

Berkeley Law | Center for Law, Energy,
& the Environment

2022 *Snapshot*

Pragmatic, creative policy solutions to critical
environmental and energy challenges.

NOVEMBER 2022



CLIMATE
& ENERGY



WATER



OCEANS



LAND USE



FOREWARD

2022 is once again demonstrating both the fragility and resilience of our global community. The world is in its third year of the COVID-19 pandemic. The war in Ukraine is taking a tragic toll on human life, while revealing the vulnerability of our energy system. An Intergovernmental Panel on Climate Change report confirmed that our window to address climate change is closing and urgent action is needed to reduce emissions and build resilience. Here in California, we are in our third year of drought, which increases wildfire danger and impacts agriculture.

It goes without saying that these challenges can feel overwhelming, but they should also spark a determination to realize positive change in the world. Both the State of California and the federal government are making record investments in climate solutions coupled with commitments to center equity and support just transitions to a low carbon future.

At CLEE, we remain committed more than ever to our mission: developing actionable policy solutions to address our biggest environmental problems, including transitioning our energy systems; building resilience in our natural and built environments; and establishing effective governance and finance mechanisms to deliver effective and equitable policy solutions. Because of CLEE's unique position at the boundaries of legal and policy scholarship and environmental action, state and local government agencies continue to seek CLEE's help to navigate complex topics and develop tools to support policy design, implementation, and evaluation. CLEE went through a period of tremendous growth under our prior Executive Director, Jordan Diamond, and we are committed to continuing that growth to meet the escalating challenges facing society.

In addition to our research and policy engagement, CLEE supports the next generation of environment leaders and changemakers through our work with Berkeley Law students. Berkeley Law's environmental program remains tied as the #1 environmental law program in the country. We recognize students' educational accomplishments in energy and environmental law through our certificate programs.

Thank you to our partners and supporters for what you are doing to help meet the daunting challenges of our day and for your continued support of CLEE.



Louise Bedsworth
Executive Director



Daniel Farber
Faculty Director

NOVEMBER 2022

2022 SNAPSHOT

Pragmatic, creative policy solutions to critical environmental and energy challenges.

ABOUT THE CENTER FOR LAW, ENERGY & THE ENVIRONMENT

The Center for Law, Energy & the Environment (CLEE) channels the expertise and creativity of the Berkeley Law community into pragmatic policy solutions to environmental and energy challenges. CLEE works with government, business, and the nonprofit sectors to help solve urgent problems requiring innovative, often interdisciplinary approaches. Drawing on the combined expertise of faculty, staff, and students across the University of California, Berkeley, CLEE strives to translate empirical findings into smart public policy solutions to better environmental and energy governance systems.





CLIMATE & ENERGY

CLEE's climate program advances innovative policy solutions and climate action in California and beyond.

EXPLORING OPTIONS FOR CARBON SEQUESTRATION

Our report [Capturing Opportunity](#) identified solutions to advance engineered carbon removal technologies — such as direct air capture of atmospheric carbon — which are mostly still in the early development stages but are critical to helping California achieve its statewide carbon neutrality target by 2045.

In [Seeding Capital](#), we highlighted strategies to support market and financial mechanisms to promote investment in nature-based carbon sequestration efforts, such as preserving and expanding forests and ecosystems like wetlands to store carbon, which can help California and other jurisdictions achieve the “negative emissions” needed to meet long-term carbon neutrality goals.

In 2022 we built on this work by assisting the state with legislation to advance innovative engineered carbon removal projects.

BOLSTERING CLIMATE AND WILDFIRE RESILIENCE AND REDUCING EMISSIONS

Our report [Priorities for Sonoma County's Wildfire Settlement Vegetation Management Funds](#) helped Sonoma County leaders develop a plan to spend \$25 million from a wildfire lawsuit on sustainable, long-term vegetation management, including models for governance, financial sustainability, and education and workforce development which can be applied in other counties and statewide.

