

# Mary Lynn K. Coffee

Partner | Orange County

mlcoffee@nossaman.com

949.833.7800

18101 Von Karman Avenue, Suite 1800

Irvine, CA 92612



Mary Lynn Coffee has extensive experience providing legal and regulatory advice and counsel with respect to complying with and permitting under CEQA, NEPA and state and federal water quality, wetlands, endangered species and other natural resource protection laws. Her experience includes successfully negotiating, obtaining and defending, or administratively challenging and moderating, the requirements of NEPA/CEQA clearances and environmental permits for large public water, transit, transportation, energy and logistics infrastructure projects totaling more than \$11.5 billion in capital costs and for more than 28 privately developed master planned communities encompassing more than 95,000 acres throughout California. She has successfully obtained scores of federal Clean Water Act (CWA) section 404 permits, CWA section 401 water quality certifications, California Porter-Cologne Water Quality Control Act Waste Discharge Requirements (WDRs) for dredge and fill, Cal. Fish and Game Code streambed alteration agreements, state and federal Endangered Species Act (ESA) permits (including section 7 and section 10(a) permits), general and individual CWA section 402 NPDES discharge permits, WDRs and WDR conditional waivers, as well as related CEQA/NEPA clearances.

Mary Lynn has unique experience in obtaining multi-lateral agreements for environmental programs among regulatory agencies, environmental groups and infrastructure or real property developers. This expertise includes preparation of multi-stakeholder Habitat Conservation Plans, Natural Community Conservation Plans and Special Area Management Plans developed to address state and federal Endangered Species Act and wetlands protection requirements. This experience also includes preparation of multi-stakeholder programs to address water quality protection, including programs for Section 303(d) impaired water bodies and TMDLs and stormwater and runoff water quality programs developed for General Construction Activities, Industrial Activities and Phase I and Phase II municipal storm drain systems.

In addition, Mary Lynn is at the forefront in providing regulatory, legislative and policy counsel to respond to ever-changing requirements imposed on public agencies and private entities under CEQA and NEPA, the state and federal Endangered Species Acts, federal Clean Water Act and Porter Cologne, as well as other surface and storm water quality mandates. Most recently, such work has included developing strategies to obtain and advocating, negotiating, drafting, testifying and influencing regulatory agency leaders to win amendments to Clean Water Act Section 401 and Section 404 regulations, as well as Porter-Cologne state regulations governing discharges of dredge and fill material to waters of the state.

Mary Lynn is an appointed representative to the Association of California Water Agencies' (ACWA) Water Quality Committee, the California Building Industry Association's Legal Action and Governmental Affairs committees and she has been selected to the Super Lawyers lists every year since 2011 and in 2015-2016,

the *Los Angeles Business Journal* named her one of California's "top Women Attorneys."

## PUBLIC AGENCY

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**Ventura Water.** Mary Lynn leads the Nossaman team as special environmental counsel for Ventura Water, a division of the City of Ventura, assisting the City in obtaining CEQA/NEPA clearances and all environmental permits required to develop and operate the VenturaWaterPure local water supply infrastructure project, which consists of upgrades to its existing Ventura Wastewater Reclamation Facility (VWRF), construction of a new Advanced Water Purification Plant that will produce purified water for potable reuse, as well as related conveyance pipelines, a new ocean outfall, groundwater injection and extraction wells, natural treatment wetlands and other indirect and direct potable reuse system infrastructure. Mary Lynn was also the primary architect of two comprehensive Consent Decrees settling third party citizen suit claims and a series of administrative NPDES Permit petitions challenging discharges of tertiary treated water from the VWRF into the Santa Clara River Estuary, which is occupied habitat for steelhead trout, tidewater goby, California least tern and the snowy plover and is designated critical habitat for the southwestern flycatcher. Mary Lynn plays a key role for Ventura Water in coordinating permitting activities for the VWRF, CEQA/NEPA and permitting activities for VenturaWaterPure and compliance with and implementation of the Consent Decrees. Mary Lynn also leads Ventura Water's ongoing defense of VWRF permitting enforcement actions, administrative civil liability complaints and third party water quality related citizen suits and administrative challenges. She also provides regulatory affairs and legal advice and counsel regarding various state and federal administrative rulemaking processes proposing new environmental regulations that will impact the mission, service, capital facilities and operations and maintenance activities of Ventura Water. Most recently, this role has included representation before the State Water Resources Control Board in rulemaking processes to regulate waters of the State, revise the statewide Recycled Water Policy, Enforcement Policy, Toxicity Policy and Mercury Provisions.

