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A Comprehensive Two-Day Conference on

Land Use in Eastern Washington

New regulations, rules and challenges for local communities,
rural areas and local governments

July 14 & 15, 2008

Walla Walla, Washington
Walla Walla Community College

Credits: WA CLE 13.25 | AICP, Appraiser and Real Estate Credits pending (call about others)
Quick when/where: 8:30 a.m., 500 Tausick Way

Land Use in Eastern Washington Conference

July 14 & 15, 2008 | Walla Walla, Washington
Walla Walla Community College

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8:00 Registration and Continental Breakfast

8:30 Introduction and Overview

Jesse D. Nolte, Esq., Program Co-Chair
Walla Walla County ~ Walla Walla, WA

Terese (T.C.) Neu Richmond, Esq., Program Co-Chair
GordonDerr LLP ~ Seattle, WA

8:45 A Review of Recent Appellate Court Decisions: What Has Been Litigated; What Has Been Left Unresolved; The Implications For Moving Forward

Key Growth Management Act cases; Implications of the Skagit County case for Eastern Washington

Alan D. Copsey, Esq.
Washington State Office of the Attorney General
Olympia, WA

Key recent land use and environmental cases:
Practical applications

Terese (T.C.) Neu Richmond, Esq., Program Co-Chair

10:00 Break

10:15 "Wet Growth" in Washington: Exploring the Intersection of Land Use and Water Resources law

Analysis of statutes including the Growth Management Act and the Municipal Water Law and updates on related litigation including constitutional challenge to the MWL

Tadas A Kisielius, Esq.
GordonDerr LLP ~ Seattle, WA

Ecology's moratorium on drilling on the shallow aquifer and its extension to exempt wells: Kittitas and Skagit County approaches; update on what is happening in the Columbia basin

Derek Sandison, P.E., Central Regional Director
Washington State Department of Ecology ~ Yakima, WA

Water Banking/Water Exchanges in Washington: Examining other states' systems and possible solutions and obstacles for such systems in Washington

Jesse D. Nolte, Esq., Program Co-Chair

12:15 Lunch (on your own)

1:30 Riparian Buffers on Natural Resource Lands and Other Issues Arising Under the Endangered Species Act

Demystifying the consultation process; what municipalities need to know; tribal issues and cooperation between Washington, Idaho, and Oregon entities; update on Department of Transportation litigation and the extent to which it affects local government

James M. Lynch, Esq.
Kirkpatrick & Lockhart Preston Gates Ellis LLP ~ Seattle, WA

William O. Vogel, Fish & Wildlife Biologist
U.S. Fish & Wildlife Service ~ Lacey, WA

2:45 Break

3:00 In-Stream Flows and Basin Planning

Case study of Walla Walla County's approach to resolving the issue

Cathy Schaeffer, Director, Watershed Planning Department
Walla Walla Community College ~ Walla Walla, WA

State Perspective

Hedia Adelman, Executive Policy Advisor
Washington State Department of Ecology ~ Olympia, WA

Agricultural perspective

Richard J. Ducharme
Dayton, WA

Environmental perspective

Kevin Scribner, Basin Advocate
Walla Walla Watershed Alliance ~ Walla Walla, WA

Tribal perspective

Jennifer Hudson, Esq., Vice President
Pac/West Communications ~ Walla Walla, WA

5:00 Continue the Exchange of Ideas: Reception for Faculty and Attendees Sponsored by



About the Conference

LAW SEMINARS INTERNATIONAL

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Controversial and complicated issues relating to land use, development and growth management are not limited to the Puget Sound. Population, job growth and new industries are showing strong trends east of the Cascades as well. Deadlines for Growth Management Act updates for Eastern Washington jurisdictions are either already here, or happening in the very near future. Other state and federal statutes and regulatory programs apply across the state, including the endangered species act, clean water act, and water rights statutes, climate change analysis under SEPA and critical areas under the Growth Management Act, by way of example only.