STUDENT RESEARCHERS & ASSISTANTS

Layne Fajeau (undergrad '23)

Jack Gil (undergrad '22)

Taylor Kavieff (undergrad '23)

Ashley Soliman (undergrad '22)

Laura Valencia Loaiza (undergrad '22)

Sasha Vanley (undergrad '22)

Michael Maroulis (Law '22)

Clara Barnosky (Law '22)

Richard Yates (Law '22)

Jane Sadler (Goldman '22)

Zachary Zimmerman (Goldman '22)

IMPROVING INVESTMENT IN SUSTAINABLE TRANSPORTATION

In [Getting Back on Track: Policy Solutions to Improve California Rail Transit Projects](#), we assessed national and international construction trends and California case studies to understand the causes of rail transit construction cost overruns and delays and offer recommendations to improve project delivery.

In 2022, we built on this work by helping state agencies develop off-site mitigation banks to fund projects that reduce driving miles, described in our report [Implementing SB 743](#); contributing to a [statewide analysis](#) of transportation investment and climate priorities under the California Transportation Plan; and developing policy reports on [promoting sustainable aviation fuels](#) and [deploying electric vehicle infrastructure in lower-income communities](#).

BUILDING URBAN CLIMATE RESILIENCE

In 2022, CLEE led [a project advising the City of San Francisco](#) on financing and funding opportunities to fund the city's ambitious climate action plan, leading to a first-of-its-kind set of recommendations that could inform similar efforts in cities across the country.

MEDIA AND ADVOCACY

Our climate experts were featured in a range of international, national, and state and local outlets, with commentary on climate law and policy developments for outlets including the New York Times, Washington Post, Los Angeles Times, BBC, The Guardian, Vox, Fortune, and ABC television news, among others. In addition, we published op-eds in CalMatters, The Hill, and Capitol Weekly.

Senior Research Fellow Ted Lamm co-authored an [amicus brief](#) supporting EPA's authority to regulate greenhouse gas emissions in the Supreme Court case *West Virginia v. EPA*.





WATER

CLEE's Wheeler Water Institute provides thought leadership on critical water issues, specializing in a unique blend of legal, policy, and technical expertise and producing robust analysis and actionable policy recommendations that directly inform decision making. In 2022, we are expanding our ongoing efforts to improve water management and governance in California and across the nation with a focus on groundwater recharge, water rights data, drought decision making, and water innovation.

ADVANCING SUSTAINABLE GROUNDWATER MANAGEMENT

With generous support from the Gordon & Betty Moore Foundation and partnership with UC Santa Cruz, leading water agencies, and others, we continue to support implementation of [Recharge Net Metering](#), a novel means of incentivizing groundwater recharge. With two functioning field sites, this effort is putting water into local aquifers and proving the concept for future expansion to other areas.

We published a suite of [nine case studies](#) of successful groundwater recharge around the United States, detailing for the first time the institutional context necessary to enable managed aquifer recharge.

In 2022, we are working with Santa Clara Valley Water District and a cross-UC team on a Water Resource Innovation Partnership to identify opportunities for expanding multi-benefit groundwater recharge.

IMPROVING WATER DATA AND DECISION MAKING

After over six years of research and engagement effort, we published a [major report](#), a pilot database, and an [LA Times op-ed](#) demonstrating the need for, and possibility of, modernizing California's water rights and use information. The state of California subsequently included \$30 million in its budget to implement such a system, which we hope will help to enhance clarity for decision making around allocation of water for human and environmental purposes.

STUDENT RESEARCHERS & ASSISTANTS

Kyralai Duppel (undergrad '22)

Dominic Moscatello (undergrad '22)

Amita Muralidharan (undergrad '22)

Ananya Subramanian (undergrad '22)

Emily Woods (undergrad '22)

Luke Sherman (undergrad '20, Energy & Resources Group '22, Goldman '22)

We introduced our concepts of data driven data provision to a broader audience in a [journal article](#), sharing lessons from California water.

