



Hanspeter Walter
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Hanspeter Walter

Mr. Walter is a senior associate attorney who practices in water, environmental, administrative, and land-use law. He represents both public and private sector clients with an emphasis on regulatory compliance, water rights, water quality, and other land-use matters.

Legal Experience

Mr. Walter performs a variety of legal services for clients including litigation, transactional document preparation and review, in-depth legal research, and regulatory permitting and compliance assistance. Specific areas of experience include:

- Endangered Species Acts (Federal and State)
- California Environmental Quality Act (CEQA)
- National Environmental Policy Act (NEPA)
- Water supply assessments and verifications
- Urban Water Management Plans
- Land-use matters
- Regulatory permits
- Administrative proceedings
- Clean Water Act

Prior to and while attending law school, Mr. Walter worked as an Environmental Scientist for the California Department of Water Resources for more than five years, where his primary responsibilities included:

- Ensuring that water projects complied with State and Federal environmental laws
- Preparing and conducting environmental and water supply analyses
- Developing and performing biological restoration, mitigation, and monitoring activities
- Working on inter-agency teams to resolve environmental, flood, and water supply challenges

Mr. Walter's public employment background, which also includes work for the Idaho Department of Fish and Game and Oregon Department of Fish and Wildlife, serves him well in representing both public agencies and the private clients involved in permitting and other regulatory issues with those agencies. His interdisciplinary education and experience also allow Mr. Walter to quickly assimilate issues and develop solutions to legal matters when complex biological, scientific, or technical information is involved.

Practice Examples

- Challenging and defending Endangered Species Act biological opinions
- Litigation involving the Sacramento – San Joaquin Delta

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- Preparing, defending and challenging CEQA and NEPA documents
- Developing water supply strategies for clients to demonstrate long-term water supply availability to comply with California laws regarding development projects
- Assisting private applicants with approval of reclamation plans under the Surface Mining and Reclamation Act (SMARA)
- Advising clients and drafting water transfer and sales agreements for water buyers and sellers
- Litigating rights under Bureau of Reclamation water delivery contracts including application of California “area of origin” laws
- Reviewing Urban Water Management Plans
- Assisting in litigation defining the scope and applicability of the California Endangered Species Act
- Advising clients and drafting water transfer and sale agreements for water buyers and sellers
- Preparing Freedom of Information Act and Public Record Act requests

Representative Decisions

- *In re Consolidated Salmonid Cases*, 688 F.Supp.2d 1013 (E.D.Cal. 2010)
- *Consolidated Delta Smelt Cases*, 717 F.Supp.2d 1021 (E.D.Cal. 2010)
- *Consolidated Salmonid Cases*, 713 F.Supp.2d 1116 (E.D.Cal. 2010)
- *Consolidated Delta Smelt Cases*, 686 F.Supp.2d 1026 (E.D.Cal. 2009)
- *Natural Resources Defense Council v. Kempthorne*, 627 F.Supp.2d 1212 (E.D.Cal. 2009)
- *Natural Resources Defense Council v. Kempthorne*, 621 F.Supp.2d 954 (E.D.Cal. 2009)
- *California Water Impact Network v. Newhall County Water Dist.*, 161 Cal.App.4th 1464 (2008)
- *Natural Resources Defense Council v. Kempthorne*, 539 F.Supp.2d 1155 (E.D.Cal. 2008)
- *Nelson v. County of Kern*, 118 Cal.Rptr.3d 736 (Cal.App.5th 2010)
- *Tehama-Colusa Canal Authority v. U.S. Dept. of Interior*, 2011 WL 3322768 (E.D.Cal. 2011)
- *Kern County Water Agency v. Watershed Enforcers*, 110 Cal.Rptr.3d 876 (Cal.App. 1st 2010)
- *In re Delta Smelt Consolidated Cases*, 663 F.Supp.2d 922 (E.D.Cal. 2009)
- *San Luis Delta-Mendota Water Authority v. Salazar*, 686 F.Supp.2d 1026 (E.D.Cal. 2009)
- *San Luis Delta-Mendota Water Authority v. Salazar*, 666 F.Supp.2d 1137 (E.D.Cal. 2009)
- *Pacific Coast Federation of Fishermen’s Associations v. Gutierrez*, 2008 WL 4657785 (E.D.Cal. 2008)
- *South Yuba River Citizens League v. National Marine Fisheries Service*, 2007 WL 4374214 (E.D.Cal. 2007)