These problems, and the laws adopted to address them, are posing new challenges for local communities struggling to plan for growth and the changing use of the land. Bringing a high level of expertise from both east and west of the Cascades, this conference is intended not just for lawyers, but also for land owners, developers, government staff and officials, and others working with or interested in negotiating the intricate and overlapping regulations that apply to almost any use of real property.

~ Program Co-Chairs: Jesse D. Nolte and Terese (T.C.) Neu Richmond, Esq.



8:00 Registration and Continental Breakfast

8:30 How Recent Developments in The Clean Water Act Impact Eastern Washington

Wetlands update and implications of Ecology's new stormwater permit: Tips for cities and counties to get their facilities in line with the new requirements including compliance strategies for urban growth

Overview of the legal issues

James A. Tupper, Jr., Esq.
Tupper Mack Brower PLLC ~ Seattle, WA USA

State policy perspective

David J. Duncan, Municipal Stormwater Permit Manager
Washington State Department of Ecology ~ Olympia, WA

Local government implementation perspective

Hal Thomas, Public Works Director
Walla Walla Public Works ~ Walla Walla, WA

Practical tips for effective implementation

John Knutson, P.E., Senior Associate
Otak, Inc. ~ Yakima, WA

10:15 Break

10:30 Climate Change and SEPA/NEPA

How environmental review is changing to address greenhouse gas impacts and why this is significant for development in Eastern Washington.

Richard L. Settle, Esq.
Foster Pepper PLLC ~ Seattle, WA

Susan E. Drummond, Esq.
Foster Pepper PLLC ~ Seattle, WA

The role of transportation in Washington's overall carbon emissions and mitigation alternatives in Eastern Washington where transportation issues are so different from Western Washington; tying wind and solar electric generation to development projects

Laura J. Watson, Esq, Assistant Attorney General
Washington State Attorney General's Office ~ Olympia, WA

12:00 Lunch (on your own)

1:15 Special Address: Critical Areas and Preservation of Agricultural Land

Ruckelshaus Center's study and recommendations for effective processes

V. Lane Rawlins, Ph.D.,
President Emeritus, Professor and Interim Director
William D. Ruckelshaus Center ~ Pullman, WA

1:45 View from the Trenches on Critical Areas and Preservation of Agricultural Land

Balancing GMA Goals: Viability of the Skagit County approach to preserving agricultural lands; lessons from other jurisdictions

Ryan Walters, Esq., Special Deputy Prosecuting Attorney
Skagit County Prosecutor's Office ~ Mount Vernon, WA

Converting agricultural lands to other uses and mineral resource designations

Kenneth W. Harper, Esq.
Menke Jackson Beyer Eloffson Ehlis & Harper, LLP
Yakima, WA

Use of agricultural zoned lands for wetlands banking

Christina Merten, P.E., Ecology Wetland Baking Specialist
Washington State Department of Ecology ~ Bellevue, WA

3:15 Break

3:30 Land Use Issues Arising from Growth of the Wine Industry in Eastern Washington

Lessons from recent winery development projects

Michael T. Reynvaan, Esq.
Perkins Coie LLP ~ Seattle, WA

The potential impact of climate change on the region's wine industry

Kevin R. Pogue, Ph.D., Manager
Vinterra Consulting PLLC ~ Walla Walla, WA

5:00 Evaluations and Adjourn



Registration & Other Conference Information

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Walk-ins are welcome, subject to space availability.

Registration is complete when we receive payment or agree to later payment.

Tuition: Regular tuition for this program is \$895 with a group rate of \$795 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$695. For students and people in their job for less than a year, our rate is \$447.50. All rates include admission to all seminar sessions, food and beverages at breaks, and all course materials. Make checks payable to Law Seminars International.

