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Timely New Conference!

Michigan Wetlands

Rapanos, Carabell, S.D. Warren and Beyond

November 2-3, 2006 • Weber's Inn • Ann Arbor

**\$100 Discount for
Government Employees!**

Who Will Benefit:

- Lawyers
 - Legal Staff
 - Government Officials
 - Regulators
 - Planners
 - Consultants
 - Engineers
 - Water Managers
 - Developers
 - Landowners
 - Agriculture Professionals
 - Real Estate Professionals
 - Environmental Representatives
- ... and anyone involved in wetlands!

On June 19, 2006, the United States Supreme Court decided three cases:

Rapanos v. United States: John Rapanos filled in low-lying areas of his property so he could sell it to a developer for a shopping center. However, without the fill, the water flows from the land to a small creek, then to a river that flows into Saginaw Bay. The EPA brought civil and criminal charges against Mr. Rapanos and he faced up to \$13 million in fines and fees.

Carabell v. U.S. Army Corps of Engineers: Carabell said it's a physical impossibility for him to pollute navigable waters because the property is surrounded by a man-made berm that blocks the flow of water. The government said that the Carabell's wetlands are a mile from Lake St. Clair and well within its watershed.

S.D. Warren Co. v. Marine Board of Environmental Protection: The Federal Power Act gives federal energy regulators the exclusive authority over dams that generate electric power. The Clean Water Act gives states the authority to require dam operators to obtain a permit to maintain a greater flow of water to preserve fish and for recreation. But this reduces the amount of power produced by the dam. S.D. Warren operates five hydropower dams. They said they shouldn't have to get a permit because they don't discharge into the river. The state disagreed.

The Supreme Court has spoken! What does this mean for the landscape of wetlands law? Attend this conference and find out. If you attend only one wetlands conference this year, this is it.

Featuring Speakers From:

Mackinac Center for Public Policy

Environmental Consulting and Technology

Michigan Attorney General's Office • Voice Environmental

Thomas M. Cooley Law School



Visit our website at [cle.com](http://www.cle.com) for a complete listing of MCLE requirements in all states. You will also find a schedule of our upcoming conferences and a listing of available homestudy courses.

Register Online at www.cle.com or Call (800) 873-7130
Seminar Schedule and Speaker Biographies Inside



Thursday, November 2**Friday, November 3**

8:30 Registration and Continental Breakfast

9:00 Welcome and Introduction*David Haywood, Esq., Program Co-Chair*
*Haywood & Harrison, Lansing**Don Tilton, PhD, Program Co-Chair*
*Environmental Consulting & Technology, Ann Arbor***9:15 Rapanos, Carabell and SD Warren**An Analysis of the Supreme Court Rulings
*Roderick Walston, Esq.**Best Best & Krieger, Walnut Creek*

10:15 Morning Break

10:30 Carabell v. U.S. Army Corps of Engineers

The Impact of Federal and State Jurisdiction over Wetlands

*Timothy Stoepker, Esq.**Dickinson Wright, Detroit*

11:30 Q&A Panel

Members of the Faculty

11:45 Lunch Break

1:15 The Clean Water Act and Tributary Wetlands

The Effects of Rapanos and Carabell

*Professor Chris Shafer, Esq.**Thomas M. Cooley Law School, Lansing***2:15 The Science of Wetlands**

Values and Functions

Don Tilton, PhD, Program Co-Chair

3:00 Afternoon Break

3:15 Permit Applications and Strategies

A Consultant's Perspective

*Steve Voice, Environmental Consultant**Voice Environmental, Boyne City***4:00 The Intersection Between State and Federal Regulations**

Filling the Gap Created by SWANCC (and probably further defined by Rapanos)

*Ella Foley-Gannon, Esq.**Sheppard, Mullin, Richter & Hampton, San Francisco*

4:45 Q&A Panel

Members of the Faculty

5:00 Adjourn

9:00 Overview of Day Two*David Haywood, Esq., Program Co-Chair*
*Don Tilton, PhD, Program Co-Chair***9:15 Enforcement Defense**

Effectively Responding to Allegations of Clean Water Act Violations

David Haywood, Esq., Program Co-Chair

10:00 Morning Break

10:15 Wetlands Enforcement

Goals and Tools

*Sara Gosman, Esq., Assistant Attorney General**Environment, Natural Resources and Agriculture Division**Michigan Attorney General's Office, Lansing***11:00 Wetland Management and Phase II Storm Water Regulations**

Are They Compatible?

