

17th Annual Conference

California Water Law

Dealing with the Delta, Desalination and Drought

May 14-15, 2009 • Hyatt Regency • Monterey



Dock at Monterey, CA. Photography by Dolce Vita



Shore front, Monterey, CA. Photography by Robert Baurnbach



Cannery Row, Monterey, CA. Photography by Robert Baurnbach

KEYNOTE PANEL PRESENTATION

The Bay Delta: Legal Issues

ESA Issues

Doug Obegi, Esq., Staff Attorney, Western Water Project
Natural Resources Defense Council, San Francisco

Bay-Delta Conservation Plan

Michelle Morrow, Esq., Senior Staff Counsel, Office of Chief Counsel
California Department of Water Resources, Sacramento

What the Board Plans to Do

Arthur G. Baggett Jr., Esq., Board Member
California Water Resources Control Board, Sacramento

FEATURED PRESENTATION

EPA's 2009 Water Quality Issues: Initiatives, Priorities and Strategies

Alexis Strauss, Director, Water Division
US EPA Region 9, San Francisco

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THURSDAY, MAY 14

- 8:30 Registration and Continental Breakfast
- 9:00 **Welcome and Introduction**
Overview of Day One
Paul "Skip" Spaulding III, Esq., Program Co-Chair
Farella Braun + Martel, San Francisco
Alan B. Lilly, Esq., Program Co-Chair
Bartkiewicz, Kronick & Shanahan, Sacramento
- 9:15 **Overview of California Water Law Part I**
Background of California Water Rights Law and Current Issues
Alan B. Lilly, Esq., Program Co-Chair
- 10:00 Morning Break
- 10:15 **OWL v. Rohnert Park**
Water Supply Assessment; The Case and Its Context
Roderick Walston, Esq.
Best, Best & Krieger, Walnut Creek
- 11:00 **Is Desalination the Future of the Monterey Peninsula Water Supply?**
Part I: Desalination Legal Issues
Lenard G. Weiss, Esq.
Manatt, Phelps & Phillips, San Francisco
David C. Laredo, Esq.
De Lay & Laredo, Pacific Grove, and
General Counsel
Monterey Peninsula Water Management District
Louise Warren, Esq., Staff Counsel
California Coastal Commission, San Francisco
- 12:30 Lunch Break

BLUE RIBBON SESSION

- 1:45 **Is Desalination the Future of the Monterey Peninsula Water Supply?**
Part II: Desalination Policy Issues
B. Kent Turner, President
California American Water (Cal Am), Monterey
Jim Heitzman, General Manager
Marina Coast Water District, Marina
Tom Luster, Staff Environmental Scientist
California Coastal Commission, San Francisco
John A. Bohn, Esq., Commissioner
California Public Utilities Commission, San Francisco

- 3:15 Afternoon Break
- 3:30 **Keynote Panel Presentation**
The Bay Delta: Legal Issues
ESA Issues
Doug Obegi, Esq., Staff Attorney, Western Water Project
Natural Resources Defense Council, San Francisco
Bay-Delta Conservation Plan
Michelle Morrow, Esq., Senior Staff Counsel, Office of Chief Counsel
California Department of Water Resources, Sacramento
What the Board Plans to Do
Arthur G. Baggett Jr., Esq., Board Member
California Water Resources Control Board, Sacramento
- 4:30 **Ethics: Thorny Privilege and Investigation Dilemmas**
Joint Defense and Common Interest Agreements; Shared Consultants and Experts; *Ex Parte* Communications with Government Employees
Pamela Phillips, Esq.
Howard Rice Nemerovski Canady Falk & Rabkin, San Francisco
- 5:30 Adjourn

FRIDAY, MAY 15

- 8:30 Continental Breakfast
- 9:00 **Welcome Back**
Overview of Day Two
Paul "Skip" Spaulding III, Esq., Program Co-Chair
Alan B. Lilly, Esq., Program Co-Chair
- 9:15 **Overview of California Water Law Part II**
Background of Federal and State Water Quality Law
Paul "Skip" Spaulding III, Esq., Program Co-Chair
- 10:00 Morning Break
- 10:15 **Hot Topics**
Recent Water Cases Before the United States Supreme Court
Richard Frank, Esq., Executive Director
California Center for Environmental Law & Policy (CCELP), and
Lecturer in Residence
University of California School of Law, Berkeley
David J. Lazerwitz, Esq.
Farella Braun + Martel, San Francisco
- 11:15 **Featured Presentation**
EPA's 2009 Water Quality Issues: Initiatives, Priorities and Strategies
Alexis Strauss, Director, Water Division
US EPA Region 9, San Francisco
- 12:15 Lunch Break
- 1:30 **FERC 401 Certifications**
Relicensing Hydroelectric Projects
Jesse W. Barton, Esq.
Gallery & Barton, Sacramento
Charlton "Chuck" H. Bonham, Esq.
California Director Senior Attorney
Trout Unlimited, Berkeley
Andrew Sawyer, Esq., Assistant Chief Counsel
California Water Resources Control Board, Sacramento
- 2:45 Afternoon Break
- 3:00 **Water for People, Fish and Wine**
The North Coast Instream Flow Policy
Victoria Whitney, Deputy Director
California Water Resources Control Board, Sacramento
Brian Johnson, Esq., Staff Attorney and Project Manager
California Water Project
Trout Unlimited, Berkeley
Marc Kelley, Consultant and Lobbyist
Kelley/Wasem, Santa Rosa
- 4:15 Q&A Panel
Members of the Faculty
- 4:30 Evaluations and Adjourn

TELL US WHAT YOU WANT!

