

## Second Annual Conference!

March 9-10, 2015 • Westin Hotel • Sacramento



Publications and MCLE Conference Programs  
for the California Bar since 1989

# California Land Use Law & Policy

The economy has improved much throughout 2014 and is expected to continue to improve into 2015. Private development and municipal redevelopment is back. Private counsel, federal, state and municipal counsel, and land use consultants need to be ready to address the pent-up demand.

Will you be ready? What are the new hurdles to private, federal, state and community development projects? Certainly climate change requirements, CEQA and related environmental requirements are in flux. And what about the newest high hurdle to clear—water supply? Even with recent heavy precipitation, the drought is far from over and water supply will likely remain a dominant hurdle to development in California.

Other issues that need to be on your land use radar screen? Include large-scale habitat and conservation planning projects; species and wetlands protection; coastal development challenges; medical marijuana sales and cultivation; and the controversial practice of “ballot box” end runs around traditional land use regulation and compliance.

This comprehensive, practice-oriented conference is a two-day journey fleshing out these and other critical land use topics—the crucial information in the most relevant areas of the practice—and from the best and most knowledgeable faculty in the field of California land use and natural resource law and policy. You’ll get the latest analysis of these issues, and perspectives from the top practitioners in the field, including those from these federal, state and local government agencies, NGOs and consulting firms:

California Department of Conservation  
California Department of Fish & Wildlife  
California Department of Water Resources  
California High Speed Rail Authority  
California Wind Energy Association  
ECORPS  
Los Angeles County Metropolitan Transportation Authority  
Turtle Island Restoration Program  
Westlands Water District  
WRA, Inc.

In addition, we are proud to also present two important keynote presentations on hot land use practice issues in California: Mark Nechodom, head of the California Department of Conservation will address the controversial practice of “fracking” in the state, and Ken Alex, head of the Governor’s Office of Planning and Research will address the Brown Administration’s view on key land use issues.

Be ready, be prepared, be successful in your practice. If you attend only one California MCLE land use and natural resource law conference this year, make it this one!



Scott Birkey, Esq.  
Cox, Castle & Nicholson  
San Francisco



Michelle Ouellette, Esq.  
Best, Best & Krieger  
Riverside

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



### Conference Co-Sponsors:



**REGISTER TODAY!**

800-419-2741

<register@argentco.com>

**Monday, March 9**

- 7:30 Registration and continental breakfast
- 8:00 **Conference Overview with Critical Detail**  
Scott Birkey, Esq., Michelle Ouellette, Esq.
- 8:15 **Setting the Stage: The Hurdles Ahead for 2015 and Beyond**  
Prof. Richard Frank, U.C. Davis School of Law, Davis
- 9:00 **At the Crossroads of the CWA and Land Use**  
• **Clean Water Act Jurisdiction and Wetlands Permitting: How Far Does the Act Now Reach?**  
Michael Josselyn, Ph.D., PWS, WRA, San Rafael  
• **Stormwater Management and MS4 Permits—Get It Done Right the First Time**  
Shawn Haggerty, Esq., Best Best & Krieger, San Diego  
• **California's Wetland Area Protection Policy—An Update on the State's Permitting Regime**  
Christian Marsh, Esq., Downey Brand, San Francisco
- 10:30 BREAK
- 10:45 **The Tail Wagging the Dog? CEQA's Ballona Conundrum and Project Impacts**  
• **The Developer's Perspective**  
Michael Zischke, Esq., Cox, Castle & Nicholson, San Francisco  
• **The Project Opponent's Perspective**  
Ellen J. Garber, Esq., Shute, Mihaly & Weinberger, San Francisco
- 11:30 **CEQA Guidelines Update and SB 743—It's Not Just about Vehicle Miles Travelled**  
Arthur Coon, Esq., Miller Starr Regalia, Walnut Creek; Matthew Henderson, Esq., Miller Starr Regalia, Walnut Creek
- 12:00 LUNCH
- 1:30 pm **KEYNOTE ADDRESS: The State of Fracking in California** Mark Nechodom, Director, California Department of Conservation, Sacramento
- 2:00 **Treacherous Shores—Perspectives on Development and Access along Our Coastline**  
• **The Developer's Perspective**  
Stanley Lampert, Esq., Cox, Castle & Nicholson, Los Angeles  
• **The Project Opponent's Perspective**  
Doug Karpa, Ph.D., Legal Program Director, Turtle Island Restoration Network, Forest Knolls
- 3:00 BREAK
- 3:15 **Climate Change and Land Use Planning**  
• **Land Use Planning and Sea Level Rise—Are We Doing *Anything* about It Yet?**  
Jena Shoaf, Esq., Brownstein, Hyatt, Farber, Schreck, Santa Barbara  
• **Life in the Country—Not Letting Climate Change Law Compliance Serve as a Barrier to Growth**  
Charity Schiller, Esq., Best, Best & Krieger, Riverside
- 4:15 **Reefer Madness?**  
• **Siting Medical Marijuana Dispensaries**  
Jeffrey Dunn, Esq., Best, Best & Krieger, Riverside  
• **The Environmental Impacts of Marijuana Cultivation**  
Scott Bauer, Staff Environmental Scientist, California Department of Fish & Wildlife, Eureka
- 5:15 HOSTED NETWORKING RECEPTION

