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# 2<sup>ND</sup> Colorado Wetlands

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## Nuts and Bolts of Clean Water Act Permitting

May 19-20, 2008 • Grand Hyatt • Denver

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Dear Colleague:

With the new Corps guidance and courts decision, you need to know how to navigate the new judicial and administrative developments.

Wetlands continue to challenge those working to develop or manage lands. Following the Supreme Court's decisions in *Rapanos* and *Carabell*, lower courts adopted a variety of interpretations, some of which are inconsistent. The EPA and Corps have issued guidance regarding Clean Water Act jurisdiction and imposed new procedural requirements for obtaining jurisdictional determinations. What's coming next? Join our distinguished faculty for a discussion of the developments and predictions about trends affecting Colorado wetlands.

This Conference will provide you with an in-depth understanding of how water development projects on the Front Range are affected by wetlands regulation. Learn from water development project professionals how to navigate the process for permitting a large project. Join a panel discussion of the strategies for integrating NEPA, the ESA, and water rights in the 404 permitting process.

We will also explore the use of nationwide permits and other general permits. At the end of the day, you will be able to wade through the wetlands regulations and fit together the pieces in this ever-changing field.

Please join us—we hope to see you there!

Sincerely,

Brian R. Hanson, Esq.  
Baird Hanson Williams, Boulder

Gene J. Riordan, Esq.  
Vranesh and Raisch, Boulder



**Brian R. Hanson, Esq.**  
Program Co-Chair



**Gene J. Riordan, Esq.**  
Program Co-Chair

Schedule and Instructor Bios Inside

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**Monday, May 19****Tuesday, May 20**

- 8:30 Registration and Continental Breakfast
- 9:00 **Introduction and Welcome**  
Overview of Day One  
**Brian R. Hanson, Esq., Program Co-Chair**  
Baird Hanson Williams, Boulder  
**Eugene J. Riordan, Esq., Program Co-Chair**  
Vranesh and Raisch, Boulder
- 9:15 **General Overview**  
Recent Federal and State Interpretations of Wetlands Regulation  
**Ronda L. Sandquist, Esq.**  
Jackson Kelly, Denver
- 10:15 Morning Break
- 10:30 **Update on Jurisdictional Waters**  
A Panel Presentation  
**Margaret J. "Peggy" Livingston, Esq.**  
**Enforcement Attorney, Region 8**  
U.S. Environmental Protection Agency, Denver  
**David A. Carson, Esq., Senior Counsel**  
**Environmental Defense Section**  
U.S. Department of Justice, Denver  
**Melinda Kassen, Director, Western Water Project**  
Trout Unlimited, Boulder  
**Timothy T. Carey**  
**Chief of Denver Regulatory Office, Omaha District**  
U.S. Army Corps of Engineers, Littleton  
**Michael Claffey, President**  
Claffey Ecological Consulting, Fruita  
**Moderator: Brian R. Hanson, Esq., Program Co-Chair**
- 12:30 Lunch Break
- 1:45 **Municipal Regulation of Wetlands**  
The Boulder Wetlands Ordinance: The City's and Developer's Perspectives  
**Sue Ellen Harrison, Esq., Assistant City Attorney**  
City of Boulder  
**David A. Packard, Esq.**  
Packard Dierking, Boulder
- 2:45 Afternoon Break
- 3:00 **Nuts and Bolts of Clean Water Act Permitting**  
How to Get an Individual Permit  
**Scott Franklin, PE**  
**Regulatory Project Manager, Denver Regulatory Office**  
U.S. Army Corps of Engineers, Littleton  
**Grant E. Gurneé, PWS**  
Walsh Environmental Scientists & Engineers, Boulder  
Nationwide and Other General 404 Permits  
**Zach C. Miller, Esq.**  
Davis, Graham & Stubbs, Denver
- 5:00 Q&A Panel  
Members of the Faculty
- 5:15 Adjourn

- 8:30 Continental Breakfast
- 9:00 **Welcome Back**  
Overview of Day Two  
**Brian R. Hanson, Esq., Program Co-Chair**  
**Eugene J. Riordan, Esq., Program Co-Chair**
- 9:15 **Wetlands Mitigation**  
A "How To" Primer  
**Robert J. Henke, PWS, Vice President**  
ICF International, Lakewood
- 10:15 Morning Break
- 10:30 **Water Rights and Permitting Issues**  
Special Considerations for Wetland Sites  
**Kevin L. Patrick, Esq.**  
Patrick, Miller & Kropf, Aspen
- 11:15 **Ethics**  
Considerations in Environmental Law  
**David R. Eason, Esq.**  
Berenbaum, Weinshienk & Eason, Denver
- 12:15 Q&A Panel  
Members of the Faculty
- 12:30 Lunch Break
- 1:45 **Enforcement Issues Under Section 404**  
Regulator and Litigator Perspectives  
**Wendy Silver, Esq., Senior Attorney, Region 8**  
U.S. Environmental Protection Agency, Denver  
**Craig D. Galli, Esq.**  
Holland & Hart, Salt Lake City
- 2:45 Afternoon Break
- 3:00 **Permitting a Large Project**  
A Panel Presentation on Section 404, ESA, Water Rights, and NEPA  
**Chandler Peter, Project Manager**  
U.S. Army Corps of Engineers, Cheyenne  
**M. Dale Strickland, PhD**  
**Vice-President and Senior Ecologist**  
Western EcoSystems Technology, Cheyenne  
**Robert V. Trout, Esq.**  
Trout, Raley, Montañó, Witwer & Freeman, Denver  
**Steve Dougherty, PWS, Principal and Senior Ecologist**  
ERO Resources, Denver  
**Travis Bray, Environmental Planner**  
Denver Water  
**Moderator: Eugene J. Riordan, Esq., Program Co-Chair**
- 5:00 Q&A Panel  
Members of the Faculty
- 5:15 Adjourn

