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**New Conference!**

# Texas Coastal Law

**Juggling Conflicting Demands and Inconsistent Application of the Rules**

**May 19-20, 2005 • Omni Hotel • Houston**

## **Who Should Attend:**

- Attorneys
- Land Surveyors
- Landowners
- Environmentalists
- Consultants
- Engineers
- Planners
- Beach-Goers
- Geologists
- Government Regulators
- Developers
- Real Estate Brokers

...anyone involved in the  
Texas Coast!

- ✓ **3,359**—Miles of Texas Coastline\*
- ✓ **4,447,727**—Texas Coastal Population\*
- ✓ **\$7 billion**—Amount generated by Texas' coastal region,  
Texas' second-most popular tourist attraction\*\*

\*Texas Coastal Management Program. *Program Specifications*.  
Retrieved November 30, 2004, from <http://www.ocrm.nos.noaa.gov/czm/csmtexas.html>

\*\*Texas General Land Office. *Coastal Texas 2020*. Retrieved December 16, 2004, from  
<http://www.glo.state.tx.us/coastal.html>

## **Featuring Speakers From:**

- Texas General Land Office
- U.S. Army Corps of Engineers
- Shiner Moseley & Associates
- The City of Corpus Christi

...and some of the state's top practitioners!



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Conference Schedule and Speaker Biographies Inside