**Tuesday, March 10**

- 7:30 Registration and continental breakfast
- 8:00 **Overview of Day Two with Critical Detail**  
Scott Birkey, Esq., Michelle Ouellette, Esq.
- 8:15 **Water Supply and Drought—Crisis Planning and Beyond**  
• **A Paradigm Shift in Regulating California's Water; The Sustainable Groundwater Management Act**  
Gary Bardini, Deputy Director for Integrated Water Management, California Dept. of Water Resources, Sacramento  
• **The Impact of the Governor's Emergency Curtailment Orders on Land Use Development**  
Meredith Nikkel, Esq., Downey Brand, Sacramento
- 9:15 **The Interplay between CEQA, Section 106, SB 18, and Now AB 52—the New Tribal Consultation Requirement**  
Lisa Westwood, Registered Professional Archaeologist, ECORPS Consulting, Rocklin
- 9:45 BREAK
- 10:00 **North and South: Large Scale Rail Projects and the Future of Transportation in California?**  
• **Time to Get on Board? California High Speed Rail's Progress through the Courts**  
James Andrew, Assistant Chief Counsel, California High Speed Rail Authority, Sacramento  
• **The Los Angeles Metropolitan Area System**  
Donald Sepulveda, Executive Officer, Regional Rail, Los Angeles County Metropolitan Transportation Authority, Los Angeles
- 11:15 **Emerging CEQA Issues in Residential and Commercial Development**  
• **Commercial Real Estate Perspective**  
Jonathan Shardlow, Esq., Gresham Savage Nolan & Tilden, San Bernardino  
• **Residential Real Estate Perspective**  
Paige Gosney, Esq., Jackson, DeMarco, Tidus, Peckenpaugh, Irvine
- 12:00 LUNCH
- 1:15 **KEYNOTE ADDRESS: The Brown Administration's Direction for Land Use Development**  
Ken Alex, Director, Governor's Office of Planning and Research
- 1:45 **Big Picture Planning—The Challenges for Large Scale Habitat and Conservation Planning Projects**  
• **The Desert Renewable Energy Conservation Plan—More than Just a Mirage**  
Nancy Rader, Executive Director, CalWEA, Berkeley  
• **The BDCP, Getting Water from Here to There while Protecting Species and Habitat**  
Philip A. Williams, Deputy General Counsel, Westlands Water District, Fresno
- 2:45 BREAK
- 3:00 **The Virtues and Vices of Ballot Box Planning**  
• **Should Direct Democracy Play a Role in Land Use Planning?**  
Marguerite Leoni, Esq., Nielsen Merksamer Parrinello Gross and Leoni, San Rafael  
• **Case Studies in Ballot Box Planning**  
Kristen Castaños, Esq., Stoel Rives, Sacramento
- 4:00 Evaluations and Adjourn

**CONFERENCE CHAIRS:**

**Scott Birkey** is a Partner in the firm's San Francisco office, where he practices in the areas of land use and natural resources and handles entitlement, compliance, and litigation matters.

