



Raising the Bar of Continuing Legal Education

ACCREDITATION

WA & CA CLE:

12.0 General Credits

OR & AK CLE:

12.5 General Credits

Idaho CLE:

10.5 General Credits

Who Should Attend:

- Attorneys
- Government Regulators
- Consultants and Engineers
- Developers and Landowners
- Tribal Officials
- Conservationists
- Environmental Representatives
- Those Involved in the Complex Procedures Governing the Endangered Species Act

17th Annual

Endangered Species Act

JAN. 28 & 29, 2010 ♦ WA STATE CONVENTION & TRADE CENTER ♦ SEATTLE, WA

Why You Should Attend:

Our 17th Annual Endangered Species Act conference is a two-day seminar in which ESA practitioners, agency officials, and scientists provide the latest and most important information you'll need for ESA compliance.

This conference will help attorneys, businesses and government staff to understand the complexities of the law. It will also provide practical insights and an opportunity to network with experts and colleagues.

Available via:



www.TheSeminarGroup.net

**5 EASY
WAYS TO
REGISTER**

- ① ONLINE: www.TheSeminarGroup.net
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**CONFERENCE
SCHEDULE
INSIDE** ➤



17th Annual Endangered Species Act ~ Seattle, WA

Thursday, January 28, 2010

Friday, January 29, 2010

8-8:45 **Optional Session: Introduction to the Endangered Species Act**

James M. Lynch
K & L Gates LLP

9:00 **Welcome and Overview of Day One**

Melanie J. Rowland, Program Co-Chair
NOAA, Office of General Counsel
James M. Lynch, Program Co-Chair
K & L Gates LLP

9:10 **Keynote Address ~ Making the ESA Work Better: Thoughts from the New Administration**

Michael J. Bean, Counselor
U.S. Department of the Interior

9:40 **Litigation Update**

Eric W. Nagle
Office of the Solicitor, Department of the Interior

10:30 **Break**

10:45 **View from the "Other Washington": ESA in a New Congress and Administration**

L. Michael Bogert
Crowell & Moring LLP, Washington DC
John F. Kostyack
National Wildlife Federation

11:45 **The Continuing Saga of Consultation Regulations**

L. Michael Bogert
Patti Goldman, Litigation Dir.
Earthjustice
Melanie J. Rowland

12:30 **Lunch (on your own)**

1:45 **ESA and Alternative Energy Projects**

- Wind, Wave, Solar, Biofuels
- Linda R. Larson**
Marten Law Group PLLC
- FERC – Licensed Projects
 - Case Study: Bradwood Landing LNG Terminal
- Christopher Fontecchio**
NOAA, Office of General Counsel

ESA IN THE OCEAN CONTEXT

2:45 **Ecosystem Implications of Ocean Acidification**

Richard A. Feely, PhD
NOAA, Pacific Marine Environmental Laboratory

3:15 **Break**

3:30 **Underwater Noise and Marine Mammals**

Marla Holt, PhD, Wildlife Research Biologist
Northwest Fisheries Science Center

4:00 **Zoning the Ocean: Marine Area Planning and Aquatic Species**

Marine Protected Areas; Shipping, Oil and Gas, Aquaculture and Energy Products
Prof. Deborah A. Sivas
Stanford Law School

4:30 **What Non-Scientists Need to Know About the Role of Science in Decision-Making**

Gordon H. Orians, PhD, Prof. Emeritus
Department of Biology, University of Washington

5:00 **Questions and Answers**

Members of the Faculty

5:15 **Networking Reception ~ Sponsored by:**

K&L Gates LLP

9:00 **Welcome and Overview of Day Two**

Program Co-Chairs

9:10 **Section 4 Update: Listing, Delisting, and Critical Habitat**

Wolves, Sage Grouse, Bull Trout, Salmon
Donna Darm
NOAA Fisheries
Eric W. Nagle
Office of the Solicitor, Department of the Interior

