

# Ports

## Overview

Ports are a critical gateway to the world and a powerful driver for local and regional economic development, job growth and retention. It is imperative that ports run efficiently and navigate the myriad of laws and regulations that impact them. As public agencies that both serve and operate side-by-side with the private sector, ports are faced with an atypical level of oversight and competition.

Best Best & Krieger LLP's attorneys and advocates who serve port clients hail from a variety of practices and experiences that help ports thrive not only for commerce, but also as responsible stewards of the environment and the communities they serve.

BB&K provides a holistic, one-stop-shop service that addresses ports' needs. These include:

- Identifying, securing and implementing funding sources through [Advocacy](#), [Public Finance](#) and [Public-Private Partnerships](#)
- [Public Contracts & Construction](#)
- [Transportation](#)
- [Infrastructure](#)
- [Energy](#)
- [Environmental](#) issues including [CEQA](#), [California Coastal Act](#) and [Endangered Species Act](#) compliance and [Water Law](#)
- [Real Estate](#), [Land Use](#) and [Eminent Domain](#)
- [General & Special Counsel](#)
- [Labor & Employment](#)

## Transportation and Infrastructure Projects

With so much of a port's operations reliant on transportation, we help find creative and collaborative solutions that promote efficient cargo movement. We are experienced in public-private partnerships, utilization of alternative construction delivery methods and funding through bond and tax measures and federal programs such as the Army Corps of Engineers and Department of Transportation. Our experience includes channel and harbor deepening and maintenance, construction of rail projects and modernization and maintenance of existing rail systems and multi-modal projects, as well as the implementation

## Key Contacts



**Ruben Duran**

PARTNER

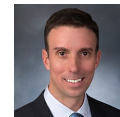
(213) 787-2569



**Howard Golub**

OF COUNSEL

(925) 977-3323



**Lowry A. Crook**

PARTNER

(202) 370-5328

## Related Practices

[Air Quality](#)

[California Coastal Act](#)

[California Environmental Quality Act \(CEQA\)](#)

[California Public Utilities Commission](#)

[Eminent Domain](#)

[Endangered Species](#)

[Environmental Litigation](#)

of advance funding mechanisms like New Markets Tax Credits.

## Energy

BB&K's team has handled a number of energy matters for ports, including strategic planning, electrification of terminal operations, cold-ironing, interconnection agreements, utility disputes and capacity charges access to port properties and other matters.

## Environmental and Water

Supporting sustainable, efficient and growing facilities that minimize disruption to neighboring communities, the environment, ecosystems and endangered species is a delicate balance for any port. BB&K's collaborative approach and commitment to our clients' visions keeps projects on track for success. Our team includes attorneys and advocates experienced in all aspects of environmental and water review, permitting and compliance issues, including the NEPA and CEQA processes, Clean Water Act permits and certifications, the California Coastal Act and the Endangered Species Act.

## Maritime and Transportation Law

Ports and their clients must navigate a unique array of agencies and authorities that govern homeland security, safety, transportation and commerce. Our team brings experience with the Federal Maritime Commission, Transportation Department and other agencies, authorities and regulations that impact the maritime industry.

## Economic Development

Our port service doesn't stop at the end of the shipping line. We also help port clients develop their land into projects that serve the communities in which they operate. For instance, we represented the Port of San Diego in the \$1.1 billion [Chula Vista Bayfront hotel and convention center deal](#) based on a public-private partnership.

## Public Agency Law

One of the hallmarks of BB&K is its ability to offer public agency clients a full range of services. Our public law attorneys are accustomed to, and adept at, advising a variety of agencies on the unique needs and challenges they face as public agencies. We help these clients successfully maneuver through legal complexities and governmental directives, enabling them to focus on providing superior service to their stakeholders. This includes guidance on everything from open meeting laws and Public Records Act requests to disaster and resilience planning and response to infrastructure and transportation projects.

