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09.HYDWA

**Changes Affecting Hydropower Projects**  
 November 18, 2009 • Washington State Convention & Trade Center • Seattle, WA

YES! Please register the following:

Name: \_\_\_\_\_  
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I cannot attend. Please send me:  Course Materials Only  
 Homestudy:  Video DVD & Materials  Audio CD & Materials

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| <input type="checkbox"/> Single Registration     | \$495 | <b>Payment of \$</b> _____  |
| <input type="checkbox"/> 2 or more (one company) | \$470 | <input type="checkbox"/> Check <input type="checkbox"/> Purchase Order                  |
| <input type="checkbox"/> Government Employee     | \$395 | <b>Or Charge my:</b>  |
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Nov. 18, 2009 ~ Seattle, WA  
 WA State Conv. & Trade Center

CHANGES AFFECTING  
**Hydropower  
 Projects**

**CREDITS:**  
 WA CLE: 6.0 General credits  
 OR CLE: 6.25 General credits

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## ACCREDITATION

**WA CLE:**  
6.0 Gen. Credits

**OR CLE:**  
6.25 Gen. Credits

### Who Should Attend:

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

# CHANGES AFFECTING Hydropower Projects

NOVEMBER 18, 2009 ♦ WASHINGTON STATE CONVENTION & TRADE CENTER ♦ SEATTLE, WA

### *Why You Should Attend:*

*If you have an interest in rivers, hydropower, fish, or the environment, you will not want to miss our Changes Affecting Hydropower Projects Conference.*

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

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

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**5 EASY  
WAYS TO  
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- ⑤ MAIL: PO Box 523, Vashon, WA 98070

**CONFERENCE  
SCHEDULE  
INSIDE**





# Changes Affecting Hydropower Projects ~ Seattle, WA

Wednesday, November 18, 2009

- 9:00 Introduction and Overview**  
**Mason D. Morisset, Program Chair**  
*Morisset Schlosser & Jozwiak*
- 9:10 Overview of the Federal Power Act**  
FERC's Perspective  
**Joseph A. Furia**  
*K&L Gates LLP*
- 9:45 National Legislation and Litigation Update**  
Federal Power Act; Endangered Species Act;  
Tax Incentives for New Hydro Development;  
Hydrokinetic Project Issues  
**Matthew A. Love**  
*Van Ness Feldman PC*
- 10:30 Break**
- 10:45 Columbia River Update**  
Federal Columbia River Hydropower  
System - Status of Litigation, Issues  
Presented by the Plaintiffs; What it Means for  
the Region  
**Jason T. Morgan**  
*Stoel Rives LLP*  
**John W. Ogan**  
*Karnopp Petersen LLP*  
**Bruce Suzumoto, Asst. Reg. Administrator**  
*Hydropower Div., NOAA Fisheries*
- 12:00 Lunch (on your own)**
- 1:15 The Culvert Case**  
How Treaty Rights May Affect Dam Licensing  
**Brian C. Gruber**  
*Ziontz Chestnut Varnell Berley & Slonim*  
**Bart J. Freedman**  
*K&L Gates LLP*  
**Mason D. Morisset**  
*Morisset Schlosser & Jozwiak*
- 2:00 Section 18, Fish Passage, and Relicensing of Older Dams**  
Recent FERC License Orders' Treatment of  
Mandatory Conditions, Through Settlement  
Agreements or on Their Own; Project Co-  
Ownership (The Pelton Project)  
**Christopher D. Fontecchio**  
*NOAA, Office of the General Counsel*  
**Clay D. Penhollow, Mgr.-Natural Res. Planning Dept.**  
*Confederated Tribes of the Warm Springs Reservation*

- 2:45 Break**
- 3:00 State of Licensing in the Northwest**  
Case Studies and Analysis; Avista Project  
Potential; Cushman; Columbia; Klamath; Skagit;  
The Jackson Project  
**Mason D. Morisset, Moderator**  
*Morisset Schlosser & Jozwiak*  
**David Herrera, Policy Rep.**  
*Skokomish Tribal Council*  
**Thomas P. Schlosser**  
*Morisset Schlosser & Jozwiak*  
**Daryl Williams, Envir. Liaison**  
*The Tulalip Tribes of Washington*
- 4:45 Questions and Answers**  
**Members of the Faculty**
- 5:00 Adjourn**

## UPCOMING SEMINAR SCHEDULE:

### Environmental Initiatives for 2009 & Beyond

*September 11, 2009 ~ Seattle, WA*

### 16th Annual Washington Construction Law

*September 17 & 18, 2009 ~ Seattle, WA*

### Environmental Crimes & Penalties

*October 6, 2009 ~ Seattle, WA*

### Commercial Real Estate Purchase & Sales

*October 8, 2009 ~ Spokane, WA*

### Insurance in the Construction Industry

*October 16, 2009 ~ Seattle, WA*

### The Mighty Columbia

*October 29, 2009 ~ Seattle, WA*

### 6th Annual NW Private Equity

*October 30, 2009 ~ Seattle, WA*

### Construction Defects

*December 10, 2009 ~ Seattle, WA*



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# THE SEMINAR GROUP ~ FACULTY

## Changes Affecting Hydropower Projects

**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** is with the Seattle office of NOAA, General Counsel's Office. 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 Troutman Sanders where he specialized in environmental and natural resource law.

