



Michael J. Van Zandt

Partner

Michael is the co-chair of the Environmental & Natural Resources group at Hanson Bridgett. He has practiced for more than 35 years in the areas of environmental law, natural resources law, adjudication, acquisition, transfer, and defense of water rights, and federal and state administrative law. He represents clients in Takings Claims against the United States, involving water and grazing rights. Michael is the lead attorney in a defense class action case involving more than 4,500 water rights owners. He also represents one of the largest irrigation districts in the State of Nevada.

Michael has extensive experience with hazardous waste, wetlands laws, NEPA, CEQA, Superfund, Clean Air, Clean Water, Safe Drinking Water, Endangered Species Acts, and California's Proposition 65. Under the Clean Water Act, he represents both governmental and private entities sued by citizens groups for alleged violations of storm water and effluent discharge permits. Under Proposition 65, he successfully represented multiple defendants in challenging test methods for detection of lead in plumbing products. He has resolved numerous Proposition 65 cases for companies both inside and outside California without resorting to litigation.

Michael served as chief of environmental law for several Department of Defense organizations. He was the primary environmental law advisor to five major maintenance complexes. He also served as Assistant General Counsel for the Strategic Defense Initiative Organization of the Department of Defense. He is a retired Air Force Officer.

Representative Work

San Francisco Baykeeper v. City of Milbrae. Citizens group alleged thousands of violations of the federal Clean Water Act. Successfully negotiated Consent Judgment favorable to the City that incorporated ongoing upgrades to City's sanitary sewer system into court approved agreement.

California Sportfishing Protection Alliance v. Matheson Tri-Gas, Inc. Citizens group sued industrial facility for alleged violation of its stormwater discharge permit. Case was dismissed by plaintiff three days after summary judgment was filed.

Truckee-Carson Irrigation District. Representing the largest irrigation district in Nevada in ongoing litigation against the United States and

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various entities over water rights on the Carson and Truckee Rivers in California and Nevada. Cases involve endangered species, wetlands, federal water decrees, federal Reclamation Act, Indian Tribe trust obligations, and federal contract law.

White Collar Criminal Case. Lead counsel for five defendants in criminal indictment against a political subdivision and its officers accused of falsifying official reports to a federal agency. Case was resolved with full dismissals of all defendants based on motions to dismiss filed by the defense team.

Friends of Hope Valley v. Frederick Company. Case involved assertion of a public easement under California law over a 700 acre parcel in Alpine County. Case was voluntarily dismissed just before trial based on defense evidence that would prevent plaintiff from proving a continuous easement for five years across the entire parcel.

Publications

"Tax Tips to Help You Save, Plus Much More," author, *Experience Magazine* (November 2018)

"California Law Firm Sees Instability and Concern In Clean Water Regulation," co-author, *Environmental Business Journal* (September 2018)

"Practitioner Insights: Maui Groundwater Case Shows Government Retreat Is Bad for Everyone," co-author, *Bloomberg Environment* (May 2018)

"Circuit Courts Extend Clean Water Act Liability to Discharging Treated Wastewater and Other Pollutants to Groundwater," co-author, *Water Law Alert* (April 2018)

"The Supreme Court's Clean Water Act Ruling Opens Floodgates To Future Litigation," co-author, *Water Law Alert* (January 2018)

"Upcoming State Water Diversion Measurement and Reporting Deadlines," co-author, *Water Law Alert* (November 2017)

"PFC Regulation Begins in California," co-author, *Environmental & Natural Resources Alert* (November 2017)

"State Water Board Proposes Water Conservation Regulation," co-author, *Water Law Alert* (November 2017)

"How to Transfer Your Water Rights in Nevada," *Law360* (August 2017)

"Supreme Court to Hear "Waters of the United States" Argument this Fall," co-author, *Environmental & Natural Resources Law Alert* (July 2017)

"Understanding How to Buy Water Rights in Nevada," *Law 360* (July 2017)

"SWRCB Issues Water Use Reporting Notice," *Water Law Alert* (March 2017)

"Ninth Circuit Rules No Arranger Liability for Smelter's Air Pollutants under CERCLA," *Environmental & Natural Resources Law Alert* (August 2016)

"Prop 65: New Threshold for Calculating Exposure to Chemicals," *Prop 65 Law Alert* (March 2015)

"California Supreme Court Upholds CEQA Exemption Despite Potential Environmental Impacts," *Environmental & Natural Resources Law Alert* (March 2015)

