

Agenda

Understanding Federal and Maryland Wetland Laws

Clean Water Act	
Scope and reach of CWA jurisdiction	
Regulated activities	Key court decisions
Implementing/enforcing Federal agencies	
U.S. Army Corps of Engineers	
U.S. Environmental Protection Agency	
Other relevant federal laws	
Endangered Species Act	
National Historic Preservation Act	
National Food Security Act of 1985	
Coastal Zone Management Act	
National Environmental Policy Act	
State criteria	
Nontidal wetlands	Waterways and floodplains
Tidal wetlands	
Section 401 water quality certification	
Stormwater management law and Chesapeake Bay TMDL	
Maryland tidal and nontidal wetlands protection acts	
Scope and reach of jurisdiction	
Regulated activities	
Maryland Department of the Environment interface with federal agencies	

Wetlands Permitting Process

CWA jurisdictional determinations and judicial review
The joint federal/state permit process
Determining applicability of regulations
Notice provisions
Public interest review process
Mitigation/compensation requirements
NEPA documentation
Nationwide permits and Maryland State program general permit
Appeals process
EPA veto and Corps permitting

Getting a Wetland and Waterway Permit

What are waters of the U.S. and waters of Maryland?
Types of wetlands
How are they permitted by the state and Corps of Engineers?
Waters delineation
Avoidance/minimization and project purpose
Mitigation (wetlands, streams, forests, out-of-kind)
What is a complete application?
Construction compliance

Getting Other Approvals from, and Coordination with, Other Regulatory Criteria

Rare Species	
Stormwater management and erosion and sediment control	
Water quality certification	Higher quality waters
Chesapeake Bay Critical Area	Forest Conservation Act

Maryland Wetlands Law and Compliance
Jessup, MD - Tuesday, April 23, 2019

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Learning Objectives

You'll be able to:

Review the laws that regulate Maryland wetlands, including the federal Clean Water Act and the Maryland tidal and non-tidal wetland protection acts.

Understand the wetlands permitting process, including notice and documentation requirements.

Learn about the permit appeals process, EPA vetos, and U.S. Army Corps permitting.

Discuss wetlands delineation, and learn strategies for minimizing and mitigating wetland impact.

Coordinate wetlands regulatory compliance with stormwater and endangered species regulatory compliance.



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Discuss federal and Maryland wetland laws including the federal Clean Water Act and the Maryland tidal and Non-tidal wetlands acts
Review federal, state and local permitting processes

Learn about different types of wetlands and how to delineate a wetland
Understand requirements for avoiding, minimizing and mitigating wetlands disturbance

Continuing Education Credits

Attorneys
Maryland: Non-Credit CLE
6.0 New Hampshire CLE Hours
7.0 New Jersey CLE Hours
7.0 New York CLE Hours
6.0 Rhode Island CLE Hours
6.0 Vermont CLE Hours

Professional Engineers
6.0 PDHs
Floodplain Managers
6.0 ASFPD CECs
Landscape Architects
6.0 HSW PDHs
6.0 LA/CES HSW PDHs



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Andrew Der *Andrew T. Der and Associates, LLC*
As a regionally-recognized water resources practitioner and leader for 32 years, Mr. Der provides effective regulatory and scientific expertise for public and private sector clients, with a commitment to equitable and sustainable solutions to complex projects, specializing in creative linkages between ecology and engineering. Mr. Der has been in private consulting practice since 2001, first as an Associate and Director of Environmental Services for two civil engineering firms, then since 2013, principal of his own consulting firm, Andrew T. Der & Associates, LLC. He previously completed 17 years of service with the Maryland Department of the Environment as a manager successfully leading major new initiatives to regulate and restore Chesapeake Bay water resources. His specialties include water resource permitting, compliance, assessment, CWA, wetland and waterway compliance, NPDES, TMDL, and stormwater management. Mr. Der has co-authored books and published articles in topics on environmental science, served as a presenter at industry and education seminars, and has provided expert testimony in legal proceedings and media interviews. He has been appointed to the Citizens Advisory Committee to the Chesapeake Bay Program Executive Council and the Patuxent River Commission in Maryland.

