

DEBORAH A. SIVAS

Stanford Law School • 559 Nathan Abbott Way • Stanford, CA 94305 • (650) 723-0325 • dsivas@stanford.edu

EDUCATION

Stanford Law School

Doctor of Jurisprudence (1987)
With Distinction

University of California, Davis

Master of Science in Ecology (1984)
Concentration in Environmental Public Policy
Admitted to PhD program

Occidental College

Bachelor of Arts in Biology (1982)
Minor in Philosophy
Magna Cum Laude
Phi Beta Kappa (1981)

EXPERIENCE

- 1997 - present **Luke W. Cole Professor of Environmental Law**
Director, Stanford Environmental Law Clinic
Director, Stanford Environmental and Natural Resources Law & Policy Program
Stanford, California
- 1996-1997 **Principal**
Gunther, Sivas & Walthall (dba Conservation Law Project)
San Francisco, California
- 1994-1996 **Environmental Attorney/Founding Legal Program Director**
Sierra Club Legal Defense Fund (now Earthjustice)/The Lands Council
Seattle, Washington
- 1988 - 1994 **Environmental Attorney**
Heller, Ehrman, White & McAuliffe
San Francisco, California
- 1987-1988 **Law Clerk**
District Judge Judith N. Keep
U.S. District Court, Southern District of California
- 1986-1987 **Graduate Research Assistant**
Professor Robert C. Ellickson
Stanford Law School

Summer 1986 **Summer Law Clerk**
Natural Resources Defense Council
San Francisco, California

Summer Law Clerk
U.S. Environmental Protection Agency
Washington, D.C.

Summer 1985 **Summer Law Clerk**
District Judge Thelton E. Henderson
U.S. District Court, Northern District of California

1983 - 1984 **Graduate Research Assistant**
Golden Empire Health Planning Center
Sacramento, California

PUBLICATIONS

Managing Uncertainty in Carbon Offsets: Insights from California's Standardized Approach,
Climate Policy (June 2020) (co-author)

*The Past, Present, and Future of California's Coastal Act: Overcoming Division to
Comprehensively Manage the Coast* (Aug. 2017) (co-author)

*The Public Trust Doctrine: A Guiding Principle for Governing California's Coast Under
Climate Change* (July 2017) (co-author)

California Water Governance for the 21st Century, Earth Law and Stanford Law School ENRLP
Program (Mar. 1, 2017) (co-author)

An Environmental Call to Action, STANFORD JOURNAL OF CIVIL RIGHTS AND CIVIL LIBERTIES
(Feb. 1, 2017)

California Coastal Democracy at Forty: Time for a Tune-Up, STANFORD ENVIRONMENTAL LAW
JOURNAL (Dec. 2016)

Managing Coastal Armoring and Climate Change Adaptation in the 21st Century, Stanford Law
School ENRLP Program (2015) (contributor)

Guiding ecological principles for marine spatial planning, MARINE POLICY, 2010 (co-author)

*A New Vision for California Ocean Governance: Comprehensive Ecosystem-Based Marine
Zoning*, 27 STANFORD ENVIRONMENTAL LAW JOURNAL 209-270 (Jan. 2008) (co-author)

*Local Initiatives to Implement the Endangered Species Act: The Challenge of Developing
Habitat Conservation Plans* in ENDANGERED SPECIES ACT & FEDERALISM: EFFECTIVE
SPECIES CONSERVATION THROUGH GREATER STATE COMMITMENT (Arha and Thompson
eds., Resources for the Future) (forthcoming) (co-author)

Semi-Annual Revisions, BROWNFIELDS LAW AND PRACTICE: THE CLEANUP AND REDEVELOPMENT OF CONTAMINATED LAND (LexisNexis-Matthew Bender) (from 1997-2005 reviewed and updated four-volume treatise twice a year and authored new chapters)

Principal chapter author or co-author:

Nature and Effects of the Brownfields Problem (Ch. 1)
Liability of Parties to Brownfields Transactions Under CERCLA (Ch. 4)
Type of Site Investigations (Ch. 9)
National Priorities List (NPL) Cleanups (Ch. 12)
EPA Prospective Purchaser Agreements and Comfort/Status Letters (Ch. 13)
Underground Storage Tanks and RCRA Corrective Action (Ch. 18)
Asbestos Cleanups (Ch. 19)
State Voluntary Cleanup Programs (numerous chapters)

Author of significant chapter edits:

