



Samuel E. Bivins Senior Associate

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Practice Areas

CEQA / NEPA | Endangered Species | Environmental/Toxics Litigation |
Groundwater Law | Sustainable Groundwater Management Act (SGMA) |
Water Law | Water Rights Litigation

Clients facing complex environmental litigation and water rights disputes turn to Sam Bivins for his creative analytical skills, persuasive advocacy, and strategic approach to problem solving.

Sam represents clients facing litigation in a broad range of matters, including Endangered Species Act litigation, water rights litigation, CEQA litigation, and disputes under Proposition 218 and the Mitigation Fee Act. Among other accomplishments, Sam successfully defended a California city's water-neutral development fee from a building industry challenge, and recovered hundreds of thousands of dollars in delinquent local agency assessments from the State of California in 2019. He also represents the plaintiffs in the first comprehensive groundwater rights adjudication filed under California's new streamlined adjudication procedures.

Sam's expertise in endangered species issues and relationships with experts and federal officials often allow his clients to resolve disputes before they go to court. But when litigation is necessary, Sam's creativity and tenacious approach to litigation place his clients in strong positions at all stages of a case, including through trial. As a former federal district court law clerk, Sam's uncommon experience viewing cases from the other side of the bench results in a uniquely valuable strategic perspective when his clients are forced to defend their rights in court.

In addition to his litigation practice, Sam provides advice and counsel to public and private clients on water rights and related environmental and constitutional issues, including SGMA, the National Historic Preservation Act, CEQA, Propositions 26 and 218, and the Mitigation Fee Act. Clients repeatedly look to Sam for advice on these issues because they know they'll receive practical, strategic advice delivered in a cost-efficient way.

Experience

- Representation of multiple clients in complex cases under sections 7 and 9 of the federal Endangered Species Act.
- Successfully defended California city's water-neutral development fee from statutory and constitutional challenge brought by building industry associations.

- Initiated first groundwater adjudication under California's Streamlined Adjudication Law.
- Successfully recovered hundreds of thousands of dollars in delinquent local agency assessments from various California state agencies.
- Negotiated extensively with federal agency and Native American tribe regarding tribal cultural resources on behalf of public agency client.
- Represents water storage district in proceedings to revoke or revise fully appropriated stream designation of Kings River before the State Water Resources Control Board.

Professional & Community Service

- Member and past Chair of the West Sacramento Environment and Utilities Commission
- Law clerk to The Hon. Morrison C. England, Jr., U.S. District Court for the Eastern District of California, 2015-2016
- Yolo County Transportation Advisory Commission, Commissioner
- Reading Partners, Former Board Member
- Sacramento County Bar Association
- Duke Law Journal, 2012-2014

Education

- J.D., *cum laude*, Duke University School of Law, 2014
- B.A., History, University of California at Davis, 2010

Honors & Rankings

- *Super Lawyers*, Northern California Rising Star, Energy & Resources, 2018-2020
- *Sacramento Magazine*, Top Lawyer, Energy & Natural Resources, 2017
- Phi Beta Kappa
- Citation for Outstanding Performance in History
- UC Davis Fulmor Scholar

Speaking Engagements / Events

- *Understanding California Surface Water Rights*, Presenter, HalfMoon Education Seminar on Water Laws and Regulations, January 16, 2019
- *ESA Regulation and Water Rights: The Klamath Decision on Takings*, Co-presenter, Argent Communications 33rd Annual California Water Law & Policy Conference, June 11, 2018

Publications

- *Council on Environmental Quality Publishes Final Rule Updating NEPA's Implementing Regulations*, Argent Communications Group, September 7, 2020
- *California Department of Fish and Wildlife Issues Incidental Take Permit for Long-Term Operations of the State Water Project*, Argent Communications Group, May 6, 2020
- *Environmental and Fishing Organizations Challenge Approval of Grasslands Bypass Project Under State and Federal Law*, California Water Law & Policy Reporter, Volume 30, Number 5, February 2020
- *Agencies Propose Reforms to Endangered Species Act Regulations*, Daily Journal, October 29, 2018

Legal Alerts

- *Appeals Court Decides Crucial Case On State Fish And Wildlife's Extension Of Streambed Alteration Limits To Existing Water Diversions*, June 6, 2015