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# California Wetlands

## Delineation, Mitigation and Special Bay-Delta Issues

August 23-24, 2007 • Loews Coronado Bay Resort • San Diego

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### Past Attendees Rave About This Conference!

**"This particular conference provided the rare ability to transcend complex and extensive regulatory language into tangible terms with real world projects and contextual applicability. I left this conference with education that will benefit future clients."**

–Joshua Zinn, EDAW, San Diego

**"For the experienced practitioners, this gives validation of what is happening in case law and in agency actions in response to law."**

–Michael W. Skenfield, Biological and Wetland Consultant, Murphys

**"The best CLE wetlands seminar yet. Leaders in the field and highly authoritative. The debate between people directly involved in solving these issues really rocked!"**

–Janice Smith, Trinity County Dept. of Transportation, Weaverville

**"Quality information provided for take-home use. Good speakers. Clear and straightforward information."**

–John Johnson, Pulte Homes, Pleasanton

**"Nice coverage of all the pertinent issues related to California wetlands permitting and mitigation procedures."**

–David Katzev, EBMUD, Oakland

**"Very informative, especially for government agencies implementing capital improvement projects. Sheds a lot of light on the permitting process."**

–Peter Smeanso, Public Works, City of San Juan Capistrano

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**Thursday, August 23****Friday, August 24**

- 8:30 Registration and Continental Breakfast
- 9:00 **Welcome and Introduction**  
Overview of Day One  
**Ella Foley-Gannon, Esq., Program Co-Chair**, and  
**Robert J. Uram, Esq., Program Co-Chair**  
Sheppard, Mullin, Richter & Hampton, San Francisco
- 9:15 **Overview of Federal and State Wetlands Regulations**  
Emerging Issues and Trends  
**R. Clark Morrison, Esq.**  
Cox, Castle & Nicholson, San Francisco
- 10:00 Morning Break
- 10:15 **Wetlands and Water Supply**  
State Water Resource Control Board Overlapping Jurisdiction, Nationwide Permits  
**Donna R. Black, Esq.**  
Cox, Castle & Nicholson, Los Angeles
- 11:00 **Update on the Bay-Delta**  
Long-Term Delta Vision, Bay-Delta Conservation Plan, Interim Emergency Response Efforts  
**Randall D. Neudeck, PE**  
**Bay-Delta Imported Water Supply Program Manager**  
The Metropolitan Water District of Southern California, Los Angeles  
**Gerald E. Johns, Deputy Director**  
**Water Resources Planning and Management**  
Department of Water Resources, Sacramento
- 12:00 Lunch Break
- 1:15 **Keynote Presentation:**  
**The Army's Wetlands Challenge**  
Regulating in Times of Regulatory and Scientific Uncertainty and Change  
**Charles R. "Chip" Smith**  
**Assistant for Environment, Tribal and Regulatory Affairs**  
Office of the Assistant Secretary of the Army (Civil Works)  
Washington, DC
- 2:00 **Identifying Practicable Alternatives**  
Project Purpose, Screening Criteria, Conclusions  
**Robert J. Uram, Esq., Program Co-Chair**
- 2:45 Afternoon Break
- 3:00 **Wetlands Issues Within the NEPA and CEQA Processes**  
Distinguishing Between Wetlands Permitting and the NEPA/CEQA Processes  
**Theodore J. Griswold, Esq.**  
Procopio, San Diego  
**Kenneth M. Bogdan, Esq.**  
Jones & Stokes, Sacramento
- 4:15 **Ethics**  
Consultant Credibility and Client's Best Interests, Recognizing and Avoiding Bias, Agency Bias in the Permitting Process, Maintaining Objectivity and Technical Purity  
**Richard A. Harlacher, Principal**  
LSA Associates, Rocklin
- 5:15 Q&A Panel  
Members of the Faculty
- 5:30 Adjourn to Private Networking Reception

- 8:30 Continental Breakfast
- 9:00 **Welcome Back**  
Overview of Day Two  
**Ella Foley-Gannon, Esq., Program Co-Chair**  
**Robert J. Uram, Esq., Program Co-Chair**
- 9:15 **Recent Developments in Stormwater Regulations**  
Municipal and Construction Permits  
**Ella Foley-Gannon, Esq., Program Co-Chair**
- 10:00 Morning Break
- 10:15 **The Mitigation Rule**  
What You Need to Know  
**Mary Lynn K. Coffee, Esq.**  
Nossaman Guthner Knox & Elliott, Irvine
- 11:00 **Watershed Permitting and Mitigation**  
Regulatory Basis, Permitting, Compensatory Mitigation  
**Jae Chung, D.Env., Senior Project Manager**  
U.S. Army Corps of Engineers, Los Angeles
- 11:45 Lunch Break
- 1:00 **View from the Federal Side**  
Jurisdictional Issues, SWANCC and Rapanos  
**M. Reed Hopper, Esq., Principal Attorney**  
Pacific Legal Foundation, Sacramento  
**Sylvia Quast, Esq.**  
Resources Law Group, Sacramento  
**Aaron O. Allen, PhD, Chief, North Coast Branch**  
**Los Angeles Branch, Regulatory Division**  
U.S. Army Corps of Engineers, Ventura
- 2:30 Afternoon Break
- 2:45 **Technical Jurisdictional Issues and the California Rapid Assessment Method (CRAM)**  
Delineation from the Field, Arid West Manual  
**Tony Bomkamp, Senior Project Manager**  
Glenn Lukos Associates, Lake Forest  
Development of CRAM; Applicability to California Wetlands; Using CRAM  
**Eric Stein, D.Env., Principal Scientist, Watershed Department**  
Southern California Coastal Water Research Project, Costa Mesa
- 3:45 **Mitigation Banking: "Give Us Some Credit"**  
Financing and Business Aspects  
**Travis G. Hemmen**  
**Marketing and Business Development Coordinator**  
Westervelt Ecological Services, Sacramento
- 4:30 Evaluations and Adjourn