Substitution & Cancellation: You may substitute another person at any time. We will refund tuition, less a \$50 cancellation fee, if we receive your cancellation by 5:00 p.m. on Tuesday, July 8, 2008. After that time, we will credit your tuition

toward attendance at another program or the purchase of a Homestudy. There is a \$25 cancellation fee for Course Materials orders and \$50 for Homestudy orders.

Seminar Location: The conference will be held at the Walla Walla Community College in the Water and Environment Center at 500 Tausick Way in Walla Walla, WA. We have sleeping room reservations at The Marcus Whitman Hotel and Conference Center at Six West Rose in Walla Walla, WA (just 5-10 minutes from the college). Please call 1-866-826-9422 for the special negotiated rate of \$119/night and mention that you are attending a Law Seminars International conference.

Rooms are on a first come, first served basis and will not be available after June 13th.

Continuing Education Credits: This program qualifies for 13.25 WA CLE credits. AICP, Appraiser and Real Estate credits are pending. Upon request, we will apply for CLE credits in other states and other types of credits.

If You Cannot Attend: Our complete Homestudy Course, consisting of a DVD recording and the written course materials, is available for \$905. The written course materials alone are available for \$100. We will ship your Homestudy order via UPS ground within two weeks after the seminar or the date we receive payment (whichever is later).

Faculty: Land Use in Eastern Washington Conference

Jesse D. Nolte, *Program Co-Chair*, Deputy Prosecuting Attorney for Walla Walla County, represents County elected officials and departments regarding a variety of municipal law matters with an emphasis on land use and environmental law. Previously, he was law clerk to the Honorable John M. Melanson, who presides over the State of Idaho's Snake River Basin Adjudication.

Terese (T.C.) Richmond, *Program Co-Chair* and partner at GordonDerr LLP, has experience representing state and local governmental agencies focusing on environmental law, land use and water law, with an emphasis on policy. Previously she was senior counsel for Washington Attorney General's Office-University of Washington Division and was a Special Assistant to the Governor (WA).

Hedia Adelsman is Executive Policy Advisor in the office of the director of the Washington State Department of Ecology.

Alan D. Copsey, Assistant Attorney General with the Washington State Office of Attorney General, advises and represents the Washington State Department of Community, Trade and Economic Development and the Washington State Department of Agriculture.

Susan E. Drummond, partner at Foster Pepper PLLC, focuses on land use, renewable energy and sustainable development projects. She is experienced in local, state and federal permitting and code development, assists Klickitat County with developing a renewable energy permitting structure and oversees its environmental review.

Dick Ducharme was a Governmental Affairs Consultant working on land use legislation before the Washington State Legislature. He participated in drafting and developing Washington's Growth Management Act and Washington Watershed Planning Act. He is a member of the Snake River Salmon Recovery Board.

David J. Duncan is Municipal Stormwater Permit Manager for Washington State Department of Ecology's Eastern Region Water Quality Program. He has worked in the Stormwater Program and Permit Writing Teams for Eastern Washington Phase II Municipal Stormwater Permit and Industrial Stormwater General Permit.

Kenneth W. Harper, partner at Menke Jackson Beyer Eloffson Ehlis & Harper, LLP, practices municipal land use law including administrative and judicial litigation associated with retail, industrial, and residential projects.

He also drafts legislation for municipalities in the areas of SEPA and GMA compliance.

Jennifer Hudson, Vice President and in-house counsel at Pac/West Communications, was Water Rights Policy Analyst for the Confederated Tribes of the Umatilla Indian Reservation, with an emphasis on Walla Walla Basin water management issues.

Tadas A. Kisielius, GordonDerr LLP, specializes in litigation over land use and permitting issues. He has participated in administrative adjudicative proceedings, including appearances before the Growth Management Hearings Board, Pollution Control Hearings Board, Shoreline Hearings Board and the Boundary Review Board.

John Knutson, Senior Associate with Otak's Water Resources Group, focuses on stormwater and flood management and leads projects involving stormwater R&D and complex intergovernmental resource management efforts.

