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## 2023 Intro to Environmental Law Series

- **Forestry Law 101 – June 22, 2023, 12 noon**
- **Drinking Water/PFAS Law 101 – July, date and time TBD**
- **Land Use Law 101 – August, date and time TBD**
- **2023 Environmental Law Conference at Yosemite – October 19-22, 2023**

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### **California Lawyers Association (CLA)**

- Nonprofit, voluntary organization dedicated to the professional advancement of attorneys practicing in the state of California

### **Environmental Law Section (ELS)**

- Mission is to advance the quality, breadth, and availability of information and services related to environmental, natural resources, land use, and energy law, and to enhance the profession by cultivating a well-informed, collegial, and diverse group of lawyers and law students throughout the state

### **New Lawyers Section (NLS)**

- Represents all lawyers in California in their first 8 years of practice
- Mission is to advance practical skills, leadership and pro bono opportunities, networking, and support to meet the unique needs of California's diverse community of new lawyers

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## **American Bar Association (ABA)**

- Founded in 1878, the ABA is committed to advancing the rule of law across the United States and beyond by providing practical resources for legal professionals, law school accreditation, model ethics codes and more.

## **Section of Environment, Energy, and Resources (SEER)**

- The ABA Section of Environment, Energy, and Resources (SEER) fosters the success of a diverse community of environmental, energy, and resources lawyers, advisors, law students, and decision-makers and provides a premier forum for the exchange of ideas and information.

## **Forest Resources Committee**

- Addresses issues that touch both private and public forest lands. We focus on all legal, policy and practical issues relevant to owners, lenders, trade associations, managers, users, non-profits and others who are interested in forest lands.

# Intro to Environmental Law Series

## Forestry Law 101



Moderator:

**Marisa Choy**, Attorney, Southern California Edison



Speakers:

**Susan Jane Brown**, Principal, Silvix Resources



**Toby McCartt**, Assistant Chief Counsel, CAL FIRE



**Liz Esposito**, Shareholder, Brownstein Hyatt Farber Schreck, LLP

# AGENDA

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- PROCEDURAL & SUBSTANTIVE BASICS
  - Federal Forest Law
  - State Forest Law
  - Private Practice
- WORK EXAMPLES
- OPPORTUNITIES
- RESOURCES
- WAYS TO GET INVOLVED
- QUESTIONS & DISCUSSION

# PROCEDURAL & SUBSTANTIVE BASICS: Federal Forest Law

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- Pertains to the management of federal forestlands (national forests, public lands, national parks, wildlife refuges, etc.)
- Involves alphabet soup federal laws (NFMA, NEPA, MUSYA, FLPMA, etc.)
- Litigation typically involves challenges to federal agency actions and decisions
- Administrative record review vs. trial
- Role of science

# WORK EXAMPLES: Federal Forest Law

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- All sides of the “v”
- Litigation
- Policy
- Collaboration
- Government

# OPPORTUNITIES: Federal Forest Law

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- Forest management generally
- Mature and old growth protection
- Wildfire risk reduction
- Climate change
- Wildlife
- Forest planning



## RESOURCES: Federal Forest Law

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- Local nongovernmental organizations
- Public Interest Environmental Law Conference
- Federal land management agencies
- Environmental law programs

# PROCEDURAL & SUBSTANTIVE BASICS: State Forest Law

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- *Bayside Timber v. San Mateo Co.* (1971) 20 Cal.App.3d 1
- Z'berg-Nejedly Forest Practice Act of 1973 (PRC §§ 4511 *et seq.*)
- California Forest Practice Rules (14 CCR §§ 895.1 *et seq.*)
- Together, the Act and Rules regulate the conduct of “timber operations” by:
  - Providing dual mandate of MSP “while giving consideration” to other forest values
  - Creating a permitting system centered on the THP and Review Team process
  - Establishing enforcement mechanism for violations of Act, Rules, or plan
- Permitting system is Certified Regulatory Program under CEQA

## WORK EXAMPLES: State Forest Law

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- Advice and counsel to Department on compliance with Act & Rules, CEQA, other laws during review process and in enforcement
- Assisting in defense of harvest documents in litigation
- Enforcement, primarily through administrative civil penalty actions, especially as to illegal timberland conversion (whether cannabis, corn, or Christian camps)

# OPPORTUNITIES: State Forest Law

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Areas of growth in State forestry:

- Climate change, climate change, climate change (did I mention climate change?)
- Post-fire salvage logging and reforestation; type conversion
- Fire resilient forests (fuel reduction, prescribed fire, etc.)

