

29th Conference Program!

June 19-20, 2014 • Hotel Nikko • San Francisco



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for the California Water Bar since 1989

California Water Law & Policy

“California Water 2014: The Difficult Task of Prioritizing Competing Interests during the Drought and Beyond”

The drought is on everyone’s mind, and rightly so. Despite late rains, the state’s potentially disastrous multi-year drought conditions promise a dry summer for farms, communities and ecosystems. Prioritizing water needs in California has always been difficult, and this year’s reduced rainfall makes solutions even more crucial.

With this in mind, this year we focus our attention on local, regional, state and federal ongoing drought responses. To let you know what California is doing now and what the plans are for the future, we have Featured Presentations from **Mark W. Cowin**, Director of the California Department of Water Resources, **Felicia Marcus**, Chair of the State Water Resources Control Board, **Senator Lois Wolk**, and representatives from:

U.S. Bureau of Reclamation
California Department of Conservation
California Department of Water Resources
Governor’s Office of Planning and Research
State Water Resources Control Board
The Metropolitan Water District of Southern California

We’re also covering additional topics that tie-in to meeting the state’s ongoing water needs: water/land use connections; the water implications of fracking; the status of the Quantification Settlement Agreement and Bay-Delta Conservation Plan; and groundwater reliance, regulation and litigation. Gain practical insights from our distinguished Faculty of experts representing some of the state’s top law firms and key institutional players, including representatives from the following organizations:

Association of California Water Agencies
California Farm Bureau Federation
Center for Biological Diversity
Clean Water Action
Defenders of Wildlife
Natural Resources Defense Council

We have assembled for you the *best and most useful* two-day California Water Law Conference for 2014 and your participation will be crucial to your effectiveness as an attorney, water district staff or board member, federal or state government practitioner, consulting engineer, city or county counsel or planner, environmental organization representative, developer or agricultural business owner. This is a *must attend* event!

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*.

Conference Co-Chairs:



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



Gregory K. Wilkinson, 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 legal and consulting firms.



Conference Co-Sponsors:



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always in the Spring.

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Program

California Water Law & Policy

THURSDAY, JUNE 19

- 7:30 Registration and continental breakfast
- 8:30 **Conference Overview with Critical Detail** (*Kevin M. O'Brien, Esq., Downy Brand, Sacramento; Gregory K. Wilkinson, Esq., Best, Best & Krieger, Riverside*)
- 8:45 **Prioritizing Water Needs in the Drought**
- **The Implications of Drought in California** (*Antonio Rossmann, Esq., Rossmann & Moore, Berkeley*)
 - **Balancing Competing Water Needs during the Drought** (*Tim Quinn, Executive Director, Association of California Water Agencies, Sacramento*)
 - **Finding Solutions for All of California** (*Steve Fleischli, Director and Senior Attorney, Water Program, Natural Resources Defense Council, Santa Monica*)
- 10:00 BREAK
- 10:15 **Local Travails and Solutions**
- **Bay Area Utilities' Actions: We've Done This Before—Or Have We?** (*Robert Maddow, Esq., Bold, Polinsner, Maddow, Nelson & Judson, Walnut Creek*)
 - **San Joaquin Valley Agriculture Actions** (*Gary Sawyers, Esq., Bolen, Fransen & Sawyers, Fresno*)
 - **Urban Drought Responses** (*Jeffrey Kightlinger, General Manager, MWD of Southern California, Los Angeles*)

11:30 **FEATURED SPEAKER: The Legislature's Drought Response: SB 42 and Competing Proposals** (*Sen. Lois Wolk, California Senate, Sacramento*)

12:00 LUNCH BREAK

1:15 **FEATURED SPEAKER: Managing the State Water Project During Drought** (*Mark W. Cowin, Director, California Department of Water Resources, Sacramento*)

- 1:45 **State and Federal Responses to the Drought**
- **Increasing Flexibility to Conserve Supplies and Recycle Water** (*Michael Lauffer, Chief Counsel, State Water Resources Control Board, Sacramento*)
 - **The Administration's Local Government Drought Toolkit** (*Debbie Davis, Local Entities Drought Liaison, Governor's Office of Planning and Research, Sacramento*)
 - **Managing the Central Valley Project During Drought** (*Pablo Arroyave, Deputy Regional Director, U.S. Bureau of Reclamation, Sacramento*)

3:00 BREAK

- 3:15 **Planning for the Future—Adaptation Strategies**
- **Climate Change Implications for Water Operations** (*Robert Shibatani, Managing General Partner & Hydrologist, The Shibatani Group International, Sacramento*)
 - **Desalination and Water Supply: Overcoming Regulatory Hurdles** (*Joe Monaco, AICP and Environmental Division Manager, DUDEK, Encinitas*)
 - **Reconfiguring Infrastructure: The Sites and San Luis Reservoir Proposals** (*Derek Hoffman, Esq., Gresham & Savage, Riverside*)

