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Statement of Qualifications of Advocates

Michael Warburton

The Public Trust Alliance requests a rate of \$535/hr. for the work of Michael Warburton at the PUC in 2009 -2011. Although not licensed as an attorney, Mr. Warburton is a legal scholar and longtime public trust advocate for the public trust doctrine in legal and administrative forums. He earned a JD degree in 1992 from Boalt Hall School of Law, University of California at Berkeley, with Highest Honors for writing on conflicts of interest in public interest representation and High Honors for paper on application of California Environmental Quality Act. He studied water law with Professor Joseph Sax. He has more than 18 years of legal public trust advocacy experience, with additional student-level experience and experience as a social justice advocate addressing environmental and resource economics issues.

Since 2002, Mr. Warburton has served as the Executive Director of the Public Trust Alliance, a project of the Resource Renewal Institute, advocating in many forums for the increased and more thoughtful use of the public trust doctrine. Mr. Warburton's work with administrative agencies includes his participation in the 2005 Update of the California State Water Plan, a multi-year collaborative process representing public trust interests and Environmental Justice constituencies. He was a participant in a special public trust working group to make a presentation on public trust concerns in water planning before the entire Committee. In addition, he worked with the City of Berkeley, overseeing a major recycling contract. He also participated in administrative hearings involving Cal Am Water Company and the water supply situation in Monterey County at the State Water Resources Control in 2008 – 2009.

Patricia Nelson

The Public Trust Alliance requests a rate of \$280/hr. for the work of Patricia Nelson at the PUC in 2009 - 2011. Ms. Nelson earned her JD degree from New College of California and has been licensed as an attorney since 1988. She earned LL.M. degrees in natural resources law (University of Denver 2003) and environmental law (Golden Gate University 2002). She had six years of post-LLM-graduate experience in the practice of environmental law at the time that these proceedings began, with additional graduate-student-level intern experience in environmental law, and more than ten years of experience as an attorney-editor. She participated in administrative hearings involving Cal Am Water Company and the water supply situation in Monterey County at the State Water Resources Control in 2008 – 2009.

MICHAEL WARBURTON
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BERKELEY, CA 94708
(510) 841-0562 michael@rri.org

EDUCATION:

- J.D.**, 1992, Boalt Hall School of Law, University of California at Berkeley
Highest Honors for writing on conflicts of interest in public interest representation and
High Honors for paper on application of California Environmental Quality Act; studied
water law and introduced to Public Trust Doctrine by Professor Joseph Sax, Presented 1991
Forum On Professional Ethics co-sponsored by many student groups.
- B.S.**, 1979, Political Economy of Natural Resources, U.C. Berkeley,
Graduated with Highest Honors, member Phi Beta Kappa

**SELECTED EXPERIENCE IN LAW, ENVIRONMENTAL POLICY, RESOURCE
GOVERNANCE AND PUBLIC ADVOCACY OVER LAST 35 YEARS:**

- 3/02-present **Executive Director**, Public Trust Alliance, A Project of the Resource Renewal
Institute, Mill Valley, CA., non-profit project uses public trust doctrine to support
community groups and public trustees in defending natural resources; advocating
responsible long term planning. Activities include educational advocacy and
outreach, participation in collaborative planning efforts and intervention in legal
proceedings where ecology of natural systems or fundamental public trust rights
are at stake.
- 95-present **Public Member**, multiple advisory groups, stakeholder collaborations to assist
California State Agencies in policy implementation: Environmental Water
Caucus in Delta Proceedings, Public Advisory Committee supporting 2003
California Water Plan; SWRCB Task Force on Water Transfers; Planning
Consortium supporting Department of Public Health Environmental Health
Tracking Program; Regional Plenary Oversight Group and Water For Monterey
County, supporting design of a viable Regional Water Supply System for the
Monterey Peninsula.
- 08-09 **Expert Testimony**, SWRCB Flow Criteria, Carmel River CDO cases
- 4/08 **Panel Organizer**, Annual Conference of the California Studies Association,
Berkeley, CA. Presented "People, Place and Water"
- 3/07 **Panel Organizer**, Public Interest Environmental Law Conference, Eugene OR.
Presented "Reclaiming Our Public Trust," with James Paul (who successfully
argued that the Precautionary Principle is inherent in traditional public trust duties
of State Trustees) and Mark Franco (Headman of the Winnemem Wintu Tribe of
California).
- 8/06 **Expert Testimony**, Hearing Convened by California Assembly Subcommittee on
Base Closure and Redevelopment; Outlined history of application of public trust

doctrine to tidelands and opportunities for legislative efforts to reassert public title to a parcel of former tidelands on the San Diego waterfront.

