

ROGER B. MOORE

Attorney at Law

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LAW PRACTICE

Partner, Rossmann and Moore, Berkeley, CA (Attorney, 1992-present; Partner, 2003-present)

Represent cities, counties, community organizations, and private clients in planning, administrative review, negotiation, legislation and litigation. Addressing planning, development and resource management decisions, ranging in scope from national to local, seek to ensure consistency with constitutional, environmental, water resources, energy, land use, historic preservation, and climate change law. Have engaged in successful litigation in federal courts and all levels of California courts, negotiated major settlement agreements to completion, and drafted revised groundwater ordinances for several California counties.

EDUCATION

Harvard Law School, J.D. 1987

Honors: *cum laude*
Activities: Research Assistant for Professor Jay Heubert
Co-director, Student Funded Fellowships
Advocate, Legal Services Center
Advocate, Students for Public Interest Law
Staff, *Harvard Civil Rights-Civil Liberties Law Review*

Swarthmore College, B.A. in Political Science, 1984

Honors: Diploma awarded with Highest Honors
Phi Beta Kappa Fellowship
Roland J. Pennock Fellowship in Public Affairs
Everett Hunt Scholarship
Activities: Founder and Coordinator, Forum for Legal Issues and Topics
Reviewer, Faculty Fellowships Committee

PROFESSIONAL ACTIVITIES

Member, State Bar of California, Sections on Environmental and Public Law

Member, Executive Committee, California State Bar Environmental Law Section (2012-2015 term; elected Secretary for 2012-2013 term)

Speaker at numerous conferences and seminars on environmental, water and land use law. Representative examples include:

- California State Bar Environmental Law Section Conference at Yosemite (moderator of panel on climate change and water resources; speaker on historic preservation and environmental law developments)
- California Water Law Symposium (moderator of panel on water supply and land-use planning)
- North Coast “Your Voice” Regional Conference, California State Bar Environmental Law Section (speaker on private and public issues in water management)
- Mountain Counties Water Resources Association Conference (speaker on attorney water rights panel)
- Lorman Education Seminars (moderator of panel on water transfers)
- Argent Water Law and Policy Conference (speaker on regional and statewide interface of water transfers and land-use decisions)
- Planning and Conservation League Conference (moderator of panel on CEQA reform issues; speaker on water and land use issues)
- Sierra Nevada Alliance Conference (speaker on interplay of water law and institutions)
- National Business Institute Seminars (speaker on developments in water and land use law)
- Citizens Planning Association Conference (Keynote Speaker and Certificate of Appreciation recipient)

LEGAL PUBLICATIONS

Co-author, *Cry Me a Reservoir: Water Management and Climate Change Adaptation*, ENVIRONMENTAL LAW NEWS, Vol. 22, No. 1 (Summer 2013, forthcoming)

Author, *Reliability, Religion and 'Paper Water': Can California Move Beyond Faith-Based Water Supply Planning?* (Paper for Argent Water Law and Policy Conference, 2008)

Author, *CEQA Protects Water Supply Reliability*, in EVERYDAY HEROES: THIRTY-FIVE YEARS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (PCLF, 2005)

Co-author, *Fundamentals of Water Law in California* (National Business Institute, 2001); *California Land Use* (National Business Institute, 2002); *Major Land Use Laws in California* (National Business Institute, 2003, 2005); *Practical Guide to Zoning and Land Use Law* (National Business Institute, 2007)

Co-author, "Chapter 71: Historic Preservation," in *California Environmental Law and Land Use Practice*, K. Manaster and D. Selmi, editors (Matthew Bender, 1998);

Author, "Counting and Shaping the Right to Vote," in *Responsible Governance: The Global Challenge*, J. Harbeson, R. Hopkins and D. Smith, eds. (University Press of America, 1994)

GOVERNMENT SERVICE

Research Associate, University of California, Office of General Counsel, Oakland, CA, 1989-1991

Developed and co-directed research support program for nine-campus university system. Consulted University on litigation matters and issues in land use, water, environmental, labor, constitutional, administrative, civil rights, and health law. Drafted brief and assisted in litigation addressing State Lands Commission's resolution of regulatory and public trust issues in the Santa Barbara Channel.

Judicial Clerk to Chief Judge Lawrence K. Karlton, U.S. District Court, Eastern District of California, Sacramento, CA, 1988-1989

Drafted court opinions, administrative orders and research memoranda on civil litigation. Assisted the management and disposition of law and motion, status conferences, pretrial conferences, and trials.

