



**LAW SEMINARS
INTERNATIONAL**

The power of information®

29th Annual Conference on Critical Developments for
Water Law in Washington

*Features a "powerhouse" faculty to bring you up to date on
major legislative changes, final Yakima and future adjudications,
Streamflow Restoration Act, and much more*

June 25 & 26, 2020 | Seattle, WA
Via Zoom

Agenda – Day 1

8:30 Registration Opens

9:00 Introduction & Overview

Maia D. Bellon, Esq., *Program Co-Chair*
Cascadia Law Group ~ Olympia, WA
Bill Clarke, Esq., *Program Co-Chair*
Attorney at Law & Government Affairs ~ Olympia, WA

9:15 Senate Bill 6091

Streamflow Restoration Act (Hirst) Implementation

Bennett Weinstein, Esq., *Streamflow Section Manager*
Washington State Department of Ecology ~ Bellevue, WA

Gary S. Stoyka, *Natural Resources Program Manager*
Whatcom County Public Works Department
Bellingham, WA

Patrick Williams, Esq.
Law Office of M. Patrick Williams ~ Seattle, WA

10:30 Break

10:45 Water Law Case Law Updates

Updates and practice tips from the Hearings Boards

The Hon. Neil L. Wise, Esq., *Board Member*
Pollution Control and Shorelines Hearings Board
Olympia, WA

Noteworthy judicial and administrative cases

Alan M. Reichman, Esq., *Senior Counsel*
Washington State Office of the Attorney General
Olympia, WA

12:15 Lunch (on your own)

1:30 Foster Task Force and Pilot Projects

Progress report including Net Ecological Benefit in streamflow restoration mitigation plans and Foster Pilots: How is it defined, and who decides when Net Ecological Benefits are achieved

Maia D. Bellon, Esq., *Program Co-Chair, Moderator*

Joseph A. Brogan, Esq.

Foster Garvey ~ Seattle, WA

Thomas M. Pors, Esq.

Law Office of Thomas M. Pors ~ Seattle, WA

Sharon I. Haensly, Esq., *Attorney*

Squaxin Island Tribe ~ Shelton, WA

3:00 Break

3:15 Yakima Basin Integrated Plan at 10 Years

Overview

Jean O. Melious, Esq., *Professor, Moderator*

Western Washington University ~ Bellingham, WA

Perspectives on what has been working well and what has not

G. Thomas Tebb, LhG, LEG,

Director, Office of Columbia River

Washington State Department of Ecology ~ Union Gap, WA

Lisa Pelly, Director, Washington Water Project

Trout Unlimited ~ Wenatchee, WA

Wendy Christensen, YRBWEP Manager

US Bureau of Reclamation ~ Yakima, WA

4:30 Special Address on the End of an Era: Lessons Learned from Acquavella

Sidney P. Ottem, Esq.

Brumback & Ottem ~ Union Gap, WA

5:00 Virtual Reception Honoring of Legendary Water Rights Attorney Charlie Roe

Agenda – Day 2

9:00 Columbia Basin Issues

Quincy Basin water supply issues

Eric Weber, LHG, CWRE, Principal Hydrogeologist

Landau Associates ~ Edmonds, WA

Columbia River: Treaty negotiations and current management issues

Norman M. Semanko, Esq.

Parsons Behle & Latimer ~ Boise, ID

10:15 Break

10:30 Skagit River Basin Issues

Update on the agreement between Ecology and Seattle City Light to provide water for 340 landowners and additional water for fish

Matthew D. Wells, Esq.

Tupper Mack Wells PLLC ~ Seattle, WA

Maia D. Bellon, Esq., *Program Co-Chair*

Cascadia Law Group ~ Olympia, WA

11:00 Tribal Water Law Issues

Update on Tribal water law and ongoing implications of the U.S. Supreme Court Culverts Decision for Washington water management

Robert Anderson, Esq.

Director of the Native American Law Center

University of Washington School of Law ~ Seattle, WA

The next phase of Acquavella and how groundwater use might be regulated: A scientific perspective on how to best meet Tribal, purveyor, fisheries, and agricultural needs

Chris V. Pitre, Founder
Coho Water Resources ~ Seattle, WA

12:15 Lunch (on your own)

1:30 **Water Rights Transfers and the Trust Water Program**

Mitigation, regulation of trust water, and speculation issues

Peter H. Dykstra, Esq.
Plauche & Carr ~ Seattle, WA

2:00 **Mitigation Programs for Exempt Wells**

Case study of Kittitas County

Dan Haller, Principal Engineer
Aspect Consulting ~ Yakima, WA

2:30 **Legislative Policy: Post-Op on the 2020 Session and What to Expect for 2021**

Perspectives from the House and Senate

Bill Clarke, Esq., Program Co-Chair, Moderator

Robert Hatfield, Esq.,
Counsel, Environment & Energy Committee
Washington State House of Representatives
Olympia, WA

Karen Epps, Esq., Senior Coordinator and Counsel
Washington State Senate ~ Olympia, WA

Kathleen Collins, Owner
Capitol Strategies Consulting ~ Olympia, WA

3:30 **Evaluations and Adjourn**

Who Should Attend

Attorneys, environmental and land use professionals, local government and Tribal representatives, planners, landowners, water users, and other stakeholders

About the Conference

As the Acquavella adjudication comes to a close, other basins in Washington State are now under consideration for a future water rights adjudication. The Streamflow Restoration Act (Hirst legislation), clarifying the use of permit-exempt wells and providing funding for instream flow protection, is now being implemented in a number of basins.