**Thursday, May 19****Friday, May 20**

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|--|---|
| <p>8:30 Registration</p> <p>9:00 <b>Introduction and Welcome</b><br/>Overview of Day One<br/><b>Thomas J. Forestier, Esq., Program Co-Chair</b><br/><i>Haynes and Boone, Houston</i><br/><b>Marc O. Knisely, Esq., Program Co-Chair</b><br/><i>McGinnis Lochridge &amp; Kilgore, Austin</i></p> <p>9:15 <b>The Texas Open Beaches Act and The Public Beach Easement</b><br/>Background of the Open Beaches Act; the Development of the "Rolling" Beach Easement Doctrine; the Problems Caused by Houses Ending up on the Beach Because of Storms; OBA Litigation; the Moratorium Legislation<br/><b>Jane G. Sarosdy, Esq., Staff Attorney</b><br/><i>Coastal &amp; Public Lands, Legal Services Division</i><br/><i>Texas General Land Office, Austin</i></p> <p>10:00 Morning Break</p> <p>10:15 <b>Enforcement Rights (and Wrongs) Under the Open Beaches Act</b><br/>Who Can Enforce What, and How?<br/><b>Jeffrey S. Boyd, Esq.</b><br/><i>Thompson &amp; Knight, Austin</i></p> <p>11:00 <b>The Corps of Engineers Regulatory Program</b><br/>Current Issues<br/><b>Fred Anthamatten, Chief, Policy Analysis Section</b><br/><i>Assistant Branch Chief, Regulatory Branch</i><br/><i>U.S. Army Corps of Engineers, Galveston</i></p> <p>11:45 Q&amp;A Panel<br/><i>Members of the Faculty</i></p> <p>12:00 Lunch Break</p> <p>1:30 <b>Shoreline Boundaries Part I</b><br/>Legal Principles<br/><b>Shannon H. Ratliff, Esq.</b><br/><i>The Ratliff Law Firm, Austin</i></p> <p>2:15 <b>Shoreline Boundaries Part II</b><br/>Principles from a Land Surveyor's Perspective<br/><b>William N. Lothrop</b><br/><i>Registered Professional Land Surveyor (RPLS)</i><br/><i>Sarita</i></p> <p>3:00 Afternoon Break</p> <p>3:15 <b>Shoreline Boundaries Part III</b><br/>Geological Principles<br/><b>Richard L. Watson, PhD, Consulting Geologist</b><br/><i>Port Aransas</i></p> <p>4:00 <b>Coastal Water Issues from a Development Perspective</b><br/>Water Availability (Surface Water and Groundwater); Permitting Issues; Environmental Inflows into Bays and Estuaries; Desalination<br/><b>Edmond R. McCarthy, Jr., Esq.</b><br/><i>Jackson, Sjoberg, McCarthy &amp; Wilson, Austin</i></p> <p>5:00 Adjourn</p> | <p>9:00 <b>Overview of Day Two</b><br/><b>Thomas J. Forestier, Esq., Program Co-Chair</b><br/><b>Marc O. Knisely, Esq., Program Co-Chair</b></p> <p>9:15 <b>Regulations That Are Often at Odds with Each Other</b><br/>Navigating Through the Morass: Case Studies<br/><b>Joe C. Moseley, Jr., PhD</b><br/><i>Shiner Moseley &amp; Associates, Corpus Christi</i></p> <p>10:00 Morning Break</p> <p>10:15 <b>Fresh Water Inflows, Wetlands, Coastal Navigation and Wind Power</b><br/>An Environmental Lawyer's Perspective<br/><b>James B. Blackburn, Esq.</b><br/><i>Blackburn &amp; Carter, Houston</i></p> <p>11:00 <b>Ethics</b><br/>Special Considerations for the Environmental Law Practitioner<br/><b>Mark Farley, Esq.</b><br/><i>Baker Botts, Houston</i></p> <p>12:00 Lunch Break</p> <p>1:30 <b>Coastal Projects</b><br/>Strategic Planning<br/><b>Sharon M. Mattox, Esq.</b><br/><i>Vinson &amp; Elkins, Houston</i></p> <p>2:15 <b>Practical Issues Involving the Texas Open Beaches Act and Dune Protection Program</b><br/>How to Keep Beach-Goers, Developers, and Regulatory Agencies Happy; Trying to Juggle Conflicting Demands and Inconsistent Application of the Rules<br/><b>R. Jay Reining, Esq., First Assistant City Attorney</b><br/><i>City of Corpus Christi</i></p> <p>3:00 <b>Riparian Boundaries in Texas</b><br/>Compare and Contrast with Seashore Boundary Issues<br/><b>Michael V. Powell, Esq.</b><br/><i>Locke Liddell &amp; Sapp, Dallas</i></p> <p>4:00 Q&amp;A Panel<br/><i>Members of the Faculty</i></p> <p>4:15 Adjourn</p> |
|  | <p><b>Save These Dates!</b></p> <p>Recreation &amp; Adventure Program<br/>Law &amp; Liability<br/>April 28-29, Denver</p> <p>Water Resources in Tennessee<br/>May 5-6, Nashville</p> <p>Florida Water Law<br/>May 12-13, Tampa</p> <p>Law of the Colorado River<br/>May 19-20, Las Vegas</p> <p>Golf &amp; Resort Development<br/>August 11-12, Salt Lake City</p> <p>For more information about these and other programs, visit our website at <a href="http://www.cle.com">www.cle.com</a>.</p>   |

**Program Co-Chairs**

**Thomas J. Forestier** has successfully represented clients in civil litigation in state and federal courts throughout Texas. The Board of Regents of the University of Texas appointed him a life member of the Texas Union Advisory Council. He previously served as a briefing attorney to the Honorable James R. Nowlin, U.S. District Judge in the Western District of Texas, Austin Division.

**Marc O. Knisely** specializes in both appellate law and Texas coastal and river law, which includes matters such as coastal and river boundary disputes involving principles of littoral and riparian ownership, Open Beach Act questions, and obtaining permits or easements in publicly owned submerged land. He is certified by the Texas Board of Legal Specialization in Civil Appellate Law.

**Fred Anthamatten** has been with the Corps of Engineers for nearly 30 years and has received several awards for his service. He is co-author of *Wetland Delineating by Means of Tide Gauge, South Padre Island, Texas*, American Society of Civil Engineers, New York, 1998.