<p><b>Program Co-Chairs</b></p> <p><b>Brian R. Hanson</b> has over 21 years of experience practicing natural resources and environmental law, advising a broad range of clients on complex environmental and regulatory challenges.</p> <p><b>Eugene J. Riordan</b> focuses on environmental issues with an emphasis on solid and hazardous waste, water quality, and wetland matters. He is a licensed civil engineer and is the author of several articles on environmental issues.</p>	<p><b>David R. Eason</b> focuses his practice on commercial litigation, legal ethics, and civil trials and appeals. He recently completed his second term as a member of the Committee on Conduct of the U.S. District Court in Colorado.</p> <p><b>Scott Franklin</b> has 18 years of experience with the U.S. Army Corps of Engineers in river and wetland engineering and Section 404 permitting.</p> <p><b>Craig D. Galli</b> specializes in litigating a variety of natural resources, environmental, land use and commercial cases. He served as primary outside legal counsel to the 2002 Olympic Winter Games.</p> <p><b>Grant E. Gurnee</b> has over 23 years of experience in restoration ecology, environmental planning, and regulatory compliance projects throughout the United States.</p> <p><b>Sue Ellen Harrison</b> is responsible for federal, state and local environmental regulation for all city departments. She advises the Landmarks Board.</p> <p><b>Robert J. Henke</b> helps clients solve complex environmental challenges, including managing competing land uses on public lands.</p> <p><b>Melinda Kassen</b> opened Trout Unlimited's Colorado Water Project office in 1998. The Project seeks to restore and maintain good quality river flows for healthy coldwater fisheries.</p> <p><b>Margaret J. "Peggy" Livingston</b> has been an attorney for EPA Region 8 since 1989, where her practice has concentrated on the Clean Water Act, the Safe Drinking Water Act, and NEPA issues.</p> <p><b>Zach C. Miller</b> chairs his firm's Environmental Practice Group and has practiced environmental, water and natural resources law since 1980.</p> <p><b>David A. Packard</b> has focused his practice in recent years on commercial real estate and land use. He regularly represents developers and other property owners.</p>	<p><b>Kevin L. Patrick</b> is a founding member of his firm, which practices exclusively in the fields of water and wastewater utility planning and development, water law and water resource law.</p> <p><b>Chandler Peter</b> has 21 years of experience in wetland research and regulation for various federal and state governmental agencies.</p> <p><b>Ronda L. Sandquist</b> emphasizes water quality regulation under the Clean Water Act. She also handles regulatory compliance matters related to wetlands and endangered species.</p> <p><b>Wendy Silver</b> has 18 years of experience with the Environmental Protection Agency. Her practice focuses on enforcement of the provisions of the Clean Water Act, particularly Sections 402 and 404.</p> <p><b>M. Dale Strickland</b> has over 25 years of experience in ecological research and wildlife management. He serves as the Executive Director of the Platte River Endangered Species Partnership.</p> <p><b>Robert V. Trout</b> has over 30 years of experience in water, municipal and environmental law, having advised clients regarding water, environmental and development issues since 1975.</p>
<p><b>Faculty Members</b></p> <p><b>Travis Bray</b> is presently the project manager for the Moffat Collection System Project EIS. In his prior position at Denver Water, he was a water resource planner and was responsible for day-to-day operations of Denver's raw water system.</p> <p><b>David A. Carson</b> brings civil enforcement actions on behalf of the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers for unauthorized discharges of pollutants into wetlands and other regulated waters.</p> <p><b>Timothy T. Carey</b> has 31 years of experience in the U.S. Army Corps of Engineers. For the past 15 years, he has been responsible for administration of Section 404 of the Clean Water Act in Northeast Colorado.</p> <p><b>Michael Claffey</b> founded Claffey Ecological Consulting and was previously with the U.S. Army Corps of Engineers. He has 28 years of experience in wetland science and wetland regulations.</p> <p><b>Steve Dougherty</b> is a Principal Ecologist and a Certified Professional Wetland Scientist. He has been addressing wetlands, riparian, and threatened and endangered species issues in Colorado and the West for over 25 years.</p>	<p><b>Tell us what you're thinking!</b></p> <p>Do you have specific questions or topics you hope to see covered in this program? Contact <b>CLE INTERNATIONAL</b> Program Attorney Michelle Messner, michelle@cle.com.</p> <p><b>Reach your target audience!</b></p> <p>Would you like the opportunity to exhibit at or sponsor this Conference and get your name out to its many prospective and actual attendees? Contact Barbara Hollingsworth, barbara@cle.com.</p>	

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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.

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