PRIVATE SECTOR AND NONPROFIT POSITIONS

Summer and Fall Associate, Sidley and Austin, Chicago, IL, Washington, D.C., and New York, NY, 1986-1988

Prepared briefs and memoranda for litigation in administrative, commercial and constitutional law.

Law Clerk, Lawyers' Committee for Civil Rights Under Law, Voting Rights Project, Washington, D.C., 1985

Wrote and edited arguments for voting rights litigation, including amicus brief for U.S. Supreme Court. Adapted research from bachelor's thesis on minority vote dilution to support positions contesting discriminatory voting practices.

PERSONAL ACTIVITIES

School coordinator and coach, Odyssey of the Mind creative performance program, Glenview Elementary School, Oakland, California

Music Critic, *Chicago Reader*

Founder and director, Stuck Between Stations music website

Delegate, East Timor Religious Outreach and "Time for Peace" conference in Jerusalem; guest speaker on various human rights issues

Fourteen-time marathon finisher (Honolulu, Stockholm, Chicago)

ACADEMIC SERVICE

Teaching Fellow, Harvard Graduate School of Education, Cambridge, MA, 1986-1987. Taught multidisciplinary courses on education law to law students and graduate students. Trained doctoral candidates in legal research techniques and reviewed student writing assignments.

CASE HISTORY

QSA Coordinated Civil Cases (Sacramento County Superior Court, pending) (represent respondent and cross-appellant Imperial County in decade-long proceedings addressing validity and environmental review of major water transfer, following superior court decision to invalidate transfer)

County of Butte v. Department of Water Resources (Third District Court of Appeal, CV071785, pending) (represent petitioner Butte County in challenge to DWR’s environmental review and climate change assessment for fifty-year relicensing of Oroville Dam, and in related water quality proceedings before State Water Resources Control Board)

Planning and Conservation League v. State of California (Alameda County Superior Court, RG 12626904 (Judgment, 2013) (represented plaintiff in successful challenge to constitutionality of jurisdictional restriction in AB 900 revision to CEQA)

City of Pleasanton v. California Department of Transportation (Alameda County Superior Court, VG 05244194 (Judgment, 2011) (represented petitioner City of Pleasanton in successful challenge to Caltrans’ failure to prepare EIR addressing freeway plan’s traffic impacts)

State of Nevada v. United States Environmental Protection Agency (D.C. Cir. No. 08-1327, pending); *State of Nevada v. Nuclear Regulatory Commission* (D.C. Cir. No. 09-1133, pending) (represent State of Nevada in challenges to radiation standards for proposed Yucca Mountain nuclear waste repository, adopted on remand following Nevada’s successful earlier challenge)

State of Nevada v. United States Department of Energy (9th Cir. No. 71015, pending)(represent petitioner State of Nevada in NEPA challenge to DOE’s decision on rail line for nuclear waste transportation to proposed Yucca Mountain repository)

Planning and Conservation League v. Department of Water Resources (Sacramento County Superior Court, 95CS03216)(represented two environmental organizations and Plumas County in three-year negotiated settlement and seven-year administrative review of proposed State Water Project restructuring, following successful challenge to the Monterey Amendments’ environmental review)

Planning and Conservation League v. Castaic Lake Water Agency, 180 Cal.App.4th 210 (2009) (affirming environmental organization’s opportunity to challenge water transfer EIR against preclusion challenge, while upholding EIR against CEQA challenge)

Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova, 40 Cal. 4th 412 (2007) (defective assessment of long-term water supply for large-scale specific and community plan violated California Environmental Quality Act) (*amicus curiae*)

Allegretti v. County of Imperial, 138 Cal. App. 4th 1261 (2006), cert. denied 127 S. Ct. 960 (2007) (upheld county permit conditions limiting groundwater for owner’s use against takings claim)

Planning and Conservation League v. United States Bureau of Reclamation, et al. , unpublished (N.D. Cal 2006) (granted preliminary injunction against Delta-Mendota

Canal/ California Aqueduct intertie project based upon inadequate environmental review)

California Oak Foundation v. City of Santa Clarita (2005) 133 Cal. App. 4th 1219 (decertified environmental review that failed to analyze city's reliance on an uncertain water source) (*amicus curiae*)

