The Eleventh Annual Seminar on

Wetlands in Washington

Evolving regulations, new challenges, opportunities and best practices

October 5, 2011
Seattle, Washington
Washington State Convention Center

Credits: WA 6.5 CLE | WA RE 7 (PENDING) | AICP 6 (PENDING) (call about others)

Quick when/where: 8:30 a.m., 800 Convention Place

Featuring Speakers From:
- Dearborn & Moss PLLC
- Foster Pepper PLLC
- GordonDerr LLP
- Herrera Environmental Consultants, Inc.
- King County Council
- King County Department of Natural Resources
- Konrad J. Liegel, Attorney-at-Law, PLLC
- McCarthy, Causseaux & Hurdelbrink, Inc., P.S.
- United States Department of Justice
- United States Environmental Protection Agency, Region 10
- Washington State Department of Ecology

Who Should Attend:
Attorneys, environmental managers, real estate and land use professionals, tribal and governmental officials

Wetlands in Washington Seminar
October 5, 2011 | Seattle, Washington
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Yes! Please register me:

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For which state(s)? ___________________________________________

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If you cannot attend, check boxes to order:

- Homestudy Course with DVD
- Course Materials only

To complete your registration, please send a check or complete the credit card information below:
(Fax to 206-567-5058 or register online at www.lawseminars.com)

No.: ____________________ Exp. Date: __________
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8:30 Registration and Continental Breakfast
Brent Carson, Esq., Program Co-Chair
GordonDerr LLP ~ Seattle, WA
Alison Moss, Esq., Program Co-Chair
Dearborn & Moss PLLC ~ Seattle, WA

8:45 Developments in the Federal Regulatory Program
Proposed EPA/Corps guidance regarding CWA regulatory jurisdiction; recent judicial decisions; pending Supreme Court case on the reviewability of EPA compliance orders

Stephen L. Samuels, Esq., Assistant Section Chief
Environmental and Natural Resources Division
United States Department of Justice ~ Washington, DC

Ankur Tohan, Esq., Assistant Regional Counsel
United States Environmental Protection Agency, Region 10
Seattle, WA

10:15 Break: Coffee, Tea, and Conversation

10:30 Updates on Clean Water Act Regulation of Agricultural and Forestry Lands
Changes in exemptions; Farmed Wetlands vs. Prior Converted Cropland; issues arising when modifying land to convert it to or from agricultural use

Brent Carson, Esq.
GordonDerr LLP ~ Seattle, WA

11:15 The New Nationwide Regional Permits
Jeremy Eckert, Esq.
Foster Pepper PLLC ~ Seattle, WA

12:00 Lunch (on your own)

1:15 Alternative Wetland Mitigation: Mitigation Banking; Fee-in-Lieu; Advance Mitigation; Debit and Credit Calculations
Ecology’s final wetland banking regulations and the Corps RIBITS database

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

King County fee-in-lieu of wetland mitigation

Michael Murphy, Land Conservation Program Manager
King County Department of Natural Resources
Seattle, WA

Case study on project planning

Mark Merkelbach, PWS
Herrera Environmental Consultants, Inc. ~ Seattle, WA

2:45 Break: Coffee, tea and conversation

3:00 Conservation Easements and Wetlands
Tips for finding the right sponsor and drafting an easement that effectively addresses the situation

The Hon. Larry Phillips
King County Council ~ Seattle, WA

Konrad J. Liegel, Esq.
Konrad J. Liegel, Attorney-at-Law, PLLC ~ Seattle, WA

4:00 Reasonable Use Exemptions
The interplay between Reasonable Use Exemptions and Separate Variance Procedure

Tadas Kisielius, Esq.
GordonDerr LLP ~ Seattle, WA

Experiences with local government codes

Stephen K. Causseaux, Jr., Esq.
McCarthy, Causseaux & Hurdelbrink, Inc., P.S.
Tacoma, WA

5:00 Evaluations and Adjourn

The regulation of wetlands by local, state and federal agencies continues to evolve and create challenges for public and private development. The debate over federal wetland jurisdiction persists in light of the United States Supreme Court’s decisions in Rapanos v. United States. and Carabell v. United States, with the Corps and EPA weighing in with new proposed guidance. The Republican controlled House of Representatives has tried to strip regulatory authority from EPA while new court decisions raise questions about compliance with state and federal wetland regulations.

This seminar will address the impact of these and other recent decisions and their effect on government, business and the environment. Our distinguished faculty will discuss developments in the federal regulatory program; report on a recent Supreme Court case addressing the reviewability of EPA compliance orders; provide an update on the Clean Water Act’s regulation of agricultural and forestry lands; describe the new proposed Nationwide Permits; discuss alternative approaches to wetland mitigation being promoted by the Corps, Department of Ecology and King County; provide tips for developing conservation easements to protect wetlands; and describe case studies of obtaining reasonable use exemptions to local wetland controls.

This outstanding seminar will provide legal and professional environmental practitioners with an in-depth understanding of business opportunities and best practices within this new era of wetlands regulation.

Program Co-Chairs: Brent Carson, Esq., GordonDerr LLP and Alison Moss, Esq., Dearborn & Moss PLLC
Brent Carson, **Program Co-Chair**, partner at GordonDerr LLP, assists clients in complying with complex local, state and federal land use and environmental regulations. He is experienced in issues concerning the Clean Water Act, Environmental Species Act, Growth Management Act, Shoreline Management Act, and local land use regulations.