**Santa Clara Valley Water District.** Mary Lynn Coffee leads Nossaman's team serving as special environmental counsel to Valley Water. Nossaman's duties include providing strategic regulatory affairs advice and legal counsel with respect to permitting and compliance of both water and flood control infrastructure capital investment and operations and maintenance projects for Santa Clara County's 2 million residents served by Valley Water. She is currently providing strategic and legal advice to obtain CEQA/NEPA clearances and all state and federal environmental permits for implementation of a major water supply dam seismic replacement project, which is necessary to hundreds of thousands of people and property owners living north of the dam, in downtown San Jose and east of the dam to Monterey. The project involves emergency dewatering of a reservoir, removal and replacement of the existing dam, spillway and outlets and construction of a new dam, spillway and outlets in compliance with current seismic standards, all immediately upstream of occupied designated critical habitat for steelhead trout and other state and federally listed species. Nossaman is also providing permitting advice and counsel regarding ongoing operation and maintenance of a variety of groundwater recharge facilities, regional dams and creek systems and the majority of Santa Clara County's flood control channels and related improvements, all of which also provide sensitive habitat for native listed species in addition to public health and safety functions. Mary Lynn's team helps obtain permits for these projects under: Sections 401, 402 and 404 of the federal Clean Water Act and Porter Cologne; Section 7 of the federal Endangered Species Act; Section 10(a), Section 2081 and the habitat conservation planning (HCP) provisions of the federal and state Endangered Species Acts (respectively), including Valley HCP compliance and amendments; Dept. of Fish and Game Section 1602 Streambed Alteration Agreements; and other wetlands, water quality and environmental requirements and regulations. She is also supports writing and adoption of state legislation for Valley Water and is involved in defense of administrative challenges to Valley Water permits; defense of administrative civil liability complaints and other enforcement actions; and negotiation and implementation of several regulatory and stakeholder-driven watershed planning, habitat conservation planning and 303(d) listing and TMDL programs. Mary Lynn also represents Valley Water in administrative rulemaking processes, most recently before the State Water Resources Control board to moderate terms and conditions of newly adopted waters of the State regulations, proposed CWA 303(d) listings and statewide Mercury Provisions.

**Port of Long Beach.** Mary Lynn represents the Port of Long Beach in a transaction to finance the establishment of, and, once established, to purchase coastal salt marsh mitigation bank credits for future use in mitigating adverse environmental effects of Port capital improvement infrastructure projects and ongoing operations and maintenance projects. Mary Lynn's duties include conceptually developing, negotiating and preparing the mitigation credit financing and acquisition instruments; reviewing technical and due diligence materials to assess likelihood that the mitigation credits can be successfully established, acquired and used; and providing strategic and legal advice to the Port regarding the transaction.

**San Bernardino Water Conservation District.** Mary Lynn serves as special environmental counsel to the District. Her duties include providing strategic regulatory affairs advice and legal counsel with respect to permitting construction, operation and maintenance of online and offline groundwater recharge facilities and percolation ponds within sensitive habitats for special status species, including the Santa Ana sucker and least Bell's vireo. She has counseled the district regarding compliance under: Sections 401, 402 and 404 of the federal Clean Water Act and Porter Cologne; Section 7 of the federal Endangered Species Act; Section 10(a), Section 2081 and the habitat conservation planning provisions of the federal and state Endangered Species Acts (respectively), including HCP compliance and amendments; Dept. of Fish and Game Section 1602 Streambed Alteration Agreements; as well as under other wetlands, water quality and environmental requirements and regulations. She also advises and represents the District in state agency administrative rulemaking processes proposing adoption of new or amended environmental regulations, policies and guidance, including, most recently, the State Water Resources Control Board's rulemaking process to regulate waters of the State.

**California Water Association.** Mary Lynn provides strategic regulatory affairs advice and legal counsel and represents the client in state agency administrative rulemaking and legislative processes proposing adoption of new or amended environmental statutes and regulations, policies and General NPDES discharge permits imposed under environmental laws on investor-owned water utilities. She also provides legal and policy advice with respect to CEQA, NEPA, state and federal Endangered Species Acts, Clean Water Act and Porter-Cologne issues on an ongoing basis.

