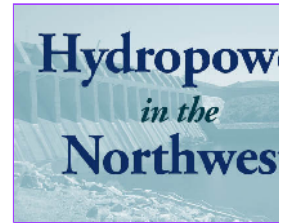




Hydropower in the Northwest

November 4, 2010 -- Seattle, WA



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Overview

Continuing difficulties with power generation from fossil fuels (oil, coal) demonstrate the importance of Hydropower. If you have an interest in rivers, hydropower, fish, or the environment, you will not want to miss our Hydropower in the Northwest Conference.

Join our panel of professionals as they examine the Federal Power Act, FERC procedures, the status of national litigation and Northwest power projects, and the impact of climate change, Indian Treaty rights, and fish conservation requirements.

This program has been specifically designed for attorneys, planners, energy professionals, engineers, environmentalists, technical staff and anyone with an interest in power and Northwest rivers.

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Who Should Attend:

- Attorneys
- Farmers and Ranchers
- Water and Irrigation Managers
- Municipal Water Representatives
- Municipal Planners and Energy Professionals
- Conservationists
- Engineers
- Anyone Involved in Water Hydroelectric Projects and Water Rights

Agenda

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Thursday, Nov. 4, 2010

9:00 Introduction and Overview

[Mason D. Morisset](#), Program Chair
Morisset Schlosser & Jozwiak

- 9:10 Overview of the Federal Power Act**
FERC Licensing Jurisdiction and Enforcement; Preliminary Permits, Licenses and Exemptions; Relationship of FERC Authority to Other Regulatory Requirements; New Project Development and Competition for Hydro Sites
[Michael A. Swiger](#)
Van Ness Feldman PC
- 9:45 National Legislation and Litigation Update**
National Regulatory, Legislative, and Litigation Update: The Latest on the Federal Power Act, Endangered Spec Act, CWA Section 401 Certifications with a Special Focus on the Issues Affecting Development of Pump Storage and Hydrokinetic Projects
[Matthew A. Love](#)
Van Ness Feldman PC
- 10:30 Break**
- 10:45 "FERC Authority to Impose Interim Protective Conditions During Re-Licensing" (*Hoopa Valley Tribe v. FERC*;))**
As Relicensing Procedures Continue to Take Long Periods of Time to Reach Final Conditions, the Authority and Responsibility of FERC to Impose Interim Conditions Becomes Even More Important
[Thane D. Somerville](#)
Morisset Schlosser & Jozwiak
- 11:15 Columbia River Update**
[Michael S. Grossmann](#)
*Senior Counsel, Office of the Attorney General,
Fish, Wildlife and Parks Division, State of Washington*
- [Sarah McNary, Sr. Policy Advisor](#)
Bonneville Power Administration
- [Jason T. Morgan](#)
Stoel Rives LLP
- 12:15 Lunch (on your own)**
- 1:15 The Culvert Case**
Blockage of Fish Bearing Streams Raises Environmental and Indian Treaty Rights Issues
- Introduction and Background
[Mason D. Morisset](#)
Morisset Schlosser & Jozwiak
 - Tribal Perspective
[John Sledd](#)
Kanji & Katzen PLLC
 - State Perspective
[Rene Tomisser](#)
*Sr. Counsel, Torts Div.
State of Washington, Office of the Attorney General*
- 2:00 Hydrokinetic Licensing**
[Christopher D. Fontecchio](#)
NOAA, Office of General Counsel
- 2:45 Using Section 401 to Block Relicensing**
FERC Cannot Issue a License Absent a Clean Water Act Section 401 Certification. This Creates Incentives to Delay and Promotes Endless Annual Licenses
[Thomas P. Schlosser](#)
Morisset Schlosser & Jozwiak
- 3:15 Break**
- 3:30 Update on Licensing in the Northwest**
[Mason D. Morisset](#), Moderator
Morisset Schlosser & Jozwiak

- The Cushman Project
[David Herrera, Policy Rep.](#)
Skokomish Tribal Council
- The Jackson Project
[Daryl Williams, Envir. Liaison](#)
The Tulalip Tribes of Washington

5:00 **Questions and Answers**
[Members of the Faculty](#)

5:15 **Adjourn**

Faculty

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Mason D. Morisset, Program Chair, is a Director with [Morisset Schlosser & Jozwiak](#). The firm is engaged in the practice of federal Indian law and represents Indian tribes and organizations throughout the country. He has participated as legal advisor and consultant to tribal public works projects, including HUD financed housing projects, public docks, community centers and museums, and has served as legal advisor and consultant for various commercial development projects.

