

Agenda

Waters of the United States

William Gorton III

Jurisdiction of the Clean Water Act
Regulatory definitions
Section 404 Permitting
Court decisions
Recent developments

Identifying Wetlands

Mitchel Strain

Presence of wetland vegetation
Identification of wetland soils
Importance of underlying wetland hydrology

Wetlands Permitting Process

LaJuana Wilcher

When a section 404 is needed
Types of permits
The application process
The review process
Considerations in permit approval
How to facilitate and expedite permit reviews and approvals

Wetland Preservation, Restoration, Creation and Enhancement

Mark Dilley

Understanding the importance of wetlands

- Flood storage and conveyance
- Pollution control and carbon storage
- Erosion control
- Wildlife habitat
- Recreation

Wetland preservation strategies and techniques

Wetland restoration

- Preference for onsite and in-kind restoration
- Hydrological considerations
- Restoration techniques

Wetland creation

- Methods, benefits and drawbacks

Wetland enhancement

- Purposes and techniques

Ethics Issues in Wetland Preservation & Development

Mark Dilley

Acting in the best interest of the public on wetlands issues

- Finding alternatives to wetlands destruction
- Including wetland preservation in development plans
- Convincing clients to preserve and restore wetlands

Kentucky Wetlands Law and Compliance

Lexington, KY - Wednesday, March 6, 2019

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Learning Objectives

You'll be able to:

Review Section 404 of the Clean Water Act and its impact on wetland preservation.

Understand how wetlands are delineated using wetland vegetation and soils data.

Learn about the process of wetland permitting.

Discuss the functions and value of wetlands for water storage, habitat and public use.

Review design considerations and best practices in wetland preservation, restoration, creation and enhancement.



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Learn how wetlands are identified

Discuss the jurisdiction of the Clean Water Act

Understand the important functions of wetlands

Explore the wetland permitting process

Review strategies for wetland preservation and restoration

Consider the best interest of the public on wetlands issues

Continuing Education Credits

Professional Engineers 6.0 PDHs	Floodplain Managers 6.0 CECs
Architects 6.0 Contact Hours (HSW) 6.0 AIA HSW Learning Units	Attorneys 6.0 Kentucky CLE Hours (1.0 Ethics) 6.0 Indiana CLE Hours 6.0 Ohio CLE Hours (1.0 Ethics)
Landscape Architects 6.0 Contact Hours (HSW) 6.0 LA/CES HSW PDHs	



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Faculty

William Gorton III *Chair of Stites & Harbison’s Environmental, Natural Resources & Energy Service Group*
Mr. Gorton is national counsel to numerous clients on natural resource, environmental regulatory and land and water resources matters. He has been counsel in the development of more than 10 power plants. He has been lead counsel to numerous surety companies regarding over \$4 billion in financial guarantees on bankrupt and/or defaulting mining operations, hazardous waste facilities and solid waste disposal facilities throughout the United States. Mr. Gorton has been primary environmental counsel in the development of interstate pipeline associated with major natural gas resource development. He also counsels on large natural resource, energy, waste industry, business and corporate transactions. He also works on project development, assessing and addressing environmental regulatory issues and working to accomplish clients’ goals. Mr. Gorton is admitted to practice in Kentucky and Pennsylvania.

Mitchel Strain *Wetland Specialist at Smart Services, Inc., in Columbus*
Mr. Strain has over 30 years of experience with all aspects of National Environmental Policy Act (NEPA) compliance including preparation of environmental assessments (EA), environmental impact statements (EIS), categorical exclusions (CE) and other NEPA documentation; baseline biological assessments and habitat evaluation procedure (HEP) analyses; threatened and endangered species surveys and critical habitat assessments; wetland and stream evaluations; cultural resource investigations; and vegetative community surveys. Mr. Strain’s particular expertise is in wetland science, including delineation, creation, and restoration of wetlands for mitigation and wildlife habitat, Clean Water Act (CWA) Section 404 and 401 permitting, and design of constructed wetland treatment systems. Mr. Strain received a B.S. degree in Geology with an Environmental Science emphasis from State University of New York at Cortland and an M.S. degree in Soil Science from the University of New Hampshire.

LaJuana Wilcher *Partner at English Lucas Priest & Owsley, LLP*
Ms. Wilcher has over 30 years of experience assisting clients on complex environmental permitting and enforcement issues. She served in several positions at the U.S. Environmental Protection Agency (EPA) in Washington, DC, including Assistant Administrator (AA) for Water (1989-1993). She is the only woman in EPA’s history to have been nominated by the President and confirmed by the U.S. Senate for that position. She was the senior manager for EPA’s water programs nationwide, and was intimately

involved with and was the EPA signatory on several seminal Clean Water Act Section 404 decisions. Ms. Wilcher also was EPA’s representative on the White House Domestic Policy Council’s Inter-Agency Task Force on Wetlands (established in 1989 under the DPC Working Group on Environment, Energy, and Natural Resources). Ms. Wilcher has testified before Congress on multiple occasions concerning Section 404 interpretation and implementation, and she has spoken frequently about wetlands issues, both nationally and internationally. She has represented clients throughout the country concerning Section 404 permitting, interpretation and enforcement matters, while a partner at English, Lucas, Priest & Owsley, L.L.P. (2002-2003) and (2006-present), and the Washington, DC offices of Winston & Strawn (1993-1996) and LeBoeuf, Lamb, Greene & MacRae, L.L.P. (1996-2002). From 2003-2006 Ms. Wilcher served as Secretary of Kentucky’s Environmental and Public Protection Cabinet, and she initiated a statewide dialogue to discuss seeking state authority to issue permits under Section 404. She has taught environmental law and policy courses at Vanderbilt University Law School and Vermont Law School, and has been listed in *The Best Lawyers in America* since 2009.