- 11/05 **Panel Participant and Law Review Article Author**, McGeorge Law School Symposium on the 25th Anniversary of the Report of the Governor's Commission to Review California Water Rights Law. Authored "Toward Greater Certainty in Water Rights? Public Interests Require Inherent Uncertainty to Support Constitutional Governance of Our State's Waters" for the two volume special issue of the McGeorge Law Review, 36 McGeorge Law Review 139-163 (2005)
- 5/00-3/05. **Founding Steering Committee Member**, Environmental Justice Coalition for Water, Oakland, CA; Management and implementation of collaborative, statewide community advocacy project defending rights of politically and economically vulnerable communities in the development of California's water resources.
- 4/00-2/04. **Project Manager**, "Community Water Rights Project, " The Ecology Center, Berkeley, CA; Convened multi-disciplinary Advisory Committee; implementing public education program emphasizing public rights in water and advocating protection of these rights to encourage more effective and responsible environmental justice activism, natural habitat restoration and water conservation in both rural and urban settings.
- 1996-2000 **Coordinator**, Public Trust Legal Project, Berkeley, CA.; managing correspondence and advocacy by an informal network of legal scholars and practitioners concerned with the erosion of the Public Trust Doctrine as applied to resource development policy and the redevelopment of closing military bases located on former tidelands. Contributed research and support to national peer review process for Putting the Public Trust Doctrine to Work: The Application of the Public Trust Doctrine to the Management of Lands, Waters and Living Resources of the Coastal States (Second Edition, Coastal States Organization 1997).
- 1994-2000 **Board Member**, The Ecology Center, Berkeley, CA. General policy formulation for management of California non-profit environmental education and recycling organization. Active participant on several Board Committees overseeing a \$1.2 million/ yr. contract to provide recycling services to the City of Berkeley and facilitating organizational transition to more effectively deliver services to the community.
- 1991 **Law Clerk**, Berkeley Community Law Center and Legal Aid Society of Alameda County; provided legal research and writing support for legal challenge to local government housing policies pursuant to the California Environmental Quality Act; represented low income clients in general poverty law cases; served as problem-solving liaison with government agencies and service providers.

- 1990 **Summer Associate**, Preston, Thorgrimson, Shidler, Gates & Ellis, Anchorage, AK., Assisted representation of the State of Alaska in the EXXON Valdez oil spill case. Prepared a legislative history of the Clean Water Act Resource Damages Provisions to determine the possible extent of EXXON's liability for damage to natural resources under Federal law. Evaluated expert testimony in similar cases in other states. Investigated alternative legal theories; assisted development of litigation strategy to best protect state interests.
- 1988 **Associate Faculty**, School for Field Studies; Assisted in designing and teaching a field course in "Cultural Ecology" in Ladakh, India. Collaborated with biologists and local resource managers to plan and implement a research project investigating the impacts of humans and their domestic animals on snow leopard habitat. Implemented social science aspect of the curriculum. Presented lectures, supervised student projects and graded exams as well as assisting with field arrangements in remote mountain setting.
- 1987-88 **Guest Lecturer**, Environmental Studies Dept., U.C. Santa Cruz, "Eco-development" course. Presented lectures and facilitated exploratory discussions of "cultural theory."
- 1982-84 **Research Scholar**, International Institute for Applied Systems Analysis (IIASA), Laxenburg, Austria--Member of scientific staff of an international "think tank" where interdisciplinary teams of scientists collaborate to design management models for solving transnational economic and environmental problems. Co-authored Discussion Paper for 1983 Interagency UN Meeting in Geneva Switzerland on "Interrelationships Between People Resources and Development: The Case of the Himalayan Foothills." Presented "Appropriate Institutional Development: An Arrogant Argument for a Humble Approach." Co-Author, numerous articles for professional journals and the book, Uncertainty on A Himalayan Scale: An Institutional Theory of Environmental Perception and a Strategic Framework for the Sustainable Development of the Himalaya, Ethnographica, London (1986). Republished 2007 with collaboration between Said School of Business at Oxford University and Himal Press, Kathmandu, Nepal, with a new introduction by the former Minister of Water Resources, HMG Nepal.
- Represented the Institutional Settings and Environmental Policies Research Group at the Institute to write and present "Environmental Protection: A Problem of Plural Perceptions" at the International Conference on Environment at Usti Nad Labem, Czechoslovakia in 1983, and participated in 1984 IIASA Conferences on "Sustainable Development of the Biosphere" in Laxenburg, Austria and "Plural Rationalities and Interactive Decision Methods" in Sopron, Hungary.
- 1982 **Field Assistant**, Energy Sector, Resource Conservation and Utilization Project, Nepal; This Bilateral development program co-sponsored by the U.S. Agency for

International Development and a consortium of North American universities was designed to improve economic development prospects for rural Nepal. I assisted introduction of firewood conserving energy technologies to remote mountain villages. Worked with indigenous organizations to facilitate mutually beneficial projects while respecting cultural differences.

6/81 **Writer**, Christian Science Monitor article on cultural differences in forest management that create different relationships with local environments. Focus on mountain valleys in Switzerland and allocation of trees.

