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## 17TH ANNUAL CONFERENCE

# ENDANGERED SPECIES ACT

## How It Affects the Wild Wild West

April 7-8, 2011 • Hyatt Regency • Sacramento

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Dear Colleague:

Endangered Species policies continue to change in California. Come hear the latest developments and projections in this important field, including:

- Federal Overview and Listing Decisions
- Constitutional Takings in the ESA Context
- California's ESA
- ESA Recovery Plans
- Bay Delta Conservation Plan
- Effects of the the ESA on Individual River Systems
- ESA and FERC Licensing
- ESA Section 10(j)'s Interaction with State Law
- Climate Change and the ESA
- Habitat Conservation Plans
- Constitutionality of the ESA as Applied to Intrastate, Noncommercial Species

Be part of a valuable seminar comprised of legal, government, real estate and business professionals...and a Keynote presentation on the Obama Administration's Endangered Species Act Policy.

- Build connections
- Increase your technical knowledge
- Navigate the tangled regulatory landscape
- Share your experience and expertise

We anticipate this will be a popular seminar, so reserve your spot today!



**Paul M. Bartkiewicz, Esq.**  
**Program Co-Chair**  
Bartkiewicz, Kronick & Shanahan  
Sacramento, CA



**Kimberley Delfino, Esq.**  
**Program Co-Chair**  
**California Program Director**  
Defenders of Wildlife, Sacramento, CA



**Roderick E. Walston, Esq.**  
**Program Co-Chair**  
**Of Counsel**  
Best, Best & Krieger, Walnut Creek, CA

Schedule and Information inside

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8:30	Registration and Continental Breakfast
9:00	<p><b>Welcome and Introduction</b> Overview of Day One</p> <p><b>Paul M. Bartkiewicz, Esq., Program Co-Chair</b> Bartkiewicz, Kronick &amp; Shanahan, Sacramento, CA</p> <p><b>Kimberley Delfino, Esq., Program Co-Chair</b> <b>California Program Director</b> Defenders of Wildlife, Sacramento, CA</p> <p><b>Roderick E. Walston, Esq., Program Co-Chair, Of Counsel</b> Best, Best &amp; Krieger, Walnut Creek, CA</p>
9:15	<p><b>Keynote Address: The Endangered Species Act and How It Affects the West</b> The Obama Administration's Endangered Species Act Policy</p> <p><b>Ren Lohofener, Regional Director</b> <b>Pacific Southwest Region</b> U.S. Fish and Wildlife Service, Sacramento, CA</p>
10:00	Networking Break
10:15	<p><b>Overview of the Federal ESA</b> Past and Present</p> <p><b>Craig Manson, Esq., General Counsel</b> Westlands Water District, Sacramento, CA</p>
11:00	<p><b>Federal Listing Decisions</b> Effects on Endangered Species and Land Use</p> <p><b>Norman D. James, Esq.</b> Fennemore Craig, Phoenix, AZ</p> <p><b>Kimberley Delfino, Esq., Program Co-Chair</b></p>
12:00	Lunch Break
1:15	<p><b>Constitutional Takings in the ESA Context</b> Recent Developments</p> <p><b>Roderick E. Walston, Esq., Program Co-Chair, Of Counsel</b></p>
2:00	<p><b>ESA Recovery Plans</b> New California Anadromous Fish Plans</p> <p><b>Alan B. Lilly, Esq.</b> Bartkiewicz, Kronick &amp; Shanahan, Sacramento, CA</p>
2:45	Networking Break
3:00	<p><b>California's Endangered Species Act</b> How Is It Different From the Federal ESA?</p> <p><b>John H. Mattox, Esq., Senior Staff Counsel</b> California Department of Fish and Game, Sacramento, CA</p>
3:45	<p><b>Federal Update</b> Efforts to Avoid the Section 10 Take Prohibition by Asserting a Federal Nexus Under Section 7; Renewable Energy and the ESA; ARRA Funding</p> <p><b>Marc Ebbin, Esq.</b> Ebbin, Moser + Skaggs, San Francisco, CA</p>
4:30	<p><b>Bay Delta Conservation Plan</b> Overlapping Plans and Mitigation</p> <p><b>Kimberley Delfino, Esq., Program Co-Chair</b></p>
5:15	Adjourn