**Olivenhain Municipal Water District.** Mary Lynn serves as special environmental counsel, providing legal advice regarding California General Storm Water NPDES permitting issues; Porter-Cologne Waste Discharge Requirements and Administrative Liability provisions; NPDES regulations; Sections 303(d), 401, 402 and 404 of the federal Clean Water Act; state and federal endangered species law, including ESA critical habitat designations; historic/tribal cultural resources, including Section 106 of the National Historic Preservation Act and California AB 52; Inland Surface Waters, Enclosed Bays and Estuaries Plan; and the San Diego Regional Board Water Quality Control Plan. She also provides regulatory affairs advice and representation, particularly in administrative rulemaking before the State Water Resources Control Board, including, most recently in the adoption of the Mercury Provisions, Enforcement Policy and Toxicity Provisions.

**San Jose Water Corporation.** Mary Lynn leads the Nossaman team in providing policy, regulatory affairs and legal advice regarding streamlining of state and federal environmental permits and CEQA and NEPA environmental reviews for construction and permitting of new public infrastructure related to indirect and direct potable supply projects and storm water management capture and treatment projects designed to satisfy General Phase I MS4 NPDES Permits and enhance groundwater recharge. Duties include legal, policy and project permitting advice and counsel under the federal Clean Water Act, state and federal Endangered Species Act permits, Cal. Dept. of Fish and Game Streambed Alteration Agreements and California Porter-Cologne Water Quality Act.

**Irvine Ranch Water District (IRWD).** Mary Lynn serves as special environmental counsel for IRWD. As special environmental counsel, Mary Lynn led the Nossaman team providing services that included strategic regulatory affairs advice and legal counsel with respect to: CEQA analyses of projects for IRWD and projects of concern proposed by other lead agencies; permitting and compliance for construction, operations and maintenance of IRWD facilities, including pipelines, treatment plants, water conveyance structure, water reservoirs and a District-wide an natural wetlands treatment system. Permitting and compliance activities included obtaining and complying with the federal Clean Water Act, Porter Cologne, state and federal Endangered Species Acts, Dept. of Fish and Game Streambed Alteration Agreements and other wetlands, water quality and environmental requirements and regulations; defense of third party water quality related citizen suits and administrative challenges; defense of administrative civil liability complaints and other enforcement actions; and negotiation and implementation of several regulatory and stakeholder-driven TMDL programs to address Section 303(d) impaired water bodies, General NPDES Phase I Permit, General NPDES Construction Activities Permit and General NPDES Industrial Storm Water Permit requirements (including TMDL effluent limitations and low impact development requirements) and other surface and ground water quality requirements. Mary Lynn also provided strategic regulatory affairs advice and legal counsel to IRWD with respect to federal and state agency administrative rulemaking processes and proposed state legislation involving adoption of new or amended environmental regulations, including, most recently, the State Water Resources Control Board's rulemaking process to regulate waters of the State.

**Siskiyou County Dam Removal.** Mary Lynn served as water quality and state and federal Clean Water Act counsel in preparing detailed comments on the draft environmental impact statement on the proposed removal of four Klamath River dams. The comments examined all potential aquatic and water quality related impacts associated with proposed dam removal, including impacts on all affected fish and wildlife (including endangered species), water quality

(including short- and long-term effects associated with sediment releases, nutrient loading and anticipated impacts on water quality objectives adopted for the river, including objectives for sediment, nutrients, dissolved oxygen, algal growth and other constituents), hydrology and drainage (including anticipated hydromodification impacts on bed and bank) and climate change.

**City of Lake Elsinore.** Mary Lynn serves as special environmental counsel to the City. Her duties include providing strategic regulatory affairs advice and legal counsel with respect to developing a program to streamline state and federal permitting for all development applications made pursuant to the City's 2100-acre East Lake Specific Plan within the Back Basin of Lake Elsinore. The program must streamline permitting and compliance under all state and federal laws that govern future development of the Specific Plan, including: Sections 401, 402 and 404 of the federal Clean Water Act, Porter-Cologne; Section 10(a) and Section 2081 authorizations provided under the Western Riverside Multispecies Habitat Conservation Plan (MSHCP); Dept. of Fish and Game Section 1602 Streambed Alteration Agreement provisions; as well as under other wetlands, water quality and environmental requirements and regulations.

**City of Los Banos.** Mary Lynn leads the Nossaman team in seeking the withdrawal of a notice to sue issued to the City of Los Banos by a third party citizen suit plaintiff attempting to hold the City liable under the Resources Conservation and Recovery Act for providing water supply that complies with drinking water standards to consumers. The engagement involves strategic engagement by the City in regulatory compliance and administrative rulemaking activities to confirm "affirmative defenses" to the threatened litigation, as well as development of more standard legal defenses to the threatened claims.

