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# California Wetlands

Federal and State Policy and Practice

February 26-27, 2009 • Fairmont • San Francisco

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Office of the Assistant Secretary of the Army (Civil Works)

U.S. Department of Justice

U.S. Army Corps of Engineers

U.S. Environmental Protection Agency

U.S. Fish and Wildlife Service

San Francisco Bay Regional Water Quality Control Board

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## THURSDAY, FEBRUARY 26

- 8:00 Registration and Continental Breakfast
- 8:30 **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
- 8:45 **Federal Wetlands Regulation**  
An Update and Overview  
**David E. Moser, Esq.**  
Ebbin Moser + Skaggs, San Francisco  
**Robert J. Uram, Esq., Program Co-Chair**
- 9:30 **Keynote Presentation**  
The Army's Wetlands Challenge:  
Responding to 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
- 10:30 **Jurisdiction Under the Clean Water Act**  
An Update on *Rapanos* and Subsequent Case Law  
**Joshua Basofin, Esq.**  
Defenders of Wildlife, Sacramento  
**Stephen L. Samuels, Esq., Assistant Section Chief**  
**Environmental Defense Section**  
U.S. Department of Justice, Washington, DC  
**Damien M. Schiff, Esq.**  
Pacific Legal Foundation, Sacramento
- 12:00 Lunch Break
- 1:15 **Will Congress Weigh In?**  
Pending Legislative Developments that May Change the Supreme Court's Ruling in *Rapanos*  
**Roderick E. Walston, Esq.**  
Best Best & Krieger, Walnut Creek
- 2:00 **Ethics**  
Considerations for the Wetland Practitioner  
**Mark L. Tuft, Esq.**  
Cooper, White & Cooper, San Francisco
- 3:00 Afternoon Break
- 3:15 **The New Mitigation Rule**  
Understanding and Working with the New Regulations  
**Craig Denisoff, MPA, Vice President**  
Westervelt Ecological Services, Sacramento  
**R. Clark Morrison, Esq.**  
Cox, Castle & Nicholson, San Francisco  
**Forrest Vanderbilt, Project Manager, Regulatory Division**  
U.S. Army Corps of Engineers, Los Angeles District
- 4:30 **A Review and Assessment of Third-Party Mitigation Projects in California**  
The Impact of the New Rule on Existing Mitigation and In Lieu Fee Programs  
**Eric Raffini, MS, Environmental Scientist, and Valentina Cabrera-Stagno, MS, Environmental Scientist**  
U.S. Environmental Protection Agency, Region 9, San Francisco
- 5:15 Adjourn

## FRIDAY, FEBRUARY 27

- 8:00 Continental Breakfast
- 8:30 **Welcome Back**  
Overview of Day Two  
**Ella Foley-Gannon, Esq., Program Co-Chair**  
**Robert J. Uram, Esq., Program Co-Chair**
- 8:45 **Regional Supplements to the Corps' Wetlands Delineation Manual**  
Working with the Arid West Supplement  
**Tony Bomkamp, Senior Regulatory Specialist**  
Glenn Lukos Associates, Lake Forest
- 9:30 **Section 404 Permitting and Mitigation on a Watershed Basis**  
Special Area Management Plans  
**Jae Chung, DEnv, Senior Project Manager**  
U.S. Army Corps of Engineers, Los Angeles District
- 10:15 Morning Break
- 10:30 **Wetland and Riparian Areas**  
An Update on State Policy Development and Implementation  
**Bruce Wolfe, PE, Executive Officer**  
San Francisco Bay Regional Water Quality Control Board, Oakland
- 11:15 **Storm Water Permits Update**  
Public Storm Drain Permits, Construction General Permits  
**Mary Lynn K. Coffee, Esq.**  
Nossaman, Irvine
- 12:00 Lunch Break
- 1:15 **The National Environmental Policy Act**  
Wetlands Issues Within the NEPA Process  
**Ella Foley-Gannon, Esq., Program Co-Chair**
- 2:00 **The Endangered Species Act**  
Compliance and the 404 Process  
**Kenneth M. Bogdan, Esq., Environmental Counsel**  
ICF Jones & Stokes, Sacramento  
**Kenneth Sanchez, Assistant Field Supervisor**  
U.S. Fish and Wildlife Service, Sacramento
- 3:00 Afternoon Break
- 3:15 **The Impact of SB 375 on Wetlands Regulation**  
Potentially Significant or Negative Declaration?  
**Paul Campos, Esq., Senior Vice President of Governmental Affairs and General Counsel**  
Home Builders Association of Northern California, San Ramon
- 4:00 **Mitigating the Impacts of Global Warming and Climate Change**  
The Critical Role of California Wetlands and Riparian Areas in Species Survival and the Protection of Water Resources  
**Lisa Belenky, Esq. Senior Attorney**  
Center for Biological Diversity, San Francisco
- 4:45 Evaluations and Adjourn