Non-CERCLA Liability and Requirements that Can Impede Brownfields Development (Ch. 5)
Remediation and Redevelopment of Contaminated Federal Facilities (Ch. 14)
Institutional Controls (Ch. 24)
Tax Treatment of Environmental Remediation Costs (Ch. 30)

Brownfields Cleanup and Development in ENVIRONMENTAL LAW AND PRACTICE GUIDE (LexisNexis-Matthew Bender) (2004)

Inactive Sites B The Superfund Process in ENVIRONMENTAL LAW AND PRACTICE GUIDE (LexisNexis-Matthew Bender) (2003)

Emerging Comprehensive Regulation of Medical Waste in THE LAW OF HAZARDOUS WASTE: MANAGEMENT, CLEANUP, LIABILITY AND LITIGATION (LexisNexis-Matthew Bender) (2001)

Groundwater Pollution from Agricultural Activities: Policies for Protection, STANFORD ENVIRONMENTAL LAW JOURNAL (1987-1988)

Managing the Electronic Industry's Hazardous Waste: Technology and Economics of Alternatives to Land Disposal, a report to the California Legislature (July 1985) (co-author)

HIGH TECH AND TOXICS: A GUIDE FOR LOCAL COMMUNITIES (October 1985) (co-author)

SELECTED PRESENTATIONS AND POPULAR PIECES

Panelist, *Annual Supreme Court Review and Preview*, Environmental Law Institute Webinar (Oct. 1, 2020)

Speaker, *Natural Resources at a Crossroads: How 2020 Has Affected Natural Resources Law and Policy and Highlighted the Importance of Private/Public Collaborations to Advance Shared Objectives*, 12th Natural Resources Symposium (Sept. 17, 2020)

Panelist, *Law School-Based Environmental Law Clinics: A Critical Role in Private Enforcement and Legal Training*, California Lawyers Association, Environmental Law Section Webinar (June 30, 2020)

Speaker, *2019 China Ocean NGO Forum*, Marine Pollution Session, Hainan, China (Oct. 28-31, 2019)

Author, *The War Over Vehicle Emission Standards: Uncooperative Federalism?*, Harvard Law Review Blog (Oct. 25, 2019)

Panelist, *Public Trust Doctrine: Exploring the Boundaries of an Ancient Doctrine in an Era of Environmental Regulation*, Environmental Law Conference at Yosemite (Oct. 20, 2019)

Guest Speaker, *Challenging Obama-Era Fuel Economy Standards*, Stanford Legal on SiriusXM (May 15, 2019)

Commenter, *Sixth Conference for Junior Researchers*, Stanford Law School (May 10, 2019)

Moderator/Participant, *Strengthening the Great Blue Wall: The West Coast Response to Offshore Oil Drilling*, U.C. Irvine (Oct. 8, 2018)

Author, *With EPA Suit, California Leads Battle over Fuel-Economy Standards*, Axios (May 2, 2018)

Panelist, *Water Scarcity*, Emmet Interdisciplinary Program in Environment and Resources, Stanford, California (Apr. 20, 2018)

Invited Speaker, *The Impact of Coastal Drilling*, Listening Session by Rep. Mike Thompson, Jackie Speier, and Jared Huffman, Sausalito, California (Mar. 27, 2018)

Presenter, *The Trump Administration Environmental Policies*, Stanford Levin Public Interest Center (Feb. 15, 2018)

Guest Panelist, *States Rights*, Stanford Radio (Mar. 30, 2018)

Panelist, *Federalism and the Climate Change Problem: The Limits of Local Action*, U.C. Berkeley School of Law Conference on Federalism Now, Berkeley, California (Nov. 3, 2017)

Panelist, *Receding and Advancing Jurisdictional Boundaries and the Interplay Between Federal and State Wetlands and Species Regulation*, Environmental Law Conference at Yosemite (Oct. 22, 2017)

Presenter, *Third Branch Shakings: Recent Environmental Law Cases in the Federal Court*, Bar Association of San Francisco (Sept. 20, 2017)

Debater, *Takings and Sea Level Rise*, Second Annual California Coastal Law Conference, CLE International, Los Angeles (Sept. 19, 2017)

Author, *Rolling Back the Years*, Helsinki Times (Aug. 10, 2017)

Presenter, *What Comes Next for Climate Change and the Law*, Texas Environmental Law Journal Symposium, Austin, Texas (Mar. 24, 2017)

Presenter, *Agricultural Water Pollution in Monterey County: Searching for Solutions in a Time of Increasing Water Scarcity*, Stanford Public Policy School (Jan. 30, 2017)

Discussion Facilitator, *California's Coastal Act: The Next 40 Years Symposium*, U.C. Berkeley (Nov. 17, 2016)