*Jane Tesner Kleiner, RLA, Senior Landscape Architect**Environmental Consulting & Technology, Ann Arbor*

11:45 Q&A Panel

Members of the Faculty

12:00 Lunch Break

1:30 The Role of Local Wetland Regulations

What's Exempt? Definition of Wetlands in the Local Ordinance;

Publishing a Wetland Inventory; Notifying the DEQ

*Anne Vaara, MS**Senior Scientist and Environmental Planner**Environmental Consulting and Technology, Ann Arbor***2:15 Status of Wetland Protection in Michigan**

Needed Legislative and Regulatory Changes

to Michigan Wetlands Law

*Russ Harding, Senior Environmental Policy Analyst**Mackinac Center for Public Policy, Midland*

3:00 Q&A Panel

Members of the Faculty

3:15 Evaluations and Adjourn

**Save
These
Dates!**Private Equity
SuperConference
November 16-17, CharlotteFlorida Wetlands
November 16-17, TampaEminent Domain
November 30 – December 1, MinneapolisLand Use Law
November 30 – December 1, AlbuquerqueLand Use Trial
December 7-8, DenverNursing Home Litigation
December 7-8, TampaFor more information about these and other programs, visit our website at www.cle.com.

Michigan Wetlands

meet your faculty

Program Chairs

David Haywood is one of the foremost experts in wetlands law in the State of Michigan. Prior to entering private practice, he concluded a 17-year career with the Michigan Department of Natural Resources. He was first employed by the Department of Natural Resources in 1966. He co-authored *The Relationship of the State and Federal Wetland Permit Programs* for the Detroit College of Law at Michigan State University Law Review.

Don Tilton and his consulting firm specialize in ecological services and environmental engineering. He has developed natural resource protection plans and has built numerous freshwater wetlands throughout Michigan. He has published scientific papers on wetland ecology and restoration, served as Associate Editor for the journal *Wetlands*, and is a member of the Board of Trustees of Michigan Chapter of The Nature Conservancy.

Ella Foley-Gannon specializes in endangered species, wetlands, the Clean Water Act, and water rights issues, including stormwater permitting. She has broad experience assisting landowners and resource developers in land development, entitlement and state and federal environmental review and permitting. She served as a law clerk to the Honorable Melvin Brunnetti of the Ninth Circuit Court of Appeals and was a research fellow with the University of California Water Resources Department.

Sara Gosman works in the environmental law section for the Michigan office of the Attorney General and practices in natural resource management, including state regulation of wetlands, lakes, and streams.

Russ Harding and his nonpartisan organization assist policy makers, scholars, business people, the media and the public by providing objective analysis of Michigan issues. Mr. Harding was previously Senior Director for Environment and Energy Affairs with the consulting firm of Scofes, Kindsvatter & Associates, and served as Director of the Michigan Department of Environmental Quality from 1995 through 2002.

Jane Tesner Kleiner researches wetland ecology, wetland creation, ecological restoration and schoolyard habitat restoration for environmental educational activities. Some of her projects include: Project Ecologist and Designer for the Rouge Oxbow Restoration Project at The Henry Ford in Dearborn; Project Designer for wetland mitigations for MDOT; Buhr Park Stormwater Master Plan and Wet Meadow II design (Ann Arbor, Michigan); and Project Manager for the Kingfisher Bluff project on the Rouge River.

Chris Shafer joined the Thomas M. Cooley School of Law faculty in 1996. Since then, he served as an expert witness and legal consultant on water law and federal jurisdiction in Michigan's first death penalty case since 1943. He serves as an Administrative Law Judge for the Michigan Department of Environmental Quality. Professor Shafer previously supervised the Great Lakes Shorelands Section in the Michigan Department of Natural Resources for 16 years.

Timothy Stoepker practices in the areas of wetlands, woodlands and land use. He published articles in the *National Business Institute* and *Michigan Real Property Review*. His firm represented the Carabells in the combined *Rapanos* and *Carabell* cases before the U.S. Supreme Court.