## Representative Matters

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- For the Port of Long Beach, obtained Southern California Edison

[General & Special Counsel](#)

[Government Policy & Public Integrity](#)

[Labor & Employment](#)

[Land Use, Planning & Zoning](#)

[National Environmental Policy Act \(NEPA\)](#)

[Public Contracts & Construction](#)

[Public Finance](#)

[Public-Private Partnerships](#)

[Real Estate](#)

[Renewable Energy](#)

[Transportation](#)

[Water](#)

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## Our Perspective

[Transportation](#)

[Public Infrastructure](#)

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acquiescence to an agreement to provide the POLB with new electric distribution facilities at no charge to the Port and discounted rates for 25 years for electric service. POLB has computed the discount obtained as worth \$350 million.

- For POLB, obtained a CPUC order allocating \$50 million in funding over 5 years from electricity rates to be reserved for ports and warehouses in SCE's service territory.
- Helped the Port of Stockton develop a strategic energy plan to reduce its high energy bills. Based on advice from counsel, POS eliminated Pacific Gas and Electric as the power supplier on a major portion of its properties, obtained from the U.S. Navy under the base-closing program. The plan was implemented over PG&E opposition, in part by utilizing the Federal Energy Regulatory Commission, but without resorting to administrative or civil litigation. Within three months of the commencement of the implementation stage, the pertinent portion of POS was independent of PG&E retail service, and had an executed Interconnection Agreement with PG&E, and executed Power Purchase Agreement with a third-party power supplier and was receiving lower-cost power. The speed of this transformation from captive PG&E customer to independent electric system was, and remains, unprecedented. In addition, through a two-stage strategy, POS was freed from exit fees, which are ordinarily levied on departing PG&E customers.
- For POS, confronted a PG&E effort to impede the Port's electricity enterprise. After pointed discussions, PG&E abandoned its attempt.
- Represented the San Diego Unified Port District in a Clean Water Act citizen suit action involving the Port's three marine terminals. After 2 years of intense negotiations, the Port successfully settled the claims through a collaborative pre-litigation settlement agreement rather than a binding and court-enforced consent decree. Defense of the allegations involved multiple issues, including detailed coverage questions under the Industrial General Stormwater Permit, the application of numeric effluent limits, overlap with the Municipal Stormwater Permit and other complex legal and factual questions. Resolution of the issues required careful coordination with maritime tenants, port officials from multiple departments, the plaintiffs and the Regional Water Quality Control Board. It required sensitivity to the unique activities, constraints and culture of the maritime industry. As a result of the negotiations, the Port was able to terminate existing coverage under the Industrial General Stormwater Permit and focus its water quality program at the terminals on an approach tailored to the Municipal Stormwater Permit.
- In *Santa Barbara Channelkeeper v. City of San Buenaventura*, Santa Barbara Channelkeeper sued the City of San Buenaventura for alleged harm to endangered steelhead caused by the City's use of Ventura River water. BB&K represented the City in its successful appeal, upholding its right to name other water users who affect flows in the Ventura River.

## People



**Matthew L. Green**

OF COUNSEL

[MATTHEW.GREEN@BBKLA  
W.COM](mailto:MATTHEW.GREEN@BBKLA<br/>W.COM)

[VCARD](#)

(619) 525-1370

**Areas of Focus:** Business Litigation | Public Agency Litigation



**Shawn D. Hagerty**

PARTNER

SHAWN.HAGERTY@BBKLA  
W.COM

(619) 525-1327

VCARD  
LINKEDIN

**Areas of Focus:** Environmental Law & Natural Resources | Municipal Law |  
Special Districts | Water | Water Quality



**Christi Hogin**

OF COUNSEL

CHRISTI.HOGIN@BBKLAW.  
COM

(310) 220-2173

VCARD  
TWITTER

**Areas of Focus:** California Coastal Act | Elections | Government Policy & Public  
Integrity | Land Use, Planning & Zoning | Municipal Law | Public Agency Litigation



