California Environmental, Land Use, Energy & Resources

Our California Environmental, Land Use, Energy and Resources practice lawyers have counseling and litigation experience in all aspects of development and redevelopment.

Our attorneys are unmatched in the depth and breadth of their experience processing projects and defending cases brought to challenge development plans and entitlements. Our attorneys have worked on many of the highest profile development projects in California, including energy projects; seaport, rail, airport, water supply, wastewater and other infrastructure projects; hospitals; university and college campuses; retail, office, industrial and mixed use projects; planned communities; residential subdivisions and public utility projects. We have defended cases involving commercial and industrial developments, airports, marine terminals, university development plans, air pollution control regulations, reservoirs, water supply plans, wastewater treatment plants, and residential development projects.

Attorneys in the group author some of the most well-recognized treatises in the field, including Curtin's California Land Use and Planning Law, Practice Under the California Environmental Quality Act, The California Subdivision Map Act and the Development Process, and California Administrative Mandamus.

Our attorneys also routinely teach courses to developers, public agencies, consultants and other attorneys, and have presented annual Breakfast Briefings to our clients for 29 years. We have extensive experience with the full range of issues relating to project development and permitting as well as land use and environmental litigation. Our California practice is part of a nationwide group of attorneys focused on environmental, energy, resource and land use matters.

Our experience extends to the full spectrum of land use and environmental laws relating to development in California. Our California Environmental, Energy, Resources and Land Use practices include counseling and litigation experience in the following areas:
• Affordable Housing
• Annexation and Sphere of Influence Decisions involving LAFCOs
• Assessments and Taxes, including Mello-Roos Districts and Proposition 218
• Brown Act (Open Meeting Law)
• California Environmental Quality Act (CEQA)
• Climate Change and Greenhouse Gas Emissions
• Coastal Zone Management Act, McAteer-Petris Act and Coastal Act
• Condemnation
• Conservation Easements and Other Dedications of Development Rights
• Design Review and Architectural Review
• Disposition and Development Agreements
• Endangered and Threatened Species
• Energy Infrastructure Development
• Energy Regulation
• Federal Land Policy and Management Act (FLPMA)
• Fees, Dedications, Exactions and Other Conditions Of Approval
• General Plans
• Geologic Hazard Abatement Districts (GHADs)
• Historical, Cultural and Archeological Resources
• Improvement Agreements
• Initiatives and Referenda
• Land Use Due Diligence
• Local Government Law

NEWS

02.20.2019

Laura Zagar Quoted in Law360 - Ore. Project's Renewable Trifecta Won't Be Easy To Copy

General News

Law360

Partner Laura Zagar was quoted in “Ore. Project's Renewable Trifecta Won't Be Easy To Copy,” an article in Law360, regarding the 300-megawatt wind, 50-megawatt solar and 30-megawatt battery storage project in Eastern Oregon and obstacles that stand in the way of other co-located wind and solar energy projects.

08.20.2018

Best Lawyers® 2019 Recognizes 277 Perkins Coie Attorneys

Press Releases

Perkins Coie is proud to announce that 277 of its attorneys were selected by their peers for inclusion in the 2019 edition of The Best Lawyers in America®.

BLOG

Court Decision Compounds Confusion Over Scope of Clean Water Act Jurisdiction

A decision by the U.S. District Court for the Southern District of Georgia issued on August 21, 2019, highlights the continuing confusion over the definition of “waters of the United States” under the Clean Water Act. The decision declared the Obama administration's 2015 “Clean Water Rule” to be an impermissible construction of the statutory language … Continue Reading

Federal Agencies Issue Major Changes to Endangered Species Act Regulations
The U.S. Fish and Wildlife Service and National Marine Fisheries Service has issued a set of three new final rules that substantially revise regulations implementing the Endangered Species Act. The new rules change the criteria and procedures for (1) establishing protections for “threatened” species; (2) the listing and delisting of species and the designation of...

EPA Proposes Narrowing of Water Quality Certification Authority Under Clean Water Act
The Environmental Protection Agency has issued a lengthy proposed rule clarifying the substantive and procedural requirements for water quality certifications under Section 401 of the Clean Water Act. EPA Administrator Andrew Wheeler announced that the changes are “intended to increase the predictability and timeliness of Section 401 certification by clarifying timeframes for certification, the scope...

