

Exhibit PTA-2

Witness qualification

**MICHAEL WARBURTON
PUBLIC TRUST ALLIANCE
RESOURCE RENEWAL INSTITUTE
187 EAST BLITHEDALE AVENUE
MILL VALLEY, CA 94941
(510) 644-0752 michael@rri.org**

EDUCATION:

- J.D.**, 1992, Boalt Hall School of Law, University of California at Berkeley
Highest Honors for writing on conflicts of interest in public interest representation and High Honors for paper on application of California Environmental Quality Act; studied water law and introduced to Public Trust Doctrine by Professor Joseph Sax, Presented 1991 Forum On Professional Ethics co-sponsored by many groups.
- B.S.**, 1979, Political Economy of Natural Resources, U.C. Berkeley,
Graduated with Highest Honors, member Phi Beta Kappa

SELECTED EXPERIENCE IN PUBLIC ADVOCACY, SCIENCE, ECOLOGICAL CRISIS DEFINITION AND RESPONSE FOR LAST THIRTY-FIVE YEARS

- 3/02-present **Executive Director**, Public Trust Alliance, A Project of the Resource Renewal Institute, Mill Valley, CA., non-profit project using public trust doctrine to support community groups and public trustees to defend public interests in natural resources and advocating responsible long term planning. Activities include educational advocacy and outreach, participation in collaborative planning and intervention in legal proceedings where ecology of natural systems or fundamental public trust assets or rights are at stake.
- 4/08-10/09 **Expert Witness and Advocate** before California State Water Resources Control Board concerning a Cease and Desist Order against California American Water Company for illegal diversion of water threatening public trust resources.
- 4/08 **Panel Organizer**, Annual Conference of the California Studies Association, Berkeley, CA. Presented "People, Place and Water"
- 3/07 **Panel Organizer**, Public Interest Environmental Law Conference, Eugene OR. Presented "Reclaiming Our Public Trust," with James Paul (who successfully argued that the Precautionary Principle is inherent in traditional public trust duties of State Trustees) and Mark Franco (Headman of the Winnemem Wintu Tribe of California).
- 8/06 **Expert Testimony**, Hearing Convened by California Assembly Subcommittee on Base Closure and Redevelopment; Outlined history of

application of public trust doctrine to tidelands and opportunities for legislative efforts to reassert public title to former tidelands in San Diego.

- 11/05 **Panel Participant and Law Review Article Author**, McGeorge Law School Symposium on the 25th Anniversary of the Report of the Governor's Commission to Review California Water Rights Law. Authored "Toward Greater Certainty in Water Rights? Public Interests Require Inherent Uncertainty to Support Constitutional Governance of Our State's Waters" for the two volume special issue of the McGeorge Law Review, 36 McGeorge Law Review 139-163 (2005)
- 6/01-12/05. **Member, Public Advisory Committee**, Supporting the Dept. of Water Resources in preparing the 2005 Update of the California State Water Plan. Multi-year collaborative process representing public trust interests and Environmental Justice constituencies. Participant in a special public trust working group to make a presentation on public trust concerns in water planning before the entire Committee. One of the 14 Major Recommendations of the final Plan was "DWR and other state agencies must explicitly consider public trust values in the planning and allocation of water resources and protect public trust uses whenever feasible."
- 5/00-3/05. **Founding Steering Committee Member**, Environmental Justice Coalition for Water, Oakland, CA; Management and implementation of collaborative, statewide community advocacy project defending rights of politically and economically vulnerable communities in the development of California's water resources.
- 4/00-2/04. **Project Manager**, "Community Water Rights Project," The Ecology Center, Berkeley, CA; Convened multi-disciplinary Advisory Committee; implementing public education program emphasizing public rights in water and advocating protection of these rights to encourage more effective and responsible environmental justice activism, natural habitat restoration and water conservation in both rural and urban settings.
- 1996-2000 **Coordinator**, Public Trust Legal Project, Berkeley, CA.; managing correspondence and advocacy by an informal network of legal scholars and practitioners concerned with the erosion of the Public Trust Doctrine as applied to resource development policy and the redevelopment of closing military bases located on former tidelands. Contributed research and support to national peer review process for Putting the Public Trust Doctrine to Work: The Application of the Public Trust Doctrine to the Management of Lands, Waters and Living Resources of the Coastal States (Second Edition, Coastal States Organization 1997).
- 1994-2000 **Board Member**, The Ecology Center, Berkeley, CA. General policy formulation for management of California non-profit environmental

education and recycling organization. Active participant on several Board Committees overseeing a \$1.2 million/ yr. contract to provide recycling services to the City of Berkeley and facilitating organizational transition to more effectively deliver services to the community. Collaboration with the Environmental Water Caucus and Environmental Justice Coalition on Water to advocate use of the Public Trust Doctrine as a viable framework for balancing public and private values as water policy is adjusted to meet the needs of a growing and diverse state population.

