BAY PLANNING COALITION

Wetlands:
Post-SWANCC Strategies and Solutions

Date: Tuesday, September 21, 2004
Time: 8:45 a.m. – 4:00 p.m.
Location: Offices of the URS Corporation
1333 Broadway, Suite 800
Oakland, CA
(at the Downtown 12th Street Bart station)

PROGRAM

8:45 – 9:00 **Registration**

9:00 – 9:15 **Welcome and workshop goals – *Ellen Johnck, Executive Director, BPC***
This seminar is designed to provide timely information on recent state and federal wetland regulations since the 2001 U. S. Supreme Court decision of the *Solid Waste Association of Northern Cook Counties v. United States Corps of Engineers* (known as the " SWANCC" decision). In addition, the discussion will explore ideas for working within the regulatory framework to achieve both necessary economic development and habitat protection goals through mitigation programs, and the concept of the USACE's Special Area Management Plan (SAMP) and the USFWS' Habitat Conservation Plan (HCP). This panel session will feature the Contra Costa County HCP and discuss methods to achieve a streamlined federal Section 7 consultation and 401 state water quality certification process relying on the HCP's information and mitigation regime to the greatest extent possible.

9:15 – 10:45 **Do you really have a wetland on your property? – *Moderator: John Zentner, Zentner & Zentner***

I. Overview– John Zentner, Zentner & Zentner (20 mins)
II. Delineations – post SWANCC– Calvin Fong, USACE, S. F. District & Elizabeth Morrison, S. F. Bay RWQCB (25 mins)
III. Appeals Process - He says, she says, now what do I do, Douglas Pomeroy, USACE, South Pacific Division (30 mins)
IV. Questions & Answers (15 mins)

10:45 – 11:00 Break

11:00 – 11:45 **What is the status of state and federal wetland regulation? – *Moderator: David Ivester, Stoel Rives***

BAY PLANNING COALITION

September 21, 2004 BPC seminar program cont.

I. State Response to SWANCC - New SWRCB General Waste Discharge Requirements for "Non-Federal" Waters and Wetlands (30 mins) –.
II. Speakers: Leslie Zander, Zander Associates; Elizabeth Morrison, RWQCB; Mollie Martindale, USACE
III. Questions & Answers (15 mins)

11:45 – 1:00 Lunch (no host)

1:00 – 2:15 **What is the status of state and federal wetland regulation?** – ***Moderator: David Ivester, Stoel Rives***

I. Permitting and Policies (55 mins)

Speakers: Leslie Zander, Zander Associates; Elizabeth Morrison, RWQCB; Mollie Martindale, USACE

1. Alternatives Analysis
2. Mitigation
3. Endangered Species Consultations

II. Questions & Answers (20 mins)

2:15 – 2:30 Break

2:30 – 4:00 **New Strategies to avoid delays** – ***Moderator: Clark Morrison, Morrison & Foerster, LLP***

I. Habitat Conservation Plans – Clark Morrison (10 mins)
II. Case Study: John Kopchik, Contra Costa County (20 mins)
III. Speakers: Mike Finan, USACE, Sacramento District; Lori Rinek, USFWS; Clark Morrison LLP (45 mins)
IV. Questions & Answers (15 mins)

4:00 – 4:15 **Looking ahead – what are our challenges for the future? –** ***Moderators John Zentner, David Ivester, Clark Morrison and Ellen Johnck; Closing summary and next steps***