**Michael Jenkins**

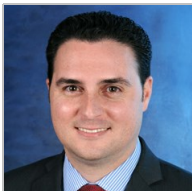
OF COUNSEL

MICHAEL.JENKINS@BBKLA  
W.COM

(310) 220-2174

VCARD

**Areas of Focus:** Elections | Government Policy & Public Integrity | Land Use,  
Planning & Zoning | Municipal Law | Public Contracts & Construction | Special  
Districts



**Michael J. Maurer**

PARTNER

MICHAEL.MAURER@BBKLA  
W.COM

(213) 787-2557

VCARD  
LINKEDIN

**Areas of Focus:** General & Special Counsel | Government Policy & Public  
Integrity | Municipal Law | Public Agency Litigation | Public Contracts &  
Construction



## Seth Merewitz

PARTNER

SETH.MEREWITZ@BBKLAW  
.COM

(213) 787-2567

VCARD  
LINKEDIN  
TWITTER

**Areas of Focus:** Economic Development, Real Estate & Affordable Housing |  
Municipal Law | Public-Private Partnerships

## News & Events

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VIDEOS | OCT 10, 2019

### [WEBINAR] Navigating California's New Regulations for Wetlands and State Waters

BB&K Webinar

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BB&K WEBINAR | OCT 10, 2019

### Navigating California's New Regulations for Wetlands and State Waters

BB&K Free Webinar

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PRESS RELEASES | AUG 19, 2019

### Partner Shawn Hagerty a San Diego Top Attorney

Recognized for Land Use Planning, Water Quality and Municipal Law Work

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AUTHORED ARTICLES & PUBLICATIONS | JUN 25, 2019

### Best in Law: Understanding Contractual Limitations on Liability

Partner Glen Price Writes About Liability Limitations for the Southern California Newspaper Group

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LEGAL ALERTS | JUN 25, 2019

### Inverse Condemnation Cases May be Filed in Federal Court

Impact on Public Agencies from SCOTUS *Knick v. Township of Scott*,  
*Pennsylvania* Decision

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LEGAL ALERTS | JUN 05, 2019

## **CalPERS Board Decision on Contract Workers Will Not Become Precedential. Now What?**

Contract Workers May Still Be Reclassified as Employees by CalPERS

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AUTHORED ARTICLES & PUBLICATIONS | APR 30, 2019

### **"California Water," Third Edition**

Eric Garner's Updates to Text on Historical, Legal and Policy Issues Affecting California Water Use

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PRESS RELEASES | APR 24, 2019

### **BB&K's Christi Hogin and Andre Monette Honored for Amicus Work by IMLA**

The Attorneys Argued About Short-Term Rentals and the Clean Water Act in the Ninth Circuit

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LEGAL ALERTS | APR 04, 2019

### **New Wetlands Protections in California Proposed**

SWRCB Votes to Adopt Regulations that Could Impact Permitting Procedures

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LEGAL ALERTS | MAR 06, 2019

### **No Committee Exception to Brown Act Public Comment Requirement for Special Meetings**

California Appellate Court Decision in *Preven v. City of Los Angeles*

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AUTHORED ARTICLES & PUBLICATIONS | FEB 15, 2019

### **Best in Law: Text with Caution**

BB&K Attorneys Damian Moos and Anthony Chavez Warn Why Texting Employees and Customers Could Cost You

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LEGAL ALERTS | FEB 12, 2019

### **Public Agency Access to Data Does Not Make Data Disclosable Under PRA**

California Appellate Court Ruling in *Anderson-Barker v. Superior Court of Los Angeles County*

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LEGAL ALERTS | JAN 22, 2019

### **Court Broadens Scope of Prevailing Wage Law for Special Districts**

California Appellate Court Decision in Kaanaana v. Barrett Business Services, Inc.