**Bart J. Freedman** is a partner at K&L Gates LLP. In the area of environmental law, his experience includes Endangered Species Act, natural resource damages, hazardous waste matters, cost-recovery litigation under CERCLA, criminal defense of Clean Water Act enforcement, civil tort claims and regulatory matters. His environmental practice includes natural resource damage litigation brought about by the Exxon Valdez oil spill.

**Joseph A. Furia**, an attorney with K&L Gates LLP, practices in the areas of environmental, land and natural resources issues, energy regulation and development projects, and commercial litigation.

**Brian C. Gruber** is an attorney at the Zionsy Chestnut Varnell Berley & Slonim law firm in Seattle. He represents tribal clients in a variety of natural resources and treaty rights matters and is co-counsel for the Makah Tribe in *United States v. Washington*.

**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 NWIFC Environmental Policy Council. He is a member of the Skokomish Tribe and has been working in tribal fisheries and natural resource management for over 20 years.

**Matthew A. Love**, a member at Van Ness Feldman PC, concentrates on solving difficult public policy natural resource problems. He navigates clients through the often conflicting requirements associated with federal and state natural resource law including endangered species, fisheries, clean water, hydroelectric and Native American law.

**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, the U.S. Department of Interior Board of Land Appeals as well as state and federal courts.

**John W. Ogan** is an attorney with Karnopp Petersen LLP. His practice emphasizes Federal Indian and Tribal Law and represents the Confederated Tribes of the Warm Springs Reservation of Oregon on a broad array of legal issues including the Treaty fishing rights cases and the Columbia River hydrosystem litigation.

**Clay D. Penhollow**, Manager of the Natural Resources Planning Department for the Confederated Tribes of the Warm Springs Reservation of Oregon, works in the areas of water, fish, wildlife, forest, range, agriculture, soil, air and cultural resource protection and management.

**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.

**Bruce Suzumoto** is the Assistant Regional Administrator for the Hydropower Division of NOAA Fisheries. He has worked in Oregon, Washington, Alaska and Chile on fisheries projects and related issues for the past 32 years. Prior to coming to NOAA, he was with the Northwest Power and Conservation Council, the Public Power Council, and Grant County PUD, focusing on hatchery, harvest and hydropower issues.

**Daryl Williams**, Environmental Liaison for the Tulalip Tribes, has worked for the Tribe for over 30 years. He works with environmental, fisheries, archeological and cultural issues including development of the Tribe's air quality program, developing a bio-gas facility, reviewing development plans within fishing areas, participating with the Jackson hydroelectric project relicensing process, and reviewing the proposed tidal energy developments.

**Register Today!**

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**Registration:** Please mail or email your registration as soon as possible since enrollment is limited, or you may also register with a credit card via email, online, fax or phone. Walk-in registrations will be accepted subject to space availability. Please call THE SEMINAR GROUP at (206) 463-4400 or (toll free) (800) 574-4852 or fax to (866) 435-3444 or email: [info@TheSeminarGroup.net](mailto:info@TheSeminarGroup.net)

**Tuition:** The tuition fee includes attendance at all sessions, coffee breaks, and all course materials. *Full Tuition:* \$495.00 per person; Special Government rate: \$395 per person; New Associate/Paralegal rate: \$360 per person. Student rate: \$297. Make checks payable to: THE SEMINAR GROUP.

**Save When Two or More Register:** Save \$25 each off of the *Full Tuition fee* only when two or more register from the same organization at the same time. Multiple discounts do not apply.

**Course Accreditation:** This course is approved by the Washington State Bar for 6.0 general CLE credits and the Oregon State Bar for 6.25 general CLE credits. For information on accreditation in other states, please call THE SEMINAR GROUP at 206-463-4400

or 800-574-4852.

**Substitution/Cancellation:** You may substitute another person at any time. We will refund tuition, less a \$50 cancellation charge, if we receive your cancellation by **Thursday, November 12th, 2009**. No refunds will be given after this date. For more information regarding administrative policies such as complaint and refund, please contact our office at 206-463-4400 or 800-574-4852.

**Course Materials:** Each participant will receive a set of course materials, prepared by the speakers especially for this conference, which will be invaluable as a future reference. The course materials alone are available for \$100 which includes shipping and handling.

**Homestudy Package:** Our complete Homestudy Course, consisting of a full DVD or Audio CD and the Course Materials, is available for \$505. This package is approved by the Washington State Bar for 6.0 general CLE self-study credits and may qualify for self-study credit in other states.

**Seminar Location:** The seminar will be held at the WA State Convention & Trade Center, 800 Convention Place, downtown Seattle,