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# Endangered Species Act

## New Settings for Habitat Conservation Plans

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- U.S. Fish and Wildlife Service
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- Yolo County NCCP/HCP Joint Powers Agency
- U.S. Department of the Interior
- National Heritage Legal Services
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- California Department of Fish and Game
- Alameda County Planning Department
- The California Resources Agency
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Dear Colleague:

At the annual ESA Conference this year, you will meet the experts and discuss the current state of the ESA and CESA.

- Your need for up-to-date legal and technical advice in this specialized area is greater than ever!
- Federal and state endangered species laws present complex and ever-changing legal and biological challenges.
- Recent headlines have highlighted leaked drafts of potentially significant changes to ESA regulations.
- Courts around the country continue to produce significant new decisions that affect how the ESA and CESA are applied.
- New challenges continue to arise as ESA stakeholders grapple with the implications of climate change.

If you are a landowner, developer, utility or local government, lawyer, consultant, or planner—seize this opportunity to network with an outstanding group of nationally recognized experts from the federal and state government and the regulated, scientific, environmental, and consultant communities.

We look forward to seeing you in San Francisco.

Sincerely,



**Marc J. Ebbin, Esq.**  
Program Co-Chair



**David E. Moser, Esq.**  
Program Co-Chair



**Sean C. Skaggs, Esq.**  
Program Co-Chair

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

**David E. Moser, Esq.**  
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**Sean C. Skaggs, Esq.**  
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**Schedule and Instructor Bios Inside**

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**Thursday, November 1**

**Friday, November 2**

8:30 Registration and Continental Breakfast

9:00 **Welcome and Introduction**  
 Overview of Day One  
**David E. Moser, Esq., Program Co-Chair**  
 Ebbin Moser + Skaggs, San Francisco

9:15 **ESA and CESA Overview**  
 The Current State of Affairs  
**John H. Mattox, Esq., Senior Staff Counsel**  
 California Department of Fish and Game, Sacramento  
**David E. Moser, Esq., Program Co-Chair**

10:30 Morning Break

10:45 **Case Law Update**  
 A Panel Presentation  
**Kim Delfino, Esq., Director, California Operations**  
 Defenders of Wildlife, Sacramento  
**Sean C. Skaggs, Esq., Program Co-Chair**  
 Ebbin Moser + Skaggs, San Diego  
**Robert J. Uram, Esq.**  
 Sheppard, Mullin, Richter & Hampton, San Francisco

12:15 Lunch Break

1:30 **Hot Issues**  
 United States and California Supreme Court Decisions on Endangered Species; Status of the Administration's Revisions to the ESA Regulations; Inspector General's Report on the Interior Department Deputy Assistant Secretary  
**Robert D. Thornton, Esq.**  
 Nossaman, Guthner, Knox & Elliott, Irvine  
**Christopher J. Carr, Esq.**  
 Morrison & Foerster, San Francisco

2:45 Afternoon Break

3:00 **Bay-Delta Conservation Planning**  
 A Panel Presentation  
**Laura King Moon, Assistant General Manager**  
 State Water Contractors, Sacramento  
**Timothy H. Quinn, Executive Director**  
 Association of California Water Agencies, Sacramento  
**Richard Roos-Collins, Esq., Director**  
 National Heritage Legal Services, San Francisco  
**Jerry Johns, Deputy Director**  
 Water Resources Management and Planning  
 California Department of Water Resources, Sacramento  
**Karen Scarborough, Undersecretary for Resources**  
 The California Resources Agency, Sacramento

4:45 Q&A Panel  
 Members of the Faculty

5:00 Adjourn  
**For sponsorship information, please contact  
 CLE International Program Attorney  
 Michelle M. Messner, michelle@cle.com.**

8:30 Continental Breakfast

9:00 **Welcome Back**  
 Overview of Day Two  
**Marc J. Ebbin, Esq., Program Co-Chair**  
 Ebbin Moser + Skaggs, San Francisco

9:15 **Nuts and Bolts of HCPs**  
 State, National and Community Conservation Plans  
**Marc J. Ebbin, Esq., Program Co-Chair**

10:00 Morning Break

10:15 **New Settings for HCPs and New Approaches for ESA Compliance**  
 HCPs to Cover Agricultural Activities and Operations and Maintenance of Linear Facilities; Using a Memorandum of Understanding to Trigger Section 7 Consultation  
**David L. Sunding, PhD**  
 College of Natural Resources, University of California, Berkeley  
**Maria Wong, AICP, Executive Director**  
 Yolo County Habitat/Natural Community Conservation Plan Joint Powers Agency, Woodland  
**Paul Henson, Assistant Manager  
 California and Nevada Operations Office**  
 U.S. Fish and Wildlife Service, Sacramento  
**Paul Cylinder, PhD, Director  
 Western Natural Resource Planning**  
 Science Applications International Corporation (SAIC), Sacramento

12:00 Lunch Break

1:15 **Energy Utilities and the ESA**  
 Hydropower, Wind Power, and Linear Infrastructure  
**Chris Bazar, Planning Director**  
 Alameda County Planning Department, Hayward  
**Diane Ross-Leech, Manager of Habitat and Species Issues  
 Environmental Policy Department**  
 Pacific Gas and Electric Company, San Francisco  
**Nino J. Mascolo, Esq., Senior Attorney**  
 Southern California Edison Company, Rosemead