Presenter, *Trump=s Environmental and Energy Agenda: The First Six Months*, ProVisors, San Jose, California (June 8, 2016)

Author, *Coastal Commission Reforms Badly Needed*, San Jose Mercury News (Feb. 19, 2016)

Author, *Coastal Commission Made Correct Call on SeaWorld Whales*, San Diego Union-Tribune (Jan. 7, 2016)

Presenter, *Engaging Students in Organizational Representation*, AALS 38th Annual Conference on Clinical Legal Education, Rancho Mirage, California (May 5, 2015)

Participant, *Human Rights and the Environment: Interdisciplinary Approaches*, Stanford Human Rights Center, A Transnational Conference Sponsored by the Ford Foundation, Stanford, California (Oct. 16, 2014)

Presenter (invited by Assemblyman Mark Stone), *Seawater Desalination Impacts*, California State Assembly, Select Committee on Coastal Protection, Sacramento, California (Sept. 24, 2014)

Presenter, *Environmental Priorities in California*, California Wetlands: Insights from Policy Makers and Regulators, San Francisco, California (May 5-6, 2014)

Panel Moderator, *Modern Indian Law and Recent Supreme Court Cases*, Stanford Native American Law Association, Contemporary Issues in Indian Law Conference (Feb. 7, 2014)

Panelist, *Do Water and Energy Mix?*, Planning and Conservation League Symposium, Water for Life: Towards an Equitable and Sustainable Water Future for California, U.C. Davis (Feb. 1, 2014)

Panelist, *Law for Resource Managers*, U.S. Forest Service Conference, Sacramento, California (Nov. 20, 2013)

Speaker, *Working To Reform Factory Farms*, 2103 Animal Rights Conference, Stanford, California (Oct. 25, 2013)

Panel Moderator, *Practical Advice for Prosecuting State and Federal Citizen Suits*, California State Bar Program on Private Enforcement of Environmental Law (June 28, 2013)

Panelist, *State and Federal Ballast Water Regulation*, San Francisco, California, Bay Planning Coalition (June 7, 2012)

Speaker, *Lessons Legal and Policy Lessons from the Deepwater Horizon Spill* at Sanford Chapter of Scientists and Engineers of America (Oct. 5, 2010)

Co-author, *CEQA is worth a goal-line stand*, The Sacramento Bee (July 30, 2010)

Panelist, *BP and the Gulf Disaster: When Green is More than a Color*, Women's Caucus of the California Democratic Party (July 16, 2010)

Panelist, *ABC=s: Practical Aspects of Prosecuting Citizens= Suits*, California State Bar Program on Private Enforcement of Environmental Law - Prosecuting and Defending Citizens= Suits (June 25, 2010)

Moderator, *Panel on Environmental Impact of Food Production*, Carrots and Sticks: A

Symposium of Food Policy and Law (April 23, 2010)

Panelist, *Environmental Law*, University of California Berkeley School of Law Symposium Honoring Thelton E. Henderson's Thirtieth Anniversary on the Bench (April 16, 2010)

Speaker, *17th Annual Endangered Species Act Conference*, Seattle, Washington, (Jan. 28-29, 2010)

Author, *After Copenhagen B What=s Next*, The Daily Journal (Jan. 6, 2010)

Speaker, *Fisheries Leadership and Sustainability Forum*, Monterey, California (Sept. 27-30, 2009)

Speaker, *Ballast Water Discharges: The Regulation of Invasive Species and Other Pollutants*, South Carolina Journal of International Law and Business, Spring 2009 Symposium, Columbia, South Carolina (Feb. 27, 2009)

Panelist, *Environmental Law Education: A clinical approach*, Commission on Environmental Cooperation, Mexico City, Mexico (Nov. 12, 2008)

Panelist, *Coastal Footprints: Minimizing Human Impacts, Maximizing Stewardship*, The Coastal Society, Redondo Beach, California (July 2, 2008)

Panelist, *Managing for a Healthy California Current Ecosystem Workshop*, COMPASS, U.C. Berkeley, Boalt Hall (Apr. 14, 2008)

Panel Moderator, *Taking it to the Courts: Litigating Climate Change, Beyond Kyoto: The Future of International Climate Change Policy*, U.C. Davis School of Law (Feb. 29, 2009)

Speaker, *A New Vision for California Ocean Governance: Comprehensive Ecosystem-Based Marine Zoning?*, Environmental Forum, Woods Institute for the Environment (Feb. 28, 2008)

