

36th Annual Conference *Live Online!*
May 17 & 19, 2022



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

California Water Law & Policy

Dear Colleague,

We are pleased to invite you to attend Argent Communications Group's 2022 annual California Water Law & Policy Conference, continuing this year live online.

California's water law and policy remain moving targets covering ever-changing issues. This year, many topics—long-standing and new—have garnered our attention. The West's mega-drought—complicated or caused at least in part by climate change—continues. Since California's precipitation arrives in spurts, both water supply and flood control planning are affected by the anticipated effects of climate change remain top of mind. We'll hear how water managers with federal, state, and local agencies are planning for this new normal. Also topical in the mix are hurdles and strategies related to water infrastructure funding.

Relatedly, this spring a well-respected group of California water law academics and practitioners released a report entitled "Updating California Water Laws to Address Drought and Climate Change." In a Keynote Panel, several of the report's authors will discuss the report's recommendations and how to implement changes to long-standing water law principles in view of our changing climate. Concerns about dealing with state-level regulatory mandates at the local level, and new ethics considerations round out our first day.

The jurisdictional reach of the federal Clean Water Act (CWA), narrowed under the last administration has now been re-defined. The State Water Resources Control Board continues its efforts at expanding its regulatory authority over waters of the state. And within the State Water Resources Control Board, the Administrative Hearings Office is now becoming an important venue for the resolution of water rights disputes.

We're also covering other timely issues of growing concern. Compliance with the Sustainable Groundwater Management Act in both planning and implementation remains high on the list for many water law practitioners. CEQA is ever-changing and water law practitioners need to stay abreast of case law interpretation of the act. Updates on the Endangered Species Act, Colorado River issues, and Klamath Basin activities round out the final day.

Our conference is designed to hone in on the issues that will most impact your water-related practice and the governance of water in the state. As an attendee, you will gain practical knowledge on the legal, policy, and technical sides of the issues from our outstanding faculty from federal and state regulatory agencies, the academic community, water supply agencies, consultants, and top water attorneys from throughout the state.

Be sure to register today for this informative conference and find out what impact these critical topics will have on each other—and how the potential outcomes will impact your practice, agency or organization in the future.



Steven Anderson, Esq., Program Co-Chair
Best, Best & Krieger, Riverside



Meredith Nikkel, Esq., Program Co-Chair
Downey Brand, Sacramento

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



Conference Co-Sponsors:



REGISTER TODAY!

800-419-2741

<register@argentco.com>

DAY 1: Tuesday, May 17

- 8:30 Opening Remarks with Critical Detail** (Steve Anderson, Esq., Best, Best & Krieger, Riverside and Meredith Nikkel, Esq., Downey Brand, Sacramento)
- 8:45 Climate Change Impacts on California's Water—The Science of Drought in the Anthropocene** (Hoori Ajami, Ph.D., U.C. Riverside, Riverside)
- 9:45 Water Management Planning for Extremes**
• Federal and State Project Coordination and Long-Term Planning (Ernest Conant, Regional Director, U.S. Bureau of Reclamation, Sacramento)
- Public Water Agency Planning and Water Infrastructure Investments for Climate Resilience** (Cindy Tuck, Deputy Executive Director for Government Relations, Association of California Water Agencies, Sacramento)
- 10:45 BREAK**
- 11:00 Water Project Funding and Infrastructure**
• The New Infrastructure Bill and Funding Strategies for Water Supply/Flood Control Projects (Lowry Crook, Esq., Best, Best & Krieger, Washington DC)
- California Project Financing—Hurdles and Strategies** (Sachi Itagaki, Principal, Water Resources/Environmental Engineer and Meredith Clement, Principal, Water Resources Project Manager, Kennedy-Jenks, Ventura/Palo Alto)
- 12:00 LUNCH BREAK**
- 1:00 KEYNOTE PANEL: Perspectives on the “Updating California Water Laws to Address Drought and Climate Change” Report** (MODERATOR: Wes Miliband, Esq., Atkinson, Andelson, Loya, Ruud & Romo, Sacramento; PANELISTS: Jennifer Harder, Professor, McGeorge School of Law, Sacramento; Barton H “Buzz” Thompson, Jr., Professor of Law, Stanford Law School, Stanford; Clifford Lee, Former Deputy Attorney General, California Department of Justice, San Francisco; Rebecca R.A. Smith, Esq., Downey Brand, Sacramento)
- 2:15 BREAK**
- 2:30 Dealing with State-Level Mandates at the Local Level**
• Emergency Regulations in the Midst of Long-Term Challenges (Sam Boland-Brien, Petitions, Licensing, and Registration Section Manager, State Water Resources Control Board, Sacramento)
- Long-Term Planning Strategies at the Local Level** (Rebecca Akroyd, General Counsel, San Luis & Delta Mendota Water Authority, Los Banos)
- Delta Curtailment Regulations and the Related Litigation** (Valerie Kincaid, Esq., Paris Kincaid Wasiewski, Sacramento)
- 3:45 Ethical Rules for the Water Law Practitioner** (Sherry Hartel Haus, Esq., Downey Brand, Sacramento)
- 4:45 Adjourn**

