Featuring Speakers From:
- Marten Law PLLC
- Phillips Burgess PLLC
- Plauche & Carr LLP
- Soundview Consultants LLC
- Talasae Consultants, Inc.
- Van Ness Feldman LLP
- Washington Department of Fish and Wildlife
- Washington State Department of Ecology
- U.S. Environmental Protection Agency

Who Should Attend:
Attorneys, environmental professionals, agency officials and corporate managers

The 15th Annual Seminar on
Wetlands in Washington

New regulations, legislative developments, case law, and practical tips for attorneys, environmental professionals, agency officials and property owners

October 19, 2015
Seattle, Washington
Courtyard Seattle Downtown/Pioneer Square

Credits: WA Bar 6.5 (incl. 1 ethic) CLE | WA RE 8 CH (pending) (call about others)
Quick when/where: 8:30 a.m., 612 Second Avenue

If you cannot attend, check boxes to order:
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Monday, October 19, 2015

8:00 Registration Opens
8:30 Introduction & Overview

Heather L. Burgess, Esq., Program Co-Chair
Phillips Burgess PLLC ~ Olympia, WA

Brent R. Carson, Esq., Program Co-Chair
Van Ness Feldman LLP ~ Seattle, WA

8:45 Defining Waters of the United States: To What Extent Will the New Rules Change EPA/Corps Jurisdiction?
Substantive provisions and how they evolved during the administrative process; current status and litigation update

Brent R. Carson, Esq., Program Co-Chair

EPA Region 10 implementation plans: What to expect as the national policy filters down

Endre Szalay, Esq., Assistant Regional Counsel
Environmental Protection Agency ~ Seattle, WA

Permitting strategies: Procedural issues; dealing with competing scientific reports on connectivity of streams and wetlands to downstream waters

Jeff B. Kray, Esq.
Marten Law PLLC ~ Seattle, WA

10:15 Break
10:30 National Case Law Update: The What Else (Other Than Waters of the United States)
Developments at the federal and state levels

Amanda M. Carr, Esq.
Plauche & Carr LLP ~ Seattle, WA

11:15 Ecology’s Wetlands Program Plan (WPP): What the State Seeks to Accomplish Over Time
Core elements of WPP; implementation plans to meet the state’s goal of an overall gain in wetland resources

Lauren C. Driscoll, Section Manager, Wetlands
Washington State Department of Ecology ~ Olympia, WA

12:00 Lunch (on your own)

1:15 Developer Sponsored On-Site Mitigation vs. Mitigation Banks and Fees In-Lieu of Mitigation

When is on-site mitigation an option? In light of the preference for fees in-lieu and/or purchasing credits from mitigation banks, when does it make sense? How do you do it?

Jeremy Downs, Principal Biologist / Environmental Planner
Soundview Consultants LLC ~ Gig Harbor, WA

William E. Shiels, Principal
Talasaea Consultants, Inc. ~ Woodinville, WA

2:15 New Department of Fish and Wildlife Rules for Hydraulic Project Approvals (HPAs)
Details of the new Rules; how project applications should appropriately address update work; how you anticipate WDFW review and conditions

Randi Thurston, Habitat Program Protection Division Manager
Washington Department of Fish and Wildlife ~ Olympia, WA

2:45 Break
3:00 Floodplains and Executive Order 11988
Climate change, sea level rise, and changing precipitation patterns: The new requirement for federal agencies to avoid, to the extent possible, direct and indirect support of floodplain development wherever there is a practicable alternative

Molly Lawrence, Esq.
Van Ness Feldman LLP ~ Seattle, WA

3:30 How Habitat Changes Relate to Wetland Regulations
How the newer listed species (e.g. Sage Grouse, Pocket Gopher, Streaked Horn Lark) impact project consultation for 404 permitting and SEPA/NEPA compliance

Martha Wehling, Esq.
Phillips Burgess PLLC ~ Olympia, WA

4:00 Ethical Issues for Land Use and Environmental Lawyers Appearing Before Government Agencies
Limits on communications with agency staff; use of consulting vs. testifying experts; attorney involvement in, and influence over, environmental reports; special issues for multi-party proceedings with pro-se participants

Heather L. Burgess, Esq., Program Co-Chair

5:00 Evaluations & Adjourn

Local, state, and federal regulation of wetlands remains dynamic as regulators respond to legislative, executive, and judicial guidance and implement new rules. This seminar focuses on new issues impacting wetlands and their effect on local government, business interests, property owners, developers, and the environment.

Our distinguished faculty will discuss recent developments in federal wetlands regulation; provide a case law update of recent decisions impacting local, state, and federal wetlands regulation; compare and contrast the use of wetland mitigation banks, in-lieu fee programs and permittee-sponsored mitigation; consider the interplay of wetlands regulation and new Hydraulic Project Approval rules by the Washington Department of Fish & Wildlife; explore recent listings of new threatened species and the impact in wetland permitting; and address ethical issues in environmental litigation before government agencies. We hope to see you there.