**San Diego Association of Governments (SANDAG).** Mary Lynn serves as special environmental counsel to SANDAG, the regional transportation and planning agency for the San Diego Region. Nossaman attorneys serve as CEQA/NEPA and state and federal permitting counsel to SANDAG on a wide range of transit, highway and mitigation and restoration projects, including, most recently, San Diego County's proposed airport and rail transit hub project, the County's linear Bus Rapid Transit route system and a variety of water quality and habitat restoration projects. Nossaman team's activities have included advising SANDAG in the preparation of an environmental under CEQA and NEPA for controversial projects and in preparing for future permitting by regulatory agencies. Mary Lynn also assisted the SANDAG Sorrento Valley Double Track (SVDT) project team in defending informal third party allegations of failure to comply with the Statewide General Construction NPDES Permit, the San Diego Regional MS4 NPDES Permit and the CWA Section 401 Water Quality Certification for the project. With her assistance, SANDAG successfully prevented a formal third party water quality challenge to the SVDT project, as well as related water quality administrative and litigation proceedings.

**Orange County Transportation Corridor Agencies.** Mary Lynn assists the client in both complying with the requirements of and obtaining permits necessary to construct, operate and maintain Orange County's linear toll road system, with more than 51 miles of freeway constructed to date. Nossaman's team assisted in obtaining permits under the federal Clean Water Act Section 404 permits, Clean Water Act Section 401 water quality certifications, Cal. Dept. of Fish and Wildlife Streambed Alteration Agreements, implementation of the Central Coastal NCCP/HCP and related, as well as new, state and federal Endangered Species Act permits. Duties also include strategic regulatory counsel regarding proposed state and federal rulemaking processes for new environmental regulations and legal advice with respect to compliance with endangered species, wetlands and water quality regulations, TMDLs, storm water quality NPDES Permit requirements (including MS4 NPDES Storm Water Permits and the General Construction NPDES Storm Water Permit) and development of comprehensive environmental law and permit compliance programs.

**California High-Speed Rail Authority.** Mary Lynn led the Nossaman team serving as special environmental counsel to assist the client in complying with the requirements of and obtaining permits for, the construction of the first 171-mile segment of California's high speed rail project, which is currently underway. Nossaman's team assisted in obtaining federal Clean Water Act Section 404 permits, Clean Water Act Section 401 water quality certifications, state and federal Endangered Species Act permits, Cal. Dept. of Fish and Game Streambed Alteration Agreements and other state and federal approvals required for the construction of the high-speed rail facilities and improvements throughout the State, as well as establishment of habitat and species mitigation banks. Client duties are now limited to strategic and legal advice with respect to regional environmental permitting, mitigation and compliance programs.

**City of Irvine Orange County Great Park.** Mary Lynn served as special environmental counsel to the Orange County Great Park, one of the nation's largest public works projects. Nossaman provided strategy, advice and counsel with respect to compliance with and approvals and permitting under CEQA, NEPA, endangered species, wetlands, water quality and all other environmental resource protection laws and regulations. Specific highlights for this



representation included obtaining the permit amendments for and complying with, federal Clean Water Act Section 404 permits, Section 401 water quality certifications, state and federal Endangered Species Act permits, Cal. Dept. of Fish and Wildlife Streambed Alteration Agreements and other state and federal approvals required for the construction of the Great Park facilities and establishment of a wildlife corridor, habitat mitigation bank and water quality mitigation bank implementation and modification. Mary Lynn also provided advice to the client and its private development co-builder with respect to contributions that the Park and the surrounding private transit-oriented development could make to green building standards, the City of Irvine's Conserve Energy Plan, the City's AB 32 Climate Action Plan and the subregion's compliance with SB 375.