PLANNING AND PREPARING FOR DROUGHT

We continued a collaboration with the State Water Resources Control Board to incrementally build a framework for more timely and effective drought decision making. Our initial work focused on using existing data to track drought warning signs across the state and flag watersheds that might need targeted attention.

PROMOTING WATER INNOVATION AND RESILIENCE

We published an [article](#) examining natural infrastructure from a governance perspective, and were invited to present the ideas about multi-benefit projects before the California Water Commission.

In another [article](#), we showed that wastewater utility managers and regulators broadly agree on potential avenues for encouraging innovation while ensuring environmental protection, a counterintuitive finding that supports efforts to increase collaboration.

We are part of a team that received a \$10 million grant from the US Department of Agriculture to examine the potential for water markets to support agriculture and ecosystem goals. This will afford us the opportunity to extend our pathbreaking [work](#) on the topic.

We published research identifying lessons from four case studies across the country for cultivating effective utility-regulator relationships around innovation. We are working with US EPA to extend these lessons into practice in the water reuse industry.

“As we careen deeper into drought, California will face increasing impacts to urban and agricultural economies, rivers and forests, and wildlife.”

—Michael Kiparsky, writing in The Los Angeles Times





OCEANS

The Oceans Program continues to focus on California's floating offshore wind planning process. It is rare to have the opportunity to shape the development of a nascent industry, and in 2023 we will strive — not only to connect people and ideas — but also to support implementation of state goals so that offshore wind development is responsible, sustainable, and inclusive.

DEVELOPING CALIFORNIA'S OFFSHORE WIND STRATEGY

While Atlantic coast states continue to lead the U.S. in offshore wind development, California could play a substantial role in meeting the Biden Administration's goal of deploying 30 gigawatts of offshore wind energy by 2030. However, California's deep waters necessitate the use of floating offshore wind turbines which have not yet been used in the United States, and California must ensure that any offshore wind development off its shores upholds environmental, equity, workforce, infrastructure, and other critical values beyond a sole focus on gigawatts of energy.

In 2022, CLEE developed and hosted a stakeholder conversation series with support from the Energy Foundation. Between March and November 2022, we hosted four convenings on several key policy and planning topics. The first provided an introduction to offshore wind. Subsequent convenings focused on transmission, federal lease stipulations, and lessons learned from Europe and the US East Coast. Through these conversations, as well as through individual discussions and interviews, CLEE has built a strong network of California offshore wind stakeholders and provided a shared space for learning and dialogue. To our knowledge, CLEE is the only entity bringing together such a diverse array of stakeholders around offshore wind. We have received very positive feedback from stakeholders and state agencies about both the CLEE convening process and the convening summaries, which are shared with policy makers and stakeholders after each session. We are eager to continue advancing this conversation in 2023 and to support implementation of offshore wind.

Our report [Envisioning Offshore Wind for California](#) summarizes state policy and planning recommendations for the offshore wind process, urging the state to think holistically about offshore wind planning, so as to maximize benefits and minimize adverse impacts.

STUDENT RESEARCHERS & ASSISTANTS

Isabel Cortes (Law '22)

Enzo Cremers (Undergrad '24)

Imani Martinez (Law '23)

Nadia Senter (Law '22)





LAND USE

CLEE's land use program examines land use in the context of a changing climate. Our work focuses on how land use can support climate solutions through compact development patterns and land conservation, build resilience in communities and ecosystems, and address inequity and environmental justice.

DEVELOPING INNOVATIVE TOOLS TO SUPPORT LAND CONSERVATION AND RESTORATION

We received support from the Peninsula Open Space Trust to develop a Climate Resilience Credits program to support conservation, restoration, and regeneration in the Coyote Valley in Santa Clara County. Several critical planning decisions in the County cite this program as an implementation tool and pave the way to launch a pilot in 2022.

ANALYZING THE INTERPLAY BETWEEN HOUSING PRODUCTION, CLIMATE RISK, AND EQUITY

We participated in a dialogue between housing and environmental groups to identify areas for collaborative work to advance climate change and housing goals.