Mark Dilley *Chief Scientist at MAD Scientist Associates, LLC, in Westerville*
Mr. Dilley earned a B.S. degree in Natural Resources (Fisheries Management) in 1991 and an M.S. degree in Environmental Science (specializing in wetlands) in 2003, both from The Ohio State University. He and his wife are co-owners of a WBE, WOSB, and EDGE-certified environmental consulting firm, MAD Scientist Associates, which specializes in ecological and wetland consulting. Mr. Dilley has over 20 years of experience as a field biologist, ecologist, and wetland scientist. He is an EPA-certified Level 3 qualified data collector (QDC) for fish and habitat studies in Ohio, a certified senior ecologist with the Ecological Society of America, a professional wetland scientist with the Society of Wetland Scientists, and a certified ecological restoration practitioner with the Society for Ecological Restoration. He is currently serving as the President of the Ohio Wetlands Association. His academic research has focused on biological monitoring of streams and rivers and atrazine (agricultural herbicide) fate and transport processes in constructed wetlands. He manages several dozen projects annually involving ecological surveys; environmental education; wetland delineation, permitting, and assessment; and restoration design and construction for a wide variety of public and private clients. He is also a lecturer at The Ohio State University, where he teaches Wetland Ecology & Restoration.

Seminar Information

Courtyard by Marriott Keenland/ Airport
3100 Wall Street
Lexington, KY 40513
(859) 224-0460

Tuition
\$289 for individual registration
\$269 for three or more registrants from the same company at the same time.
Included with your registration: Complimentary continental breakfast and printed seminar manual.

Receive a reduced tuition rate of \$101 by registering to be our on-site coordinator for the day. For availability and job description, please visit www.halfmoonseminars.org.

How to Register
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• Call customer service at 715-835-5900

Cancellations: Cancel at least 48 hours before the start of the seminar, and receive a full tuition refund, minus a \$39 service charge for each registrant. Cancellations within 48 hours will receive a credit toward another seminar or the self-study package. You may also send another person to take your place.

Continuing Education Credit Information

This seminar is open to the public. The Kentucky Bar Association has approved this program for 6.0 CLE hours, including 1.0 ethics hour, for Kentucky attorneys. This course is also approved for 6.0 general CLE hours for Indiana attorneys and 6.0 CLE hours, including 1.0 ethics hour, for Ohio attorney.

This course offers 6.0 PDHs to professional engineers and 6.0 HSW contact/continuing education hours to architects and landscape architects in most states, including Kentucky. Educators and courses are not subject to preapproval in Kentucky.

This event is approved by the American Institute of Architects Continuing Education System for 6.0 HSW Learning Units (Sponsor No. J885) and the Landscape Architecture Continuing Education System for 6.0 HSW PDHs. Courses approved by the LA/CES are deemed approved for Kentucky landscape architects. Only full attendance can be reported to the AIA/CES and LA/CES.

The Association of Floodplain Managers has approved this course for 6.0 CECs.

This seminar offers a non-credit continuing education opportunity to construction contractors. It is not approved by any state licensing entity for contractor continuing education credit.

Attendance will be monitored and attendance certificates will be available after the seminar for most individuals who complete the entire event. Attendance certificates not available at the seminar will be mailed to participants within fifteen business days.

Can’t Attend? Order the Manual and Audio from the Live Seminar as a Self-Study Package!
An audio recording of this seminar is available for \$289. Allow four weeks from the seminar date for delivery. Please refer to specific state licensing rules or certification requirements to determine if this learning method is eligible for continuing education credit.

Registration

Kentucky Wetlands Law and Compliance

Lexington, KY - Wednesday, March 6, 2019

How to Register		Registrant Information
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Fax: 715-835-6066	Code:	Additional Registrants: Name: _____ Occupation: _____ Email: _____ Phone: _____ Name: _____ Occupation: _____ Email: _____ Phone: _____
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Complete the entire form. Attach duplicates if necessary.		Email address is required for credit card receipt, program changes, and notification of upcoming seminars and products. Your email will not be sold or transferred.
() I need special accommodations. Please contact me.		

Tuition
() I will be attending the live seminar. Single Registrant - \$289.00 . Three or more registrants from the same company registering at the same time - \$269.00 each.
() I am not attending. Please send me the self-study package for \$289.00 . ☐ Downloadable MP3 Audio/PDF Manual ☐ CD/Manual Package (S&H included. Please allow five weeks from seminar date for delivery)
Checks: Make payable to HalfMoon Education Inc.
Credit Card: <i>Mastercard, Visa, American Express, or Discover</i>
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