Nuclear Energy Institute v. Environmental Protection Agency 373 F.3d 1251 (D.C. Cir. 2004) (invalidated EPA radiation standard for Yucca Mountain nuclear waste repository, sustaining Nevada/ NRDC challenge based upon definition of compliance period that defied National Academy of Sciences recommendations)

Hayward Area Planning Association v. Alameda County Transportation Authority, First Appellate District, unpublished (2004) (prevented funds from county transportation measure from diversion to transportation route changed from that approved by voters) (*amicus curiae*)

Friends of the Santa Clara River v. Castaic Lake Water Agency, Second Appellate District, unpublished (2003) (interim status of water transfer agreement pending further environmental review)

Friends of Sierra Madre v. City of Sierra Madre, 25 Cal.4th 165 (2001) (city-sponsored initiative removing structures from historic preservation status not exempt from review under California Environmental Quality Act)(*amicus curiae*)

Churchill County v. Norton, 276 F.3d 1060 (9th Cir. 2001) (addressing Department of Interior's NEPA procedures in implementing Truckee/ Carson/ Pyramid Lake Settlement Act)

Planning and Conservation League v. Department of Water Resources, 83 Cal. App.4th 892 (2000)(insufficiency of environmental review addressing the restructuring of State Water Project in the Monterey Amendments; right to proceed with validation action)

City of South Pasadena v. Slater, 56 F.Supp.2d 1106 (C.D. Cal. 1999)(preliminary injunction against Route 710 freeway, due to likely violations of National Environmental Policy Act, Clean Air Act, and section 4(f) of Department of Transportation Act)

City of South Pasadena v. Slater, 56 F.Supp.2d 1095 (C.D. Cal. 1999)(express waiver of state agency's sovereign immunity based upon record of consent to federal litigation)

Golub v. City of Carmel-by-the-Sea, Monterey County Superior Court, unpublished (1999)(mandate against city for failure to follow provisions of city code addressing procedures for use permits, variances, and administrative appeals)

City of Livermore v. Alameda County Flood Control and Water Conservation District,

Zone 7, Sacramento County Superior Court, unpublished (1999)(agreement to export water to support out-of-county development violated county's water district act)

Churchill County v. Babbitt, 158 F.3d 491 (9th Cir. 1998)(standing of county and city to challenge environmental review of Truckee-Carson-Pyramid Lake water reallocation program)

Planning and Conservation League v. Department of Water Resources, 17 Cal.4th 264 (1998)(time to appeal prejudgment order in validation action)

Timbisha Shoshone Tribe v. County of Inyo, Cal. App. unpublished (1996-1998)(compliance of mining project with environmental and reclamation laws)

County of Inyo v. City of Los Angeles, Cal. App., unpublished (1997)(joint Inyo-Los Angeles regulation of Owens Valley groundwater)

First Presbyterian Church of Berkeley v. City of Berkeley, 59 Cal.App.4th 1241 (1997)(represented local architectural heritage association in administrative proceedings preceding this litigation, which upheld city's authority to make discretionary land use review prior to demolition of architecturally significant building)

Baldwin v. County of Tehama, 31 Cal.App.4th 166 (1994)(authority of California counties to regulate groundwater)(*amicus curiae*)

City of South Pasadena v. California Department of Transportation, 29 Cal.App.4th 1280 (1994)(enforcing Streets and Highways Code requirement for city's consent to route 710 freeway construction)

North Valley Coalition v. County of Los Angeles, Cal. App., unpublished (1993-1994)(environmental assessment of Sunshine Canyon landfill proposal)

Berg v. Town of Ross, Cal. App., unpublished (1993)(defense of town open space provision)

Kemper v. City of Palo Alto, Cal. App., unpublished (1993)(defense of entitlement to expand medical facility)

Prentiss v. City of South Pasadena, 15 Cal. App. 4th 85 (1993)(regulation of historic building modification)

Moore v. Regents, 51 Cal.3d 120 (1990), cert. denied 499 U.S. 936 (1991)(property issues arising from use of tissue in biomedical research)

Atlantic Richfield Co. v. State Lands Commission, Los Angeles Superior Court, unpublished (1990) (public trust regulation of oil drilling in Santa Barbara channel) (*amicus curiae*)

Thornburg v. Gingles, 478 U.S. 30 (1986)(upholding challenge to racially discriminatory multimember voting districts under nationwide provision of Voting Rights Act)(*amicus curiae*)