James M. Lynch, of counsel with Kirkpatrick & Lockhart Preston Gates Ellis LLP, focuses on regulatory compliance, environmental law and advises industry associations on ESA compliance and permitting.

Christina Merten, P.E., is a Wetland Banking Specialist in the Shorelands and Environmental Assistance Program at DOE. She provides technical assistance on wetland mitigation bank applications and assists in managing the state's pilot program.

Kevin R. Pogue, Ph.D., Professor at Whitman College in the Geology Department, and Manager of Vinterra Consulting PLLC, is co-author of a field guide to the geology of Southern Washington. His essay on the relationship between the Missoula floods and viticulture is included in *Washington: The State of Wine*.

V. Lane Rawlins, Ph.D., President Emeritus and Professor of Economic Sciences at Washington State University, was Interim Director of the William D. Ruckelshaus Center.

Michael T. Reynvaan, partner at Perkins Coie LLP, focuses on labor and employment law and the wine industry, heads their Wine Industry Practice Group and is named one of "Washington's Super Lawyers" in Washington Law & Politics and listed in *The Best Lawyers in America*.

Derek Sandison, Central Regional Director of the Washington State Department of Ecology, was project manager and SEPA-responsible official for the Columbia River Basin

Management Environmental Impact Statement.

Cathy Schaeffer, Director of Watershed Planning Department for Walla Walla County, is responsible for administering the bi-state Habitat Conservation Planning Effort, facilitating development of the Walla Walla Instream Flow Rule and integrating watershed planning processes on the Washington State side of Walla Walla River Basin.

Kevin Scribner, Basin Advocate for the Walla Walla Watershed Alliance, is experienced in natural resource planning and management, community cultural development, alternative food systems, ecological restoration and commercial fishing.

Richard L. Settle, of counsel at Foster Pepper PLLC, practices land use and environmental law, including SEPA/NEPA law and litigation. He wrote *The Washington State Environmental Policy Act, A Legal and Policy Analysis*.

Hal Thomas, Public Works Director for the City of Walla Walla, focuses on water issues, and was one of the founders of Eastern Washington Stormwater Group that coordinated with DOE to recognize the diversity between Eastern and Western Washington.

James A. Tupper Jr., partner at Tupper Mack Brower PLLC, focuses on environmental and land use law, with an emphasis on water quality, water resources, and shoreline development. He is recognized as a "Super Lawyer" by *Washington Law & Politics*.

William O. Vogel, Biologist for U.S. Fish and Wildlife Service, is responsible for monitoring compliance of all completed HCPs in Washington. He was part of the multi-agency task force established to develop Habitat Conservation Plans in the Northwest, and was project leader on Plum Creek Cascades and WDNR State trust lands, two of the largest and then most controversial HCPs in Washington.

Ryan Walters, Special Deputy Prosecuting Attorney for Skagit County, represents Skagit County on land use and environmental law, including climate change. He also coordinates the county's involvement in the Ruckelshaus Center SSB 5248 process relating to critical areas' protection on agricultural lands.

Laura Watson, Assistant Attorney General and Section Manager with the Ecology Division of the Attorney General's Office, represents the Department of Ecology on climate change, shorelines, water quality and oil spills.

July 14 & 15, 2008
Walla Walla, Washington

Walla Walla
Community College

500 Tausick Way
(509) 522-2500

Who Should Attend:

Attorneys, real estate professionals, governmental and tribal officials, planners, consultants, engineers, land owners and developers

You Will Learn About:

- Recent appellate court decisions
- The intersection of water resources and land use law
- Endangered Species Act and the Riparian buffer on natural resource lands
- In-stream flows and basin planning
- How recent developments in the Clean Water Act impact Eastern Washington
- Climate change and SEPA/NEPA
- Critical areas and preservation of agricultural land
- Land use issues arising from growth of the wine industry in Eastern Washington

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