

Graphic by Danielle Anz

It's an understatement to say that 2023 was a transformative year for the U.S. climate movement. We saw rapid implementation of landmark federal climate laws, a series of big actions on methane emissions, a deal on Colorado River water usage, and bigger-than-expected climate victories in Sacramento. EPA's control of toxic chemicals was tested, the U.S. renewed talks with China (so did California's governor), and young people won big in a first-of-its-kind climate trial. The backdrop was month after month of extreme weather that led to Earth's warmest year on record.

It was a big year for Legal Planet too. We've covered nearly every aspect of the climate crisis from A (air quality) to Z (zero-emission vehicles). We've brought you analysis of legislative proposals in Sacramento, potential House speakers in Washington, and the global carbon footprint of Taylor Swift.

Each and every year leading up to 2030 will be make-or-break. And through it all, we (the staff and faculty of UCLA Law and Berkeley Law) will be here to offer

analysis backed by research, unique legal perspectives, innovative policy proposals, and informed political commentary. Thanks for reading Legal Planet this year. And if this site has informed your understanding of environmental law and climate policy this year, **please subscribe and share our email newsletter with friends or colleagues**.

Here are the 12 most popular topics based on our most-read posts from 2023.

12. The Willow oil drilling project

No decision by the Bureau of Land Management inspired more protests, TikTok videos, or political commentary this year than that of the Willow oil drilling project. In March, the Biden administration approved this project on Alaska's North Slope—the largest proposed oil drilling on U.S. public land in several decades. The approval sparked uproar because it goes against many of the administration's climate goals. ConocoPhillips had existing lease rights, but could the Biden administration have denied the Willow project at that stage in the process? Cara Horowitz and Evan George take a look at the administration's legal concerns. Federal courts have thus far upheld the administration's decision in the face of challenges.

11. The Cuyama carrot boycott

In 2023, residents of Central California's Cuyama Valley rallied together to boycott Bolthouse and Grimmway farms. The two big agricultural corporations use large amounts of water in an increasingly dry region, and they launched a groundwater adjudication proceeding that has Cuyama stakeholders in court defending their water rights. Evan George highlights the complexities of groundwater management issues in California and amplifies the voices of local residents. In an update, it's noted that Bolthouse and Grimmway farms have dropped out of the lawsuit but the companies that lease their land are moving forward, so the carrot boycott continues. After Legal Planet wrote about this fight, it was covered by the Los Angeles Times, Sacramento Bee, and New York Times. Gov. Newsom recently signed a new law to improve groundwater adjudications like this one. It was supported by the work of three UCLA students who wrote blog posts about the

legislation before and after passage.

10. Decarbonization ordinances and equity

The hard work of electrifying our buildings and phasing out gas infrastructure was on full display. This spring, a panel of the Ninth Circuit issued a ruling in *California Restaurant Association v. City of Berkeley*, addressing whether the federal Energy Policy and Conservation Act invalidates a Berkeley municipal ordinance specifying when natural-gas infrastructure can be extended into new buildings. As Daniel Carpenter-Gold writes, that decision has implications for state and local efforts to protect residents and reduce greenhouse-gas emission. In June, a UCLA Law clinic filed a brief in the case on behalf of seven law professors including William Boyd, Dan Farber and Sharon Jacobs. It's not just Berkeley: LA's ambitious "Green New Deal" calls for, among other things, eliminating or offsetting building emissions and reducing building energy use by 44%, both by 2050. That could be bad news for low-income renters if tenant protections aren't part of the decarbonation process. Daniel Carpenter-Gold writes about how to make equity part of the building decarbonization policies.

9. SCOTUS: This term and last term

The U.S. Supreme Court agreed to hear and decide an important "regulatory takings" case from California that has major implications for federal, state and local governments nationwide, writes Richard Frank. The 2023 term already has two blockbuster cases on the docket, as Dan Farber points out—one dealing with whether to overrule the *Chevron* case, which has been foundational to administrative law for the past four decades; and another where the issue is agency power to sanction violations of the law. Last term, the justices' decision in Sackett v. EPA limited the EPA's ability to defend a large portion of the nation's wetlands and waterways from pollution, Cara Horowitz and Julia Stein explain.

8. CEQA and development

Two major themes in Sacramento this year were housing and CEQA—and more often than not the two were related. Early in the year, Jonathan Zasloff undertook a series of blog posts on the subject, as in this story where Zasloff shows at a local level why CEQA remains California's most important environmental law. CEQA became the topic of several public hearings by the Little Hoover Commission. Richard Frank delves into the issues driving the call to change CEQA. Governor Newsom also took aim at CEQA this year, in the form of a package of trailer bills designed to expedite infrastructure development. Gabriel Greif has a deep dive on why those changes to CEQA may be minimal, but also a step in the wrong direction.

