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- Cayzen Technologies
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- Habitat Banc NW
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- Natural Resources Restoration LLC
- NOAA National Marine Fisheries Service
- Parametrix, Inc.
- Puget Sound Partnership
- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- USDA Office of Ecosystem Services and Markets
- Washington State Department of Ecology
- Wildlands Inc of Washington
- Windward Environmental LLC
- World Business Council for Sustainable Development

An Advanced Annual Two-Day Workshop on

# Restoration and Mitigation in Washington

New mitigation rules, emerging markets for environmental credits and strategies for success

April 30 & May 1, 2009

Seattle, Washington  
Renaissance Seattle Hotel

**Credits:** WA CLE 10 | WA RE pending | AICP pending (call about others)  
**Quick when/where:** 8:30 a.m., 515 Madison St.

### Restoration and Mitigation in Washington Conference April 30 & May 1, 2009 | Seattle, Washington Renaissance Seattle Hotel

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09MITWA WS



8:00 Registration and Continental Breakfast

8:30 Introduction and Overview

**Theda Braddock, Esq., Program Co-Chair**  
Natural Resources Restoration LLC ~ Steilacoom, WA

**Lisa Saban, Program Co-Chair, Partner**  
Windward Environmental LLC ~ Seattle, WA

8:45 Puget Sound Restoration Update

Puget Sound Partnership's In-Lieu-Fee Mitigation program

**Chris Townsend**  
*Special Assistant to the Executive Director*  
Puget Sound Partnership ~ Olympia, WA

Nearshore restoration in Puget Sound: Special issues for mitigation in urban estuaries; current goals; success and areas in need of further work

**Curtis Tanner, Biologist**  
U.S. Fish and Wildlife Service ~ Olympia, WA

10:00 Break

10:15 The Emerging Market in Environmental Credits for Ecosystem Services

An introduction to ecosystem services and ecosystem service markets; update on market creation efforts in the Northwest; barriers and opportunities

**Kevin Halsey, Regulatory Specialist**  
Parametrix, Inc. ~ Portland, OR

**Carl F. Lucero, Esq., Acting Deputy Director**  
USDA Office of Ecosystem Services and Markets  
Washington, DC

**Scott Harrison, Ph.D., Senior Environmental Specialist**  
World Business Council for Sustainable Development  
Vancouver, BC

**Theda Braddock, Esq., Program Co-Chair**

12:15 Lunch (on your own)

1:30 The Ecosystem Service Market in Washington

Wetland mitigation banking: Matching projects to impacts

**Victor Woodward, Managing Partner**  
Habitat Banc NW ~ Woodinville, WA

Endangered species conservation banking

**Sky Miller, P.E., Pacific Northwest Regional Manager**  
Wildlands Inc. of Washington ~ Marysville, WA

Matching impacts to restoration sites in Clark County

**Rick Anderson,**  
*Environmental Business Practice Manager*  
Cayzen Technologies ~ Lacey, WA

3:30 Break

3:45 Perspectives on the Future of Mitigation in Washington

State perspective

**Lauren Driscoll, Manager**  
*Shorelands and Environmental Assistance Program*  
Washington State Department of Ecology ~ Olympia, WA

Local government perspective

**Konrad J. Liegel, Esq.**  
K&L Gates ~ Seattle, WA

5:00 Adjourn



## About the Conference

### LAW SEMINARS INTERNATIONAL

We dedicate all of our efforts to producing high-quality professional education programs.

Our seminars provide an opportunity for lawyers to learn about their clients' businesses and for the clients to learn about the legal issues impacting their business.

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Mitigation banking is an increasingly important component of the preservation of wetland habitats. This workshop will cover the entire range of issues associated with wetland restoration and mitigation in Washington, including implementation of the new mitigation rules, the effect of the National Marine Fisheries Biological Opinion on development in areas subject to the FEMA flood plain mapping project, regulatory issues and strategies for success. Panels will discuss cutting-edge developments in the emerging markets for environmental credits for ecosystem services in Washington, the nation and the world.

We have brought together a group of distinguished and expert speakers from regulatory agencies - including the newly created USDA Office of Ecosystem Services and Markets - and the regulated community as well as leading scientists and attorneys to give you an insider's view into current opportunities and challenges in this area.

Don't miss this unique opportunity to hear from experts in this field in an informal and interactive setting.

