legislation: A Bucket of Reform or But a Drop?*, ABA Section of Environment, Energy & Resources, Natural Resources & Environment Magazine Vol. 25, No. 2, Fall 2010
- *Environmental Impact Assessment*, ABA Environment, Energy & Resources Law, The Year in Review - Chapter Co-Author, January 2010
- *Prairie Dog HCP Upheld: Wildearth Guardians Appeal*, ABA Section of Environment, Energy & Resources, Endangered Species Committee Newsletter Vol. 12, No. 1, January 2010
- *Court Denies Rehearing in Casitas—The Government may be Liable for Diversion of Water for Fish*, ABA Water Resources Committee Newsletter Vol. 11, No. 3, May 2009
- *The Endangered Species Act: It's Time For Reasoned Reform*, ABA Section of Environment, Energy & Resources, Trends Newsletter Vol. 40, No. 5, May/June 2009

## Legal Alerts

- *Department of Transportation Announces \$426.7 Million Grant to Develop Deepwater Port and Marine Terminal in Humboldt Bay*, January 29, 2024
- *California Energy Commission Releases Draft AB 525 Offshore Wind Strategic Plan*, January 25, 2024
- *Newly Signed SB 286 Streamlines and Clarifies Permitting Process for Offshore Wind*, October 19, 2023
- *New Law Creates Central Procurement Mechanism to Enable Offshore Wind Development*, October 12, 2023
- *Sackett v. EPA: U.S. Supreme Court Redefines Waters of the United States, Eliminating Federal Jurisdiction Over Certain Wetlands and Other Waters*, May 26, 2023
- *CEC Releases Offshore Wind Permitting Roadmap that Proposes Several Permitting Pathways*, May 4, 2023
- *California Energy Commission Releases Draft Permitting Roadmap for Offshore Wind Development and Report on Economic Benefits of Offshore Wind*, January 4, 2023
- *BOEM Announces Results of First West Coast Offshore Wind Lease Sale*, December 7, 2022
- *Fifth Appellate District Invalidates Kern County Oil and Gas Ordinance*, March 12, 2020
- *After Years of Handwringing and Lengthy Stakeholder Negotiations, California Water Board Adopts State Wetland Definition and Procedures for Discharges of Dredge or Fill Material to Waters of the State*, April 4, 2019
- *Third Appellate District Extends Public Trust Doctrine to Groundwater, Finding That Counties Have a Duty to Administer the Trust in Issuing Ministerial Well Permits*, September 7, 2018
- *The California Supreme Court's CEQA Docket Comes To A Dramatic Close For The Year, Resolving That EIRs Need Not Address The Environment's Impacts On A Project*, January 8, 2016
- *California Supreme Court Strictly Interprets State Fully Protected Species Statute and Finds Greenhouse Gas Emissions Analysis Inadequate in Newhall Ranch EIR*, December 2, 2015
- *Update: Berkeley Hillside Case Ends With Victory for Lead Agency in Court of Appeal*, October 30, 2015
- *EPA's Water Rule Blocked Nationwide*, October 9, 2015
- *ESWR Update: WOTUS Rule Blocked by Federal Judge in North Dakota*, September 2015
- *Supreme Court Holds California State University Cannot Avoid Off-Campus Mitigation*, August 5, 2015
- *Appeals Court Decides Crucial Case On State Fish And Wildlife's Extension Of Streambed Alteration Limits To Existing Water Diversions*, June 6, 2015
- *California Supreme Court Delivers Long-Awaited Ruling In Berkeley Hillside*, March 4, 2015
- *Sacramento Trial Court Extends the Public Trust Doctrine to Limit Groundwater Extraction*, July 21, 2014
- *Orange County Trial Court Upholds Cadiz Valley Groundwater Project*, May 6, 2014
- *Trial Court Rejects the Fish and Wildlife Department's Novel Expansion of Streambed Alteration*