In 2022, we continued developing a collaborative research agenda to examine pathways to navigate much-needed housing production in light of changing climate conditions and equity goals.

UNDERSTANDING LOCAL REGULATION OF CANNABIS CULTIVATION

Maira O'Neill and Eric Biber launched a research initiative to build knowledge of local regulation of cannabis cultivation, which can have significant environmental impacts.

AMINING ENTITLEMENTS AND HOUSING DEVELOPMENT

In 2022, O'Neill and Biber drafted a paper examining the effect of Senate Bill 35, California's law that streamlines approval for affordable housing developments, in cities whose development and entitlement processes they have previously studied.



PROJECT CLIMATE

Project Climate focuses on one of the great challenges for climate change action: moving the most promising climate solutions to policy and scale, and doing it quickly. Through multiple initiatives, we are gaining traction and impacting California communities, national policies, and worldwide negotiations

LAUNCHING GRIZZLYCORPS

In 2021 we launched UC Berkeley's first AmeriCorps program, GrizzlyCorps, and in 2022 we nearly doubled its size to send 35 recent graduates to farm and forest communities to work for a year full time on regenerative agriculture and forest and fire resilience. This year we will also add a student program for the school year and summers.

TACKLING METHANE EMISSIONS

We drafted frameworks for reducing emissions of methane—the second-most important greenhouse gas and greatest opportunity for near-term impact—from the oil and gas and agriculture sectors. In 2022, with the addition of two methane research fellows, we are working with sub-national governments around the world on implementation plans and on new frameworks for the coal and waste sectors, and with NGOs and others towards a legally binding agreement.

TRACKING LEGAL DEVELOPMENTS AND COMMUNICATING CLIMATE SOLUTIONS

We have partnered with Grist to track and report on the Biden Administration's continuing efforts to reverse environmental rollback of the previous administration. We are also tracking environmental decisions from Trump appointed judges, evaluating whether they are in the judicial mainstream.

“This year, we’ve launched the Climate and Wildfire Institute to speed on-the-ground implementation, expanded GrizzlyCorps, made international progress with methane protocols, and shined a light on climate solutions through our radio/podcast ClimateBreak.”

—Ken Alex, Director, Project Climate

We are expanding our radio program and podcast, Climate Break, focusing on climate solutions large and small, commonplace and esoteric. Each radio episode highlights a solution with an expert interview—all in 90 seconds.

PROMOTING ELECTRIC VEHICLE INFRASTRUCTURE IN UNDERSERVED COMMUNITIES

Underserved communities often are last to receive the benefits of new technologies. In 2022, we worked to change that, partnering with cities and communities to find the ways to help those communities obtain the infrastructure necessary to become early adopters of electric vehicles.

GRIZZLYCORPS

GrizzlyCorps, an AmeriCorps program spearheaded by CLEE's Project Climate, continued to build community resilience across California by responding to climate change, facilitating meaningful community engagement, and providing career-building experiences for recent college graduates. GrizzlyCorps focuses on two areas of climate action: fire and forestry resilience and regenerative agri-food systems. By the end of the current service year, GrizzlyCorps will have had over eighty young professionals participate in our program totalling well over 140,000 hours of service.



“As a recent graduate, GrizzlyCorps has given me a tremendous opportunity to learn and grow compared to traditional early-career pathways. I have a wide latitude to explore my interests and experiment with new ideas, leaving me with innumerable skills and perspectives to take into the future.”

—Bryce Hutchins, GrizzlyCorps '21, UC Berkeley '20 (served with Mendocino County Resource Conservation District)



CALIFORNIA-CHINA CLIMATE INSTITUTE

The California-China Climate Institute (CCCI) is chaired by former California Governor Jerry Brown and vice chaired by Mary Nichols. Housed jointly at UC Berkeley's School of Law through its Center for Law, Energy & the Environment and Raussers College of Natural Resources, CCCI works closely with partners in China as well as other University of California campuses to advance climate action through research, training, and dialogues.

