



Austin C. Cho Associate

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Practice Areas

CEQA / NEPA | Endangered Species | Flood Protection Law |
Groundwater Law | Public Trust Doctrine | Regulatory Law & Business
Permitting | Water Law | Water Rights Litigation

When facing complex water rights issues, clients look to Austin Cho for his shrewd analysis and creative solutions.

Austin assists public agencies and private clients in a variety of matters, including surface and groundwater rights concerns, environmental permitting, and project development and financing. Austin regularly advises on Proposition 218 compliance, the Sustainable Groundwater Management Act (SGMA), and the California Environmental Quality Act (CEQA). Utilizing his expertise and resourcefulness, Austin helps clients successfully navigate the regulatory world to achieve their goals.

Experience

- Provides water rights advice and other assistance to public and private entities, including the assessment of claimed groundwater, riparian, appropriative, and pre-1914 water rights.
- Counsels public agencies regarding compliance with transparency requirements of the Brown Act, and conflict of interest considerations under the Political Reform Act and Government Code section 1090.
- Covers board meetings and assists with the preparation and review of ordinances, resolutions, financing vehicles, and election materials in a general counsel capacity for local agency clients.
- Manages evidentiary records in complex administrative and legal proceedings.
- Provides guidance on the complexities of developing common law including the California Public Trust and Area of Origin doctrines.
- Facilitates project approvals with state and federal permitting bodies and ensures compliance with environmental laws including CEQA, NEPA, and the Endangered Species Act.
- Advised on the formation of Groundwater Sustainability Agencies and assists with the development of Groundwater Sustainability Plans and Alternative Plans in compliance with SGMA.
- Drafted and submitted legal briefs to appellate courts and the California Supreme Court.

- Conducted discovery, prepared motions, and assisted with briefing in complex groundwater rights litigation.
- Achieved beneficial outcomes before the SWRCB, including temporary urgency permits to appropriate water outside of the permitted season, a small domestic use registration for a pond with capacity greater than 10 acre-feet, and a workable settlement of an administrative enforcement action.
- Facilitated the necessary covenants and agreements for the construction and operation of flood control facilities in the Delta.
- Prepared testimony, exhibits, and descriptions of the appropriative and riparian water rights of dozens of clients in the California WaterFix change petition hearing before the SWRCB.
- Produced a comprehensive primer on the permitting and licensing standards for the distribution of drinking water from a private spring.
- Counseled a public agency client on strategy relating to an upstream diverter's petition for assignment of high-priority state-filed applications; drafted request to the State Water Board for Release from priority in favor of client's license.

Professional & Community Service

- Sacramento County Bar Association, Environmental Law Section
- Contributing Author, California Water Law & Policy Reporter

Education

- J.D., University of California at Davis School of Law, 2015
- B.A., University of California at Santa Barbara, 2006

Honors & Rankings

- Order of the Coif
- Phi Kappa Phi Honor Society
- Jun Aoki Book Award, 2015
- Finalist, CEB Annual Award for Excellence in Legal Research and Writing, 2013
- Witkin Award for Academic Excellence in Legal Research and Writing, 2013

Speaking Engagements / Events

- *Ethics Training: Conduct and Ethics Training for Water Agency Officials: A Primer on AB 1234*, Co-Presenter, ACWA 2018 Spring Conference & Exhibition, May 10, 2018
- *AB 1234 Ethics Training for Local Agency Officials*, December 13, 2017

Publications

- *California WaterFix: A Snapshot of the SWRCB Water Rights Change Hearings*, Environmental Law News, Vol. 26, No. 1, Spring 2017
- *Let's Get Physical—Water Rights, Takings, and the Endangered Species Act*, California Water Law & Policy Reporter, Vol. 12, No. 1, February 2017

Legal Alerts

- *New Law Mandates That Special Districts Maintain Public Websites by January 2020; Limited Exemptions Available*, February 13, 2019
- *AB 2257: New Brown Act Requirements for Meeting Agendas on Local Agency Websites Effective for Meetings Held on and after January 1, 2019*, September 13, 2018
- *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
- *WaterFix EIR Certification and NOD Client Alert*, July 24, 2017
- *SB 272: A New Disclosure Requirement Under the Public Records Act, Effective July 1, 2016*, July 22, 2016

Blogs

- *DWR Certifies EIR for WaterFix, Triggering 30-Day Deadline for Opponents to File Suit*, July 25, 2017