4:45 Q&A and ADJOURN TO HOSTED RECEPTION

FRIDAY, JUNE 20

- 8:30 **Conference Overview with Critical Detail** (*Kevin M. O'Brien, Gregory K. Wilkinson*)
- 8:45 **Water/Land Use Connections Update**
- **CEQA Water Demand/Supply Analyses in Light of the Drought** (*Scott Birkey, Esq., Cox, Castle & Nicholson, San Francisco*)
 - **Proving Connectivity in CWA Wetlands Jurisdiction and Regulation: EPA's New Guidance** (*R. Clark Morrison, Esq., Cox, Castle & Nicholson, San Francisco*)
- 9:30 **Water Supply and Quality Implications of Fracking**
- **California's New Hydraulic Fracturing Regulations** (*Mark Nechodom, Director, California Department of Conservation, Sacramento*)
 - **Fracking Threats to California's Water and Legislative Proposals** (*Andrew Grinberg, Oil and Gas Program Manager, Clean Water Action, San Francisco*)
- 10:15 BREAK
- 10:30 **The Status of the Bay-Delta Conservation Plan** (Moderator: *Gregory K. Wilkinson, Esq.*)
- **The Export Perspective** (*Laura King Moon, Chief Deputy Director, Department of Water Resources, Sacramento*)
 - **The Sacramento Valley Perspective** (*Kevin M. O'Brien, Esq.*)
 - **The Environmental Perspective** (*TBD*)

11:30 LUNCH BREAK

12:45 **FEATURED SPEAKER: The Administration's Groundwater Efforts** (*Felicia Marcus, Chair, State Water Resources Control Board, Sacramento*)

- 1:15 **Groundwater Reliance and Regulation**
- **Public and Private Restrictions on Exercising Groundwater Rights** (*Michele A. Staples, Esq., Jackson DeMarco Tidus Peckenpaugh, Irvine*)
 - **Overtures for State Regulation: The Perspective of Farmers and Ranchers** (*Christian Scheuring, Managing Counsel, California Farm Bureau Federation, Sacramento*)
- 2:00 **Quantification Settlement Agreement**
- **QSA Litigation Update** (*Michelle Ouellette, Esq., Best, Best & Krieger, Riverside*)
 - **What Happens When the Water Stops? The Salton Sea Now and Then** (*Kimberly Delfino, California Program Director, Defenders of Wildlife, Sacramento*)

2:45 BREAK

- 3:00 **Cadiz Valley Groundwater: The Search for New Supplies and Storage in the Desert**
- **Cadiz Valley Water Project** (*Amy Steinfeld, Esq., Brownstein Hyatt Farber Schreck, Santa Barbara*)

- **County Management of Groundwater** (*Christian Marsh, Esq., Downey Brand, San Francisco*)

- **Opposing Perspectives on Groundwater Resources Development** (*Adam Keats, Senior Counsel, Center for Biological Diversity, San Francisco*)

4:00 Q&A and Evaluations, Adjourn

PROGRAM CO-CHAIRS:

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

Gregory K. Wilkinson is a partner at Best, Best & Krieger, where he practices in the areas of water rights, water quality, endangered species and environmental impact reporting.

FACULTY:

Pablo Arroyave directs operations for the USBR and is in charge of, among other things, running the Central Valley Project.

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

Mark W. Cowin directs the California Department of Water Resources, which oversees water resource issues and manages the State Water Project.

Debbie Davis implements and advises Governor Brown on natural resource issues as part of the Governor's Office of Planning and Research.

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

Steve Fleischli directs the water program and oversees a team of attorneys at NRDC.

Andrew Grinberg manages the oil and gas program at Clean Water Action/Clean Water Fund.

Derek Hoffman is an associate in Riverside where he practices law in the areas of water rights and natural resources law.

Adam Keats is senior counsel at the Center for Biological Diversity.

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.

Michael Lauffer is chief counsel at the SWRCB, dealing with matters relating to water resources and groundwater.

Robert Maddow is a partner in Walnut Creek where he practices water rights and natural resources law.

Felicia Marcus is Chair of the SWRCB. She previously was the Western Director for the Natural Resources Defense Council and Administrator of Region 9 of USEPA.

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

Joe Monaco is a registered planner and manages environmental and natural resource issues at DUDEK.

Laura King Moon is chief deputy director and the project manager at DWR for the Bay Delta Conservation Plan.

R. Clark Morrison is a partner in San Francisco where he practices law in the areas of land use, renewable energy and natural resources law.

Mark Nechodom is Director of the California Department of Conservation and oversees the conservation of land, natural resources and hydrofracture mining regulation in the state.

Michelle Ouellette is a partner and represents municipal, district and private clients in environmental issues arising under CEQA, NEPA, the ESA, and wetlands regulations.

Tim Quinn oversees and directs ACWA, whose 450 local public water agency members responsible for delivering about 90% of the water in California.

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.

Gary Sawyers is a partner and practices in the areas of agribusiness, water rights and land use law.

Christian Scheuring manages legal representation and advocacy issues on behalf of member clients in relation to a broad range of agriculture-related issues.

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 is a partner and represents agricultural businesses, water suppliers, landowners and developers in CEQA, land use, water resources, and endangered species proceedings.

Amy Steinfeld is a partner and deal with water rights issues including legal transactions, litigation, groundwater adjudications and water quality.

Senator Lois Wolk is a member of the California State Senate, where her priorities include government and budget reform, water management, and Sacramento-San Joaquin Delta issues.

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 \$259. To register for your room at the discounted rate, call 866-NIKKO-SF, and ask for the "2014 California Water Law" discount. Space is limited, so register by the May 28, 2014 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 \$180 value).



Five Ways to Register:

Early registration is encouraged. To register: (1) Register online for both the conference and hotel at: <https://tinyurl.com/CWL2014>; (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 (4) email to <register@argentco.com>; or (5) 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 12 hours.

Cancellation Policy:

Full refunds (less a \$50 processing fee) will be made only if notice is received by June 9, 2014. 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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 - \$695 each for two or more from the same firm, or
 - \$695 government and nonprofit employees, or
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WITH FEATURED PRESENTATIONS BY:



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Water Resources Control
Board



Senator Lois Wolk, California
State Senate

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