MOU AND HOSTED MEANINGFUL DIALOGUES

In April, CCCI facilitated the signing of an MOU between the state of California and China's Ministry of Ecology and Environment to conduct collaborations on methane, carbon market, low carbon transport. In July, CCCI facilitated a meeting between Governor Newsom and Minister Huang Runqiu in Washington DC to discuss possible collaboration on nature-based climate solutions and possible bilateral meeting at COP 27 in Egypt.

The Institute also held provincial dialogues with Guangdong and Hainan provinces on various dimensions of the climate challenge.

SUPPORTED TRAINING AND CAPACITY-BUILDING

CCCI developed technical training workshops for Nanjing city (Jiangsu Province) on GHG emissions reductions.

In conjunction with the Chinese Ministry of Commerce and Ministry of Commerce in Jiangsu Province, CCCI delivered a seven-module climate [training](#) for Chinese business leaders.

“It’s been two years since we were founded, and this Institute is a very bright light in the midst of some very difficult times between our two countries. We are working together at the subnational level and with national leaders to confront the common threat of climate disaster, and to advance knowledge, understanding and action.”

—Jerry Brown, Chair, California-China Climate Institute

ADVANCED RESEARCH ON CLIMATE ACTION

Pathways to Carbon Neutrality

CCCI launched a series of new [research](#) exploring ways the United States and China can coordinate their near- and mid-term climate efforts, including:

- A [synthesis report](#) that develops a framework and recommends milestones for U.S.-China coordination on carbon neutrality
- A U.S. [report](#) that analyzes U.S. deep decarbonization studies
- A China [report](#) that analyzes Chinese deep decarbonization studies
- The [States' Climate Action Map](#) which visualizes the twenty- eight U.S. states with near- or long-term climate targets and their associated policies.

Tackling Short-Lived Climate Pollutants

CCCI recently received a grant from the Global Methane Hub to advance work between California and China on methane issues. The work is underway at COP 27.

New Project on Public Health Co-benefits

CCCI started a new project focused on the public health co-benefits of climate policy and air quality actions. The work will include a research report to be released in 2023 and series of workshops.

Nature-based Climate Solutions

CCCI advanced research on nature-based climate solutions, in collaboration with The Nature Conservancy California and China, and Tsinghua University, including on wildfires and reforestation, and wood product supply chains, also convening several webinars, including a session during COP26 on [Accelerating Nature-based Climate Action Through the Eyes of Women Climate Leaders](#).

FOSTERED POLICY AND ENGAGEMENT

California climate policy leaders joined the Institute's leadership team: Former California Air Resources Board Chair Mary Nichols serves as Vice-Chair and former Executive Director of the Strategic Growth Council Louise Bedsworth serves as Senior Advisor.

The institute launched the audio and visual podcast [Climate Dialogues with Jerry Brown](#), featuring interviews between Brown and nearly a dozen climate policy leaders and experts.

CCCI hosted over twenty events and produced a dozen blog posts highlighting research results, key dialogues, policy commentary and other achievements of the Institute.

CLIMATE RISK INITIATIVE

In its second full year under former California Insurance Commissioner Dave Jones, CLEE's Climate Risk Initiative continued to build progress in developing policy tools to evaluate and address climate-related risks in the insurance and financial sectors. Dave served as a member of Governor Newsom's Climate-Related Risk Disclosure Advisory Group, contributing to the Group's landmark report on climate risk in the state economy, and he co-authored groundbreaking reports on nature-based and community insurance approaches for flood risk and wildfire risk.

Dave also met with senior White House, Treasury, and Federal Reserve officials to discuss strategies to address climate-related financial risks in the banking and financial systems; and advised the New York Financial Services Department and the UN Sustainable Insurance Forum (which he founded when he was Insurance Commissioner) on best practices related to addressing climate-related financial risks to the insurance sector.