## INSIGHTS

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### SPEAKING ENGAGEMENTS

- Speaker, "The New Endangered Species "Protection" Requirements for Steelhead Trout Will Impact Water Managers' Options and Groundwater Sustainability Plans," 2022 Annual AGWT-AGWA California Groundwater Issues Conference, Lakewood, CA, 03.29.2022
- Speaker, "Water & Housing," Building Industry Association of Southern California's Southern California Water Conference, Ontario, CA, 08.13.2021
- Speaker, "Negotiation Skills," 2021 Women in Water Symposium: Flow with the Change, 03.11.2021
- Speaker, "The Challenge of Completing 401 Water Quality Certifications," BIASC and CBIA's Water Quality Issues 3-Part Webinar Series, 11.10.2020
- Speaker, "WOTS Next? An Update on the Clean Water Act and Regulation of Waters of the State & Waters of the U.S.," Nossaman's 2020 Water Webinar Series, 07.16.2020
- Speaker, "WOTS Up? An Update Regarding Regulation of Waters of the State (WOTS) and Waters of the United States (WOTUS)," Nossaman's 2019 Water Webinar Series, 06.04.2019
- Speaker, "Waters of the State (WOTS) / Water of the United States (WOTUS): Current Status and What to Expect in 2019 and Beyond," Nossaman's 2019 California Land Use Seminar, Costa Mesa, CA, 05.21.2019
- Panelist, "Navigating Protections of State Wetlands and Waters of the State," Association of California Water Agencies' 2019 Spring Conference and Exhibition, Monterey, CA, 05.09.2019
- Speaker, "Waters of the State Dredge and Fill Regulations Update," County Engineers Association of California Public Works Officers Institute 2019 Conference, San Diego, CA, 04.03.2019
- Speaker, "2018 CBWA Quarterly Membership Meeting," Central Basin Water Association's Quarterly Membership Meeting, Downey, CA, 11.01.2018
- Speaker, "Update on Water Quality Regulations & Litigation," Nossaman's 2018 Water Webinar Series, 09.13.2018
- Panelist, "The Art of Negotiation: The Water Episode," South Orange County Wastewater Authority Women In Water Meeting, Dana Point, CA, 06.08.2018
- Speaker, "New State CEQA and Environmental Regulations To Watch 2018 to 2019," Orange County Bar Association Environmental Law Section Meeting, Newport Beach, CA, 03.28.2018
- Speaker, "State Water Resources Control Board Proposed Dredge and Fill Permit Regulations," Association of California Water Agencies 2017 Fall Conference & Exhibition, Anaheim, CA, 11.29.2017
- Speaker, "NCCPs: Permitting in Months Instead of Years," Association of Environmental Professionals Orange County Chapter Workshop, Santa Ana, CA, 10.18.2017
- Speaker, "Briefing Regarding State Water Resources Control Board Proposed Bacteria and Dredge and Fill Permit Regulations," Association of California Water Agencies Water Quality Committee, Los Angeles, CA, 08.10.2017

Speaker, "Briefing Regarding State Water Resources Control Board Proposed Mercury Regulations," Association of California Water Agencies Water Quality Committee, Monterey, CA, 05.09.2017

Speaker, "The Downpour: Water & Water Quality Regulatory and Enforcement Updates," California Building Industry Association's Select Conference on Industry Litigation, San Francisco, CA, 11.13.2016

Speaker, "Stormwater Capture: Water Supply Issues and Opportunities," Nossaman Drought Solutions Webinar Series, 10.13.2016

Speaker, "Integration of Storm Water Into Water Supply Planning," Urban Water Institute's 23rd Annual Conference, San Diego, CA, 08.25.2016

Speaker, "Stormwater Capture: Water Supply Threats and Opportunities," Association of Clean Water Agencies Conference, Monterey, CA, 05.05.2016

Speaker, "2016 'Wetlands and Waters' Regulations," American Planning Association, California Chapter, Orange Section, Irvine, CA, 01.28.2016

Speaker, "New Water: "Pollution" Meets Water Supply," Law Seminars International Finding "New" Water Conference, Anaheim, CA, 10.06.2015

Speaker, "The Federal Clean Water Act Jurisdictional Waters of the United States: The 2015 Clean Water Rule," Nossaman's 2015 Environmental & Land Use Seminar, Newport Beach, CA, 09.22.2015

## PUBLICATIONS

Podcast Co-Host, "Southern California Steelhead Trout: Potential Endangered Species Listing Opening Up a Big Can of Worms," *Digging Into Land Use Law*, 12.17.2021

Podcast Co-Host, "What's in a Wetland: An Overview of Federal and State Developments in Defining Jurisdictional Wetlands," *Digging Into Land Use Law*, 04.06.2021

Co-Author, "Regulatory Changes On the Horizon for California State Water Resources Control Board," *Nossaman eAlert*, 02.11.2021

Co-Author, "Middle Ground, or Muddy Waters? SCOTUS Issues Vague Rule in Clean Water Act Decision," *Nossaman eAlert*, 04.28.2020

Co-Author, "Redefining Navigable Waters: The Next Frontier of the WOTUS Saga," *Nossaman eAlert*, 04.24.2020

Co-Author, "Federal Court Overturns Nationwide Permit 12, Throws Project Development into Flux," *Nossaman eAlert*, 04.20.2020

