

## NEPA/CEQA

The environmental compliance landscape can be extremely confusing for businesses and agencies today. Multiple state and federal acts govern different areas of environmental responsibility, affecting everything from private company operations to public works projects. Dealing with these acts—the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA)—requires a comprehensive understanding of the broad and far-reaching implications of the law.

Brownstein has the experience and knowledge to guide you through this complex web of environmental regulations. Our NEPA/CEQA team has worked on hundreds of matters involving these acts. We have represented public and private sector clients in all aspects of NEPA and CEQA compliance and land use matters, including administrative proceedings, litigation and appellate proceedings. We regularly consult within the building industry and public agency groups on pending NEPA and CEQA legislation and regulations, and draft legislation for clients on related issues.

Our attorneys have been involved in challenges to federal public land and water management decisions under NEPA and other environmental compliance statutes, and have successfully defended numerous state-issued drilling permits, as well as federal court challenges to drilling permits. They have also provided advice regarding CEQA compliance for major water projects, commercial/industrial projects and large residential projects, and have successfully defended the projects in litigation and appeals. Group members regularly appear before governmental agencies involved with NEPA and CEQA regulations in California and elsewhere.

Members of our NEPA/CEQA Group have extensive past experience dealing with environmental compliance issues while working for Congress and federal and state agencies, including congressional committees, the Departments of Energy, Interior and Justice, and the Environmental Protection Agency.

### **Representative Matters**

- Represent San Diego County solar project through all phases of permitting and CEQA/NEPA.
- Successfully defended Major Use Permits for solar technology company and resolved pending CEQA litigation filed against the client, the County of San Diego (“County”), and other real parties in interest.
- Provided due diligence and transactional advice to commercial entity regarding permitting for stores ranging in size from 4,000 to 17,000 square feet in California.
- Provided land use and CEQA compliance advice to mixed-use project with 266 apartments and 88,000 square feet of commercial, the largest mixed-use project processed and approved by the City of Goleta, California.
- Represented client in purchase of a distressed San Francisco property out of bankruptcy for development of an approximately 81 unit multi-family building. Represented client in bankruptcy matters, negotiations with operating partner of incentive development agreement, and California land use and CEQA matters.
- Water rights counsel to a senior water right holder on the Santa Ynez River. Representation includes maintenance and protection of the client’s numerous senior priority and permitted water rights, compliance with CEQA for the construction of an off-river reservoir, negotiations with competing users, and compliance with state and federal regulation of endangered species.
- On behalf of a national homebuilder, Brownstein obtained approval of the Water Supply Assessment, final Environmental Impact Report, General Plan Amendments and Specific Plan for development of a 1,500 acre-property in Southern California proposed to include 5,400 residential units and commercial uses.
- Represented the Santa Barbara Museum of Natural History before the City and County of Santa Barbara regarding their master plan project for updating and expanding the museum property and facilities, providing CEQA, land use, and real estate counsel.

- The firm is assisting Rosemont in development of one of the largest copper mines in the world. Specifically, we are advising the company on all aspects of obtaining NEPA and Endangered Species permitting issues. We are also working closely with Rosemont to promptly obtain all necessary air, water and land use approvals.
- Represented a uranium mining company in obtaining NEPA approval and to address federal and state stipulations regarding the Sage Grouse. Brownstein is working closely with the company to make sure that federal and state regulations are reasonable and permit ongoing production.
- Represented Intercontinental Potash Corp. in all aspects of developing one of the largest potash mines in the country. Representation included guiding the company through every aspect of the multi-year NEPA and the Endangered Species Act permitting process and obtaining all necessary federal, state and local permits.
- Lead counsel for Central Coast Water Authority in three cases involving validation and CEQA challenges to 1990's amendments to State Water Project contracts, and revised amendments that resulted from settlement of previous litigation challenges, and CEQA compliance for both.
- Defended CEQA challenge to Spring Water agreement in trial and appellate courts. Provided NEPA, CEQA and land use compliance advice for project development including construction of bottling facility and construction of pipelines in federal forest land.
- Appellate counsel in challenge to CEQA compliance for composting project including challenges to water supply and greenhouse gas emissions.
- Defended CEQA challenge to 800,000 square foot warehouse/distribution center, in state and appellate courts. Provided land use and CEQA compliance advice for expansion facility.
- Land use and CEQA counsel for a 5,000 single-family residential and mixed use project in Inland Empire.
- The 2003 Quantification Settlement Agreement (QSA) and related agreements in a water dispute involving the Colorado River Agreements among the United States, California and the largest water agencies in Southern California. Litigation counsel for key water agency in litigation and appeals challenging the agreement for litigation that has been coordinated in the Sacramento Superior Court and includes an action to validate the QSA agreements and several actions that allege that the water transfers and the QSA PEIR do not comply with CEQA.
- Defended NEPA, Endangered Species Act, Clean Water Act and Federal Power Act challenge to FERC's issuance of a 50-year permit renewal for hydroelectric dam for major utility in Ninth Circuit Court of Appeals.
- Defended CEQA litigation challenging project with 483 luxury condominiums in two, 47 story towers in Century City, California
- Represented the developer of the first wind project in Santa Barbara County, providing land use, permitting, and environmental compliance advice related to statutes such as the California Environmental Quality Act, Endangered Species Act, Clean Water Act, Coastal Act, and Federal Coastal Zone Management Act.
- Provided land use and CEQA compliance advice to a major utility regarding a large transmission line project traversing two counties.

## **News & Events**

- CEQA News You Can Use - Vol. 2, Issue 2
- CEQA News You Can Use - Vol. 1, Issue 2
- CEQA News You Can Use - Vol. 1, Issue 1
- Implications of California Building Industry Association v. Bay Area Air Quality Management District
- Football and the Future of CEQA for Popular Projects
- Through the Looking Glass: Why Making "Reverse CEQA" the Law in California Would Significantly Expand CEQA's Scope While Undermining Its Purpose and Procedures
- Supreme Court Makes It Clear that Petitioners Must Exhaust Their Administrative Remedies Before They

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Can Sue under CEQA, Even When the Agency Relies on a CEQA Exemption

- CEQA
- California Environmental Quality Act
- How Varying California Greenhouse Gas Rules May Hurt The Economy
- SB 375: Breakthrough or Stall?

**Meet The Team**

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