



## James Rusk

Associate

San Francisco  
Four Embarcadero Center  
Seventeenth Floor  
San Francisco, CA 94111

Tel: 415.774.3232  
Fax: 415.403.6207  
[jrusk@sheppardmullin.com](mailto:jrusk@sheppardmullin.com)

### PRACTICE AREAS

- Land Use and Natural Resources
- Real Estate

### OVERVIEW

James Rusk is an associate with the Land Use and Natural Resources practice group in the firm's San Francisco office.

#### Areas of Practice

**Natural Resources.** Mr. Rusk represents residential, commercial and energy developers in natural resources permitting, regulatory compliance and litigation. He focuses on endangered species, wetlands, and storm water issues under federal and state law, in addition to compliance with the National Environmental Policy Act ("NEPA") and California Environmental Quality Act ("CEQA"). Because every project is inherently local, he complements his substantive knowledge with expertise in local development ordinances and procedures. He has worked on major projects all over the state, from the Bay Area to the Central Valley and Southern California.

**Sustainable Development.** With expertise in California's global warming laws, including AB 32 and SB 375, as well as CEQA and the state Subdivision Map Act, Mr. Rusk brings a unique perspective on sustainable development to both greenfield and brownfield projects.

**Water Rights.** Mr. Rusk represents clients in disputes involving water rights under California law, as well as the acquisition and marketing of entitlements to water supplied through federal Bureau of Reclamation projects in California.

**Organic Food and Fiber.** Mr. Rusk is a member of the firm's Food and Beverage Industry Team, with an emphasis on organic and sustainable agriculture. He counsels clients on compliance with the federal Organic Foods Production Act and USDA's National Organic Program, as well as private organic certification programs and standards.

### EDUCATION

- J.D., University of California, Hastings College of the Law, 2007, *Magna cum laude*; *Order of the Coif*; Senior Articles Editor, *Hastings Law Journal*
- B.A., University of Houston, 1997, *Magna cum laude*

### ADMISSIONS

- California
- Federal: United States District Court of California, Northern District, and Ninth Circuit Court of Appeals

## MEMBERSHIPS

- State Bar of California, Environmental Law section
- American Bar Association, Environment, Energy and Resources Section
- Bar Association of San Francisco, Barristers Club
- Urban Land Institute, ULI-San Francisco Subcommittee on Sustainable Development
- Organic Trade Association

## ARTICLES

- Putting the Pieces Together: Integrating NEPA with Other Federal Requirements, prepared for CLE International 6th Annual NEPA Conference, January 21-22, 2010 (coauthor)
- Endangered Species Regulatory and Case Law Update 2009, prepared for CLE International 16th Annual Conference On the Endangered Species Act, November 5-6, 2009 (contributor)
- The National Environmental Policy Act: Wetlands Issues Within the NEPA Process, prepared for the CLE International California Wetlands Conference, February 26-27, 2009 (coauthor)
- Consideration of Cumulative Impacts Under the National Environmental Policy Act, prepared for the CLE International 5th Annual NEPA Conference, February 23-24, 2009 (contributor)
- Endangered Species Regulatory and Case Law Update 2007, prepared For CLE International 14th Annual Conference On the Endangered Species Act and Habitat Conservation Planning, November 1-2, 2007 (contributor)
- "The National Environmental Policy Act: Wetlands Issues Within the NEPA Process," prepared for the CLE International California Wetlands Conference, February 26-27, 2009 (with Ella Foley-Gannon)

## Real Estate & Construction Law Blog Articles

- "Court Clarifies Mitigation Requirements for Impacts to Historical Resources, Reaffirms Use of Existing Conditions as Analytical Baseline", September 27, 2011
- "California Legislature Passes Bills to Expedite Judicial Review of CEQA Challenges for Selected Projects," September 14, 2011
- "EPA Proposes 'Veto' of Section 404 Permit for Mountaintop Removal Coal Mining Project in West Virginia", April 30, 2010
- "Court Of Appeal Limits 'Text' Requirement For Local Referendum Petitions", August 14, 2009
- "EPA May Use Cost-Benefit Analysis In Setting "Best Technology Available" Standards Under Clean Water Act", April 6, 2009
- "Army Corps Properly Limited Scope of NEPA Review of Section 404 Permits to Impacts of Filling Jurisdictional Waters", March 10, 2009
- "State Water Board Lifts Moratorium On New Construction in LA Region", August 5, 2008
- "State Water Board Imposes Moratorium On New Construction In Los Angeles Region", July 24, 2008
- "California Supreme Court Holds Headwaters Agreement Incidental Take Permit And Sustained Yield Plan Invalid", July 24, 2008

- "Federal Claims Court Awards \$4.2M to Ranchers' Estate for Taking of Water Rights", June 20, 2008

**Climate Change & Clean Technology Law Blog Articles**

- "Federal Courts Take Divergent Views of Common Law Claims on Climate Change", December 8, 2009
- "2nd Circuit Allows Public Nuisance Suit Against Greenhouse Gas Emitters", September 29, 2009