10:15 **Break**

10:30 **Indian Treaty Rights, ESA, and the "Culverts" Litigation**

Bart J. Freedman
K & L Gates LLP, Washington DC
Alan C. Stay
Muckleshoot Indian Tribe

11:15 **Resolving ESA Disputes with Multiparty Negotiations: FERC Relicensing Settlements**

Matthew A. Love
Van Ness Feldman
James M. Lynch

12:00 **Lunch (on your own)**

1:30 **Challenging ESA Decisions: FOIA & Administrative Record Issues**

What is the Administrative Record? Privilege; Extra-Record Documents; Discovery

Steve Mashuda
Earthjustice
Eric S. Merrifield
Perkins Coie LLP

2:15 **Section 7 Update: Maury Island Gravel Mining; Federal Columbia River Power System**

Mark Eames
NOAA, Office of General Counsel, NW Region
David S. Mann
Gendler & Mann LLP

3:15 **Lightning Round: Panelists on the Spot**

James M. Lynch, Moderator
- Panelists:

Donna Darm
Patti Goldman
Melanie Rowland
Alan C. Stay

3:45 **Questions and Answers**

Members of the Faculty

UPCOMING SEMINAR SCHEDULE:

Commercial Real Estate Purchase & Sales

October 8, 2009 ~ Spokane, WA

Insurance in the Construction Industry

October 16, 2009 ~ Seattle, WA

The Mighty Columbia

October 29, 2009 ~ Seattle, WA

Carbon Credits

November 12, 2009 ~ Portland, OR



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THE SEMINAR GROUP ~ FACULTY

17th Annual Endangered Species Act

Melanie J. Rowland, Program Co-Chair, is a senior attorney in the Office of General Counsel of NOAA in Seattle, where she advises NOAA Fisheries on ESA matters concerning Pacific salmon and marine mammals. She is co-author with Michael Bean of the popular treatise *The Evolution of National Wildlife Law*.

James M. Lynch, Program Co-Chair, is a partner at K&L Gates LLP. His practice focuses on regulatory compliance and environmental law with emphasis on the Federal Power Act, Endangered Species Act, National Environmental Policy Act, Administrative Procedures Act and the Clean Water Act.

Michael J. Bean, Keynote Speaker, was named counselor for the U.S. Department of the Interior in June 2009. He had directed the wildlife conservation policy initiatives for the Environmental Defense Fund since 1977 and most recently served as co-director of its Center for Conservation Incentives.

L. Michael Bogert is Senior Counsel in the Environment & Natural Resources Group at Crowell & Moring LLP in Washington, DC. He is the former Counselor to Interior Secretary Dirk Kempthorne.

Donna Darm is Assistant Regional Administrator for the Protected Resources Division of the Northwest Region of NOAA's National Marine Fisheries Service.

Richard A. Feely, PhD, is a Program Leader with the Pacific Marine Environmental Laboratory (PMEL) Carbon Group, NOAA. His research interests include chemical oceanography and aquatic chemistry.

Mark Eames is a staff attorney with the Northwest Office of General Counsel, NOAA, representing the National Marine Fisheries Service in Federal Power Act and ESA relating to FERC-licensed hydropower projects.

Christopher D. Fontecchio, is with the Seattle office of NOAA, General Counsel's Office, where he is active in private hydropower issues.

Bart J. Freedman is a partner at K&L Gates LLP. His experience includes ESA, natural resource damages, hazardous waste matters, cost-recovery under CERCLA, criminal defense of Clean Water Act enforcement.

Patti Goldman is Vice President for Litigation for Earthjustice overseeing the organization's ten regional offices. She has extensive experience with the Endangered Species Act.

Marla Holt, PhD, is a National Resource Council (NRC) post doctoral associate at NOAA Fisheries Northwest Science Center investigating acoustic risk factors in Southern Resident killer whales and noise effects on their behavior.

John F. Kostyack, Executive Director of Wildlife Conservation and Global Warming at the National Wildlife Federation, leads efforts to conserve ecosystems threatened by climate change.