~ Program Co-Chairs: Theda Braddock, Esq. and Lisa Saban



**8:00 Registration and Continental Breakfast**

**8:30 Introduction and Overview**

**Theda Braddock, Esq., *Program Co-Chair***  
**Lisa Saban, *Program Co-Chair***

**8:45 Update on the New Federal Mitigation Rules**

New requirements in the federal mitigation rule, including the now required watershed approach

**Gail Terzi, *Senior Scientist, Mitigation Program Manager***  
U.S. Army Corps of Engineers-Seattle District Regulatory Branch ~ Seattle, WA

**9:30 Early Restoration in Action: Lessons Learned**

Planning, permitting, and implementing a compensatory mitigation project in Washington state: Regulatory requirements; what the process involves; considerations for restoration design; implementation phase of wetland and stream restoration

**Kathleen Hurley, *Environmental Scientist***  
Windward Environmental LLC ~ Seattle, WA

**10:15 Break**

**10:30 FEMA Flood Plain Map Changes: Implications for Endangered Species Act Compliance**

The fisheries biological opinion and its effect on critical areas; agency perspectives on how it will impact development in flood plains

**DeeAnn Kirkpatrick, *Fishery Biologist***  
NOAA National Marine Fisheries Service ~ Seattle, WA

**John Graves, *Senior NFIP Program Specialist***  
Federal Emergency Management Agency ~ Seattle, WA

**12:30 Evaluations and Adjourn**

**Upcoming Seminars:**

|   |                       |               |
|---|-----------------------|---------------|
| Clean Water and Stormwater                | April 6-7, 2009       | Seattle, WA   |
| Idaho Water Law 2009                      | May 7-8, 2009         | Boise, ID     |
| Washington Water Law 2009                 | June 4-5, 2009        | Seattle, WA   |
| Climate Change Litigation and Policies    | June 11-12, 2009      | Anchorage, AL |
| Natural Resource Damages                  | July 9-10, 2009       | Santa Fe, NM  |
| Winery and Wine Distribution Law          | August 3-4, 2009      | Quincy, WA    |
| Renewable Energy in the Pacific Northwest | August 6-7, 2009      | Seattle, WA   |
| Water in the Spokane Basin                | September 21-22, 2009 | Spokane, WA   |
| Shoreline Development and Permitting      | October 7, 2009       | Seattle, WA   |

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Mail the registration form on the front page.

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 \$745 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$595. 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 Thursday, April 23, 2009. 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 Renaissance Seattle Hotel at 515 Madison St. in Seattle, WA 98104. Call the hotel directly at (206) 583-0300 for reservations at the special negotiated rate of \$209 and mention that you are attending a Law Seminars International conference. Rooms are on a first come, first served basis.

**Continuing Education Credits:** This program qualifies for 10 WA CLE credits. WA Real Estate and AICP 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 or a searchable CD alone are available for \$100. We will ship your Homestudy order via UPS ground within two weeks after the seminar or from the date we receive payment.

## Faculty: Restoration and Mitigation in Washington Conference

**Theda Braddock, Program Co-Chair**, Natural Resources Restoration LLC, focuses her practice on natural resource damage restoration projects. She wrote the *Washington Environmental Law Handbook, Wetlands Regulation: Case Law, Interpretation & Commentary and Wetlands: An Introduction to Ecology, the Law, and Permitting*. She also writes the wetland law update for the *California Bar Environmental Law Section* and the *Washington State Bar Environmental and Land Use Section* law newsletters.

**Lisa Saban, Program Co-Chair and Partner** at Windward Environmental LLC, is a project manager, lead scientist and technical advisor for environmental assessments and evaluations. She is experienced in managing complex projects related to ecological risk assessment, sediment investigations and natural resource damage assessments.

**Rick Anderson**, Environmental Business Practice Manager of Cayzen Technologies, designs software solutions to help decision makers achieve multiple and sustainable outcomes. Previously, he was Senior Project Manager at HDR, Inc. where he helped to develop web-based applications to improve permitting and mitigation processes.

**Lauren Driscoll**, Manager for the Wetland, Watershed and Flood section in the Washington State Department of Ecology's Shorelands and Environmental Assistance Program, is the policy lead for the wetland mitigation bank pilot rule project and alternative mitigation policy. She is working on the Director of Ecology's Mitigation That Works Initiative.