2:30 Afternoon Break

2:45 **Climate Change and Implications for the ESA**  
 A Panel Presentation  
**Wendy Pulling, Director of Environmental Policy**  
 Pacific Gas and Electric Company, San Francisco  
**Steven R. Beissinger, PhD, Professor of Conservation Biology**  
 University of California, Berkeley  
**Kassie R. Siegel, Esq., Staff Attorney, and  
 Director of the Climate, Air, and Energy Program**  
 Center for Biological Diversity, Joshua Tree

4:15 **Ethics**  
 Considerations for the Environmental Professional  
**Justin S. Tade, Esq., Attorney-Advisor  
 Southwest Regional Solicitor's Office**  
 U.S. Department of the Interior, Albuquerque

5:15 Evaluations and Adjourn

## Endangered Species Act

# meet your **instructors**

**Marc J. Ebbin** specializes in legal and policy matters involving state and federal environmental and natural resources regulation. He has gained a national reputation through his work.

**David E. Moser** focuses on environmental and natural resources compliance and litigation matters, with an emphasis on endangered species, wetlands, water pollution, environmental compliance, and site remediation issues.

**Sean C. Skaggs** has over 15 years of experience working on wildlife conservation issues. His current practice emphasizes endangered species, including habitat conservation planning and permitting under state and federal law.

**Chris Bazar** directs the planning program for the large urban population in the western part of the Alameda County, and is also responsible for land use in the largely rural areas to the east.

**Steven R. Beissinger** conducts research on conservation biology, behavioral ecology and population biology. He also serves as Chair of the Ecosystem Sciences Division.

**Christopher J. Carr** represents public agencies, landowners, private individuals and business concerns in all areas of natural resources law, including endangered species, water quality, coastal and ocean, land use and real property law.

**Paul Cylinder** is an ecologist and program manager whose consulting practice focuses on regional habitat and wetlands conservation planning in support of federal, state, local and private clients.

**Kim Delfino** specializes in endangered species, water and public land issues. Previously, in private practice, she focused on the ESA and other environmental laws.

**Jerry Johns** oversees statewide programs for the Department, including Water Use Efficiency, Water Transfers, Environmental Services, Bay-Delta, Colorado River and Salton Sea.

**Paul Henson** manages the Operations Office. He was previously the Field Supervisor for the Pacific Islands Office of the U.S. Fish and Wildlife Service.

**John H. Mattox** has been practicing for 15 years. He specializes in CEQA, CESA, and other areas of natural resource law.

**Nino J. Mascolo** has worked on natural resource and permitting issues related to transmission lines and electric generating stations, which include over 20 hydroelectric projects, for more than 20 years.

**Laura King Moon** deals primarily with Bay-Delta issues. Prior to 2002, she was the Director of Strategic Planning for the San Luis & Delta Mendota Water Authority.

**Wendy Pulling** leads her company's programs in Climate Protection, Habitat and Species Protection, Environmental Justice and ClimateSmart.

**Timothy H. Quinn** was formerly the Deputy General Manager at the Metropolitan Water District of Southern California, where he managed the District's Affairs regarding the CALFED.

**Richard Roos-Collins** represents public agencies and nonprofit organizations in natural resources policy, energy, hazardous waste, and air quality laws.

**Diane Ross-Leech** is in her company's Environmental Policy Department. In this role, she oversees ESA compliance issues and has developed conservation plans for habitat and species protection.

**Karen Scarborough** serves as the Secretary's chief advisor on issues related to the State's activities such as the management, preservation and enhancement of its natural resources, including land, wildlife, water and minerals.

**Kassie R. Siegel** has worked for the Center since 1998. Her practice includes the preparation of administrative petitions to list species under the federal and California ESA, as well as litigation.

**David L. Sunding** is a professor of environmental and natural resource economics. He also serves as the Director of the University of California Berkeley Water Center.

**Justin S. Tade** focuses on ESA and National Wildlife Refuge issues, representing Region 2 of the U.S. Fish and Wildlife Service, which includes Texas, Arizona and New Mexico.

**Robert D. Thornton** has practiced environmental law for 28 years and specializes in NEPA compliance for large infrastructure projects. He has successfully defended several federal litigation challenges.

**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.

**Maria Wong** oversees development of the Yolo Natural Heritage Program. She is a professional land use planner with over 20 years of experience in local and regional planning.

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Wide-Ranging Perspective on Bay-Delta Conservation Planning

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**"The issues were presented and discussed from a variety of useful perspectives. I was pleased with the caliber of the speakers, as well as the diversity and the contributions of the attendees. The conference was ideal. It covered various geographical regions and types of ESA conservation planning challenges ..."** –Niki Wilson, Biological Resources Monitor, Orange County, Integrated Waste Management Department, Santa Ana, CA

**"Good balance of stakeholders who will likely be involved in the HCP planning process was represented here. Environmentalists can be introduced to non-environmentalist stakeholders in a non-confrontational situation."** –Lia Sansom, Community Outreach Coordinator, Tucson Audubon Society, Tucson, AZ

**"There was a lot of very specific information useful to public water agencies that are struggling with Section 7 consultations and preparing to develop an HCP within their jurisdictions. The conference provided valuable insight on the regulating and permitting agencies' perspectives, as well as an opportunity to hear and meet people who have successfully developed HCPs and NCCPs."** –Dana Wisheart, General Manager, United Water Conservation District, Santa Paula, CA