EIR’s Project Description May Present Alternative Development Options and the Agency May Approve A Variant of an Analyzed Alternative
An EIR's project description may identify alternative development schemes proposed for a single project, and the agency may approve a modified version of the project that incorporates elements of one of the alternatives reviewed in the EIR. South of Market Community Action Network v. City and County of San Francisco (2019) 33 Cal.App.5th 321. Plaintiffs...

PUBLICATIONS

01.08.2019
Federal Court Requires Additional Environmental Review for Offshore Fracking Off California Coast
A federal court recently prohibited the U.S. Department of the Interior from approving any plans or permits for offshore fracking off the California coast until it complies with the Endangered Species Act (ESA) and the Coastal Zone Management Act (CZMA).

12.14.2018
Agencies Release Proposed Rule to Limit Clean Water Act Jurisdiction
The Environmental Protection Agency and the Army Corps of Engineers announced a proposed rule to redefine the term “waters of the United States” under the Clean Water Act on December 11, 2018.

12.04.2018
California Affirms State Law Prohibition of Incidental Take of Migratory Birds Despite Contrary Federal Stance
The California Department of Fish and Wildlife and the California attorney general have jointly issued an advisory regarding California’s state law protections for migratory birds.

11.29.2018
Supreme Court Limits Authority to Designate Critical Habitat Under Endangered Species Act
In a unanimous decision with immediate repercussions for the administration of the Endangered Species Act (ESA), the U.S. Supreme Court held that an area is eligible for designation as critical habitat under ESA only if it is also “habitat” for the species within the meaning of the statute.

10.2018
The Financial Case for High Performance Buildings: Quantifying the Bottom Line of Improved Productivity, Retention and Wellness
Compiling and analyzing the growing body of evidence connecting the built environment to human performance, satisfaction, and wellness, this report outlines the financial benefits to owner-occupants and tenants that invest in High Performance Buildings.

08.01.2018
Trump Administration Withdraws Obama-Era Environmental Mitigation Policies
Late last week, the U.S. Fish and Wildlife Service withdrew two environmental policies adopted in late 2016 by the Obama administration that address mitigation for impacts to natural resources.

06.21.2018
Major Changes Proposed to Endangered Species Act Regulations
The U.S. Fish and Wildlife Service and National Marine Fisheries Service published three proposed rules last week that would revise the regulations implementing portions of the Endangered Species Act.
CEQ Invites Comments on Potentially Sweeping Changes to NEPA Regulations

Updates

The Council on Environmental Quality yesterday issued an advance notice of proposed rulemaking inviting input on potential changes to the CEQ regulations under the National Environmental Policy Act, the federal law that requires environmental impact assessment for projects involving federal funding or other federal approvals.

05.24.2018

Federal Indian Reserved Water Rights and the No Harm Rule

Articles

Columbia Journal Of Environmental Law

Most American Indian rights to water trace their origins to 19th century treaty negotiations with the United States. The 1908 Supreme Court case *Winters v. United States* established that the federal statutes and treaties setting aside land for Indian reservations also impliedly reserved sufficient water to fulfill the purpose of those reservations.

Forest Resources

ABA Section of Environment, Energy, and Resources

American Bar Association

*Environment, Energy, and Resources Law: The Year in Review 2017*

Forest Resources chapter

PRESENTATIONS

01.15.2019; 01.17.2019; 01.23.2019;
01.29.2019.

29th Annual Land Use & Development Law Lunch Briefing

Seminars

2018 has been another eventful year in the evolution of land use and planning law in California.

06.13.2018


Speaking Engagements

VERGE Hawaii / Honolulu, HI

06.07.2018

Navigating The Course Through The U.S. Government in Offshore Wind

Speaking Engagements

U.S. Offshore Wind Conference and Exhibition / Boston, MA

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RELATED SERVICES

PRACTICES

- Environment & Natural Resources
- Infrastructure Project Permitting & Development
- Environmental Litigation
- Land Use & Development
Perkins Coie's California Land Use & Development Law Report offers insights into legal issues relating to development and use of land and federal, state and local permitting and approval processes.

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CALIFORNIA LAND USE & DEVELOPMENT
A Comprehensive & Strategic Approach

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