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# Texas Wetlands

*The Rapanos Effect*

**February 26-27, 2007 • Omni Hotel at Southpark • Austin**

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Register Online at [www.cle.com](http://www.cle.com) or Call (800) 873-7130  
Conference Schedule and Speaker Biographies Inside



**Monday, February 26**

**Tuesday, February 27**

8:30 Registration and Continental Breakfast

9:00 **Welcome and Introduction**  
 Overview of Day One  
**Sharon M. Mattox, Esq., Program Chair**  
 Vinson & Elkins, Houston

9:15 **Wetlands Overview and Annual Update**  
 What's Going On  
**Sharon M. Mattox, Esq., Program Chair**

10:00 Morning Break

10:15 **Rapanos and Carabell**  
 The Effect on Texas  
**Sharon M. Mattox, Esq., Program Chair**

11:15 **The Corps Regulatory Program**  
 Current Issues and Updates  
**Presley B. Hatcher, Chief, Permits Section**  
**Regulatory Branch**  
 U.S. Army Corps of Engineers, Fort Worth District

12:15 Lunch Break

1:45 **Technology Update**  
 Innovative Uses of GPS and GIS Technologies for Wetland  
 Delineation and Impact Avoidance  
**Matthew Glen Stahman, Senior Project Manager and**  
**Professional Wetland Scientist**  
 SWCA Environmental Consultants, Houston

2:45 Afternoon Break

3:00 **Profiting from Land Conservation**  
 Government Tax Incentives; Conservation Easements;  
 Long-Term Estate Planning  
**Bradley I. Raffle, Esq., President**  
 Conservation Capital, Houston

3:45 **Environmental Ethics**  
 For the Wetlands Practitioner  
**Mark L. Farley, Esq.**  
 Baker Botts, Houston

4:45 Q&A Panel  
 Members of the Faculty

5:00 Adjourn

8:30 Continental Breakfast

9:00 **Welcome Back**  
 Overview of Day Two  
**Sharon M. Mattox, Esq., Program Chair**

9:15 **Closing the Gap**  
 Where Wetlands Regulations Meet the Endangered Species Act  
**James O. Jones, Natural Resource Program Director**  
 SWCA Environmental Consultants, Austin

10:15 Morning Break

10:30 **Incorporation of Stream Buffers into the Development Process**  
 Stream Buffer Protection and Strategies  
**Mike Lyday, Senior Environmental Scientist and Wetland Specialist**  
 Watershed Protection and Development Review Department  
 City of Austin

11:15 **Enforcement**  
 Jurisdictional Limits Beyond Wetland Delineation  
**Harless R. Benthul, Esq.**  
 Benthul, Kean & Woodruff, Houston

12:00 Q&A Panel  
 Members of the Faculty

12:15 Lunch Break

1:45 **Inter-Agency Coordination (or Lack Thereof)**  
 A User's Perspective  
**Jim Gregory, Associate Vice President and Division Manager**  
 PBS&J, Houston

2:45 Afternoon Break

3:00 **The 404(b)(1) Guidelines**  
 New Developments  
**Kristie M. Tice, Esq.**  
 Vinson & Elkins, Houston

3:45 **Texas Coastal Wetlands**  
 Conservation in a Changing Environment  
**Jarrett "Woody" Woodrow, Jr., Director**  
**Coastal Conservation Program**  
 Texas Parks and Wildlife Department, Dickinson

4:30 Q&A Panel  
 Members of the Faculty

4:45 Evaluations and Adjourn

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 These  
 Dates!

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 February 12-13, Austin

Ethics  
 February 23, Tampa

Carolinas Wetlands  
 February 26-27, Charlotte

Eminent Domain SuperConference  
 March 1-2, Austin

Colorado Water Law  
 March 8-9, Denver

Texas Water Law  
 April 23-24, Houston

For more information about these and other programs, visit our website at [www.cle.com](http://www.cle.com).

# instructors

meet your

## Texas Wetlands

### Program Chair

**Sharon M. Mattox** has chaired this program for 17 years. She has a broadly based background in environmental litigation at both the trial and appellate levels. She has been extensively involved in environmental issues affecting land use, including wetlands, cultural resources, hazardous substances, endangered species and floodplains. She also handles permit and compliance matters and counsels on environmental aspects of real estate transactions and development.

**Harless R. Benthul** has practiced environmental law in the Houston area for many years. He previously worked in the Office of Regional Counsel for the EPA Region VI in Dallas. He has been a visiting and adjunct Professor at South Texas College of Law. He is a past Chair of the State Bar of Texas' Environmental and Natural Resources Section.