## PROGRAM CO-CHAIRS

**Ella Foley-Gannon** counsels clients undertaking complex development projects on a wide range of federal and state regulatory matters. She also works with clients to ensure ongoing compliance with permit requirements and negotiates long term management agreements for preserved lands.

**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.

**Valentina Cabrera-Stagno** has been with her agency for six years. She has worked in a variety of programs, including superfund site remediation and the impaired waters program.

**Paul Campos** oversees his Association's governmental affairs staff; assists on legislative, regulatory and legal issues; acts as a resource for members on land use, planning and environmental issues; and is its principal spokesman on environmental issues.

**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.

**Craig Denisoff** is a recognized national and international expert in the field of habitat and species mitigation banking.

**R. Clark Morrison** has over 20 years of extensive experience in the entitlement and development of California's largest development projects. He has significant experience in land use, wetlands, ESA and water rights matters.

**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 throughout California and the western states.

**Eric Raffini** has been with his agency for seven years. He has worked on issues related to wetland restoration, compensatory mitigation, watershed planning, and water quality trading.

**Stephen L. Samuels** supervises a staff of attorneys handling civil environmental litigation in the southeastern and western United States, including actions under Section 404 of the Clean Water Act.

**Kenneth Sanchez** has worked the past 20 years for a variety of government agencies. He currently administers ESA regulatory responsibilities for urban development, highway construction, and oil and gas development.

**Damien M. Schiff** has worked on a number of cases pertaining to the ESA and the Clean Water Act, including several cases following his Foundation's Supreme Court victory in *Rapanos v. United States*.

**Mark L. Tuft** focuses his practice on professional liability, business and criminal litigation. He also serves as a consultant on ethics issues, professional liability, fees and client disputes.

**Forrest Vanderbilt** joined the Regulatory Division of the Los Angeles District in 2006, where he has focused on post-*Rapanos* jurisdictional determination guidance.

**Roderick E. Walston** specializes in natural resources and environmental law, and appellate practice. Before entering private practice, he held numerous positions as a government attorney.

**Bruce Wolfe** oversees the 120 staff members of the Water Board in carrying out the Board's mission of protecting, enhancing, and restoring the Bay Region's waters. With the board since 1977, he has served as Executive Officer since 2003.

## KEYNOTE PRESENTER

**Charles R. "Chip" Smith** has policy oversight responsibility for Army Civil Works activities in the areas of regulatory, environmental restoration and protection, Indian Affairs, historic preservation, and water resources planning.

## FACULTY

**Joshua Basofin** works on wetland policies at the federal and state level, ensuring adequate protection for the remaining wetland systems in California.

**Lisa Belenky** works to protect rare and endangered species and their habitats under state and federal law. Before joining the Center in 2005, she was in private practice focusing on environmental law and employee-benefits litigation.

**Kenneth M. Bogdan** is an environmental planner and attorney. He specializes in analyzing environmental law and regulation compliance issues.

**Tony Bomkamp** is a field botanist, wetlands ecologist and senior regulatory specialist with over 30 years of extensive experience in wetland delineation.

## 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** Program Attorney Stacie Kelly, [stacie@cle.com](mailto:stacie@cle.com).

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Office of the Assistant Secretary of the Army (Civil Works)  
Washington, DC

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