Day 2: Thursday, May 19

- 8:30 Opening Remarks with Critical Detail** (Steve Anderson, Esq., Best, Best & Krieger, Riverside and Meredith Nikkel, Esq., Downey Brand, Sacramento)
- 8:45 The Land Use/Water Connection Update**
• The Reach of §404 of the Federal Clean Water Act: Where Did We Land? (Clark Morrison, Esq., Cox Castle & Nicholson, San Francisco)
- CEQA Update: Yes, Water Practitioners Need to Know This** (Travis Brooks, Esq., Miller Starr Regalia, Walnut Creek)
- 9:45 Endangered Species Concerns: Steelhead Session** (David Boyer, Esq., Atkinson, Andelson, Loya, Ruud & Romo, Sacramento)
- 10:15 BREAK**
- 10:30 The Colorado River: Status, Projections, and Long-Term Planning** (Shanti Rosset, Colorado River Water Policy Manager, The Metropolitan Water District of Southern California, Los Angeles)
- 11:00 The Klamath River Basin Update**
• Who knew Klamath Would Be “The Next Klamath”? (Paul Simmons, Special Counsel, Somach, Simmons & Dunn, Sacramento)
- The Logistics of Dam Removal: Regulatory Compliance, Liability Protection, and Insurance** (Richard Roos-Collins, Principal, Water and Power Law Group, San Francisco)
- 12:00 LUNCH BREAK**
- 1:00 The SWRCB’s Administrative Hearings Office Primer from Litigants**
• Practice, Procedure, and Policy (Rob Donlan, Esq., Ellison Schneider Harris, Sacramento)
- Promoting the Public Interest** (Adam Keats, Esq., Law Office of Adam Keats, San Francisco)
- 2:00 Groundwater and SGMA Panel Update**
• Unexercised Overlying Water Rights—Recent Case Law and SGMA Implications (Derek Hoffman, Esq., Fennemore Dowling Aaron, Fresno)
- The Unintended Consequences of Sustainable Groundwater Allocations and Surface Water Curtailments** (Michele Staples, Esq., Jackson Tidus, Irvine)
- GSP Adjudications and Corrective Notices** (Brian Hamilton, Esq., Downey Brand, Sacramento)
- 3:15 Adjourn**

Conference Co-Chairs:

Steven Anderson focuses on environmental, water and natural resources law, including practice under the Endangered Species Act, Clean Water Act, and state water quality and water rights laws.

Meredith Nikkel advises clients on water law issues in all aspects of water supply development and management and serves as special and general counsel to cities, counties, and special districts.

Conference Faculty:

Hoori Ajami is an Associate Professor whose main area of expertise is in Catchment Hydrology and Spatial Analysis.

Rebecca Akroyd is general legal counsel at the San Luis & Delta-Mendota Water Authority.

Sam Boland-Brien oversees the State Water Board's intervention activities within the overall implementation of the Sustainable Groundwater Management Act.

David Boyer serves as litigation counsel for government agencies, as general counsel to a water conservation district, and chairs his firm's facilities, construction, and property practice group.

Travis Brooks represents clients in all aspects of land use law including entitlements, transactional work, litigation, and under the California Environmental Quality Act.

Meredith Clement is a water resources project manager at a multi-discipline engineering and science consulting firm including water and wastewater engineering.