Anne Vaara focuses on community environmental planning, ecological restoration, natural resource preservation, and wetland and landscape management. She has experience in the development and implementation of municipal storm water management plans and ordinances. She was previously the Environmental Director for West Bloomfield Township and worked on a variety of wetland, woodland and storm water management projects.

Steve Voice has worked in the ecological consulting field throughout Michigan and specializes in wetland determinations, permitting and mitigation, threatened and endangered species, and land reclamation. He is certified as a professional wetland scientist, a senior ecologist and has been qualified as a wetland and regulatory expert in numerous contested case and court proceedings.

Roderick Walston recently entered private practice, having spent most of his legal career as a government attorney. He most recently served as both Acting Solicitor and Deputy Solicitor of the U.S. Department of the Interior from 2002 to 2004, which are the highest legal positions in the Department of the Interior. He specializes in natural resources, environmental and water law litigation.

CLE INTERNATIONAL Program Coordinator:
Stacey L. Axlund, stacey@cle.com.

seminar information

Continuing Education Credit

CLE INTERNATIONAL is an approved provider in all states having mandatory continuing legal education requirements.

MCLE: This course has been accredited by the Ohio Supreme Court Commission on Continuing Legal Education for a maximum of 10 hours of credit.

For accreditation in other jurisdictions or disciplines, please contact **CLE INTERNATIONAL** at (800) 873-7130.

Registration

Advance registration is recommended, and you are encouraged to mail in your registration early. Or simply call in your registration or homestudy order to (303) 377-6600, fax the registration form to (303) 321-6320, register online at www.cle.com, or email your registration to registrar@cle.com. Full payment is due at time of registration. Walk-in registrations will be subject to space availability. Please call **CLE INTERNATIONAL** at (800) 873-7130 if you require any special accommodations.

Reserve Your Room Early

The Conference will be held at Weber's Inn, 3050 Jackson Ave, Ann Arbor, MI 48103. To secure your space and get the best rate, please call Community World Travel at (888) 724-0500 or visit www.communityworldtravel.com.

Tuition: \$595

The tuition fee of \$595 per person (\$495 for government employees, 501(c)(3) organizations, full-time judges, law students and paralegals) includes attendance at all sessions, course materials, continental breakfast and coffee breaks.

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Save \$200 or more with our multiple registrant discount! For two or more registering from the same firm, the tuition fee is only \$495 per person (\$395 for government employees, 501(c)(3) organizations, full-time judges, law students and paralegals).

About CLE International

CLE INTERNATIONAL, a leading provider of continuing education, has been presenting high-quality professional education programs nationwide since 1983.

Course Materials

Each registrant will receive a set of materials prepared by the speakers especially for this Conference, which will serve as a valuable future reference. The course materials alone are available for \$95 plus \$10 shipping and handling.

Homestudy Package

If you cannot attend, **CLE INTERNATIONAL** also offers a complete audio transcript of the Conference (including all course materials) for \$595 plus \$10 shipping and handling. This course may qualify for self-study credit.

Cancellation

Full tuition refunds (less a \$50 administrative charge) will be given only if notice of cancellation is received by 5:00 p.m. MST on the Friday preceding the Conference. Substitutions may be made at any time.

Sponsorship Information

Sponsorship and exhibition opportunities are still available. For more information, please contact Jill Shannon at (303) 377-6600 or jill@cle.com.

Timely New Conference!

Michigan Wetlands

Rapanos, Carabell, S.D. Warren and Beyond

November 2-3, 2006 • Weber's Inn • Ann Arbor

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Timely New Conference!

Michigan Wetlands

The Continuing Controversy over Inland Fields and Streams

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Learn About:

The Science of Wetlands, Protection, Regulation, Local Ordinance, Publishing a Wetlands Inventory, Watershed Scale Wetland Permitting, Identification, Integration, Implementation Wetland Management, Storm Water Regulations and Permit Applications and Strategies

Rapanos, Carabell and SD Warren:

Supreme Court Rulings, The Clean Water Act and Tributary Wetlands, The Impact of Federal and State Jurisdiction over Wetlands

Enforcement:

Prosecution and Defense, The Intersection Between State and Federal Regulations

