

16th Annual Conference!

# Endangered Species Act

Back in San Francisco!

November 5-6, 2009 • InterContinental Mark Hopkins • San Francisco

## Featuring Speakers From:

California Department of Fish and Game

California Department of Water Resources

California Energy Commission

California Resources Agency

Defenders of Wildlife

East Contra Costa County Habitat  
Conservancy

Natural Heritage Legal Services

Natural Resources Defense Council

Pacific Gas and Electric Company

State Water Contractors

Science Applications International  
Corporation (SAIC)

University of California, Berkeley

US Fish and Wildlife Service

Yolo County Habitat/Natural Community  
Conservation Plan Joint Powers Agency

... and the area's top law firms!

Dear Colleague,

At CLE International's 16th Annual Endangered Species Act Conference 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
- Courts around the country continue to render 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
- The new administration will develop new policy direction

At this Conference, you'll interact with an outstanding group of nationally recognized experts from federal and state government and the regulated, environmental, and consultant communities on the current state of the ESA and CESA.

The program has been designed to provide new insights and perspectives for both those with ESA experience and those just getting started.

We look forward to seeing you in San Francisco.

Sincerely,



**Marc J. Ebbin, Esq.**  
Program Co-Chair  
Ebbin Moser + Skaggs  
San Francisco



**David E. Moser, Esq.**  
Program Co-Chair  
Ebbin Moser + Skaggs  
San Francisco



**Sean C. Skaggs, Esq.**  
Program Co-Chair  
Ebbin Moser + Skaggs  
San Francisco

## InterContinental Mark Hopkins

One Nob Hill  
San Francisco, CA 94108

## Hotel Reservations

Community World Travel  
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Schedule and Instructor Bios Inside 

**\$100 DISCOUNT**  
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**REGISTER NOW!**  
[www.cle.com/esasf09](http://www.cle.com/esasf09) or 800-873-7130

## THURSDAY, NOVEMBER 5

- 8:00 Registration and Continental Breakfast
- 8:30 **Welcome and Introduction**  
Overview of Day One  
**David E. Moser, Esq., Program Co-Chair**  
Ebbin Moser + Skaggs, San Francisco
- 8:45 **ESA and CESA Overview**  
Incidental Take Permitting; Basic Provisions; Permitting Nuts and Bolts; Practice Tips  
**Shawn J. Zovod, Esq.**  
Ebbin Moser + Skaggs, San Francisco  
**David E. Moser, Esq., Program Co-Chair**
- 9:45 Morning Break
- 10:00 **Ethics**  
Considerations for the Environmental Practitioner  
**Stanley W. Lampport, Esq.**  
Cox, Castle & Nicholson, Los Angeles
- 11:00 **ESA and CESA Case Law and Regulatory Update**  
New Developments; Pending Issues  
**Kim Delfino, Esq., California Program Director**  
Defenders of Wildlife, Sacramento  
**Robert J. Uram, Esq.**  
Sheppard, Mullin, Richter & Hampton, San Francisco  
**John H. Mattox, Esq., Senior Staff Counsel**  
California Department of Fish and Game, Sacramento
- 12:45 Lunch Break
- 2:00 **Keynote Presentation**  
Administration Priorities  
**Ren Lohofener, Regional Director of California and Nevada**  
US Fish and Wildlife Service, Sacramento
- 2:45 Afternoon Break
- 3:00 **Bay-Delta Conservation Planning**  
Water Supply and Distribution Meet Species Protections; Update on this Comprehensive Effort; Key Issues and Challenges  
**Laura King Moon, Assistant General Manager**  
State Water Contractors, Sacramento  
**Richard Roos-Collins, Esq., Director**  
Natural Heritage Legal Services, San Francisco  
**Jerry Johns, Deputy Director, Delta and Statewide Water Management**  
California Department of Water Resources, Sacramento  
**Karen Scarborough, Undersecretary**  
California Resources Agency, Sacramento
- 4:45 Q&A Panel  
Members of the Faculty
- 5:00 Adjourn

## FRIDAY, NOVEMBER 6

- 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 **Regulatory Compliance Under Endangered Species Laws**  
Habitat Conservation Planning; New Approaches to Permitting  
**Marc J. Ebbin, Esq., Program Co-Chair**
- 10:00 Morning Break
- 10:15 **Regional Conservation Planning**  
Habitat Acquisition and Preservation; Funding Sources for Regional Planning; Science in Regional Planning; New Settings  
**Paul Cylinder, PhD, Director, Western Natural Resource Planning**  
Science Applications International Corporation (SAIC), Sacramento  
**David L. Sunding, PhD, Professor of Natural Resource Economics and Policy**  
College of Natural Resources, University of California, Berkeley  
**Maria Wong, AICP, Executive Director**  
Yolo County Habitat/Natural Community Conservation Plan Joint Powers Agency, Woodland  
**John Kopchik, Executive Director**  
East Contra Costa County Habitat Conservancy, Martinez
- 12:00 Lunch Break
- 1:15 **ESA/CESA and the Development of Renewable Energy**  
Legislative Mandate for Renewable Energy Development; Implications for Endangered Species; Project-Specific Planning and Permitting; Desert Renewable Energy Conservation Plan  
**Johanna Wald, Esq., Senior Attorney**  
Natural Resources Defense Council, San Francisco  
**Diane Ross-Leech, Director of Environmental Stewardship**  
Pacific Gas and Electric Company, San Francisco  
**Karen Douglas, Esq., Chair**  
California Energy Commission, Sacramento  
**Robert D. Thornton, Esq.**  
Nossaman, Irvine
- 3:00 Afternoon Break
- 3:15 **ESA and Climate Change**  
Effects of Climate Change on Species and Implications for New Species Listings  
**Wendy Pulling, Director of Environmental Policy**  
Pacific Gas and Electric Company, San Francisco  
**Sean C. Skaggs, Esq., Program Co-Chair**  
Ebbin Moser + Skaggs, San Diego
- 4:30 Q&A Panel  
Members of the Faculty
- 4:45 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? Would you like to learn about sponsorship and exhibit opportunities? Contact **CLE INTERNATIONAL** Program Attorney Stacie Kelly, [stacie@cle.com](mailto:stacie@cle.com).