The Act introduced into statute the undefined term "Net Ecological Benefit." The Foster Task Force has been grappling with the task of creating a workable definition and we will take an in-depth look at its work.

The 2020 Legislature saw a number of different bills that would limit water transfers, water banking, or the use of water rights for specific uses, and the 2021 Legislature appears poised to be a major year for water resource legislation. Our legislative panel will provide you with good insights into the political dynamics and what to expect from the next session.

We also have new developments to discuss with regard to Columbia and Yakima Basin.

We hope you'll join us for what promises to be a very timely and informative program. Register now to save your seat!

~ Maia D. Bellon, Esq. of Cascadia Law Group and
Bill Clarke, Esq. of Attorney at Law & Government Affairs, Program Co-Chairs

Registration & Other Conference Information

Tuition: Regular tuition for this program is \$895 with a group rate of \$805 each for two or more registrants from the same firm. For government employees and Tribal members, we offer a special rate of \$670. For students, people in their job for less than a year, and public interest NGO's, our rate is \$447.50. All rates include admission to all program sessions and 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 Friday, June 19, 2020. After that time, we will credit your tuition toward attendance at another program or the purchase of an audio or video replay.

Continuing Education Credit: This program qualifies for 11:00 WA MCLE, 11:00 AICP planner, and 11:00 ABCEP environmental professional credits. Upon request, we will help you apply for CLE credits in other states and other types of credits.

Time Shift Your Content: Audio podcasts and video replays, with course materials, are available for download or on a flash drive at the same price as live attendance. The course materials alone are available for \$100. Replays will be available within five business days after the program or from the date we receive payment.

Faculty

Maia D. Bellon, *Program Co-Chair*, is a partner at Cascadia Law Group. She served as Director of the Washington State Department of Ecology from 2013 through 2019.

Bill Clarke, *Program Co-Chair*, Attorney at Law & Government Affairs, is a former Chair of the Pollution Control Hearings Board and Shorelines Hearings Board.

Sidney P. Ottem, *Special Address*, Brumback & Ottem, managed the Yakima Basin Stream Adjudication until its near completion in 2008.

Jean O. Melious, *Moderator*, is a professor at Western Washington University, where she teaches Land Use and Environmental Law.

Robert Anderson is the Director of the Native American Law Center at the University of Washington School of Law.

Joseph A. Brogan, a principal at Foster Garvey, is one of the leading water rights lawyers in Washington state.

Wendy Christensen is the Yakima River Basin Water Enhancement Program Manager for the US Bureau of Reclamation.

Kathleen Collins, Owner of Capitol Strategies Consulting, represents local governments on environmental issues.

Peter H. Dykstra is a partner at Plauche & Carr. He counsels clients on water rights, and complex natural resource projects.

Karen Epps is Senior Coordinator and Counsel to the Washington State Senate committee on Agriculture, Water, Natural Resources & Parks.

Sharon I. Haensly is an Attorney for the Squaxin Island Tribe. She previously worked for the Swinomish Indian Tribal Community.

Dan Haller is a Principal Engineer at Aspect Consulting focusing on water rights and systems.

Robert Hatfield is Counsel for the Washington State House of Representatives Environment & Energy Committee.

Lisa Pelly is the Director of the Washington Water Project for Trout Unlimited. In 2016, its Yakima and Methow projects were showcased in White House summit focused on water resources and sustainability.

Chris V. Pitre is the Founder of Coho Water Resources.

Thomas M. Pors, Law Office of Thomas M. Pors, focuses on water rights and municipal water system planning.

Alan M. Reichman is Senior Counsel for the Ecology Division of the Washington State Attorney General's Office.

Charlie Roe is an honored local attorney who pioneered the practice area of environmental-resource law beginning when he joined the Washington State Attorney General's Office in 1960. Among his many accomplishments was to head the office's Environmental Protection division (and under other titles) for nearly a quarter-century. In 1990 Charlie retired from the Attorney General's Office and joined the Olympia office of Perkins Coie.

Norman M. Semanko is Parsons Behle & Latimer's water law practice group leader in the Pacific Northwest Region. He represents clients on water law, environmental and land use matters before government agencies and state and federal courts.

Gary S. Stoyka is the Natural Resources Program Manager for the Whatcom County Public Works Department.

G. Thomas Tebb, LHG, LEG, is the Director of the Washington State Department of Ecology's Office of Columbia River.

Eric Weber, LHG, CWRE, is a Principal Hydrogeologist at Landau Associates and manages the Water Resources Group.

Bennett Weinstein is the Streamflow Section Manager for the Washington State Department of Ecology.

Matthew D. Wells is a partner at Tupper Mack Wells PLLC. He is an environmental and natural resources compliance attorney on marine and fresh water issues, including cleanup, due diligence, water rights and project permitting.

Patrick Williams, Law Office of M. Patrick Williams, works with state and local agencies, and Tribes, on complex environmental regulatory and policy issues.

The Hon. Neil L. Wise is a Board Member for the Pollution Control and Shorelines Hearings Board. Prior to his appointment to the Boards, he was a Senior Counsel at the Washington State Attorney General's Office.