In addition, following the release of the [California Responsible Investment Roadmap](#), we convened California legislators and policymakers to identify top-priority recommendations for further development into actionable policy and legislation:

- We played an instrumental role in developing [Senate Bill 449](#) (Stern), which would require climate-related financial risk disclosure by large California corporations, financial institutions, and insurers—a first-of-its-kind requirement in the US.
- We also developed innovative legislative proposals to integrate climate-related financial risk considerations into [state procurement](#) and [state bond issuance](#) policies, furthering the state's recognition that climate risk must be addressed throughout all aspects of the world's fifth-largest economy.

In 2022, the Initiative began a project advising the California Department of Insurance on climate risk scenario analysis and stress testing strategies.

“While California’s wildfires are a dramatic example of how climate change and suppressed fire cycles have increased catastrophic fire risk, combining insurance with more investments in ecological forest management can reduce risk, insure Californians for less and provide insurance savings which can be used to fund more ecological forestry. California can add another success story of innovation for all the world to see.”

—Dave Jones writing in the *Sacramento Bee*



STUDENT PROGRAMS

CLEE plays a key role in enriching Berkeley Law's energy and environmental (E&E) student programming and nurturing our next generation of E&E leaders.

In 2022, CLEE played a main role in organizing the Ecology Law Quarterly (ELQ) 50th Anniversary Banquet. ELQ is a world-class student-edited law journal, and the annual Banquet is a focal point for the law school's E&E community.

The 50th Anniversary Banquet took place on Earth Day 2022 and drew over 250 people, including alumni from each of the five decades. Dr. Robert Bullard, the "Father of Environmental Justice" received the Environmental Leadership Award, and ELQ Founder William Chamberlain '71 gave a rousing talk on the history of ELQ.

CLEE-supported programs also include:

- Direct funding for E&E student organizations
- A merit-based "CLEE Scholars" Scholarship for incoming students with additional support in the form of small informal events and career guidance
- The highly regarded Environmental Law and Energy & Clean Technology Law certificates which about two dozen students earn each year
- CLEE's annual E&E Career Fair
- Periodic E&E speaker events
- A weekly student e-newsletter



ENVIRONMENTAL AWARD RECIPIENT DR. BULLARD
ADDRESSES BANQUET GUESTS



DR. BULLARD AND BANQUET GUESTS



INCOMING ELQ LEADERSHIP OPENING GIFTS
THEY RECEIVED FROM OUTGOING BOARD
MEMBERS



ALUMNI RECONNECTING DURING THE RECEPTION



STUDENTS LEARNING ABOUT DIFFERENT E&E
PRACTICE AREAS FROM ALUMNI AT CLEE'S
SPRING CAREER MIXER

THE CLEE TEAM

CLEE has expanded its impressive team in response to the complex range of challenges before society today. The team is headed up by several distinguished scholars and policymaking veterans, and supported by a growing number of up-and-coming thought leaders. Together they are bringing innovative, action-oriented solutions to policymaking conversations at the local, state, national, and international levels.



DANIEL A. FARBER
*Sho Sato Professor of Law;
Faculty Director*



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*Director, California-China
Climate Institute*



LOUISE BEDSWORTH
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GrizzlyCorps, Project Climate*



PATRICK HELLER
Senior Visiting Fellow



MOIRA O'NEILL
Senior Research Fellow



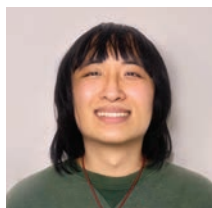
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KEVEN "KIKI" QUACH
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Director of Advancement



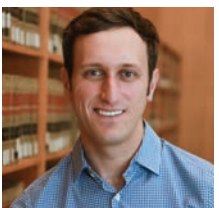
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AIDAN SMITH
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ROSS ZELEN
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HOLLY DOREMUS
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CLAUDIA POLSKY
*Director, Environmental Law
Clinic; Assistant Clinical
Professor of Law*



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Deepest thanks to those who made gifts to CLEE's general fund. The following donors made gifts between July 1, 2021, and June 30, 2022.

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