**Mark L. Farley** has experience in a broad range of environmental and health and safety regulatory matters. He regularly counsels clients on air emission requirements, wastewater permitting, hazardous and solid waste management, the remediation of contaminated property, hazard communication, OSHA process safety, and compliance with other workplace safety and health standards.

**Jim Gregory** manages the Central Sciences Division of his firm's central region. He works with a variety of clients in the energy, transportation, infrastructure, conservation and development industries. His technical expertise relates to most facets of wetland issues, protected species and the NEPA process where he has served as expert and fact witness for several hearings and depositions. He has been consulting on wetland issues since 1988.

**Presley B. Hatcher** has been in his current position for 14 years after serving for three years as a biologist in the Regulatory Branch. Previously, he worked for 13 years as an Environmental Protection Specialist for the U.S. Environmental Protection Agency, Region VI, in Dallas.

**James O. Jones** has 30 years of experience in environmental management. He was a founding member of the Regulatory Program of the U.S. Army Corps of Engineers, Galveston District. His specialty is the management of controversial and difficult environmental projects. His project experience includes power generation and industrial facilities, oil and gas facilities, ports and harbors, transportation projects, land development and the design of wetland mitigation areas.

**Mike Lyday** has worked for the City of Austin's Watershed Protection and Development Review Department for over 17 years. He is one of the City's biologists, and his specialties include water quality monitoring, wetland delineation, and general biological resource management. He has worked with many of the environmental consultants and civil engineers in the Austin community to protect wetland and riparian resources during the development permitting process.

**Bradley I. Raffle** runs a land development and conservation finance company that elevates the value of undeveloped or underdeveloped land. This is achieved by combining new markets for environmental mitigation and ecological services with revenues derived from traditional sources of conservation funding, residential development and natural resource extraction.

**Matthew Glen Stahman** has over ten years of experience doing wetland delineations and permitting, threatened/endangered species assessments, NEPA environmental assessments and impact statements, FERC filings and obtaining various other state and federal environmental permits. His experience includes environmental compliance consulting for various industries, including oil and gas, public transportation, telecommunications, electric utility, coal mining, and land development projects.

**Kristie M. Tice** has a broad based environmental practice that includes counseling clients on environmental issues affecting land use, including wetlands, endangered species, and coastal consistency issues, as well as representing clients in permitting and enforcement matters before state and federal agencies. She has extensive experience in environmental and toxic tort litigation, at both the trial and appellate levels. She advises clients on environmental issues in real estate and other transactions.

**Jarrett "Woody" Woodrow, Jr.**, has worked for his agency's Resource Protection Division for over a decade. He is the Coordinator for the Upper Coast Program Office which reviews permits, responds to pollution events, participates in water planning, seeks restitution for fish and wildlife impacts under state and federal laws and implements habitat restoration projects.

# conference information

### Continuing Education Credit

**MCLE:** This course has been approved by the State Bar of Texas for 11 hours of MCLE credit including 1 hour of ethics. **CLE INTERNATIONAL** is an approved sponsor of the Texas State Bar, Sponsor No. 2645.

**Real Estate:** This course meets the requirements for 11 hours Mandatory Continuing Education (MCE) credit from the Texas Real Estate Commission.

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**Engineering:** This course meets the requirements for up to 11 hours of engineering credit. For accreditation in other jurisdictions or disciplines, please contact **CLE INTERNATIONAL** at (800) 873-7130.

### About CLE International

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

### 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 (800) 873-7130, fax the Registration/Order Form to (303) 321-6320, email your registration to registrar@cle.com, or register online at [www.cle.com](http://www.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.

### Tuition: \$695

The tuition fee of \$695 per person (\$595 for government employees, 501(c)(3) organizations, full-time judges, law students and paralegals) includes attendance at all sessions, course materials, continental breakfasts and coffee breaks.

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### Course Materials

Each registrant will receive a set of course materials, prepared by the speakers especially for this Conference, which will be 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 \$695 plus \$10 shipping and handling. This package may qualify for homestudy 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 Monday prior to the Conference. Substitutions may be made at any time.

### Sponsorship Information

Sponsorship and exhibition opportunities are still available. For more information, please contact Shauna Kraccek at (800) 873-7130 or [shauna@cle.com](mailto:shauna@cle.com).

**CLE International Program Attorney:**  
**Allison A. Gerkman**, [alli@cle.com](mailto:alli@cle.com).



# Texas Wetlands

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