- 1990 **Summer Associate**, Preston, Thorgrimson, Shidler, Gates & Ellis, Anchorage, AK., Assisted representation of the State of Alaska in the EXXON Valdez oil spill case. Prepared a legislative history of the Clean Water Act Resource Damages Provisions to determine the possible extent of EXXON's liability for damage to natural resources under Federal law. Evaluated expert testimony in similar cases in other states. Investigated alternative legal theories; assisted development of litigation strategy to best protect state interests.
- 1988 **Associate Faculty**, School for Field Studies; Assisted in designing and teaching a field course in "Cultural Ecology" in Ladakh, India. Collaborated with biologists and local resource managers to plan and implement a research project investigating the impacts of humans and their domestic animals on snow leopard habitat.
- 1987-88 **Guest Lecturer**, Environmental Studies Dept., U.C. Santa Cruz, "Eco-development" course. Presented lectures and facilitated exploratory discussions of "cultural theory," advocated by anthropologists seeking to recognize and incorporate multiple cultural perspectives in defining and solving complex social and environmental problems.
- 1982-84 **Research Scholar**, International Institute for Applied Systems Analysis (IIASA), Laxenburg, Austria--Member of Scientific Staff of an international "think tank" where interdisciplinary teams of scientists collaborate to design management models for understanding and responding to complex social and environmental problems. Co-Author, numerous articles for professional journals and the book, Uncertainty on A Himalayan Scale: An Institutional Theory of Environmental Perception and a Strategic Framework for the Sustainable Development of the Himalaya, Ethnographica, London (1986). Republished 2007 as part of the "Himalayan Classics Series" with collaboration of Said School of Business at Oxford University and Himal Press, Kathmandu, Nepal, with a new introduction by the former Minister of Water Resources, HMG Nepal.

Represented the Institutional Settings and Environmental Policies Research Group at the Institute to write and present "Environmental Protection: A Problem of Plural Perceptions" at the International

Conference on Environment at Usti Nad Labem, Czechoslovakia in 1983, and participated in 1984 IIASA Conferences on "Sustainable Development of the Biosphere" in Laxenburg, Austria and "Plural Rationalities and Interactive Decision Methods" in Sopron, Hungary.

- 1982 **Field Assistant**, Energy Sector, Resource Conservation and Utilization Project, Nepal; This Bilateral development program co-sponsored by the U.S. Agency for International Development and a consortium of North American universities was designed to improve economic development prospects for rural Nepal. I assisted introduction of firewood conserving energy technologies to remote mountain villages. Worked with indigenous organizations to facilitate mutually beneficial projects while respecting cultural differences.
- 6/81 **Writer**, Christian Science Monitor article on cultural differences in forest management that create different relationships with local environments. Focus on mountain valleys in Switzerland and allocation of trees.
- 1977-78 **Research Assistant**, Trustees for Alaska, Anchorage Alaska. Introduced to Federal-State regulatory turf definition in water quality management with regard to placer mining. Researched and wrote about faulty cost-benefit analyses urging rapid large-scale development of hydro-electric dams on the Susitna River. Published article in Anchorage Daily News about future visions for Alaskan economic development.
- 1974-76 **Independent researcher / advocate**, investigated public responsibilities of National Park Service under its Organic Act with conflicting mandate of preservation and use. Do public obligations limit the activities of private concessioners with commercial operations in National Parks? Collaborated with American Alpine Club and Sierra Club to advocate more limited operations.
- OTHER:** Mountaineering: 1975, first Soviet-American ascent of the Salathe Wall of El Capitan in Yosemite Valley; first ascent of North Ridge of Mt. Waddington and traverse of British Columbia Coast Range over its highest peak; 1976 Joint Soviet-American expedition to Central Asia and the Caucasus; 1977 American Peruvian Andes Expedition: first ascent of East Ridge of Pukajirka Central and ascents of Huascarán and Ranrapalca; 1978 Winter Expedition to the Alaska Range and ascents of Orizaba and Popocatepetl in Mexico; 1980 expedition to Makalu in the Himalayas