### PROGRAM CO-CHAIRS

**Marc J. Ebbin** specializes in legal and policy matters involving state and federal environmental and natural resources regulation.

**David E. Moser** focuses his law practice on endangered species, sensitive habitats, wetlands and related regulatory issues on behalf of both private and public clients.

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

### KEYNOTE PRESENTER

**Ren Lohofener** oversees management of 46 National Wildlife Refuges, three National Fish Hatcheries, the California-Nevada Fish Health Center and nine Ecological Services field offices in California, Nevada and the Klamath Basin in southern Oregon.

### FACULTY

**Paul Cylinder** is an ecologist and program manager whose consulting practice focuses on regional habitat and wetlands conservation planning.

**Kim Delfino** oversees the work of her organization's California program team in protecting and restoring California's imperiled wildlife and habitats.

**Karen Douglas** was appointed in 2008. She previously served as as Natural Resources Director, General Counsel, and Acting Executive Director at the Planning and Conservation League.

**Jerry Johns** was appointed to his current position in 2004. He oversees Delta and statewide programs, including Environmental Services, Bay-Delta, and Colorado River and Salton Sea.

**John Kopchik** is a Principal Planner for the Contra Costa County Department of Conservation and Development. He also serves as the Executive Director of the East Contra Costa County Habitat Conservancy.

**Stanley W. Lampert** has been actively involved in the fields of land use and legal ethics and currently serves on the Commission for the Revision of the California Rules of Professional Conduct.

**John H. Mattox** is Senior Staff Counsel with the California Department of Fish and Game, and Lead Counsel for CESA Permitting. Mr. Mattox focuses on large-scale conservation planning issues, the CESA listing process, and related matters under the California Environmental Quality Act (CEQA).

**Laura King Moon** is the Assistant General Manager of her organization, which is a non-profit association of 27 California public agencies that purchase water under contract from the California State Water Project.

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

**Richard Roos-Collins** has represented public agencies and non-profit organizations in water and energy matters since 1991. He specializes in settlements and other cooperative solutions.

**Diane Ross-Leech** oversees ESA compliance issues and has developed conservation plans for habitat and species protection.

**Karen Scarborough** was appointed Undersecretary in 2004. She previously worked with Assemblymember Kehoe for 2 years and 8 years with the Mayor of San Diego Susan Golding. She is a licensed landscape architect and practiced 11 years before joining public policy.

**David L. Sunding** is a professor of natural resource economics and policy. He specializes in land and water resource economics and has written extensively on the economics of environmental regulation.

**Robert D. Thornton** has represented landowners, resource developers and public agencies on high profile matters, developing regional conservation plans that now protect hundreds of thousands of acres.

**Robert J. Uram** has over 30 years of experience 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.

**Johanna Wald** has been with the NRDC since 1972. She now leads her organization's efforts to ensure that the region's renewable energy resources are developed in a way that protects wildlands and wildlife.

**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.

**Shawn J. Zovod** provides natural resources legal and strategy services to private property developers and public agencies. Her practice focuses on all aspects of development.

## 4 Easy Ways to Register

1 [www.cle.com/esasf09](http://www.cle.com/esasf09)

2 FAX (303) 321-6320

3 PHONE (800) 873-7130

4 MAIL  
CLE INTERNATIONAL  
1620 Gaylord Street  
Denver, CO 80206

**YES!** Please register the following:

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Firm: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip+4: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

### Cancellation

Full tuition refunds (less a \$50 administrative charge) will be given only if notice of cancellation is received by 5:00 p.m. MST on the Friday prior to the Conference. Substitutions may be made at any time.

### Tuition

- \$895 per person
- \$795 each for two or more
- \$795 each for government, 501(c)(3) organizations, full-time judges, law students and paralegals
- \$695 each for two or more government, 501(c)(3) organizations, full-time judges, law students and paralegals

### Home Study

- Audio transcript and course materials
- \$895 plus \$10 shipping and handling

### Course Materials Only

- \$150 plus \$10 shipping and handling

Course materials available in:  CD  Binder  Both (Extra cost: \$50/set)

### Payment

- Check payable to CLE International \$ \_\_\_\_\_ or charge my:
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**Current State of the ESA and CESA**

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## **Keynote Presentation**

Administration Priorities

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US Fish and Wildlife Service, Sacramento

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