1977-78 **Research Assistant**, Trustees for Alaska, Anchorage Alaska. Introduced to Federal-State regulatory turf definition in water quality management with regard to placer mining. Researched and wrote about faulty cost-benefit analyses urging rapid large-scale development of hydro-electric dams on the Susitna River. Published article in Anchorage Daily News about future visions for Alaskan economic development.

1974-76 **Independent researcher / advocate**, investigated public responsibilities of National Park Service under its Organic Act with conflicting mandate of preservation and use. Do public obligations limit the activities of private concessioners with commercial operations in National Parks? Collaborated with American Alpine Club and Sierra Club to advocate more limited operations.

OTHER: Mountaineering: 1975, first Soviet-American ascent of the Salathe Wall of El Capitan in Yosemite Valley and participant in mountaineering exchanges in Soviet Central Asia and Czechoslovakia (pre collapse). 1977 American Andean Expedition to Peru, 1980 Makalu Expedition to Nepal.

Patricia Nelson
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San Rafael, CA 93903
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nelsonp34@hotmail.com

LEGAL EXPERIENCE

Innovative Technical Solutions, Inc. Walnut Creek, CA
Consulting Research Attorney December 2010 – Present
Legal research for construction and environmental remediation contractor.

Public Trust Alliance San Francisco, CA
Project Attorney March 2008 – Present
Research, brief-writing, witness preparation, settlement negotiations relating to public trust, water rights, drinking water, endangered species issues. Participate in administrative hearings at State Water Resources Control Board. Consult on strategy with Executive Director. Outreach to other public interest groups.

Trout Unlimited Berkeley, CA
Law Clerk/Project Attorney June – December 2007
August – October 2008
Research and writing on water rights, instream flows, Endangered Species Act and public trust issues affecting endangered steelhead and salmon.

Law Offices of Stephan C. Volker Oakland, CA
Law Clerk January – May 2008
Research and writing on environmental issues, primarily land use and clean water issues.

Law Offices of Paul D. Scott San Francisco, CA
Law Clerk January – March 2008
Research and administrative work for attorney specializing in whistleblower cases.

Climate Protection Campaign Santa Rosa, CA
Legal Consultant August 2005 – March 2008
Research factual and legal issues regarding climate change mitigation for non profit community group. Propose litigation strategies. Work on legislative language/approaches to include climate impacts in the CEQA process.

Law Offices of Beverly Baker-Kelly Oakland, CA
Pro Bono Attorney June 28, 2006 – August 13, 2006
Assist human rights activist on international child abduction case. Legal research and writing: drafting letters, discovery documents, motions and points and authorities.

Environmental Advocates*Associate Attorney*

San Francisco, CA

May – June 2003

October 2003 – August 2005

Researched factual and legal issues for environmental law cases, primarily cases brought under Clean Water Act. Composed memoranda, letters, discovery requests. Drafted notice letters, complaints, summary judgment briefs.

International Human Rights Advocacy Center

University of Denver

Volunteer Researcher

January – May 2003

Conducted research on human rights and water law issues associated with an international dam development project in Guatemala. Collaborated with another student to develop case for corporate liability regarding human rights violations.

Communities for a Better Environment*Legal Intern*

Oakland, CA

January – May 2001

Researched and wrote on environmental justice issues. Drafted memos on several issues relating to Title VI disparate-impact regulations in the public transportation context. Drafted complaint for action under Cal. Bus. & Prof. Code section 17200, unfair competition.

Environmental Law and Justice Clinic

Golden Gate University

Student Clinician

San Francisco, CA

January – May,

August – December 2000

Research and writing on a case involving Clean Water Act violations by a government contractor at the former Hunters Point Naval Base.

Lexcom*Attorney Editor*

Walnut Creek, CA

November 1998 – June 1999

Wrote bulletins, background memos for new employment law website.

CCH, Inc.*Attorney Editor*

San Rafael, CA; Chicago, IL

September 1990 – October 1998

Wrote and edited various government contracting publications. Headnoting, newsletter writing, writing and revision of explanatory chapters on contracting law, and legal review of manuscript prepared by outside author.

Matthew Bender*Attorney Editor*

San Francisco, CA

May 1987 – September 1988

Legal writing for litigation and transaction guides.

EDUCATION**LL.M. in Natural Resources Law**, May 2003

University of Denver

Honors: Scholastic excellence awards in water law, international water law, mining law, international mining law; Jan. M. Laitos scholarship.

Activities: Worked on Denver Journal of International Law and Policy. Published article in Journal: *An African Dimension to the Clean Development Mechanism*, 32 Denver J. Int'l. L. & Pol'y 635 (2004)

LL.M. in Environmental Law, December 2001

Golden Gate University, San Francisco, CA

Activities: Environmental Law Society

JD, 1987

New College of California