Christopher D. Fontecchio works for the [NOAA Office of the General Counsel](#) in Seattle. He is active in private hydropower relicensing issues. Previously, he worked for the White House Counsel on Environmental Quality, the Department of Interior, Solicitor's Office and for the Washington, D.C. office of Troutman Sanders LLP where he specialized in environmental and natural resource law.

Michael S. Grossmann is Senior Counsel with the [Office of the Attorney General, State of Washington, in the Fish, Wildlife and Parks Division](#). The Division represents the Washington Department of Fish and Wildlife and the Washington State Parks and Recreation Commission in legal matters before state and federal courts and administrative tribunals.

David Herrera, Policy Representative for the [Skokomish Tribal Council](#) on fisheries and natural resources policy issues, chairs the Hood Canal Coordinating Council and is a commissioner to the Northwest Indian Fisheries Commission where he chairs the NWIF Environmental Policy Council. He is a member of the Skokomish Tribe and has been working in tribal fisheries and natural resource management for over 21 years.

Matthew A. Love, a member at [Van Ness Feldman PC](#), focuses on natural resource law, particularly on matters pertaining to the Clean Water Act (CWA), Endangered Species Act (ESA), Federal Power Act, and Indian law.

Sarah McNary, has served as Senior Policy Advisor to the Administrator of the [Bonneville Power Administration](#) for the past seven years on issues related to the Endangered Species Act, particularly focused on BPA's interests in the litigation over the Federal Columbia River Power System and Columbia River salmon and steelhead.

Jason T. Morgan, an attorney in the Resources, Development and Environment Groups at [Stoel Rives LLP](#), focuses on natural resource and land use permitting and litigation. He has successfully represented clients before the Growth Management Hearings Board, the Pollution Control Hearings Board and the U.S. Department of Interior Board of Land Appeals, as well as state and federal courts.

Thomas P. Schlosser is a Director at [Morisset Schlosser & Jozwiak](#), where he specializes in federal litigation, natural resource and tribal property issues. He has litigated tribal cases concerning timber, water, energy, fisheries and federal breach of trust. He is also involved in tribal economic development and environmental regulation matters, and has represented tribes in treaty fishing rights litigation in western Washington.

John Sledd is Of Counsel to [Kanji & Katzen PLLC](#). He is currently coordinating counsel for the tribes in the "culverts" subproceed of *United States v. Washington*, which seeks to ensure that habitat protection measures are taken by the State to bring about a rejuvenation of the fisheries on which the Washington tribes have relied for so long.

Thane D. Somerville exclusively represents tribal governments as an attorney with [Morisset Schlosser & Jozwiak](#). His practice is focused on the protection of natural and cultural resources. He has represented tribal interests in multiple FERC proceedings.

Michael A. Swiger is a member of [Van Ness Feldman PC](#). His practice concentrates on energy, natural resources and environmental law. He currently is involved in several hydroelectric relicensing proceedings before the Federal Energy Regulatory Commission. His litigation experience includes both appellate litigation before the United States Supreme Court and various courts

appeal, and agency trial-type proceedings.

Rene Tomisser is Senior Counsel, Torts Division for the [State of Washington Office of the Attorney General](#). His legal service outside the Office includes his appointment as a committee member of the National Transportation Research Board and his select to serve as a faculty member for the trial skills training presented by the National Association of Attorneys General.

Daryl Williams, Environmental Liaison for the [Tulalip Tribes](#), has worked for the Tribe for over 30 years. He works with a wide range of environmental, archeological and cultural issues including development of the Tribe's air quality program, participating with the Jackson hydroelectric project relicensing process, and reviewing the proposed tidal energy developments within Puget Sound.

Credits

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[Mayflower Park Hotel](#)

405 Olive Way
Seattle, WA 98101
Phone: 206-623-8700

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