Panelist, *Climate Change Impacts Under NEPA*, Law Seminars International Telebriefing (Dec. 18, 2007)

Guest, *Money for Breakfast*, Fox Business Network (Nov. 19, 2007) (discussing ruling in *CBD v. NHTSA* case on CAFÉ standards, greenhouse case emissions, and global warming)

Guest, *The Mike Feder Show*, Sirius Satellite Radio=s Liberal Talk Show (May 21, 2007) (discussing argument in *CBD v. NHTSA* case on CAFÉ standards, greenhouse case emissions, and global warming)

Speaker, *Global Warming in the Courts: What Comes after Massachusetts v. EPA?*, Stanford Alumni Association Event (May 19, 2007)

Speaker, *Practical Aspects of Prosecuting Citizen Suits under Key State and Federal Statutes*, Cal. State Bar, Environmental Law Section Conference, APrivate Enforcement of Environmental Law,@ Oakland, California (May 11, 2007)

Panelist, *Massachusetts v. EPA: Are You Prepared for the New Change in Climate?*, West Legalworks Webcast (Apr. 19, 2007)

Guest, *The EPA and Emission Control*, Forum, KQED Radio (Apr. 4, 2007)

Speaker, *Global Warming in the Courts: The Search for Judicial Remedies in the Face of Federal Inaction*, Winter Quarter Energy Seminar, Woods Institute for the Environment, Stanford, California (Jan. 31, 2007)

Author, *If court won't act, Congress must tackle climate change*, San Jose Mercury News (Dec. 4, 2006)

Panelist, *Clean Water Jurisdiction Under Attack: Rapanos and Carabell*, 24th Annual Public Interest Environmental Law Conference, Univ. of Oregon School of Law (Mar. 4, 2006)

Panelist, *Environmental Law in the U.S. Supreme Court: A Panel Discussion*, Annual Environmental Law Symposium, U.C. Davis School of Law (Sept. 2004)

Speaker, *ABC=s: Practical Aspects of Bringing Citizen Suits*, Cal. State Bar, Environmental Law Section Conference, APrivate Enforcement of Environmental Law: Prosecuting and Defending Citizen Suits,@ Oakland, California (June 25, 2004)

Speaker, *Protecting Living Marine Resources*, ABA Standing Committee on Environmental Law, 32nd National Spring Conference on the Environment, AProtecting Our Oceans: Legal and Policy Responses to Declining Marine Ecosystems,@ Baltimore, Maryland (June 11, 2004)

Author, *Should a permit be required for ballast water discharges? Point: Counterpoint*, Great Lakes Commission Advisor (Sept/Oct. 2003)

Speaker, *Federal Environmental Policy in 2003*, Thursday Morning Dialogue (Sept. 2003)

Speaker, *The Role of Invasive Species in the ASixth Extinction@ Crisis*, Quest Scholars Program, Stanford, California (July 2003)

Speaker, *United States Supreme Court Update: Recent Developments in Federalism, 11th Amendment Immunity, Standing, and Mootness*, Cal. State Bar, Environmental Law Section Conference, APrivate Enforcement of Environmental Law: Prosecuting and Defending Citizen Suits,@ Oakland, California (Feb. 22, 2002)

Panelist, *Starting, Managing and Sustaining Environment Law Clinics*, NAELS Conference on Ocean & Environmental Law (Mar. 9, 2000)

Moderator and Panelist, *Treaty Rights Imperiled: Tribal Perspectives on the Columbia River Salmon Crisis* and *Starting, Managing, and Sustaining Environmental Clinics*, NAELS Conference on Ocean & Environmental Law (Mar. 11, 2000)

REPRESENTATIVE CASES

National Park Conservation Assoc. v. Fed. Energy Regulatory Comm., Case Nos. 19-72915 and 19-73079 (pending 9th Cir.): Represent non-profit organization challenging license extension for hydro project adjacent to Joshua Tree National Park

California Coastkeeper Alliance v. California State Lands Commission, Case No. 34-2017-80002736 (pending Cal. Court of Appeal): Represent non-profits challenging approval of regional desalination project under CEQA and public trust doctrine

Monterey Coastkeeper v. Central Valley Regional Water Quality Control Board, Case No. 34-2018-80002853 (pending Sacramento Superior Court): Represent environmental, environmental justice, and fishing groups in challenge to agricultural discharge permit

Monterey Coastkeeper v. Central Coast Regional Water Quality Control Board, Case No. 34-2017-80002655 (pending Cal. Court of Appeal): Represent non-profit organizations in challenge to agricultural discharge waiver order