Government employment (CAL FIRE, CDFW), NGOs (EPIC, Sierra Club), private counsel (representing applicants/real parties in interest)

## RESOURCES: State Forest Law

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Agencies with jurisdiction over timber operations: CAL FIRE, State Board of Forestry and Fire Protection

Review Team agencies and partners: CDFW, Water Boards, California Geological Survey, Native American Tribes

Local non-governmental organizations: EPIC, Friends of [Insert Local Watercourse Name]

# PROCEDURAL & SUBSTANTIVE BASICS: Private Forest Law

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- Private practice can involve all the federal and state laws previously discussed.
- Sample private practice clients: forest products industry, landowners, trade associations, foresters, local agencies, non-profit groups (e.g., agency partners), special use permit holders and applicants (resorts, cabins, infrastructure, etc.)
- Variety of legal issues, such as: permitting, environmental review (e.g., NEPA, CEQA), litigation (state and federal courts), due diligence and other transactional (e.g., contracts, business matters)

# WORK EXAMPLES: Private Forest Law

Helping clients get from here ...



... to here



## WORK EXAMPLES: Private Forest Law

Recent litigation example – amicus representation in *Forest Service Employees for Environmental Ethics v. United States Forest Service*



Mount Helena Fire,  
Helena Montana;  
Photo credit:  
Montana DNRC



# Why it Matters



Harney Fire (6/21/2023)  
– Jamestown, CA

# OPPORTUNITIES: Private Forest Law

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- Areas of growth: forest restoration, partnerships, wildfire risk mitigation, innovative responses to meeting California's forest health challenges
- Firm & in house roles: both legal and government relations
- Pro bono

## RESOURCES: Private Forest Law

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- ABA Section of Environment, Energy, and Resources, Forest Resources Committee
- Conferences and seminars
  - Legal
  - Non-legal (hosted by universities, trade and professional organizations) – e.g., Forest Strategies and Innovations (Calforests Annual Conference); Society of American Foresters
- Non-legal practitioners, experts

## WAYS TO GET INVOLVED

- Join [CLA](#), [ELS](#), [NLS](#), or other Sections once you graduate and are admitted to the Bar
- Attend webinars, [101 Series](#), and in-person [events](#) (e.g., [Yosemite Conference](#), Diversity Conference, Annual Meeting)
- Earn [MCLE credit](#) through online videos or self-study materials
- Submit an article for our eNews or other Section [publications](#)
- Watch NLS's [10 Minute Mentor](#) videos on YouTube
- Participate in [Student Negotiation](#) and Writing Competitions
- Join our Book Club, [Mentorship Program](#), and Legislation Committee
- Apply for Summer [Diversity & Inclusion Fellowships](#)
- Check out our [Job Board](#)

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## QUESTIONS & DISCUSSION

## THANK YOU!

- Marisa Choy [Marisa.Choy@sce.com](mailto:Marisa.Choy@sce.com)
- Susan Jane Brown [sjb@silvix.org](mailto:sjb@silvix.org)
- Toby McCartt [Toby.McCartt@fire.ca.gov](mailto:Toby.McCartt@fire.ca.gov)
- Liz Esposito [EESPOSITO@bhfs.com](mailto:EESPOSITO@bhfs.com)
  
- [Environmental Law - California Lawyers Association \(calawyers.org\)](http://calawyers.org)
- [New Lawyers - California Lawyers Association \(calawyers.org\)](http://calawyers.org)
- [Section of Environment, Energy, and Resources \(americanbar.org\)](http://americanbar.org)
- [Forest Resources Committee \(americanbar.org\)](http://americanbar.org)

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