"State Water Resources Control Board Requires Additional Reporting by Riparian and Pre-1914 Water Right Owners," co-author, *Water Law Alert* (February 2015)

"Unique Real Property Rights of Seniors in the Western United States," *Experience – American Bar Association Senior Lawyers Division* (July 2014)

"California Water Action Plan Finalized Amidst Historic Drought Conditions," co-author, *Water Law Alert* (February 2014)

"Boiler Systems Can End Up Being an 'Area Source' For Certain Emissions," co-author, *Environmental & Natural Resources Law Alert* (January 2014)

"Supreme Court's Koontz Ruling a Victory for Landowners," *Land Use Law Alert* (July 2013)

"Clean Water Act," *Water Law Alert* (January 2013)

"Property Rights and Environmental Initiatives," chapter author, *Environmental Legal Insights: Top Environmental Lawyers Share What They Know Best* (October 2012)

"California Supreme Court Decides 30 Day Statute Of Limitations Applies To Determination That No Environmental Review Is Required Under CEQA," *Water Law Alert* (February 2010)

"California Court of Appeal Reaffirms Traditional Common Law Formula For Determining Boundary Lines Between Littoral Land Owners," *Water Law Alert* (February 2010)

"California's Proposition 65: The Environmental Long-Arm Statute's Effect on Industry," *Environmental Alert* (Fall 2008)

Presentations

"Federal Water Policy: How the Rules Are Changing," co-speaker, Nevada Water Law Conference (November 2017)

"Water Rights Due Diligence, Availability Analysis and Transfers," Lorman Webinar (February & August 2015, March 2017)

"Inter-Jurisdictional Stream Flow Management: Case Study of the Truckee River Operating Agreement (TROA)," Law Seminars International's Water Resource Management, Science and the Law Conference (May 2016)

"Water Management in Times of Drought," co-speaker, Water Rights in Nevada Annual Conference (March 2016)

"Federal Criminal Enforcement Issues and Recent Takings Cases," Northern California County Counsels' Association (July 2011)

"Securing Water Rights in the Face of Environmental and Water Supply Concern: Making Secure Water Rights and Restoration Co-Equal," California Water Law Symposium (January 2011)

"California Environmental Quality Act 101," Nevada Bar Association (November 2010)

"Federal Criminal Enforcement Action Against Political Subdivisions And Other Governmental Entities On The Rise?" ACWA Continuing Legal Education for Water Law Professionals Conference (September 2010)

"Water Rights – *Hage v. United States*," State Bar of Nevada (June 2009)

"*Hage v. United States*: Lessons Learned in the Western Water Rights Clash with Federal Agencies," Nevada Water Resources Association (February 2009)

"The Evolution of Water Rights Transfer Law in the 9th Circuit Court of Appeals," co-speaker, Water Rights Sales and Transfers in California Seminar, Lorman Educational Services (July 2008)

Press

"Federal judge sides with New Mexico ranchers in water case," *The Seattle Times* (November 2017)

"Sanctions Denied Where Disposal Allegation Is Supported by Circumstantial Evidence," *Toxics Law Reporter* (August 2011)

"Ninth Circuit Rules Approved Wetlands Jurisdictional Determination by Corps Not Final Agency Action Under APA and Not Reviewable," *California Water Law and Policy* (October 2008)

"Victory at Pine Creek," *Range Magazine* (Fall 2008)

Honors & Awards

Litigation Counsel of America, Senior Fellow

Northern California Super Lawyers (2004-2006)

Professional Affiliations

Council Member to Senior Lawyers Division of American Bar Association

Editorial Board Member of Experience Magazine, Publication of the Senior Lawyers Division

Life Fellow of the American Bar Foundation

Environment, Energy and Resources Special Committee for the ABA, Senior Lawyers Division representative

Academic Distinctions

Order of the Coif

Traynor Honor Society

Pacific Law Journal, Editor-in-Chief

Education

LL.M., University of Virginia School of Law (1985)

J.D., with distinction, Order of the Coif, University of the Pacific, McGeorge School of Law (1980)

A.B., Honors Program, St. Joseph's College (1971)

Admissions and Courts

California

District of Columbia

Nevada

Supreme Court of the United States

U.S. Court of Federal Claims

U.S. Court of Appeals for the Ninth Circuit

U.S. District Court for the Northern District of California

U.S. District Court for the Central District of California

U.S. District Court for the Eastern District of California

U.S. District Court for the Southern District of California

U.S. District Court for the District of Columbia

U.S. District Court for the District of Nevada