Linda R. Larson, a partner at Marten Law Group PLLC, has been lead attorney on large environmental litigation matters and has expertise in waste cleanup, property development, fisheries resources, and ESA.

Matthew A. Love, Van Ness Feldman PC, concentrates on solving difficult public policy natural resource issues.

David S. Mann, a partner with Gendler & Mann LLP, has more than 17 years experience representing clients throughout Washington on cases involving land use, environmental and property litigation and appeals.

Steve Mashuda, is a project attorney at Earthjustice. He began with Earthjustice specializing in the Clean Water Act, forestry and ESA litigation. He now focuses on Columbia-Snake River salmon litigation for Save Our Wild Salmon Coalition.

Eric S. Merrifield is an attorney with Perkins Coie LLP and handles litigation on the Clean Water Act, the Endangered Species Act, the Model Toxics Control Act and CERCLA.

Eric W. Nagle, an attorney with the U.S. Department of the Interior, Office of the Solicitor, Pacific Northwest Region, advises the Fish and Wildlife Service on ESA matters.

Gordon H. Orians, PhD, ecologist and Professor Emeritus of Biology at the University of Washington, is a member of the National Academy of Sciences.

Prof. Deborah A. Sivas is Director of the Stanford Environmental Law Clinic. Her research is focused on climate change and coastal/marine policy and the ability of the public to hold policymakers accountable.

Alan C. Stay, a member of the Office of the Tribal Attorney of the Muckleshoot Indian Tribe, focuses on hunting and fishing, natural resources, housing and education matters.

Register Today!

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Registration: Please mail or email your registration as soon as possible since enrollment is limited. You may also register with a credit card via phone, fax or online. Walk-in registrations will be accepted subject to space availability. Please call THE SEMINAR GROUP at (206) 463-4400 or (toll free) (800) 574-4852, or fax to (866) 435-3444, or email: registrar@TheSeminarGroup.net

Tuition: The tuition fee includes attendance at all sessions, coffee breaks, and all course materials. *Full Tuition/Live Webcast:* \$795 per person; Special Government, Non-Profit or NGO rate: \$695 per person; New Associate/Paralegal rate: \$560 per person; Student rate: \$497 per person. Make checks payable to: THE SEMINAR GROUP.

Save When Two or More Register: Save \$50 each off of the Full Tuition fee only when two or more register from the same organization at the same time. *Multiple discounts do not apply and this discount does not apply to the Live Webcast.*

Course Accreditation: This course is approved by the Washington and California State Bars for 12.0 general CLE credits, (attending & webcast), by the Oregon State Bar and the Alaska State Bar for 12.5 general CLE credits, (attending & webcast), and by the Idaho State Bar for 10.5 general CLE credits. For information or

accreditation in other states, please call THE SEMINAR GROUP at (206) 463-4400 or (800) 574-4852.

Substitution/Cancellation: You may substitute another person at any time. We will refund tuition, less a \$50 cancellation charge, if we receive your cancellation by **Friday, Jan. 22, 2010**. No refunds will be given after this date.

Course Materials: Each participant will receive a set of course materials, prepared by the speakers especially for this conference, which will be invaluable as a future reference. The course materials alone are available for \$179 which includes shipping and handling.

Homestudy Package: Our complete Homestudy Course, consisting of a full DVD or Audio CD and the Course Materials, is available for \$805. This package has been approved by the Washington State Bar for 12.0 general self-study credits and may qualify for self-study credit in other states.

Seminar Location: The seminar will be held at the Washington State Convention & Trade Center, 800 Convention Place, downtown Seattle, Washington (206) 694-5000. Please call the facility directly for directions/questions.



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10.ESAWA

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Jan. 28 & 29, 2010 • WA State Convention & Trade Center • Seattle, WA

YES! Please register the following:

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| <input type="checkbox"/> 2 or more (one company) | \$745 | <input type="checkbox"/> Check <input type="checkbox"/> Purchase Order |
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