**Michelle Ouellette** is a Partner in the firm's Riverside office, where she practices in the areas of land use and natural resources and addresses project development, habitat conservation and environmental compliance.

**CONFERENCE FACULTY:**

**Ken Alex** is a Senior Policy Advisor to Governor Jerry Brown and the Director of the Office of Planning and Research, focusing on energy, environment, and land use issues.

**James Andrew** is the Assistant Chief Counsel at the California High-Speed Rail Authority.

**Scott Bauer** oversees Coho salmon recovery efforts in the department's Eureka office.

**Gary Bardini** oversees a variety of programs in support of the 2014 Governor's California Water Action Plan.

**Kristen Castaños** is a partner in the firm's Sacramento office where she advises clients regarding Williamson Act issues related to developing solar projects, and land use and permitting due diligence opinions for acquisition of major thermal, solar, natural gas and wind energy facilities.

**Arthur Coon** is a Shareholder and Co-Chair of the firm's Land Use Practice Group and Chair of its Appellate Practice Group. Art represents clients through a broad range of real property, land use and environmental matters.

**Jeffrey V. Dunn** is a Partner in the firm's Irvine office, where he counsels public agencies in complex litigation matters and represents clients in water resource litigation.

**Ellen Garber** is a Partner in the San Francisco office, where she represents cities, counties, special districts, the University of California, and the state Delta Stewardship Council regarding CEQA/NEPA compliance and in land use litigation.

**Richard Frank** lectures at the University of California at Davis on environmental law, and heads an environmental law and policy center which participates in interdisciplinary environmental research and policy.

**Paige Gosney** is an Associate at the firm's Irvine office, where he represents businesses, landowners and developers in a variety of land use, water rights and business-related matters.

**Shawn Hagerty** is a Partner in the San Diego office, where he counsels municipalities in the areas of land use and planning, including general plan, zoning, subdivision map act and other land use regulations.

**Matthew Henderson** is a Shareholder in the firm's land use and litigation practice group, where his practice encompasses all stages of land use and real property cases, from initial entitlement and environmental review to litigation and appellate work.

**Michael Josselyn** is a Principal, Senior Wetland Ecologist, co-founder and former president of an environmental consulting firm in San

Francisco where he assists clients with environmental compliance, habitat protection and restoration actions, and conservation planning.

**Doug Karpa** is an environmental and land use attorney and an evolutionary biologist. He serves as the Legal Program Director at a conservation organization focused on protecting marine species, including California coastal salmon.

**Stanley Lampert** is Partner in the firm's Los Angeles office, where he represents clients in connection with project acquisition, entitlement strategy, transactional issues, project processing and advocacy, CEQA compliance, and litigation.

**Marguerite Leoni** is a Partner in the firm's San Rafael office, where she represents clients in law and civil litigation relating to elections, redistricting and voting rights questions, school district reorganization law, campaign, and initiative/referendum law.

**Christian Marsh** is a Partner in the firm's San Francisco office, where he advises public and private clients and litigates natural resource and land use matters involving CEQA, NEPA, water rights, endangered species, and the Public Trust Doctrine.

**Mark Nechodom** is Director of the California Department of Conservation, where he oversees services and information that promote environmental health, economic vitality, informed land-use decisions, and sound management of the state's natural resources.

**Meredith Nikkel** is an Associate in the firm's Sacramento office, where her practice involves administrative proceedings before the State Water Resources Control Board as well as complex litigation before the Ninth Circuit Court of Appeals.

**Nancy Rader** is Executive Director at the California Wind Energy Association, a non-profit corporation supported by members of the wind energy industry. She oversees policy development and advocacy of the production of wind-generated electricity.

