

28th Conference Program!

April 22-23, 2013 • Hotel Nikko • San Francisco



Publications and MCLE Conference Programs
for the California Water Bar since 1989

California Water Law & Policy

“California Water 2013: Negotiating the Legal and Regulatory Changes Affecting Water Use”

Water supply issues are exploding across the state. The San Francisco Bay/Sacramento-San Joaquin Delta is a hot-spot, and developments are coming to a head through the Bay-Delta Conservation Plan and new Water Quality Control Plan. Issues on the Colorado River are also in full swing, with the Quantification Settlement Agreement litigation coming closer to completion and new agreements with Mexico affecting the Law of the River.

Water quality matters are also at the fore: fracking, nitrates, MS4s, TMDLs, and recent Supreme Court decisions on the scope of the Clean Water Act. Developments in climate change, the interplay between CEQA reform and water law, FERC relicensing, the Endangered Species Act, the Kern River controversy, groundwater rights, and State Board enforcement are also affecting water supply and development.

All of these issues have one thing in common: They're all key concerns facing California's water in 2013. And they'll all be analyzed at Argent Communication Group's California Water Law & Policy conference. This comprehensive, practice-oriented two-day event is a must-attend for anyone who needs to understand California's complex water issues. You'll get the latest analysis of these issues, including several different (and sometimes conflicting) perspectives from the top practitioners in the field. You'll also have plenty of opportunities to network with your peers.

Gain practical insights from our distinguished Faculty of experts representing some of the state's top law firms and key institutional players, a keynote presentation from Felicia Marcus, Member of the State Water Resources Control Board, and representatives from the following organizations:

California State Water Resources Control Board
Cardno ENTRIX
Defenders of Wildlife
Luhdorff & Scalmanini Consulting Engineers
Metropolitan Water District of Southern California
Northern California Water Association
The Shibatani Group
West-Yost Associates

Be sure to register today for this very special event and find out what effect these critical topics will have on each other—and how potential outcomes could change your practice.

If you can attend only one MCLE water law conference this year, make sure it's “California Water 2013: Negotiating the Legal and Regulatory Changes Affecting Water Use” from Argent Communications.

Conference Co-Chairs:



Kevin M. O'Brien, Esq.
Downey Brand
Sacramento



Seven M. Anderson Esq.
Best, Best & Krieger
Riverside

The only California Water Law & Policy conference produced by the California-based Publishers and Editors of the *California Water Law & Policy Reporter* and co-sponsored by many of the state's top law firms.



Conference Co-Sponsors:

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always in the Spring.

REGISTER TODAY!

800-419-2741

<register@argentco.com>

Monday, April 22

- 7:30 Registration and continental breakfast
8:30 **Conference Overview with Critical Detail**
Kevin M. O'Brien; Steven M. Anderson
- 8:45 **Recent U.S. Supreme Court Decisions: Environmental and Water Law** Antonio Rossmann, Esq., Rossmann & Moore, San Francisco
- 9:15 **Water Primer 101: Understanding California Groundwater Law**
 - **Basic Principles of Groundwater Hydrology** Thomas Elson, Luhdorff & Scalmanini Consulting Engineers, Sacramento
 - **Principles of California Groundwater Law** Kevin M. O'Brien, Esq., Downey Brand, Sacramento
 - **Managing Groundwater Adjudications: Lessons Learned** Stefanie Morris, Esq., Best, Best & Krieger, Sacramento
- 10:30 BREAK
10:45 **Delta I—the Draft Bay Delta Conservation Plan**
 - **Overview of the Process and Plan** Daniel O'Hanlon, Esq., Kronick, Moskovitz, Tiedemann & Girard, Sacramento
 - **The Perspective from the Metropolitan Water District of Southern California** Jeffrey Kightlinger, General Manager, The Metropolitan Water District of Southern California, Los Angeles
 - **Other Perspectives on the BDCP: The NGO-Urban Agencies Alternative** Hal Candee, Esq., Altshuler Berzon, San Francisco
- 12:00 LUNCH
- 1:15 **KEYNOTE ADDRESS: The Bay-Delta and Other State Water Resources Control Board Developments**
Felicia Marcus, Member, State Water Resources Control Board
- 1:45 **Delta II—The New Water Quality Plan for the Delta**
 - **Managing the Delta for Various Beneficial Uses** David Guy, President, Northern California Water Association, Sacramento
 - **The Unimpaired Flow Paradigm—A Recipe for Success or Failure?** Karna Harrigfeld, Esq., Herum Crabtree, Stockton
 - **The Environmental Perspective** Kim Delfino, California Program Director, Defenders of Wildlife, Sacramento
- 2:45 BREAK
3:00 **Beyond the Bay-Delta: The ESA and Aquatic Species Regulation in Central and Southern California**
 - **ESA Agency Consultation Requirements and Developments in Aquatic Species Regulation** Amy Steinfeld, Esq., Brownstein Hyatt Farber Schreck, Santa Barbara
 - **Risk Management: Navigating State and Federal ESA Compliance for Existing and Future Projects** Stephanie O. Hastings, Esq., Brownstein Hyatt Farber Schreck, Santa Barbara
 - **Working with the Wildlife Agencies to Permit Water Projects and Mitigate Project Impacts** James H. Lecky, Senior Fisheries Biologist, Cardno ENTRIX, Seattle, WA
- 4:15 **Colorado River and Quantification Settlement Agreement Update**