Pit River Tribe v. Bureau of Land Management, 939 F.3d 962 (9th Cir. 2019): Successfully challenged energy leases on behalf of tribal and environmental interests

Sierra Trail Dogs Motorcycle and Recreation Club v. U.S. Forest Service, 2020 WL 3808895 (D. Nev. July 6, 2020): Intervened on behalf of non-profit organizations to successfully defend Forest Service rule protecting imperiled bi-state sage grouse

Monterey Coastkeeper v. State Water Resources Control Board, 28 Cal. App. 5th 342 (2018): Successfully litigated Porter-Cologne Act challenges to State Water Board order waiving permit requirements for agricultural discharges

Oakland Bulk & Oversized Terminal, LLC v. City of Oakland, Case No. 16-cv-07014 (N.D. Cal.): Assisted briefing on ICCTA preemption and dormant Commerce Clause issues

Youth for Environmental Justice v. City of Los Angeles, Case No. B282822, 2019 WL 642452 (Cal. Court of Appeal 2019): Drafted *amicus* brief on behalf of law professors in support of Anti-SLAPP suit petitioners

Restore Hetch Hetchy v. City and County of San Francisco, Appeal Case No. F074107: Drafted *amicus* brief on behalf of environmental law professors

Chevron U.S.A v. County of Monterey, Case No. 16CV003978 (Monterey Superior Ct., appeal pending): Represent local anti-fracking initiative sponsor in defending Measure Z against challenge by multiple oil industry challengers

Florida v. Georgia, 2018 WL 3129786 (U.S. Supreme Court slip op. June 27, 2018): Drafted *amicus* brief on behalf of multiple conservation groups; case remanded to special master

In re Border Infrastructure Environmental Litigation, Consolidated Cases 3:17-cv-01215, 01873, 01911 (S.D. Cal.; appeal pending): Drafted *amicus* brief on behalf of Congressional Hispanic Caucus

Lynch v. Cal. Coastal Commission, 3 Cal. 5th 470 (2017): Drafted *amicus* on behalf of public access groups on adverse impacts of coastal armoring (seawalls) to beaches, wildlife, and neighboring property in light of rising sea levels

Surfrider Foundation v. Martins Beach, 14 Cal. App. 5th 238 (2017): Drafted *amicus* brief on behalf of non-profit organization supporting public access to coast

Desert Survivor v. U.S. Dep't of the Interior, 321 F.Supp.3d 1011(N.D. Cal 2017): Successfully litigated failure to list Bi-State Sage Grouse under the Endangered Species Act

LandWatch San Luis Obispo County v. Cambria Community Services District, Case No. 14CVP-0258 (San Luis Obispo Co. Superior Ct): CEQA challenge to desalination facility approved without environmental review

Center for Biological Diversity v. San Benito County, Case No. M123956 (Monterey Co. Superior Ct., Sept. 12, 2014): Successfully challenged County=s failure to prepare an EIR under CEQA

Natural Resources Def. Council v. U.S EPA, 808 F.3d 556 (2d Cir. 2015): Lead counsel successfully litigating EPA nationwide permit issued under the Clean Water Act for all vessel discharges 808 F.3d 556 (2d

Friends of the Eel River v. North Coast Railroad Authority, 3 Cal. 5th 677 (2017): Successfully co-counseled CEQA appeal and federal preemption issues in connection with refurbishment of abandoned rail line

Salmon Protection and Watershed Network v. County of Marin, 125 Cal. App. 4th (2014): Successfully litigated CEQA challenge in connection with County=s environmental review of cumulative impacts to, and mitigation measures for, coho salmon under new general plan

Sierra Club v. County of Tulare, Case No. 249061 (settled): Co-counsel CEQA challenge in connection with EIR prepared for general plan

Pacific Shores Property Owners Ass=n v. Fed. Aviation Admin., 2014 WL 985960 (N.D. Cal. 2014): Intervened in and successfully defended case challenging purchase of wetlands for mitigation under CEQA and federal law

Capistrano Taxpayers Association v. City of San Juan Capistrano, 235 Cal.App.4th 1493 (Cal. 5th App. Dist., 2015)): Drafted *amicus* in Proposition 218 challenge, defending city=s legal ability to impose graduated water rates

Cleveland National Forest Foundation v. San Diego Ass=n of Governments, Case No. (Cal. Supreme Court, pending): Drafted *amicus* on public health and greenhouse gas emission impacts in connection with CEQA challenge to regional transportation plan