~ Program Co-Chairs: Heather L. Burgess, Esq., Phillips Burgess PLLC, and Brent R. Carson, Esq., Van Ness Feldman, LLP

Questions?
This program is coordinated by Shirley Grew
(206) 567-4490
sgrew@lawseminars.com
The seminar will be held at the Courtyard Seattle Downtown/Pioneer Square at 612 Second Avenue in Seattle, WA 98104. Call the hotel directly at (206) 625-1111 for reservations at the special negotiated rate of $189 per night. Rooms are on a first come, first served basis.

**Tuition:** Regular tuition for this program is $595 with a group rate of $445 each for two or more registrants from the same firm. For government employees, we offer a special rate of $395. For students, people in their job for less than a year, and public interest NGOs, our rate is $297.50. All rates include admission to all seminar sessions, food and beverages at breaks, and all course materials. Make checks payable to Law Seminars International. Financial aid is available to those who qualify. Contact our office for more 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 Tuesday, October 13, 2015. After that time, we will credit your tuition toward attendance at another program or the purchase of a Homestudy.

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**Continuing Education Credits:** Live credits: This program qualifies for 6.5 WA CLE (incl 1 ethics), 8 WA RE CH credits (pending). Upon request, we will apply for, or help you apply for, CLE credits in other states and other types of credits.

**Time Shift Your Content:** Homestudy webcast and audio replays, with printed or electronic course materials, are available for $605. The course materials alone are available for $100. Homestudies will be available within two weeks after the seminar or from the date we receive payment.

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**Heather L. Burgess, Program Co-Chair**, founding member, Phillips Burgess PLLC, practices in all phases of real estate development, from pre-acquisition due diligence, through local permitting and administrative, or judicial appeals associated with the permit process under GMA, SEPA and SMA. She is an experienced civil real estate litigator representing clients in real property-related claims.

**Brent R. Carson, Program Co-Chair**, member, Van Ness Feldman LLP, is experienced in local, state and federal land use and environmental entitlements processes. His litigation practice includes defense of environmental enforcement actions and development approvals before local and state administrative tribunals and in court, as well as resolving real property disputes.

**Amanda M. Carr**, partner, Plauche & Carr LLP, consults on land use and environmental law issues, including CWA, ESA, SMA, SEPA/NEPA, and strategic planning. She frequently serves as both an advocate and a project manager for complex projects, including those that require regulatory approvals from multiple agencies.

**Jeremy Downs**, Principal Scientist and Environmental Planner, Soundview Consultants LLC, consults in land use, site planning and design, project coordination, permitting and management, marine and wetland ecology, habitat restoration, wetland, stream, and eelgrass delineations and assessments, biological assessments, benthic surveys, stream assessments, underwater and terrestrial monitoring programs, and mitigation planning.

**Lauren C. Driscoll**, Section Manager, Wetlands, Washington State Department of Ecology.

**Jeff B. Kray**, partner, Marten Law PLLC, focuses on water quality, water resources and environmental litigation, including Clean Water Act permitting, regulatory compliance and CERCLA site remediation. He advises on water quality permit compliance and defense matters, stormwater pollution prevention, and transference of water rights.

**Molly Lawrence**, partner, Van Ness Feldman LLP, counsels public and private clients in all facets of land use law, including divergent federal, state and local statutes and regulations, drafting new and revised laws and regulations, and advising clients through the legislative process.

**William E. Shiel**, Principal Ecologist, Environmental Planner, of Talasea Consultants, Inc., consults in natural resources, environmental planning and design, project management, and field and laboratory analysis, concentrating on aquatic resources assessment. He’s experienced in environmental restoration and assessments, feasibility analysis, master planning, wetland studies, and mitigation design and water quality studies of marine and estuarine environments.

**Endre Szalay**, Assistant Regional Counsel, EPA Region 10, represents the EPA in Clean Water Act enforcement actions and provides counsel to EPA program clients on Clean Water Act issues. He is EPA Region 10’s lead attorney for Clean Water Act Section 404 and the definition of Waters of the United States.

**Randi Thurston**, Biologist, Habitat Program Protection Division Manager, Washington Department of Fish & Wildlife. Previously, she worked for NOAA Fisheries as a research biologist and with Kitsap County’s Community Development Department as the Kitsap County Stream Team Coordinator prior to joining the Department of Fish & Wildlife as a habitat biologist in 2001.

**Martha Wehling**, Phillips Burgess PLLC, counsels on local land use issues, contracts, conservation opportunities, compliance with forest practices rules, public process, and issues arising under the State Environmental Policy Act, the federal National Environmental Policy Act, and state and federal laws related to threatened, sensitive, and endangered species. Previously, she was an Assistant Attorney General, and lead counsel for the DNR, Forest Resources and Conservation Division.
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