Co-Author, "Executive Order that Seeks to Undo Obama Administration's "Waters of the United States" Rule has more Limited Immediate Impacts," *Nossaman White Paper*, 04.01.2017

Co-Author, "The Clean Water Rule (WOTUS) Update," *The Natural Lawyer*, 01.19.2016

Co-Author, "Court Allows EPA to Stop Ongoing Projects, Years After Permits Were Granted," *Daily Journal*, 05.28.2013

## HONORS & RECOGNITIONS

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Included in *The Best Lawyers in America*® for Land Use and Zoning Law and Water Law, 2022

Listed, *The Legal 500 United States*, Industry Focus - Environment - Litigation, 2021

Chosen for individual recognition for Environmental Law in California by *Chambers USA*, 2016-2017, 2021-2022

Recognized as part of the Irish Legal 100, 2018

Named Building Industry Association of Southern California and Building Industry Litigation Defense Foundation "Outstanding Advocate of the Year," November 2016

Named to California's "Top Women Attorneys" list by *The Daily Journal*, 2015-2016

Selected to the Southern California Super Lawyers list, 2011-2019

Named Orange County's Outstanding Volunteer Fundraiser, 2013

## COMMUNITY & PROFESSIONAL

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Association of California Water Agencies (ACWA), Region 8 Representative of Water Quality Committee  
Building Industry Legal Defense Foundation, Member  
California Building Industry Association, Regulatory Affairs Committee  
California Building Industry Association, Water, CEQA and Climate Change Task Forces  
California Building Industry Association, Select Conference on Industry Litigation  
Construction Industry Coalition for Water Quality, Member  
California Association of Stormwater Quality Agencies (CASQA), Member  
California Association of Sanitation Agencies (CASA), Member  
American, California, and Orange County Bar Associations, Member  
Association of Women in Water, Energy and Environment  
Jamboree Housing Corporation, Board of Directors  
THINK Together (Academic Support nonprofit for disadvantaged students), Secretary and Board Member (18 years)  
Tustin Community Foundation, Board Member (8 years)  
Assistance League of Tustin, Governing Board Member (16 years)

## PRIVATE DEVELOPMENT

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**Tejon Ranch Company.** Mary Lynn serves as counsel for the Tejon Ranch Company, providing state and federal environmental compliance and permitting counsel and representation in administrative proceedings with respect to its development of the 270,000-acre ranch. The Nossaman team has provided environmental permitting and compliance services relate to three proposed development projects within the Ranch encompassing a total of approximately 48,325, acres, with 24,725 market rate and affordable residential units and 16 million square feet of commercial and resort development, as well as management and preservation of 215,000 acres of conserved open space. Duties include assisting the client in obtaining defensible CEQA and NEPA documentation, obtaining Clean Water Act Section 404 permits and related Section 401 water quality certifications, obtaining Section 7 Endangered Species Act approvals, developing HCPs and obtaining federal Endangered Species Act Section 10(a) and California ESA Section 2081 permits, and obtaining Fish and Game Code Section 1602 Streambed Alteration Agreements.

**Freeport McMoRan.** Mary Lynn leads the Nossaman team in providing federal permitting counsel to this leading international mining company with headquarters in Phoenix, Arizona, which operates large, long-lived, geographically diverse assets with significant proven and probable reserves of copper, gold and molybdenum. Ms. Coffee's team advises Freeport team and works cooperatively with the Arizona Department of Environmental Quality regarding assumption by the State of Arizona of the federal CWA Section 404 permitting program, particularly focusing on providing for state assumption of the permitting program while maintaining access to ESA Section 7 consultations for non-federal agency applicants.

**Lewis Operating Companies.** Mary Lynn leads the Nossaman team in providing CEQA/NEPA and state and federal permitting counsel and administrative proceedings representation for the client's development projects throughout Southern California. Nossaman has assisted in completing defensible CEQA/NEPA documentation, and obtaining endangered species and wetlands permits for approximately 1700 acres providing 8,600 market rate and affordable housing units. Nossaman's duties include obtaining CWA section 404 permits and related section 401 water quality certifications, obtaining section 7 ESA approvals, developing HCPs and obtaining federal ESA section 10(a) and CESA section 2081 permits, complying with the Riverside Multispecies Habitat Conservation Plan and San Diego Multispecies Conservation Plan, obtaining Fish and Game Code section 1602 Streambed Alteration Agreements and defending CEQA and local land use challenges.