Presidio Historical Soc=y v. Presidio Trust, 2013 WL 2435089 (N.D. Cal. June 3, 2013), appeal pending, Case No. 13-16554 (9th Cir.): Challenged management plan for failure to comply with NEPA, the National Historic Preservation Act, and the Presidio Trust Act

Center for Biological Diversity v. California Dep=t of Fish and Game, Case No. C072486 (Cal. 3d App. Dist.): Successfully litigated CEQA challenge involving California=s fish stocking program

E.P.A. v. EME Homer City Generation, 134 S.Ct. 1589 (2014): Drafted *amicus* on the electricity generation grid in Clean Air Act case involving interstate pollution

Intertribal Sinkyone Wilderness Council v. National Marine Fisheries Service, 970 F.Supp.2d 988 (N.D. Cal. 2013): Drafted *amicus* brief on behalf of various Canadian environmental organizations in case successfully challenging navy sonar activities

Decker v. Northwest Environmental Defense Center, 133 S.Ct. 1326 (2013): Co-drafted merits brief with Supreme Court Litigation Clinic in case challenging timber company=s failure

to obtain NPDES permit for its active logging roads

Los Angeles Co. Flood Control Dist. v. Natural Resources Defense Council, 133 S. Ct. 710 (2013): Drafted *amicus* brief on behalf of academic scientists on the human health impacts of urban stormwater runoff

Rocky Mountain Farmers Union v. Corey, 730 F.3d 1070 (9th Cir. 2013): Draft two *amicus* briefs in industry challenge to low carbon fuel standard under California's AB 32, one on behalf of climate scientists and one on behalf of experts in life cycle analysis

Center for Food Safety v. Vilsack, 718 F.3d 829 (9th Cir. 2013): Drafted *amicus* brief in NEPA and ESA challenge to federal approval of genetically engineered alfalfa

Sierra Club v. Superior Court, 57 Cal.4th 157 (2013): Drafted *amicus* brief in important Public Records Act case challenging agency refusal to produce GIS data

Mountain Meadows Conservancy v. County of Lassen, Case No. C067839 (Cal. 3d App. Dist., settled): Drafted *amicus* in CEQA challenge focused on climate change impacts

Center for Biological Diversity v. Cal. Dept of Parks and Recreation, Case No. C070898 (Cal. 3d App. Dist., settled): Challenged 10-year snowmobile funding program for failure to comply with CEQA

Monterey Coastkeeper v. Monterey Co. Water Resources Agency, Case No. M108858 (Monterey Superior Ct., rev'd on procedural grounds): Successfully challenged to agricultural water agency's discharge of pollutant pursuant to Porter-Cologne Act; appeal filed

Wilson v. Del Norte Co. LAFCO, Case No. A127847 (Cal. 1st App. Dist., Apr. 11, 2011): Successfully intervened and instrumental in success of litigation to dissolve rogue water district of undeveloped subdivision blocking sale of client's property for wetlands mitigation

Center for Biological Diversity v. U.S. Bureau of Land Management, 2011 WL 337364 (N.D. Cal. Jan. 29, 2011): Successfully litigated second challenge to federal agency's Mojave Desert management plan for failure to protect endangered desert tortoise habitat from impacts caused by off-road vehicles and cattle grazing.

Monsanto Co. v. Geerston Seed Farm, 561 U.S. 139 (2010): Drafted *amicus* brief on behalf of scientists concerning the need to study the environmental impacts of genetically engineered crops before approval for wide-spread use.

National Parks and Conservation Association v. Bureau of Land Management, 606 F.3d 1058 (9th Cir. 2009): Successfully litigated challenge to federal land exchange that will facilitate development of world's largest solid waste landfill adjacent to Joshua Tree National Park.

Coeur Alaska, Inc. v. Southeast Alaska Conservation Council, 557 U.S. 261 (2009): Drafted *amicus* brief on behalf of several national conservation groups in case involving application of Clean Water Act to mine disposal activities.

Entergy Corp. v. Riverkeeper, Inc., 556 U.S. 208 (2009): Drafted *amicus* brief on behalf of California parties in challenge to EPA's interpretation and implementation of section 316(b) of Clean Water Act.

State of California v. U.S. Environmental Protection Agency, Case No. 08-1178 (D.C. Cir. 2009): Drafted *amicus* brief on behalf of former EPA Administrators in support of California=s challenge to EPA=s denial of a section 209(b) waiver under the Clean Air Act; case pending

Center for Biological Diversity v. U.S. Dept. of the Interior, 563 F.3d 466 (D.C. Cir. 2008): Drafted *amicus* brief on behalf of two prominent academic resource economists on the issue of monetizing carbon emissions in challenge to five-year plan for offshore oil leasing.