# meet your **instructors**

**Program Co-Chairs**

**Ella Foley-Gannon** focuses on advising land development companies on a wide range of federal and state regulatory matters. These include the Clean Water Act, federal and state Endangered Species Acts (ESA), the Porter-Cologne Act and California Department of Fish and Game Stream Alteration Agreements.

**Robert J. Uram** has over 30 years' experience in working on natural resource issues. He is a nationally-recognized expert on Clean Water Act and ESA issues, including Section 404 permitting and habitat conservation planning. His practice currently focuses almost exclusively on wetlands, water quality and endangered species issues.

**Keynote Presenter**

**Charles R. "Chip" Smith** is responsible for executive leadership, policy development, strategic planning, and dispute resolution for the Army's Regulatory Program, environmental restoration and protection projects, Indian affairs, historic preservation, and water resources planning policy.

**Aaron O. Allen** co-authored technical guidance for the Corps' South Pacific Division for determining limits of waters of the U.S. in the arid Southwest. He is also working on a technical manual for jurisdictional determinations for braided streams.

**Donna R. Black** has a special focus on CEQA, land use permitting and entitlements, and natural resources. She is co-editor and an author of the *California Environmental Law Handbook*.

**Kenneth M. Bogdan** specializes in compliance issues related to environmental laws and regulations. He is co-author of *The NEPA Book: A Step-By Step Guide* and other books and publications with Solano Press.

**Tony Bomkamp** is a field botanist and wetlands ecologist. He has extensive experience in wetland delineation throughout Southern California. As a botanist, he has diverse field experience extending back over 30 years.

**Jae Chung** specializes in developing Special Area Management Plans to address Section 404 permitting and mitigation on a watershed basis. He has worked for his District for eight years.

**Mary Lynn K. Coffee** has extensive experience obtaining all entitlement, permits and approvals required for development projects under local, state and federal resource protection laws.

**Theodore J. Griswold** emphasizes natural resource, wetlands, habitat, Native American and environmental land use issues. He has coordinated the development of species conservation plans, mitigation banks, and wetland permits.

**Richard A. Harlacher** has over 27 years' experience in wetlands work, including 11 years with the Corps of Engineers. He has worked on complex and contentious wetlands projects throughout California.

**Travis G. Hemmen** serves as market and business development leader for his firm, a national mitigation banking company. He has managed large-scale mitigation projects as both a consultant and for a national homebuilder.

**M. Reed Hopper** oversees his foundation's ESA Program and Clean Water Act Project. He has litigated precedent-setting environmental and land use cases, including the recent *Rapanos* case in the U.S. Supreme Court.

**Gerald E. Johns** was appointed to his position by Governor Schwarzenegger in 2004. He oversees statewide programs and offices and has over 33 years of experience dealing with water rights, supply and quality issues in California.

**R. Clark Morrison** has extensive experience in the entitlement and development of large and controversial development projects. He has significant experience in wetlands, ESA and water rights matters.

**Randall D. Neudeck** represents his district on water quality, water supply and environmental issues related to Southern California's imported water supply from the San Francisco Bay-Delta watershed.

**Sylvia Quast** focuses on complex environmental and natural resource planning and management issues. She previously served as Senior Counsel in the Policy Section of the U.S. Department of Justice's Environmental and Natural Resources Division.

**Eric Stein** heads his Project's Watershed Department, where he oversees a variety of projects related to stormwater and mass emissions monitoring, remote sensing, and watershed and water quality model development.

**CLE INTERNATIONAL Program Attorney:**  
**Caroline R. Kert, caroline@cle.com.**

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In-Depth Analysis of Key Issues

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## Keynote Presenter

**The Army's Wetlands Challenge:  
Regulating in Times of Regulatory and Scientific  
Uncertainty and Change**



**Charles R. "Chip" Smith**

Assistant for Environment, Tribal and Regulatory Affairs  
Office of the Assistant Secretary of the Army (Civil Works), Fairfax

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