7. Managing water scarcity

After several years of drought, 2023 brought rain, rain, and more rain followed by a plentiful snowpack, flooding mudslides and a state of emergency. Still, state policymakers must resist the temptation to push planning for water scarcity. That's according to Nell Green Nylen, Dave Owen, Jennifer Harder, Michael Kiparsky, and Michael Hanemann who lay out a framework for managing water scarcity in a report and a corresponding blog post that was one of the top reads of 2023. With an unusually wet 2024 in the forecast, their recommendations remain essential for policymakers. This year we also saw several major water reform bills, which Richard Frank summarizes here.

6. Income-based electric bills

Recent legislation is moving California towards a system of income-based fixed charges for electricity. The policy has amassed critics who claim the charges reflect new costs on top of existing rates, or that the policy is a giveaway to incumbent utilities. Ruthie Lazenby is writing a series on the subject, clarifying misconceptions and explaining the stakes of this new policy. In a second post, Lazenby breaks down the history of fixed charges and contextualizes the new policy compared to past practices. Expect this relatively wonky subject to increasingly be in the spotlight in 2024 as the proceeding goes on.

5. Montana youth climate trial

The guarantee of a "clean and healthful environment" are the four words from Montana's state constitution that were the focus of the country's first youth climate trial. Guest contributor and UCLA Law student Mollie Cueva-Dabkoski reflects on working as a summer law intern on the case. The plaintiffs in *Held v. Montana* successfully argued that the state's energy policy "causes and contributes to climate change, in violation of the Montana Constitution's long standing environmental protection provisions" as brought up by Richard Frank. Looking ahead, Evan George outlines the trial proceedings and major questions for the next cases of its kind.

4. Solar geoengineering

This time last year, news broke that a tiny startup firm, called "Make Sunsets," had launched weather balloons containing a few grams of SO2 from a private property in Baja California, Mexico. The stunt became a lightning rod for solar geoengineering in the mainstream media. Ted Parson takes a dim view of that so-called experiment and highlights the dangers of private firms tinkering with geoengineering and why it distracts from the governance debates we should be having. Cited by news stories, Parson's original post was the fourth most-read story of the year, and he followed up with discussions of media coverage and prominent statements as well as the Overshoot Commission's recommendations on geoengineering. Meanwhile, Duncan McLaren explains why he signed the call for a non-use agreement of solar geoengineering and what it might mean for research.

3. The Inflation Reduction Act

Clean energy industries and supply chains have undergone rapid change and growth like never before this year, thanks to the massive tax incentives of the Inflation Reduction Act. William Boyd, Mary Nichols, and Julia Stein outline the biggest successes and the equity challenges on the anniversary of President Biden's signature climate law. Dan Farber looks ahead at the updated models of how the IRA could shrink U.S. greenhouse gas emissions. Evan George quotes Kimberly Clausing and others from the Emmett Institute's spring symposium on why the

Inflation Reduction Act is unlikely to be repealed even if control of the White House and Congress changes hands. The reason is “candy,” and that story was the third most-read post.

2. Changes to NEPA

Amending the National Environmental Policy Act became part of the debt ceiling deal this summer. That bedrock environmental law hasn’t seen many changes since it was first enacted so this development had lawyers and academics scrambling to make sense of it all. “Will the permitting sections of the debt ceiling bill undermine environmental reviews,” asks Dan Farber in the #2 story and the first of many posts investigating the hastily drafted language. More recently, Farber explores the fine-tuning proposals by the White House’s Council on Environmental Quality to streamline the NEPA process.

1. Politicians and their climate policies

In a perfect world, climate change would be non-partisan. Surprise: this is not a perfect world. The beliefs and policy proposals of elected officials remain central to understanding environmental law and climate policy today. So perhaps it’s also not surprising that some of the most well-read stories on Legal Planet this year were about where various political candidates stand on climate policies. The top story of 2023 was RFK and Climate Change, in which Dan Farber looks at the skepticism and distrust pervading the campaign of the “lawyer turned long-shot presidential candidate.” Farber and Evan George take a deep dive into Kennedy’s conspiracy theories here. But Kennedy was by no means the only politician of interest. This year brought climate change discussion to the Republican primary debates amid the gaining popularity of Nikki Haley, as well as the bloodbath of a contest to be the next House speaker. With one climate denier now holding the gavel and another running for president in 2024, it’s a reminder of what will be the most important climate story of next year: the election.