- **Under Pressure: The Law of the Colorado Shaped by New Realities** Patrick Redmond, Esq., Law and Resource Planning Associates, Albuquerque
- **The QSA: War and Peace on the Colorado River** Michelle Ouellette, Esq., Best, Best, & Krieger, Riverside

5:00 Q&A and Adjourn to Networking Reception

Tuesday, April 23

- 8:30 **Overview of Day Two**
Steven M. Anderson; Kevin M. O'Brien
- 8:45 **Emerging Water Quality Issues**
 - **Hydraulic Fracturing in California: Energy Boom or Environmental Calamity?** Eric Adair, Esq., Hinson Gravelle & Adair, Valencia
 - **Nitrates in Groundwater—The New Water Quality Battleground** Melissa Thorme, Esq., Downey Brand, Sacramento
 - **The Outer Limits of the Clean Water Act** Shawn Hagerty, Best, Best & Krieger, San Diego
- 10:15 BREAK
10:30 **Regulatory Enforcement Update: Rules and Consequences**
 - **Expanded Notice Requirements for Water Use and SWRCB Enforcement** Michele A. Staples, Esq., Jackson | DeMarco | Tidus | Peckenpaugh, Irvine
 - **MS4 Permitting Developments** Kathryn Horning, Esq., Allen Matkins, San Diego
 - **Climate Change and Water: Ongoing Opportunities for Regulatory Discretion** Robert Shibatani, CEO & Principal Hydrologist, The Shibatani Group, Sacramento
- 11:45 LUNCH
1:00 **Land Use Developments Affecting Water**
 - **CEQA Reform and Water Law** Christian Marsh, Esq., Downey Brand, San Francisco
 - **Permitting Desalination Facilities—Running the Ultimate Gauntlet** Scott Birkey, Esq., Cox, Castle & Nicholson, San Francisco
- 1:45 **FERC Relicensing: The New Battleground for Fish Flows and Fish Passage**
 - **The State Board's 401 Certification Authority in FERC Proceedings** Andrew H. Sawyer, Assistant Chief Counsel, State Water Resources Control Board, Sacramento
 - **The Oroville Project Relicensing** Thomas Berliner, Esq., Duane Morris, San Francisco
 - **The Yuba River Development Project Relicensing** Alan B. Lilly, Esq., Bartkiewicz, Kronick & Shanahan, Sacramento
- 2:45 BREAK
3:00 **The SWRCB Is Coming to Town: The Kern River Proceeding**
 - **Physical Overview of the Kern River System** Polly Boissevain, West-Yost Associates, Walnut Creek
 - **Legal Overview: The Law of the Kern River** Scott Kuney, Esq., Young Wooldridge, Bakersfield
 - **The SWRCB Proceeding** Colin Pearce, Esq., Duane Morris, San Francisco
- 4:00-4:15 Q&A and Evaluations, Adjourn

PROGRAM CO-CHAIRS:

Steven M. Anderson is a partner at and chairs Best Best & Krieger's Natural Resources Practice Group, where his practice focuses on environmental, water and natural resources law.

Kevin M. O'Brien is the managing partner at Downey Brand, where he practices environmental, water, natural resources and endangered species law.

FACULTY:

K. Eric Adair represents corporations, landowners, government agencies, water supply agencies, cities and individuals in environmental and natural resources litigation and a variety of transactional matters.

J. Mark Atlas assists cities, public agencies, non-profit organizations and private businesses in acquiring water and developing the infrastructure necessary for new development.

Thomas Berliner advises public and private clients on all aspects of water supply, hydropower and sustainable energy practices, natural resources and environmental compliance and litigation.

Scott Birkey practices in connection with the preparation of environmental review documents pursuant to NEPA, CEQA, and Section 404 of the Clean Water Act.

Polly Boissevain is a licensed professional engineer and has over 28 years of professional experience in water resources planning.

Hal Candee represents nonprofit conservation organizations on a variety of California water issues, including the Bay Delta Conservation Plan (BDCP).

Kim Delfino manages a team of professionals who oversee the protection of natural resources and wildlife in California.

Thomas Elson is a consulting engineer who has overseen and practiced in groundwater matters for the past 23 years.

David Guy works toward advancing economic interests that promote conservation within California and has advised Congress on resources sustainability in California.

Shawn Hagerty provides advisory and litigation services to municipalities in the area of land use and planning, including general plan, zoning, subdivision map act and other regulations.