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Professional Activities & Affiliations

Mr. Walter speaks and writes on water related issues for a variety of educational and professional organizations. Examples include:

- Author, "Federal Court Rules State 'Area of Origin' Laws Do Not Require Bureau of Reclamation to Preferentially Deliver Water to the Sacramento Valley," *California Water Law and Policy Reporter*, Oct. 2011
- Author, "The Outer Limits of Endangered Species Act Liability - The ESA's Indirect Effect Regulation and Its Application to Climate Change," *Environmental Law Reporter*, March 2011
- Author, "U.S. District Court Grants Water Users' Challenge to Delta Smelt Biological Opinion - Finds Opinion and Its Restrictions on SWP and CVP Operations Unlawful," *California Water Law and Policy Reporter*, Feb. 2011
- Author, "The Crossroads of NEPA and the ESA - A Four Way Stop for Federal Agencies," *ABA Agricultural Management Committee Newsletter*, Vol. 15, No. 1, Nov. 2010
- Speaker/Panelist, Update on Federal Litigation Regarding the Sacramento-San Joaquin Delta, 43rd Annual Mid-Pacific Region Water Users Conference, Feb. 2010
- Author, "Should We Build an Ark to Comply with the ESA? Applying the Endangered Species Act's Causation Element to Climate Change," *ABA Water Resources Committee Newsletter*, Nov. 2009
- Speaker/Panelist, Urban Drought Management Workshop: Managing the Crisis, Rules and Regulations for Declaring Drought and Shortage, Association of California Water Agencies and Water Education Foundation, April 2009
- Guest Lecturer, Biodiversity and Water Resource Management Case Study: The Sacramento-San Joaquin River(s) Delta, UCLA, March 2009
- Speaker/Panelist, The Wanger ESA Decisions, 42nd Annual Mid-Pacific Region Water Users Conference, Jan. 2009

His other professional activities, affiliations and accomplishments include:

- Recipient, State Bar Real Property Law Section, Outstanding Webinar Presentation, "Conducting Environmental Impact Review on Endangered Species Act Implementation—Achieving Informed Species Protection with Public Accountability," May 2011
- Member, Water Education Foundation's Water Leaders Program, 2008-2009
- Co-chair, Natural Resources subsection of the Real Property section of the California State Bar Association
- Member, Sacramento County Bar Association

Additionally, In relation to his masters work in wildlife resources, Mr. Walter wrote several scientific publications, including:

- "Chukar", in *Birds Of Oregon: A General Reference*, 171-173, David B. Marshall, et al. eds., (Univ. of Oregon Press, 2003)

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- “Fall Diet of Chukars (*Alectoris chukar*) in Eastern Oregon and Discovery of Ingested Lead Pellets”, 63(3) *Western North American Naturalist* 402-405 (2003)
- “Natural History and Ecology of the Chukar (*Alectoris chukar*) in the Northern Great Basin”, 5(1) *Great Basin Birds* 28-37 (2002)
- “Ecology of the Chukar (*Alectoris chukar*) in Eastern Oregon”, M.S. Thesis (2000)

Admitted to Practice

- All California State Courts
- United States District Court, Eastern District of California
- United States Court of Appeals, Ninth Circuit

Academic Background

B.S., Forestry, University of California, Berkeley, 1996

M.S., Wildlife Resources, University of Idaho, Moscow, 2000

J.D. University of the Pacific, McGeorge School of Law, 2006

– *Valedictorian of Evening Division*

– *Member, Order of the Coif*

– *Witkin Award for highest grade in Water Law, Property, Evidence, Professional Responsibility, Business Associations, Wills & Trusts, Transnational Arbitration*

– *Teaching Assistant, International Advocacy Course, August – May 2005*