**Diversified Pacific Development Company.** Mary Lynn leads the Nossaman team in providing CEQA/NEPA and state and federal permitting counsel, litigation defense services and administrative proceedings representation for more than 5 development projects totaling more than 1500 acres and providing more than 6,000 market rate and affordable housing units in the Inland Empire area of California. Nossaman's duties include assisting the client in obtaining local land use approvals, completing defensible CEQA/NEPA documentation, obtaining Clean Water Act Section 404 permits and related Section 401 water quality certifications, obtaining Section 7 Endangered Species Act approvals, developing HCPs and obtaining federal Endangered Species Act Section 10(a) and CESA Section 2081 permits, obtaining Fish and Game Code Section 1602 Streambed Alteration Agreements, defending a Porter Cologne Section 13267 Order and defending CEQA and local land use challenges.

**California Building Industry Association/Building Industry Association of Southern California/Building Industry Legal Defense Foundation/Construction Industry Coalition for CEQA and Water Quality.** Mary Lynn leads the Nossaman team in providing strategic policy and regulatory affairs advice and legal counsel with respect to CEQA regulations and litigation, including climate change and greenhouse gas emissions issues; wetlands and storm water quality regulations and litigation under the CWA and Porter Cologne, including CWA regulations, waters of the state regulations and general storm water NPDES permits; Streambed Alteration Agreement provisions of the State Fish and Game Code, ; and state and federal Endangered Species Act regulations and litigation.

**Valero Energy Corporation.** Mary Lynn provided advice and counsel to Valero and its wholly owned subsidiary, Ultramar, Inc., in state and federal Endangered Species Act matters related to petroleum and alternative energy projects and in federal Clean Water Act and Porter Cologne groundwater permitting and contamination investigations, assessments and responses.

**Terra-Gen Energy.** Mary Lynn leads the Nossaman team in providing services to assist this alternative energy development company with environmental permitting and compliance due diligence, strategy development and permit obtainment for wind energy facilities and projects in California, including generation and transmission linear and nonlinear infrastructure. Environmental permits and approvals include those under the state and federal Endangered Species Acts, federal Clean Water Act, Cal. Streambed Alteration Agreement provisions, CEQA and NEPA.

**LKQ Inc.** Mary Lynn provides regulatory affairs advice and legal permitting and compliance counsel under the federal Clean Water Act and Porter Cologne for LKQ's West Coast industrial sites. Specific tasks include defense of third party citizen suits for failure to comply with the federal Clean Water Act/Porter Cologne General NPDES Permit for Storm Water Discharges Associated with Industrial Activities.

**Ganahl Lumber.** Mary Lynn leads the Nossaman team in providing CEQA/NEPA advice and state and federal permitting counsel. Nossaman's duties include assisting the client in completing defensible CEQA/NEPA documentation, including greenhouse gas and criteria pollutant emissions analyses, obtaining CWA section 404 permits and related section 401 water quality certifications, obtaining section 7 ESA approvals and CESA section 2081 permits, obtaining Fish and Game Code section 1602 Streambed Alteration Agreements and defending CEQA and local land use challenges.

**Gerdau Steel.** Mary Lynn provides regulatory affairs advice and legal permitting and compliance counsel under the federal Clean Water Act, Porter Cologne, CEQA and NEPA for Gerdau Steel's West Coast manufacturing plants. Specific tasks include permitting and defense of a third party citizen suit for failure to comply with the federal Clean Water Act/Porter Cologne General NPDES Permit for Storm Water Discharges Associated with Industrial Activities.

**Kojima Development.** Mary Lynn leads the Nossaman team in providing CEQA/NEPA and state and federal permitting counsel, litigation defense services and administrative proceedings representation for development projects in Riverside and San Bernardino Counties. Nossaman's duties include assisting the client in completing purchase and sale due diligence and transactions, obtaining local land use approvals and development agreements, completing defensible CEQA/NEPA documentation including analyses of greenhouse gas and criteria pollutant emissions, obtaining CWA section 404 permits and related section 401 water quality certifications, complying with the Riverside Multispecies Habitat Conservation Plan, obtaining Fish and Game Code section 1602 Streambed Alteration Agreements and defending CEQA and local land use challenges.