**Charity Schiller** is a Partner in the firm's Riverside office, where she represents public and private clients in development projects and helps clients comply with all aspects of CEQA/NEPA, and related environmental laws.

**Donald Sepulveda** is the Executive Officer, Regional Rail, at the Los Angeles County Metropolitan Transportation Authority.

**Jonathan Shardlow** is an Associate in the firm's San Bernardino office, where he is a member of the firm's Land Use Department and represents landowners, developers, and businesses in a wide array of litigation and transactional matters involving natural resources, land use and water rights.

**Jena Shoaf** is an Associate at the firm's Santa Barbara office and a member of the Natural Resources Department.

**Lisa Westwood** is a Registered Professional Archaeologist with 20 years of experience in cultural resources management, and serves as Cultural Resources Manager for a private firm in Rocklin, designing and carrying out cultural resources investigations and programs.

**Philip Williams** is Deputy General Counsel to the Westlands Water District, Fresno.

**Michael Zischke** is a Partner in the San Francisco office, where he represents businesses and public agencies in land use permitting, environmental compliance and in defending project approvals and lawsuits.

**Location and Lodging:**

The site of the program is the Westin Hotel, Sacramento, 4800 Riverside Blvd., Sacramento, 94822. A block of rooms has been reserved at a special negotiated rate of \$149. To register for your room at the discounted rate, call 916-443-8400, and ask for the "California Land Use Conference" discount. Space is limited, so register by the February 28, 2015 deadline!

**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 Land Use 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, a hosted networking reception, and a three-month electronic subscription to the *California Land Use Law & Policy Reporter* (a \$190 value).



**Three Ways to Register:**

Early registration is encouraged. To register: (1) Mail the completed registration form on the reverse to: Argent Communications Group, PO Box 506, Auburn, CA 95604-0506; (2) Complete the registration form and fax to 530-852-0360 or email to <[register@argentco.com](mailto:register@argentco.com)>; or (3) 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 March 2, 2015. 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

**Yes!** Please register the following:

Name: \_\_\_\_\_

Email (required): \_\_\_\_\_

Name: \_\_\_\_\_

Email (required): \_\_\_\_\_

Name: \_\_\_\_\_

Email (required): \_\_\_\_\_

Firm/Agency: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ St: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

#### TUITION:

- \$795 per person, or  
 \$695 each for two or more from the same firm, or  
 \$695 government and nonprofit employees, or  
 \$595 each for two or more government and nonprofit employees

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### “Successfully Scaling the Land Use and Natural Resources Hurdles of 2015 and Beyond”

This comprehensive, practice-oriented conference is a two-day journey fleshing out exactly what every land use practitioner needs—the crucial information in the most relevant areas of the practice:

- The Hurdles Ahead for 2015 and Beyond
- At the Crossroads of the CWA and the Land Use Law Practice
- The Tail Wagging the Dog? CEQA’s *Ballona* Conundrum and Project Impacts
- CEQA Guidelines Update and SB 743
- Perspectives on Development and Access along Our Coastline
- Climate Change and Land Use Planning
- Water Supply and Drought—Crisis Planning and Beyond
- CEQA, AB 52 and the New Tribal Consultation Requirement
- Large Scale Rail Projects and The Future of Transportation
- CEQA Issues in Residential and Commercial Development
- Challenges for Large Scale Habitat and Conservation Planning Projects
- The Virtues and Vices of Ballot Box Planning

Our expert Faculty includes in-the-trenches attorneys; federal,

state, and municipal regulators; and speakers from NGOs and consultancy companies including:

- California Department of Conservation
- California Department of Fish & Wildlife
- California Department of Water Resources
- California High Speed Rail Authority
- California Wind Energy Association
- ECORPS
- Los Angeles County Metropolitan Transportation Authority
- Turtle Island Restoration Program
- Westlands Water District
- WRA, Inc.

And... make sure to plan to attend our hosted Networking Reception Monday evening and enjoy the relaxed atmosphere to exchange ideas with our Faculty and your colleagues!

**REGISTER TODAY!**

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