*Regulations to Existing Water Rights, January 2013*

## Blogs

- *Extensions to State Project Long-Term Water Supply Contracts Survive Appeal, January 15, 2024*
- *Four Populations of Foothill Yellow-Legged Frog Listed as Endangered or Threatened Under Federal Endangered Species Act, September 7, 2023*
- *Petitioner Required To Post Bond For Costs Incurred As A Result Of Delay In Carrying Out Affordable Housing Project In Livermore, February 1, 2023*
- *Approval Upheld for Lafayette Affordable Housing Project Delayed for a Decade, January 17, 2023*
- *Third District Invalidates Water Bottling Facility EIR for Overly Narrow Project Objectives and Failure to Recirculate, September 20, 2022*
- *First District Invalidates Garaventa Hills EIR for Improperly Classifying No-Project Alternative of Preserving Residentially-Zoned Land as Infeasible, May 23, 2022*
- *Full Quantification of Water Rights Not Required for CEQA Review, Second District Declares, May 24, 2022*
- *California Offshore Wind Gains Momentum with Two Key Milestones in April, April 15, 2022*
- *Third Appellate District Recognizes Unique Regional Resources at Lake Tahoe in Finding Olympic Valley Resort EIR Flawed, December 13, 2021*
- *Are Reductions in Parking a CEQA Impact – Second District Finds Context is Key, October 22, 2021*
- *Governor Newsom's New Executive Order Establishes End Dates For Pandemic-Related Suspensions for CEQA Filing, Posting, Notice, and Tribal Consultation Requirements and Brown Act Meeting Requirements, June 17, 2021*
- *Third District Finds County General Plan Requirements for Mitigating Traffic Impacts Present an Unconstitutional Exaction, June 9, 2021*
- *CEQA Plaintiffs Beware: Meritless Lawsuits May Be Subject To Counter-Claims for Malicious Prosecution, May 21, 2021*
- *Poseidon's Desalination Plant's Supplemental EIR Holds Water According to the Court of Appeal, May 17, 2021*
- *In Martis Camp Ruling, Subsequent Review Under CEQA Hinges on the Right EIR, September 8, 2020*
- *California Supreme Court Throws the Barn Doors Open, Finding That Groundwater Well Permits Aren't Necessarily Ministerial, September 2, 2020*
- *Agency Email Correspondence Must be Retained Under CEQA, Appeals Court Holds, August 3, 2020*
- *Sixth District Holds CEQA Does Not Require Supplemental Review for a Streambed Alteration Permit, July 20, 2020*
- *Governor Newsom Issues Order Requiring Electronic Posting of CEQA Notices and Suspending CEQA Filing, Posting, Notice, and Tribal Consultation Requirements for 60 Days, April 28, 2020*

# DOWNEY BRAND

- *COVID-19 Alert: Judicial Council Amends Emergency Rule 9 for CEQA and Planning Cases*, June 1, 2020
- *Third Appellate District Voids City Council Vote Based on Legislative Member's Bias*, May 27, 2020
- *Fifth Appellate District Invalidates Kern County Oil and Gas Ordinance*, March 12, 2020
- *Trump Administration Announces Three Rules Making Sweeping Changes to Federal Endangered Species Act Regulations*, August 20, 2019
- *After Years of Handwringing and Lengthy Stakeholder Negotiations, California Water Board Adopts State Wetland Definition and Procedures for Discharges of Dredge or Fill Material to Waters of the State*, April 4, 2019
- *First District Rejects "Location Exception" for Project in Earthquake Fault and Landslide Areas and Affirms Class 3 Exemption for Small Residential Projects in the Berkeley Hills*, April 2, 2019
- *California Supreme Court Set to Review Companion Groundwater Cases and Resolve When County-Issued Well Permits May Be Treated As Ministerial and Not Subject to CEQA*, November 27, 2018
- *Bay Planning Coalition Workshop: 2018 CEQA Update and Federal Regulatory Developments*, October 22, 2018
- *Administration Continues its Roll on Regulatory Changes, Proposing Numerous Changes in Rules Governing Federal Endangered Species Act*, July 23, 2018
- *For the First Time in Forty Years, White House Council on Environmental Quality Poised to Propose Major Overhaul of its Implementing Regulations Under NEPA*, July 2, 2018
- *Banning Ranch Conservancy v. City of Newport Beach*, May 2, 2017
- *Downey Brand's Fall 2016 CEQA and Land Use Litigation Update*, October 11, 2016
- *California Supreme Court Rejects "New Project Test" and Defers to Agencies on Whether Project Modifications Require Subsequent Environmental Review*, September 21, 2016
- *Air District CEQA Guidelines Partially Invalidated For Mandating "CEQA-In-Reverse" Analysis, Following Remand From California Supreme Court*, August 22, 2016
- *Appellate District Rejects 'Discovery Rule' in CEQA Cases and Holds Challenge to Richmond Crude-By-Rail Facility Untimely Under 180-day Statute of Limitations*, August 15, 2016
- *Appellate District in Newhall Ranch Case Limits its Jurisdiction to Supervise Agency Compliance with Rulings in CEQA Cases*, July 25, 2016
- *Downey Brand's Spring 2016 CEQA and Land Use Litigation Update*, May 23, 2016
- *Appeals Court Affirms Cadiz Valley Groundwater Project*, May 11, 2016
- *Another Busy Year for CEQA in the California Supreme Court: Arguments Set for May 4 in San Mateo Gardens Case; Four Other Cases Pending*, April 4, 2016