**The Newhall Land and Farming Company.** Mary Lynn assisted client in completing CEQA/NEPA review for the Newhall Ranch Specific Plan, which provided 22,038 market rate and affordable housing units, as well as golf course, parks, public schools, mixed use development, commercial development, business park uses and 6,138 acres of managed open space for species and habitat. Her duties included developing an innovative strategy and approach to create defensible hydrology, surface water quality and aquatic resource impacts assessments to support CEQA, a Clean Water Act Section 404 permit, and a Section 401 water quality certification by demonstrating compliance with all pertinent surface water quality requirements. In addition, she assisted Newhall in preparation of the first subregional storm water and hydromodification plan to be approved under provisions of the Los Angeles Regional Board MS4 NPDES Stormwater Permit, which replaces project-by-project compliance with ever-changing MS4 Permit requirements. Mary Lynn also provided advice, counsel and services to defend and address construction storm water Section 402 NPDES Permit notices of violation and compliance issues and developed a storm water compliance program to assure construction compliance with all state and federal permits (federal Clean Water Act Section 402 NPDES permits for storm water, Section 404 permits; Section 401 water quality certifications; Cal. Dept. of Fish and



Wildlife Streambed Alteration Agreements; and state and federal Endangered Species Act permits under Cal. Fish and Game Code Section 2081 and Section 7 of the Endangered Species Act).

**Centex Homes.** Mary Lynn assisted client in obtaining Section 404, Section 401 and Section 1602 approvals for Inland Empire division projects and assisted client to address and defend construction storm water Section 402 permit notices of violation and compliance issues.

**Tustin Legacy Park Partners (Centex Homes and Shea Homes).** Mary Lynn assisted client in obtaining Section 404, Section 401 and Section 1602 approvals and in developing a strategy and approach to create a defensible hydrology, surface water quality and biological (including endangered species and wetlands) CEQA documentation demonstrating compliance with all pertinent surface water quality and endangered species and wetlands requirements and regulations for the MCAS Tustin, Tustin Legacy master planned community.

**Brookfield Homes.** Mary Lynn assisted client in developing a strategy and approach to create a defensible hydrology, surface water quality permitting, Section 401 certification and CEQA impacts analysis demonstrating compliance with all pertinent surface water quality requirements and regulations for the Park Place and Keystone master planned communities. She also assisted with general CEQA and environmental compliance for Diamond Bar Village residential development.

**The Irvine Company.** Mary Lynn served as Vice President of Regulatory Affairs and Environmental Compliance and later as outside counsel; developed, supervised and continue to assist with the implementation of environmental compliance programs for:

- CEQA review and wetland, water quality and endangered species permitting and compliance for more than 15 planned communities providing more than 100,000 market rate and affordable housing units on approximately 23,000 acres undeveloped land in the Cities of Newport Beach, Irvine, Orange and Anaheim.
- Implementation and modification of, compliance with and defense of enforcement actions pursuant to federal Clean Water Act Section 402 NPDES permits for construction and post-construction storm water discharges, Section 404 permits for fill and Section 401 water quality certifications; Cal. Dept. of Fish and Wildlife Section 1602 Streambed Alteration Agreements; California Endangered Species Act Section 2081 Permit, federal Endangered Species Act Section 10(a) Permit/State NCCP Permit and the Central Coastal HCP/NCCP.

**North Peak Partners.** Mary Lynn served as Vice President of Governmental Affairs and General Counsel, assisted client in obtaining permits for a 2700 market rate and affordable housing units in Lake Elsinore CA, including preparation of the North Peak multispecies HCP/NCCP and obtaining a California Endangered Species Act Section 2081 Permit, federal Endangered Species Act Section 10(a) Permit, federal Clean Water Act Section 402 permits for construction and post-construction storm water discharges, Clean Water Section 404 permit for fill and Section 401 water quality certification; and a Cal. Dept. of Fish and Wildlife Section 1602 Streambed Alteration Agreements.

**Fieldstone Communities.** Mary Lynn assisted client in obtaining permits for a 3500-unit residential development in Carlsbad CA, including preparation of one of the first multi-species HCP/NCCPs in the state of California and obtaining a California Endangered Species Act Section 2081 Permit and federal Endangered Species Act Section 10(a) Permit.

## PRACTICES

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Environment & Land Use  
Water Law  
CEQA & NEPA  
Climate Change & Resiliency  
Endangered Species & Wildlife Law  
Government Relations & Regulation  
Land Use Entitlements & Litigation  
Wetlands & Riparian Permitting

## INDUSTRIES

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Energy & Utilities

Government & Public Sector  
Real Property  
Transportation  
Water

## EDUCATION

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University of Texas School of Law, J.D., 1989, *with honors*  
Trinity University, B.S., 1985, *summa cum laude*

## ADMISSIONS

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California