Center for Biological Diversity v Brennan, 571 F.Supp.2d 1105 (N.D. Cal. 2007): Filed significant substantive *amicus* brief and supporting whistleblower declaration on behalf of Senator John Kerry and U.S. Representative Jay Inslee in successful challenge to administration=s failure to prepare second National Assessment on Climate Change as required by Global Change Research Act.

Pacific Rivers Council v. Cal. Department of Fish and Game, Case No. 06CS01451 (Sacramento Superior Court, July 2007): Successfully challenged State of California=s failure for decades to prepare environmental impact report under CEQA for its trout stocking activities, which have decimated native amphibian and fish species.

Center for Biological Diversity v. National Highway Traffic Safety Administration, 538 F.3d 1172 (9th Cir. 2008): Successfully challenged NHTSA=s failure to consider climate change impacts in setting new corporate average fuel economy standards for light trucks and SUVs

California Native Plant Society v. U.S. Environmental Protection Agency, 2007 WL 2021796, Case No. C-06-3604 MJJ (N.D. Cal., July 10, 2007): Obtained preliminary injunction in NEPA and ESA challenge to three federal agencies= failure to evaluate cumulative impacts from regional development plan on vernal pool habitat occupied by four highly endangered species; case settled.

Pit River Tribe v. U.S. Forest Service, 469 F.3d 768 (9th Cir. 2006): Successfully litigated environmental and Indian law claims to protect Native American sacred site in northeastern California from industrial development

Friends of Hope Valley v. U.S. Forest Service, 203 Fed. Appx. 883 (9th Cir. 2006): Litigated motorized vs. non-motorized user conflict claims under NEPA, NFMA and other environmental statutes; matter partially remanded to agency; appeal dismissed for lack of finality

Massachusetts v. U.S. Environmental Protection Agency, 549 U.S. 497 (2006): Authored *amicus* brief to Supreme Court on behalf of four former EPA Administrators in support of states= successful argument that Clean Air Act provides statutory authority for regulation of greenhouse gas emissions

Rapanos v. United States, 547 U.S. 715 (2006): Authored *amicus* brief to Supreme Court on behalf of four former EPA Administrators in support of long-standing federal interpretation of phrase Awaters of the United States@ under the Clean Water Act

Northwest Environmental Advocates v. U.S. Environmental Protection Agency, 537 F.3d 1006 (9th Cir. 2008): Successfully litigated challenge to EPA=s exemption of vessel

discharges from NPDES permitting requirements under the Clean Water Act.

Center for Biological Diversity v. U.S. Bureau of Land Management, 422 F. Supp. 2d 1115 (N.D. Cal. 2006) and Slip op., Case No. C 03-2509 SI (Aug. 30, 2004): Successfully litigated challenge to federal agency=s Mojave Desert management plan for failure to protect endangered desert tortoise habitat from impacts caused by off-road vehicles and cattle grazing.

The Ocean Conservancy v. U.S. Environmental Protection Agency, Case No. C-04-1319 WHA (N.D. Cal. Nov. 30, 2005): Successfully negotiated settlement in case seeking to compel listing of certain California waterbodies as Aimpaired@ under the Clean Water Act by invasive species; historic settlement in which EPA agreed for first time to consider invasive species as pollutants under the Clean Water Act.

Center for Biological Diversity v. U.S. Forest Service, 349 F.3d 1157 (9th Cir. 2003): Successfully litigated challenge to adequacy of federal agency=s environmental review for southwestern goshawk management plan.

Ventura County Commercial Fisherman=s Assoc. v. California Fish and Game Comm=n, 2004 WL 293565 (Cal. App. 2d Dist., Feb. 17, 2004): Successfully assisted California in defending establishment of Channel Islands marine protected areas from challenge by fishing industry.

Friends of Castle Rock State Park v. California Department of Parks and Recreation, Case No. 00CS01235 (Sacramento Superior Court, June 30, 2003): Settled CEQA challenge to management plan for Castle Rock State Park with agreement that State undertake further environmental review of wilderness resources impacts from expanded human activities.

Turtle Island Restoration Network v. National Marine Fisheries Service, 340 F.3d 969 (9th Cir. 2003): Successfully litigated claims to obtain ESA review and consultation for impacts of high seas longline fishing fleet on endangered sea turtles; fishery subsequently closed by NMFS due to adverse impacts on listed species.