**John Graves**, Senior NFIP Program Specialist with the Federal Emergency Management Agency, ensures that communities participating in the National Flood Insurance Program (NFIP) enact and enforce floodplain management ordinances and provide enrollment assistance to communities applying to the NFIP. He is also lead advisor to communities subject to the recent National Marine Fisheries Service Biological Opinion on the NFIP.

**Kevin Halsey**, Regulatory Specialist at Parametrix, Inc., leads the ecosystem marketplace team to develop policies and tools to support ecosystem markets. He is also an adjunct professor at Lewis and Clark Northwestern School of Law where he teaches environmental risk management in business transactions.

**Scott Harrison, Ph.D.**, Senior Environmental Specialist and Liaison Delegate at the World Business Council for Sustainable Development, supports the Chairman of BC Hydro, Mossadiq S. Umedaly, Co-Chair at the Ecosystems Focus Area of the World Business Council for Sustainable Development which consists of more than 200 of the world's largest companies and focuses on sustainable solutions for businesses

**Kathleen Hurley**, Environmental Scientist at Windward Environmental LLC, is a natural resources scientist specializing in marine and estuarine ecology and marine invertebrates. She manages wetlands and ecological studies involving habitat valuation, permit coordination and the preparation of biological assessments and mitigation plans

**DeeAnn Kirkpatrick**, Fishery Biologist for NOAA's National Marine Fisheries Service, is the stormwater lead for the Washington State Habitat Office and wrote the fisheries biological opinion provided to the Federal Emergency Management Agency per the judicial order in *NWF v. FEMA* (2004).

**Konrad J. Liegel**, partner at K&L Gates LLP, practices real estate, land use, conservation, environmental, and non-profit law for public and private clients, where he focuses on natural resources and environmentally sensitive areas. He has advised on several groundbreaking wetland mitigation bank projects, including Hobson Yard (Nebraska) and Narbeck and Snohomish Basin (Washington State). Before law school, he administered an ecosystem restoration program for wetland, prairie and savannah ecosystems at the International Crane Foundation in Wisconsin.

**Carl F. Lucero**, Acting Deputy Director of the Office of Ecosystem Services and Markets, leads the USDA effort on market-based conservation where he developed the USDA Policy on Market Based Approaches and drafted a new element on environmental services and markets for the 2008 Farm Bill. He is also National Leader for Clean Water at the USDA Natural Resources Conservation Service Office and guides the agency on water quality issues.

**Sky Miller, P.E.**, is the Pacific Northwest Regional Manager for Wildlands of Washington, Inc. He manages the development and implementation of large wetland and habitat restoration projects constructed to provide mitigation for development impacts.

**Curtis Tanner**, Biologist with the U.S. Fish and Wildlife Service, is currently on assignment to the Washington Department of Fish and Wildlife where he serves as the Local Project Manager for the Puget Sound Nearshore Ecosystem Restoration Project General Investigate study, a partnership between federal, state, local and tribal governments and non-governmental and academic organizations.

**Gail Terzi**, Senior Scientist and Mitigation Program Manager in the Regulatory Branch of the U.S. Army Corps of Engineers, Seattle District is Co-Chair of the Mitigation Bank Review Team.

**Chris Townsend**, Special Assistant to the Director of Puget Sound Partnership, leads the agency effort to address high-level environmental policy issues including implementation and enforcement of environmental regulations, improving the performance of compensatory mitigation, and nearshore restoration issues.

**Victor Woodward**, Managing Partner of Habitat Banc NW, works on researching, permitting and developing wetland mitigation banks in Washington. His Snohomish Basin Mitigation Bank was the first to be permitted through the State's pilot banking program.

April 30 & May 1, 2009  
Seattle, Washington

Renaissance Seattle Hotel  
515 Madison St.  
(206) 583-0300

### Who Should Attend:

Attorneys, planners, real estate and environmental professionals, tribal and governmental officials working on or affected by mitigation and restoration projects

### You Will Learn About:

- Opportunities from emerging national and international markets in environmental credits for ecosystem services
- How the NMFS Biological Opinion will affect development under the FEMA flood plain
- The Puget Sound Partnership's In-Lieu-Fee Program
- Current goals, successes and challenges for Puget Sound nearshore restoration
- Practical tips from lessons learned about early restoration in action
- Updates on implementation of the new federal mitigation rules
- Special issues for mitigation in urban estuaries
- How the ecosystem service market in Washington state is working
- What the new USDA Office of Ecosystem Services and Markets means for ecosystem services

### To Register:

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