Ernest Conant manages the Central Valley Project, Oregon's Klamath Projects, and projects in Nevada and California.

Lowry Crook represents clients on water infrastructure, the Clean Water Act, environmental review and permitting, ecosystem restoration, and disaster resilience and recovery issues.

Robert Donlan represents public agencies, municipalities, utilities and individuals in the areas of water and natural resources law.

Brian Hamilton represents clients in water and environmental law litigation and in the areas of commercial, real estate and employment law.

Sherry Hartel Haus advises on a vast range of matters, including litigation, policy development and enforcement, risk management, compliance, ethics, and insurance matters.

Jennifer Harder teaches courses in water, environmental and administrative law and serves as Co-Director of the law school's Water & Environmental Law Concentration.

Derek Hoffman represents clients in some of the largest and most complex groundwater basin adjudications in California.

Sachiko Itagaki is a water resources project manager at a multi-discipline engineering and science consulting firm including water and wastewater engineering.

Valerie Kincaid focuses on water law, water rights, transfers, water quality and in the areas of environmental law related to water resources.

Adam Keats represents environmental organizations and individual activists in environmental litigation, civil rights, criminal defense, and non-profit organization matters.

Clifford Lee is a former Deputy Attorney General at the California Department of Justice.

Wesley Miliband practices in the area of water resources law including securing and protecting water rights and water supplies, water transfers and compliance for water infrastructure.

Clark Morrison has over 30 years of experience representing a variety of clients in the land use permitting and development of large and complex development projects.

Richard Roos-Collins focuses on settlements in cases such as the Klamath Basin Agreements, and the Land Conservation Commitment Stipulation for the bankruptcy reorganization of PG&E.

Shanti Rosset is Program Manager for Colorado River Resources at The Metropolitan Water District of Southern California.

Paul Simmons represents clients in California and in other states on water rights and environmental laws impacting water resources, and represents clients in the Klamath River Basin.

Rebecca R.A. Smith counsels both public and private sector clients on water rights, water supply, land use and development, and environmental compliance under state and federal law.

Michele Staples advises clients on processing entitlements, subdivision mapping, environmental compliance, water rights, water quality, and endangered species issues.

Barton H. "Buzz" Thompson, Jr. is the Director of the Woods Institute for the Environment at Stanford, and represents clients in the areas of water law, property law, and environmental matters.

Cindy Tuck leads and oversees ACWA's Government Relations Team, which includes the Federal Relations Department, State Relations Department and a special projects manager.

Schedule and Details:

Until we safely can convene again in person, we have moved to a virtual format that includes the quality program and seasoned faculty you have come to expect from Argent Communications Group—with a break in between the days for convenience and a virtual networking reception at the end of day one.

Tuition:

Conference tuition is \$895. A discount of \$100 is available for individuals from government agencies, public interest groups, or academia, or for each attendee when two or more people from one firm or organization register together.

Tuition includes attendance, complete formatted program materials, virtual conference instructions, recordings of the live sessions, and a three-month subscription to the *California Water Law & Policy Reporter* (a \$245 value).



Four Ways to Register:

- Early registration is encouraged. To register:
- (1) To register online, [CLICK HERE](#);
 - (2) Mail the completed registration form on the reverse to: Argent Communications Group, PO Box 1135, Batavia, IL 60510-1135;
 - (3) Email to <register@argentco.com>; or
 - (4) 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 12.5 MCLE hours including 1.0 hour of Ethics.

Cancellation Policy:

Full refunds (less a \$50 processing fee) will be made only if notice is given seven days in advance. 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:

- \$895 per person, or
 - \$795 each for two or more from the same firm, or
 - \$795 government and nonprofit employees, or
 - \$695 each for two or more government and nonprofit employees
- Promo code: _____

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- Check enclosed. Payable to Argent Communications Group
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**“California Water Management, Policy, and Regulation
in This Time of Extremes”**

WITH A KEYNOTE PANEL PRESENTATION BY:



Professor Jennifer Harder
McGeorge School of Law



Clifford Lee, former
Deputy Attorney General
California Department of
Justice



Rebecca R.A. Smith, Esq.
Downey Brand



Professor Barton H.
“Buzz” Thompson, Jr.
Stanford Law School