Alison Moss, **Program Co-Chair**, partner at Dearborn & Moss PLLC, focuses her practice on the Growth Management Act and federal, state, and local wetlands, and fish and wildlife regulations. She wrote the *Washington Lawyers Practice Manual on Wetlands*.

Stephen K. Causseaux, Jr., McCarthy, Causseaux & Hurdelbrink, Inc., P.S., practices land use law and has served as a hearing examiner for Pierce County, Kitsap County, and the cities of Federal Way, Bonney Lake, Edgewood, Milton, Pacific, Sumner, University Place, and Yelm.

Jeremy Eckert, Foster Pepper PLLC, has represented clients on issues involving the Clean Water Act, The Endangered Species Act, the Growth Management Act, the Shoreline Management Act, and the Land Use Petition Act. Prior, he was the Director of Transfer of Development Rights Programs at Cascade Land Conservancy.

Tadas Kisielius, partner, GordonDerr LLP, counsels public and private clients on land use, water, and environmental law. He has appeared in the Pollution Control Hearings Board, the Growth Management Hearings Board, the Shoreline Hearings Board, and the Boundary Review Board.

Konrad J. Liegel, Attorney-at-Law, PLLC, has advised on several groundbreaking wetland mitigation projects for business and land trusts, including Hobson Yard (Nebraska) and Narbeck and Snohomish Basin (Washington State), dam removal and stream restoration (Goldsworth Creek, Washington State) and wetland conservation (Hazel Wolf Wetlands Preserve, Washington State).

Mark Merkelbach, PWS for Herrera Environmental Consultants, Inc., directs mitigation banking projects as a civil engineer and certified professional wetland scientist. His work includes planning and certifying a wetland mitigation bank in Skagit County and mitigation bank feasibility analyses for wind industry proponents.

Christina Merten, P.E., works as a Senior Wetland Banking Specialist in the Shorelands and Environmental Assistance Program at Washington State Department of Ecology. She provides technical assistance to agencies and the public on wetland mitigation bank applications, approved projects, and the state wetland mitigation bank rule (WAC 173-700).

Michael Murphy, Land Conservation Program Manager, King County Department of Natural Resources, manages the County’s in-lieu-fee wetland mitigation program and also works with the Transfer of Development Rights Program.

The Hon. Larry Phillips, Council Member on King County Council, focuses on natural resource issues including salmon protection, land use and open space.

Stephen L. Samuels, an Assistant Section Chief in the Environmental Defense Section of the United States Department of Justice, supervises federal civil environmental litigation, including affirmative and defensive cases under Section 404.

Ankur Tohan, Assistant Regional Counsel, United States Environmental Protection Agency, Region 10, handles enforcement and permitting actions under the Clean Water Act, Clean Air Act, and Safe Drinking Water Act, and is legal counsel to the Region 10 Forest Team.

**Tuition:** Regular tuition for this program is $695 with a group rate of $520 each for two or more registrants from the same firm. For government employees, we offer a special rate of $465. For students and people in their job for less than a year, our rate is $347.50. All rates include admission to all seminar sessions, food and beverages at breaks, and all course materials. Make checks payable to Law Seminars International.

**Registration & Other Seminar Information**

**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, September 29, 2011. 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.

**Continuing Education Credits:** Live credits: This program qualifies for 6.5 WA CLE; 7 WA RE (pending); 6.0 AICP (pending) credits. Upon request, we will apply for, or help you 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 course materials (either a binder or searchable CD), is available for $705. The course materials 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.
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(206) 694-5000

You Will Learn About:

- Proposed EPA/Corps guidance on regulatory jurisdiction
- Reviewability of EPA compliance orders
- Ecology’s final wetland banking regulation
- King County fee-in-lieu mitigation
- Updates on Clean Water Act regulation of agricultural and forestry lands
- The new Nationwide permits
- Conservation easements and wetlands
- The interplay between Reasonable Use Exemptions and Separate Variance Procedure
- Reasonable Use exemptions to local controls

Watch for our telebriefings on major legal developments.

Members of our distinguished faculties will present analyses of major decisions and other developments as soon as they happen in a one-hour telephone conference.

If you wish to receive announcements for telebriefings that affect you, please make sure we have your email address — send it to me, H. Kate Johnson, President:
kate@lawseminars.com

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Upcoming Seminars:

<table>
<thead>
<tr>
<th>Seminar</th>
<th>Date</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Real Estate Litigation</td>
<td>September 19, 2011</td>
<td>Seattle, WA</td>
</tr>
<tr>
<td>Idaho Water Law</td>
<td>September 22, 2011</td>
<td>Boise, ID</td>
</tr>
<tr>
<td>California Environmental Quality Act (CEQA)</td>
<td>October 14, 2011</td>
<td>Santa Monica, CA</td>
</tr>
<tr>
<td>Tribal Energy in the Pacific Northwest</td>
<td>October 17 &amp; 18, 2011</td>
<td>Portland, OR</td>
</tr>
<tr>
<td>Growth Management and Land Use</td>
<td>November 3 &amp; 4, 2011</td>
<td>Seattle, WA</td>
</tr>
<tr>
<td>Tribal Water Law</td>
<td>October 27 &amp; 28, 2011</td>
<td>Las Vegas, NV</td>
</tr>
<tr>
<td>Energy in Alaska</td>
<td>December 1 &amp; 2, 2011</td>
<td>Anchorage, AK</td>
</tr>
</tbody>
</table>

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