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LEGAL ALERTS | JAN 15, 2019

## **Comprehensive Update to the State CEQA Guidelines**

Approved by California Natural Resources Agency

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LEGAL ALERTS | JAN 11, 2019

## **California Supreme Court Addresses Standard of Review for EIRs and Air Quality Impact Analyses**

Decision in Sierra Club v. County of Fresno Case

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PRESS RELEASES | DEC 17, 2018

## **BB&K Welcomes Water and Environmental Partner Lowry Crook**

Served Senior Positions with the Army Corps of Engineers and the White House

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LEGAL ALERTS | DEC 04, 2018

## **U.S. Supreme Court Limits Agency Discretion Under ESA**

Critical Habitat for Endangered Species Decision

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AUTHORED ARTICLES & PUBLICATIONS | NOV 30, 2018

## **Speech is Speech and It's Protected**

Tori Hester Analyzes Ninth Circuit First Amendment Ruling for Public Agencies in PublicCEO

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PRESS RELEASES | OCT 08, 2018

## **BB&K's Environmental Law & Natural Resources Practice Expands**

Firm Welcomes Four New Attorneys to Group

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PRESS RELEASES | SEP 10, 2018

## **California Powerhouse: Best Best & Krieger**

Law360 Selects Firm to 2018 List

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AUTHORED ARTICLES & PUBLICATIONS | JUL 27, 2018

## **Rise in CCAs in Cities Reshaping California Electric Business**

Ryan Baron Weighs the Community Choice Aggregation Question for Cities in PublicCEO

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AUTHORED ARTICLES & PUBLICATIONS | JUL 23, 2018

## **Best in Law: Mechanics Liens and Arbitration Rights**

Partner Victor L. Wolf Writes for the Press-Enterprise

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LEGAL ALERTS | JUN 28, 2018

## **What Public Employers Need to Know Now in Wake of Janus Decision**

SCOTUS Changes How Public Sector Union Fees are Collected; Governor Also Signs SB 866

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CLIENT SUCCESSES | JUN 04, 2018

## **Public-Private Partnership Paves Way to Hotel and Convention Center Development**

BB&K Team Led by Partner Seth Merewitz Represents Port of San Diego in P3 Deal

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AUTHORED ARTICLES & PUBLICATIONS | MAY 18, 2018

## **Best in Law: Who Absorbs Cost of New Tariffs on Stuff We're Buying, Selling?**

Partner Glen Price Explains in the Press-Enterprise Who is Legally Responsible for the Tariffs

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LEGAL ALERTS | MAY 04, 2018

## **The Dynamex Fallout: Independent Contractor Classifications Endangered**

California Employers Should Heed Recent State Supreme Court Ruling

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AUTHORED ARTICLES & PUBLICATIONS | APR 26, 2018

## **Staff & Board: Defining Roles, Staying Inside the Lines**

Partners Ruben Duran and Christopher Pisano Write for PublicCEO

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LEGAL ALERTS | APR 05, 2018

## **Parking Impacts Warrant Only Limited Consideration**



## under CEQA for Infill Projects in Transit Priority Areas

Court Upholds City of Covina Infill Project

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AUTHORED ARTICLES & PUBLICATIONS | MAR 30, 2018

### Disaster-Response Decision-Making: Is Your Agency Prepared?

BB&K Attorneys Mary Beth Coburn and Rebecca Chaparro Write About Disaster Preparedness in PublicCEO

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LEGAL ALERTS | MAR 22, 2018

### Government Contractor Recovers Bid Preparation Costs After Project Wrongly Awarded

California Appellate Court Expands Court's Equitable Authority

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AUTHORED ARTICLES & PUBLICATIONS | MAR 16, 2018

### Roads of the Future Today

BB&K Attorney Gregory Rodriguez Writes on the Latest Legal and Regulatory Considerations for Autonomous Vehicles in PublicCEO

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LEGAL ALERTS | MAR 15, 2018

### Defining "Existing" Structures in Sea Rise Shoreline Protection

California Coastal Commission and City of San Clemente Reach LUP Agreement

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CLIENT SUCCESSES | FEB 05, 2018

### Water Law Case Overturned for City

BB&K Partners Gene Tanaka and Shawn Hagerty Win in California Appellate Court

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