**James B. Blackburn** has practiced environmental law in Houston for over 30 years. He teaches in the Civil & Environmental Engineering Department at Rice University and has been awarded the Eckhardt Lifetime Achievement Award. His book, *The Book of Texas Bays*, focuses on the current health of bays in Texas and the efforts to protect them.

**Jeffrey S. Boyd** emphasizes civil litigation, government litigation, government relations and public affairs. He has represented a land developer in defense of claims under the Texas Open Beaches Act, as well as numerous companies to protect trade secrets under the Texas Public Information Act.

**Mark 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.

**William N. Lothrop** is a Registered Professional Land Surveyor (RPLS) in the State of Texas. He has been in the field of land boundary surveying since 1965, and has been an RPLS since 1978. He was an employee, student colleague and friend of the late Madison L. Claunch, RPLS, LSLS, of Brownsville, Texas.

**Sharon M. Mattox** 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 counsels on environmental aspects of real estate transactions and development.

**Edmond R. McCarthy, Jr.**, concentrates in environmental and water law, including ground water and surface water rights and related permitting issues, administrative law, government relations and legislative practice. He represents individual, corporate and political subdivision clients. He has served as Chair of the Water Laws Committee of the Texas Water Conservation Association.

**Joe C. Moseley, Jr.**, provides consulting services on a wide range of projects, including ports, waterfront developments, environmental restoration, shoreline management and transportation. His primary area of expertise is in planning, feasibility studies, developing public and legislative support and permitting. He has served in the Texas Governor's Office as Executive Director of the Coastal and Marine Council.

**Michael V. Powell** practices appellate law and litigation. His experience includes briefing and presenting oral arguments in the United States Courts of Appeals, the Texas Supreme Court, and the Texas Courts of Appeals. He has also briefed and argued matters in the Alabama and Delaware Supreme Courts and the intermediate appellate courts of Louisiana.

**Shannon H. Ratliff** has been practicing law for 40 years. He focuses on complex commercial litigation, oil and gas law, and has an extensive appellate practice. He has been listed in *The Best Lawyers in America* since 1991, and is a fellow in the American College of Trial Lawyers.

**R. Jay Reining** has been involved with environmental law issues for 34 years. He is a retired Coast Guard Captain, and was involved in negotiating international pollution liability conventions and working on national oil spill legislation. Since retiring from the Coast Guard, he has worked on environmental and development law issues for the City of Corpus Christi.

**Jane G. Sarosdy** focuses on the legal aspects of agency policy implementing the Texas Open Beaches Act and the Dune Protection Act, the Texas Coastal Management Plan, the management of state-owned submerged lands, and other environmental and regulatory issues related to the Texas coast. Her past experience includes legislative and regulatory work in both federal agency and private practice.

**Richard L. Watson** has more than 30 years of experience as a geologist. He specializes in marine and coastal geology, sedimentation, hydrodynamics of sediment transport, nearshore current systems, tidal hydrodynamics, and sea level rise. In 1993, he prepared a report on severe beach erosion at Surfside, Texas, caused by engineering modifications to the coast and rivers.

conference **information**

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**Conference Location and Accommodations**

The Conference will be held at the Omni Hotel, 4 Riverway, Houston, TX 77056. A room block has been set aside for Conference attendees until April 18. For room reservations and special rates, please call Community World Travel at (888) 724-0500 or visit www.communityworldtravel.com.

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How to Keep Beach-Goers, Developers, and Regulatory Agencies Happy

May 19-20, 2005 • Omni Hotel • Houston

**Register Today!**

**Shoreline Boundaries: Lawyer, Land Surveyor and Geologist Perspectives**

**The Texas Open Beaches Act and The Public Beach Easement**

**Fresh Water Inflows, Wetlands, Coastal Navigation and Wind Power**

**Riparian Boundaries in Texas**

**Strategic Planning for Coastal Projects**



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