Environmental Protection Information Center v. U.S. Forest Service, Case No. C-02-2708 JCS, 2003 WL 22283969 (N.D. Cal. Sept. 5, 2003): Successfully litigated NEPA challenge to federal agency=s failure to prepare environment review for fire management plan; appeal voluntarily dismissed.

Eagle v. U.S. Department of Commerce, Case No. C-01-20591-JF (N.D. Cal. Apr.28, 2003): Successfully litigated challenge to federal agency=s refusal to provide public interest fee waiver under Freedom of Information Act to Stanford Fisheries Policy Project.

Voices of the Wetlands v. California Water Resources Control Board, Case No. M54889 (Cal. Superior Ct. Mar. 11, 2003) and subsequent litigation over results of remand at 52 Cal.4th 499: Successfully challenged Clean Water Act permit for power plant expansion, raising statutory construction issues of first impression and obtaining remand to permitting agency.

Cal Trout v. Norton, Case No. 97-3779 SI, 2003 WL 23413688 (N.D. Cal. Feb. 26, 2003): Successfully litigated ESA challenge to Department of Interior=s failure to designate critical habitat for endangered Southern California fish species; obtained historic injunction enjoining any project approval pending designation; appeal voluntarily dismissed.

San Bruno Mountain Watch v. U.S. Fish and Wildlife Service, Case No. C 00-2485 (N.D. Cal. Jan. 6, 2003): Successfully negotiated consent decree in challenge to agency=s failure to reinitiate ESA consultation for declining listed species on San Bruno Mountain.

San Francisco Baykeeper v. U.S. Army Corps of Engineers, 219 F. Supp. 2d 1001 (N.D. Cal. 2002): Litigated NEPA and ESA claims related to invasive species impacts from proposed expansion of Port of Oakland.

Natural Resources Defense Council v. Daley, 209 F.3d 747 (D.C. Cir. 2000): Filed *amicus* brief on behalf of Pacific Marine Conservation Council and Alaska Marine Conservation Council in successful litigation to summer flounder fishery management plan.

National Wildlife Federation v. Babbitt, 128 F. Supp. 2d 1274 (E.D. Cal. 2000): Successfully litigated NEPA and ESA challenge to Department of Interior=s approval of habitat conservation plan for north Sacramento regional development without adequate endangered species protections; case of first impression interpreting statutory criteria for HCPs.

National Parks & Conservation Association v. U.S. Department of Transportation, 222 F.3d 677 (9th Cir. 2000): Briefed and argued petition for review challenging Federal Aviation Administration=s failure under NEPA to consider and mitigate invasive species impacts from proposed internationalization of Maui airport.

Turtle Island Restoration Network v. National Marine Fisheries Service, Case No. C-00-1018 MJJ (N.D. Cal. Dec. 10, 2000): Successfully negotiated settlement to close 180,000 square miles of California coastal waters to drift gillnet fishing during certain seasons to protect endangered sea turtles and marine mammals.

Inland Empire Public Lands Council v. U.S. Forest Service, 88 F.3d 754 (9th Cir. 1996): Briefed and argued challenge to agency=s failure to consider cumulative population impacts for imperiled indicator species in approving series of contiguous timber sales.

Earth Island Institute v. Brown, 28 F.3d 76 (9th Cir. 1994): Briefed and argued series of successful summary judgment and injunction motions under Marine Mammal Protection Act to protect dolphins in Eastern Tropical Pacific from impacts of yellowfin tuna fishing; following successful tuna boycott/media campaign resulting in Adolphin safe@ labeling, court-order import restrictions, and responsive legislative action by Congress, remainder of case dismissed by appellate court on jurisdictional grounds.

Earth Island Institute v. Christopher, 6 F.3d 648 (9th Cir. 1993): Briefed and argued Endangered Species Act challenge to shrimp fishing practices that drown sea turtles.

PROFESSIONAL AFFILIATIONS AND HONORS

Recipient, California Lawyer of the Year Award (2008)
Recipient, Pit River Tribe Award of Excellence (2007)
Recipient, Stanford Graduate Service Recognition Award (2005)
Recipient, Surfrider Foundation Recognition Award (1996)
Recipient, Cal. Waste Assoc. Certificate of Recognition for Used Oil Recycling Legislation (1992)
Senior Fellow, Stanford Woods Institute for the Environment
Affiliated Researcher, Center for Ocean Solutions

Faculty Advisor, Emmett Interdisciplinary Program in Environment and Resources
Board Member, Earth Island Institute
Board Member, The Otter Project
Advisory Board Member, Climate Law Institute
Member, California State Bar and Washington State Bar