Karna Harrigfeld has extensive experience in advising and representing major residential developers and private and public institutions, particularly in water development issues.

Stephanie Hastings counsels in water law and environmental issues and represents the interests of all classes of water users in both transactional and litigation matters, at trial and on appeal.

Kathryn D. Horning practices in the areas of environmental contamination, land use, development and water rights disputes, and business litigation.

Jeffrey Kightlinger reports to the MWD's Board of Directors and is responsible for carrying out board policy directives and for managing the agency's staff and resources.

Scott Kuney specializes in the areas of water rights, eminent domain litigation, CEQA, EPA, and ESA matters and is a second-generation water lawyer.

James Lecky is a fisheries biologist who previously worked for 36 years with the NMFS and for six years with the NOAA in ESA and Marine Mammal Protection Act matters.

Alan Lilly represents and advises public agencies and private parties in water-rights matters and in related proceedings involving the CEQA, NEPA and the federal and California ESAs.

Felicia Marcus is a Board Member of the State Water Resources Control Board. She previously was the Western Director for the Natural Resources Defense Council and Regional Administrator of Region 9 of the U.S. Environmental Protection Agency.

Christian Marsh advises public and private clients on natural resources and land use matters involving the public trust doctrine, water supply and quality and endangered species.

Stefanie Morris represents both public and private clients such as the Truckee Meadows Water Authority, the City of Corona, Los Angeles County, and the City of Santa Maria.

Daniel O'Hanlon represents both public and private entities in the areas of water resources, remediation of contaminated property, endangered species, and wetlands.

Michelle Ouellette represents municipal, district and private clients in environmental issues arising under CEQA, NEPA, the state and federal Endangered Species Acts, and wetlands regulations.

Colin Pearce represents public entities, including cities, water districts and utility districts on environmental, water, energy and regulatory issues.

Patrick Redmond specializes in environmental and water law issues and deals with the ESA implications of increasing water demands and water shortages.

Antonio Rossmann has practiced land use and natural resources law for more than a third of a century. He has served as counsel in leading water and land-use proceedings.

Andrew Sawyer manages the activities of the Office of the Chief Counsel involving water rights and underground storage tank programs.

Robert Shibatani is a watershed hydrologist and has worked on research projects for the U.N. Educational Science and Cultural Organization, among many others.

Michele A. Staples represents agricultural businesses, water suppliers, landowners and developers in CEQA, land use, water resources, and endangered species proceedings.

Amy Steinfeld represents clients in water rights issues including legal transactions, litigation, groundwater adjudications and water quality. She has represented clients in the QSA litigation.

Melissa Thorne practices complex administrative and litigation work in the area of water quality law, and has litigated major water quality cases in state and federal courts.

Location and Lodging:

The site of the program is the Hotel Nikko, 222 Mason St., San Francisco, CA 94102. A block of rooms has been reserved at a special negotiated rate of \$279. To register for your room at the discounted rate, call 800-248-3308, and ask for the "Argent California Water Law 2013" discount. Space is limited, so register by the April 1, 2013 cut-off date!

Tuition:

Conference tuition is \$795. A discount of \$100 is available for individuals from government agencies, public interest groups, or academia; for current subscribers to the *California Water Law & Policy Reporter*; or for each attendee when two or more people from one firm or organization register together.

Tuition includes attendance, program materials, continental breakfasts, morning and afternoon refreshment breaks, and a three-month electronic subscription to the *California Water Law & Policy Reporter* (a \$170 value).



Four Ways to Register:

Early registration is encouraged. To register: (1) Register online for both the conference and hotel at: www.argentco.com/2013cwlconference; (2) Mail the completed registration form on the reverse to: Argent Communications Group, PO Box 506, Auburn, CA 95604-0506; (3) Complete the registration form and fax to 530-852-0360 or email to <register@argentco.com>; or call 800-419-2741. Full payment or purchase order is due with registration.

MCLE Credit:

MCLE accreditation has been requested for this program. Pending MCLE accreditation approval by the State Bar of California for up to 11 hours.

Cancellation Policy:

Full refunds (less a \$50 processing fee) will be made only if notice is received by April 13, 2013. Substitutions are encouraged. Argent Communications Group reserves the right to cancel any program and assumes no responsibility for personal loss.

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REGISTRATION FORM

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WITH A KEYNOTE PRESENTATION BY:



Felicia Marcus, Board Member,
State Water Resources Control Board

WHAT ATTENDEES SAY ABOUT THIS CONFERENCE:

“This conference was terrific. I appreciated the breadth and depth of the presentations and will use the information going forward.”

—David Edwards, Deputy City Attorney
Los Angeles City Attorney’s Office
Department of Water and Power

“The conference formula is spot on and allows enough flexibility to adjust to current topics. One could attend this conference every year and walk away with new, relevant, and useful information.”

—Paul R. Boughman, Special Counsel, Water Law
Western Area Counsel Office, Camp Pendleton

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