Do you have specific questions or topics you hope to see covered in this program? Would you like to see a Conference on another topic? Contact **CLE INTERNATIONAL** Managing Program Attorney Heidi A. Ray, heidi@cle.com.

REACH YOUR TARGET AUDIENCE!

Would you like the opportunity to exhibit at or sponsor this or other **CLE INTERNATIONAL** conferences, and get your name out to our many prospective and actual attendees? Contact Barbara Hollingsworth, barbara@cle.com.

PROGRAM CO-CHAIRS

Alan B. Lilly has 27 years of experience in water resources law. He represents public agencies and private clients in water resource and environmental matters before the State Water Resources Control Board, in the courts, and in contract negotiations and related matters.

Paul "Skip" Spaulding III leads his firm's natural resources group. He has 27 years of experience in environmental compliance and litigation, specializing in water, wetlands, species, NEPA, CEQA and RCRA issues. He represents private and public clients throughout the western U.S.

BLUE RIBBON SESSION

John A. Bohn was appointed by Governor Schwarzenegger in 2005. He serves as a Director of the National Endowment for Democracy and was previously with the Reagan Administration.

Jim Heitzman is an industry veteran with 30 years of experience. He was previously Assistant General Manager of the Monterey Regional Water Pollution Control Agency and is presently the General Manager of Marina Coast Water District.

Tom Luster advises the Commission on desalination-related policies and projects. He was the primary author of the Commission's 2004 report on seawater desalination and Co-Chair of California's Desalination Task Force in 2003.

B. Kent Turner has over 25 years of water industry experience. He reinforces and strengthens customer, regulatory and local government relationships and drives operational and financial results.

KEYNOTE PANELISTS

Arthur G. Baggett Jr. co-founded Merced Canyon Committee, which successfully advocated for protection of the upper Merced River. He also served two terms as a member of the Mariposa County Board of Supervisors.

Michelle Morrow has been in-house counsel for the Department since the inception of the Bay Delta Conservation Plan Steering Committee. She focuses on environmental review of restoration projects and land use issues in the Delta.

Doug Obegi worked as a policy analyst for a national environmental group before going to law school. He presently works to help restore the Bay-Delta and protect its wildlife.

FEATURED PRESENTER

Alexis Strauss joined the EPA 30 years ago, working on RCRA and Superfund programs before working on the implementation of the Clean Water Act and Safe Drinking Water Act. She recently received a Presidential Rank Award.

FACULTY MEMBERS

Jesse W. Barton practices water rights, water law, public agency law and environmental law and represents a wide variety of public agencies, corporations, and private individuals.

Charlton "Chuck" H. Bonham is responsible for developing, managing, and implementing Trout Unlimited's programs in California. He was previously a Peace Corps volunteer in Senegal.

Richard Frank joined Boalt Hall in 2006 from the California Department of Justice, where he served as the Chief Deputy Attorney General for Legal Affairs. He is an expert in environmental law, land use, energy issues and property rights.

Brian Johnson works to reform state water law and promote scientifically sound stream flows for trout and salmon. He was previously with Shute, Mihaly & Weinberger, a public interest law firm.

Marc Kelley and his partner coordinate the Sonoma County Salmon Coalition. One of the goals of the Coalition is to address the water demands of salmonids while protecting the agricultural viability of the region.

David C. Laredo represents public agencies and nonprofit agencies, and has extensive experience in municipal law, water law, public utilities law and adoptions law. He previously served as Deputy County Counsel for the County of Monterey.

David J. Lazerwitz counsels public and private clients in environmental and natural resources compliance, permitting and litigation matters.

Pamela Phillips is Co-Chair of her firm's Professional Responsibility Practice Group. She focuses on attorney liability, legal ethics, legal malpractice, law firm risk management and complex business litigation.

Andrew Sawyer is responsible for managing the activities of the State Water Resources Control Board's Office of Chief Counsel involving water rights and underground storage tanks.

Roderick Walston has extensive experience in natural resources and environmental law. He has worked as a litigator with state regulatory agencies and as a manager of litigation for federal and state agencies in these areas.

Louise Warren provides legal advice to the Energy, Ocean Resources and Federal Consistency Division as well as the Coastal Commission's San Diego and Central Coast offices. She was previously with Farella, Braun + Martel.

Lenard G. Weiss has over 45 years' experience in complex business and commercial litigation. He is an expert in California water law, having represented major water companies and a number of smaller water, telephone and transportation utilities.

Victoria Whitney has worked for the Division since 1984. In addition to directing its day-to-day operations. She has assisted the Attorney General's Office and the courts in the determination of several water rights issues.

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- \$595 each for two or more government, 501(c)(3) organizations, full-time judges, law students and paralegals

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Fisherman's Wharf, Monterey, CA. Photography by Jeff Lockhard

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Can This Diminishing Resource Meet Increasing Demand?

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