



Nathan A. Metcalf

Partner

Nathan has over a decade of experience in environmental law and water law. Nathan advises clients on water rights issues in defending and protesting water rights applications and transfers, including related issues under the California Environmental Quality Act, the California Fish and Game Code, the Clean Water Act sections 401 and 404, the Porter-Cologne Water Quality Act, the Endangered Species Act, and the public trust, reasonable use and physical solutions doctrines. Nathan has assisted public agency clients in implementation of the Sustainable Groundwater Management Act (SGMA) and the State's emergency water conservation regulations. His experience includes involvement in water transfers and groundwater managements issues related to dwindling water supplies. Nathan has also defended industrial and municipal clients in stormwater permit compliance and citizen suit actions involving stormwater discharges under the Clean Water Act.

Nathan has experience in NEPA/CEQA compliance, environmental due diligence, remediation and development of contaminated properties, environmental reporting requirements, hazardous waste management, environmental permitting, Prop 65, UST clean-up, and endangered species. Nathan has appeared before numerous administrative and judicial proceedings including, the Ninth Circuit Court of Appeals, California Superior Court, the California State Water Resources Control Board, the Nevada State Engineer and a Bureau of Land Management, Administrative Law Judge.

Before becoming an attorney, Nathan worked in the areas of hazardous waste disposal and environmental health and safety (EH&S) management for medical instrument, drug delivery and biotechnology companies.

Representative Work

Water Law. Advises water right owners on permitting and reporting requirements before the SWRCB. Adjudication of water rights in administrative hearings. Achieved the dismissal of claims of forfeiture, abandonment, and lack of perfection for more than 1,400 individual water right owners in Federal Reclamation project. Assists with groundwater management, drought conservation measures and water transfers and wheeling agreements. Experience in fishery restoration projects and negotiated settlements with government agencies and environmental groups. Advises public agency clients in the implementation of SGMA including basin boundary modifications, application to become a

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Practices/Industries

Air Quality
Environmental & Natural Resources
Land Use
Litigation & Dispute Resolution
Proposition 65
Water Law
Government

Groundwater Sustainability Agency (GSA) and development of alternatives to a Groundwater Sustainability Plan (GSP).

Municipal Clients. Advises clients on environmental compliance requirements and review of environmental documents (CEQA / NEPA / ESA).

Industrial Stormwater. Advises municipal and industrial clients on stormwater compliance and defending citizen suit actions under the Clean Water Act, and negotiation of settlements.

Prop 65. Defends clients in Prop 65 actions, and resolves litigation through favorable settlement terms

Publications

"Can Groundwater Permitting Affect the Public Trust?," co-author, *Water Law Alert* (September 2018)

"California's First Appellate District Court Finds Reasonable Use Determination Requires Consideration of All Competing Water Users," *Water Law Alert* (February 2018)

"Ninth Circuit: Changes in Water Flows Benefiting Fish Don't Require SWRCB Permission," *Water Law Alert* (February 2017)

"DWR Provides Notice Of Proposed Emergency Regulatory Action for GSPs Under SGMA," co-author, *Water Law Alert* (July 2016)

"The DWR Releases Proposed Groundwater Sustainability Plan Emergency Regulations Under SGMA," co-author, *Water Law Alert* (May 2016)

"Governor Issues New Water Conservation Order; SWRCB Proposes Water Conservation Emergency Regulation Amendments," co-author, *Water Law Alert* (May 2016)

"The DWR Releases Draft Regulations for the Management of Groundwater Basins Under SGMA," co-author, *Water Law Alert* (February 2016)

"Infographic: Sustainable Groundwater Management Act (SGMA)," Hanson Bridgett's *In The Loop* (October 2015)

"The Sustainable Groundwater Management Act: Implementation Update," *Water Law Alert* (August 2015)

"SWRCB Issues Curtailment Notice for Senior Water Rights," *Water Law Alert* (June 2015)

"New Ruling: CDFW Notification Required For Water Diversions That Don't Alter Streambed," *Water Law Alert* (June 2015)

"SWRCB Issues Emergency Regulation and Governor Proposes Conservation Enforcement Legislation," co-author, *Water Law Alert* (April 2015)