8:15	Continental Breakfast
8:45	<p><b>Welcome Back</b> Overview of Day Two</p> <p><b>Paul M. Bartkiewicz, Esq., Program Co-Chair</b></p> <p><b>Kimberley Delfino, Esq., Program Co-Chair</b></p> <p><b>Roderick E. Walston, Esq., Program Co-Chair, Of Counsel</b></p>
9:00	<p><b>Effects of the ESA on Individual River Systems</b> Columbia River; Colorado River; California Delta</p> <p><b>Norm Semanko, Esq., Executive Director, General Counsel</b> Idaho Water Users Association, Boise, ID</p> <p><b>Karen L. Tachiki, Esq., General Counsel</b> Metropolitan Water District of Southern California Los Angeles, CA</p> <p><b>Gregory K. Wilkinson, Esq.</b> Best Best &amp; Krieger, Riverside, CA</p>
10:30	Networking Break
10:45	<p><b>The ESA and FERC Licensing</b> A Watershed Approach to the ESA Compliance in FERC Relicensing</p> <p><b>Richard Roos-Collins, Esq., Director of Legal Services</b> Natural Heritage Institute, San Francisco, CA</p>
11:30	<p><b>The ESA section 10(j) Agreements</b> Implementation and Agreements</p> <p><b>Paul M. Bartkiewicz, Esq., Program Co-Chair</b></p>
12:15	Lunch Break
1:30	<p><b>Climate Change and the ESA</b> Durability of Permits</p> <p><b>Christopher H. Calfee, Esq., Of Counsel</b> Best Best &amp; Krieger, Walnut Creek, CA</p>
2:15	<p><b>Habitat Conservation Plans</b> The Elephant in the Room</p> <p><b>David Zippin, PhD, Principal</b> ICF International, San Francisco, CA</p>
3:00	Networking Break
3:15	<p><b>Constitutionality of the ESA as Applied to Intrastate, Noncommercial Species</b> Point/Counterpoint</p> <p><b>Brandon Middleton, Esq.</b> Pacific Legal Foundation, Sacramento, CA</p> <p><b>Doug Obegi, Esq., Senior Attorney, Western Water Project</b> Natural Resources Defense Council, San Francisco, CA</p>
4:15	<p><b>Ethics</b> Issues for ESA Professionals</p> <p><b>Jonathan W. Hughes, Esq.</b> Howard Rice Nemerovski Canady Falk &amp; Rabkin San Francisco, CA</p>
5:15	Evaluations and Adjourn

# MEET YOUR DISTINGUISHED FACULTY

## PROGRAM CO-CHAIRS

**Mr. Bartkiewicz** is a founding partner of his firm. He provides general and special counsel legal services to many public agencies. He has helped draft water transfer legislation, and has participated as a speaker on numerous panels discussing water rights and water transfer issues. He co-authored the *Delta Water Transfer Handbook—Guidelines for Water Transfers Through the Delta*. He has also written articles on water transfers for *California Law and Water Policy* and the *Land Use Forum*.

**Ms. Delfino** oversees the work of Defenders of Wildlife's six-person California program team in protecting and restoring California's imperiled wildlife and the places in which they live. Since joining Defenders in 2000, Kim co-authored the revision of the California Natural Community Conservation Planning Act and helped create the Salton Sea Coalition and Defenders' California Desert program. She was also one of the key leaders in establishing the California Rangeland Conservation Coalition.

**Mr. Walston** practices natural resources, environmental and water law with Best Best & Krieger, in the Walnut Creek, California office. He has served in several high governmental positions, most recently as Deputy Solicitor and Acting Solicitor of the U.S. Department of the Interior, in Washington D.C.

## KEYNOTE PRESENTER

**Mr. Lohofener** serves as the regional director of the Pacific Southwest Region. From headquarters in Sacramento, he oversees Service programs in California, Nevada and Klamath Basin that administer the Endangered Species Act and Migratory Bird Treaty Act, and manages 51 national wildlife refuges and three national fish hatcheries. Mr. Lohofener joined the Fish and Wildlife Service in 1989 after working for six years as an ecologist for the National Marine Fisheries Service. Before that, he was a Research Associate and Adjunct Professor at Mississippi State University. Since joining the Fish and Wildlife Service, Mr. Lohofener has been a field biologist, the agency's Texas State Administrator and Assistant Regional Director of the agency's Southwest Region. He served as the Service's Assistant Director for the Endangered Species Program in Washington, D.C. He is also a veteran of the U.S. Army.

## FACULTY

**Christopher H. Calfee, Esq., Of Counsel**  
Best Best & Krieger, Walnut Creek, CA

**Marc Ebbin, Esq.**  
Ebbin, Moser + Skaggs, San Francisco, CA

**Jonathan W. Hughes, Esq.**  
Howard Rice Nemerovski Canady Falk & Rabkin  
San Francisco, CA

**Norman D. James, Esq.**  
Fennemore Craig, Phoenix, AZ

**Alan B. Lilly, Esq.**  
Bartkiewicz, Kronick & Shanahan, Sacramento, CA

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Sacramento, CA

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Pacific Legal Foundation, Sacramento, CA

**Doug Obegi, Esq., Senior Attorney**  
**Western Water Project**  
Natural Resources Defense Council  
San Francisco, CA

**Richard Roos-Collins, Esq.**  
**Director of Legal Services**  
Natural Heritage Institute, San Francisco, CA

**Norm Semanko, Esq., Executive Director,**  
**General Counsel**  
Idaho Water Users Association, Boise, ID

**Karen L. Tachiki, Esq., General Counsel**  
Metropolitan Water District of Southern California,  
Los Angeles, CA

**Gregory K. Wilkinson, Esq.**  
Best Best & Krieger, Riverside, CA

**David Zippin, PhD, Principal**  
ICF International, San Francisco, CA

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### Keynote Address

**The Endangered Species Act and How It Affects the West**  
The Obama Administration's Endangered Species Act Policy



**Ren Lohofener, Regional Director**  
**Pacific Southwest Region**  
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