Larry Liebesman *Smouse & Mason, LLC*
Mr. Liebesman is a nationally-recognized environmental lawyer and litigator with more than 40 years of experience. His practices emphasizes wetlands, water pollution, and coastal issues, as well as environmental impact assessment and endangered species law. Mr. Liebesman represents a range of clients in the public, private and nonprofit sectors on a broad range of

environmental issues at the federal and state levels. He has negotiated Clean Water Act (CWA) and Endangered Species Act (ESA) permits and approvals for commercial, residential, public works and environmental restoration projects, and he has defended challenges to those permits and approvals in court. Mr. Liebesman has also participated in landmark CWA and ESA cases and has authored amicus briefs in seven major environmental cases before the United States Supreme Court. This included the Rapanos case regarding the geographic reach of CWA jurisdiction and submitted comments on the highly-controversial EPA and Corps regulation defining Waters of the United States in response to the Rapanos. He advises clients on stormwater permitting issues and sits on the Maryland State Water Quality Advisory Committee which provides advice to the Maryland Secretaries of Environment, Natural Resources and Agriculture on Chesapeake Bay water quality issues. Prior to entering private practice, Mr. Liebesman spent 11 years as a senior trial attorney at the Environment Division of the Department of Justice including a one year detail to the President’s Council on Environmental Quality during the Carter Administration helping to develop regulations to implement the National Environmental Policy Act (NEPA). While at DOJ, he handled landmark cases under Superfund, the Clean Water Act and NEPA. Mr. Liebesman was lead counsel in NRDC v. EPA which upheld major portions of EPA’s CWA permitting program. Prior to his DOJ service, he spent two years at EPA’s Office of Federal Activities, EPA’s NEPA oversight office. Mr. Liebesman received Special Achievement and Special Commendation awards for his outstanding service at DOJ. He is a Phi Beta Kappa Graduate of Rutgers University and earned his law degree from George Washington University Law School.

Seminar Information

Holiday Inn Columbia East
7900 Washington Blvd.
Jessup, MD 20794
(410) 799-7500

Tuition
\$289 for individual registration
\$269 for three or more registrations.

Each registration includes a 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

- Visit us online at www.halfmoonseminars.org
- Mail-in or fax the attached form to 715-835-6066
- 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 and offers Maryland attorneys 6.0 non-credit CLE hours. HalfMoon Education is a New York-approved provider of CLE. This traditional format, seminar offers 7.0 Areas of Professional Practice CLE hours to new and experienced attorneys. HalfMoon Education is approved as a CLE provider in New Jersey, and this course qualifies for 7.0 CLE hours. This course offers 6.0 CLE hours to New Hampshire attorneys. Course approval is not required in New Hampshire. HalfMoon Education is an approved Vermont CLE provider and this course offers 6.0 CLE hours.

This course offers 6.0 PDHs to Maryland professional engineers. Those seeking continuing education credit in other states will be able to claim the hours earned at this seminar, in most cases. Refer to specific state rules to determine eligibility.

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

This program offers 6.0 HSW PDHs to Maryland landscape architects. It is approved for 6.0 HSW PDHs by the Landscape Architecture Continuing Education Sytem. Only full attendance can be reported to the LA/CES.

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.

Additional Learning

Boundaries and Easements Webinar Series

Locating Land Boundaries on Paper (And on the Ground)
Wed, April 10, 2019, 11:00 AM - 12:30 PM CDT

Physical Evidence and Boundaries
Wed., April 10, 2019, 1:00 - 2:30 PM CDT

Easements: Understanding Possessive Rights in Lands of Others
Thurs., April 11, 2019, 11:00 AM - 12:30 PM CDT

Disputes: Boundaries, Shared Spaces, and Split Estates
Thurs., April 11, 2019, 1:00 - 2:30 PM CDT

For more information visit:
www.halfmoonseminars.org/webinars/

Can’t Attend? Order the Manual and Audio from the Live Seminar as a Self-Study Package!
Audio recordings of this seminar are available for purchase starting at \$269. See registration panel for more information and please refer to specific state licensing rules or certification requirements to determine if this learning method is eligible for continuing education credit.

Registration

Maryland Wetlands Law and Compliance

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How to Register		Registrant Information
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		Additional Registrants:
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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:
☐ Downloadable MP3 Audio/PDF Manual for \$269.00 .
☐ CD/Manual Package for \$289.00 .
(Please allow four 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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Expiration Date: _____ CVV2 Code: _____
Cardholder Name: _____
Billing Address: _____
City: _____ State: _____ Zip: _____
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