"SWRCB Issues Draft Regulations to Achieve 25% Water Use Reduction," co-author, *Water Law Alert* (April 2015)

"Update: State Water Resources Control Board Releases Proposed Regulatory Framework to Implement the Drought Executive Order," co-author, *Water Law Alert* (April 2015)

"Drought State of Emergency: Governor Brown Issues Executive Order Mandating 25 Percent Reduction of Urban Water Usage," co-author, *Water Law Alert* (April 2015)

"State Water Resources Control Board Proposes to Continue and Add New Requirements to the Drought Emergency Water Conservation Regulations," *Water 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)

"Gearing Up for the Continuing Drought Emergency," *Water Law Alert* (February 2015)

"Court Finds SWRCB has Jurisdiction over Pre-1914 Water Rights and Defines Forfeiture Standard," *Water Law Alert* (September 2014)

"Superior Court Finds Issuance of Well Drilling Permit for Groundwater Extraction is Subject to the Public Trust Doctrine," *Water Law Alert* (July 2014)

"Sour Grapes: A Potential Prelude to Water Rights Curtailment," *Water Law Alert* (June 2014)

Presentations

"Stormwater Litigation Avoidance, Response, and Defense Strategies," Pollution Prevention Summit (September 2018)

"Clean Water Act Citizen Suits: Plaintiff and Defense Tactics for Litigation," co-speaker, Strafford Webinar (March 2018)

"Preventing, Litigating and Settling Clean Water Act Citizen Suits," co-speaker, Mapistry's Industrial Stormwater Summit Webinar (October 2017)

"Dark Days in Industrial Stormwater: What You Can Do to Fight Back or Avoid Stormwater Lawsuits," Webinar (January 2017)

"Drought Regulations, the Sustainable Groundwater Management Act, and Water Rates," co-presenter, County Counsel's Association of California Environmental Law and Regulation Fall 2016 Study Section Conference (October 2016)

"Drought Regulations, the Sustainable Groundwater Management Act, and Water Rates," co-presenter, California Special Districts Association Annual Conference (October 2016)

"Stormwater Citizen Suits," Bay Area Environmental Safety Group (February 2016)

"Implementing the 2014 Sustainable Groundwater Management Act," moderator, 2016 California Water Law Symposium (January 2016)

"Litigation Under the Clean Water Act," Ted Talk, Municipal Management Association of Northern California Annual Conference (October 2015)

"Environmental Law Panel: Sustainable Groundwater Management and the Drought," moderator, University of San

Francisco Environmental Law Student and Alumni Society and the Environmental Law Society (October 2015)

"And Not a Drop to Drink: Public Agency Options for Responding to Drought," co-speaker, Municipal Management Association of Northern California Annual Conference (October 2015)

"Life After Permit Submission: IGP Compliance and Minimizing Your Risk to Third Party Lawsuits," co-speaker, Mapistry's California's Stormwater Awareness Week (September 2015)

"State Water Resources Control Board Emergency Regulations for Water Suppliers," co-speaker, Public Agency Roundtable Series (July 2014)

"Protecting, Preserving and Utilizing Your Water Rights During a Water Shortage," panelist, Water Shortage Seminar (April 2014)

"Stormwater: What you need to know to survive winter," co-speaker, Public Agency Roundtable Series (November 2013)

"CEQA Reform—Recent Trends and Future Implications," Public Agency Roundtable Series (June 2013)

"Introduction to Water Law," County Counsels' Association of California (May 2010)

"Litigation on the Truckee and Carson Rivers," Newlands Water Protection Association (September 2009)

"The Evolution of Water Rights Transfer Law in the 9th Circuit Court of Appeals," co-presenter, Lorman Educational Services (July 2008)

Honors & Awards

Northern California Rising Stars (2010–2015)

Education

J.D., University of San Francisco School of Law (2005)

M.S., University of San Francisco (1997)

B.S., Clarion University of Pennsylvania (1989)

Admissions and Courts

California

Nevada

U.S. Court of Federal Claims

U.S. Court of Appeals for the Federal Circuit

Nathan A. Metcalf
Partner



U.S. Court of Appeals for the Ninth Circuit

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