

A FLOOD OF QUESTIONS: Integrating Floodplain Management and Salmon Conservation

*Co-sponsored by
CRITFC and OLI*



Friday, November 7, 2014

Columbia River Inter-Tribal Fish Commission
700 NE Multnomah St., Room 502
Portland, Oregon 97232

7 General or Practical Skills MCLE Credits





8:00 a.m. CHECK-IN AND CONTINENTAL BREAKFAST

8:25 WELCOME

8:30–9:15

Legal Landscape: Managing Floodplains and Restoring Salmon

Professor Zellmer will discuss the history of federal efforts to control floods, re-build in the wake of flood damage, and insure against flood losses. She will examine how these programs affect our environment as well as our economy, and introduce some of the modern controversies involving these issues.

– *Sandy B. Zellmer, Professor of Law, University of Nebraska College of Law*

9:15–10:00

Understanding and Restoring Floodplain Function for Salmon Restoration and Other Benefits

A healthy and properly functioning floodplain is critical to water quantity, quality and fish habitat. The disconnect of streams to floodplains created by channelization, impoundment and flood risk management is a common factor affecting fish habitat. This panel will provide tribal perspectives on functioning river ecosystems, including a sense of what has been lost and what is being rebuilt.

- *Gary James, Fisheries Program Manager, Confederated Tribes of the Umatilla Indian Reservation*
- *Matt Wynne, Chair, Upper Columbia United Tribes, Spokane Tribe of Indians*
- *Thomas A. Zeilman, Attorney for Yakama Nation*

10:00–10:15 BREAK

10:15–11:15

Administering Floodplain Protection: Agency Roles and Views

The management of floodplains and their habitat for salmon is not regulated by one law or one agency; a variety of agency obligations play a role in managing floodplain condition and its ability to serve as salmon habitat. Panelist will discuss the roles of their agencies, the tools available to them, and the direction that administration is heading for purposes of protecting salmon habitat in the floodplain.

- *Mark Carey, Director, Mitigation Division, FEMA Region X*
- *Kim W. Kratz, Assistant Regional Administrator, NOAA Fisheries, West Coast Region*
- *Representative, U.S. Army Corps of Engineers*

11:15–12:00

Levee Certification/Re-Certification

Panelists will discuss the Flood Control Act, US Army Corps of Engineers Rehabilitation and Inspection Program, FEMA National Flood Insurance Program (NFIP) Levee Accreditation Process, case example at Peninsula Drainage District #1 and #2, and the Oregon Solutions process.

- *Hong Huynh, Miller Nash LLP*
- *Sunny Simpkins, Natural Resources Project Manager, Multnomah County Drainage District*

12:00–1:00 LUNCH (on your own)



1:00–1:30

NFIP Consultation and Litigation

There have been several lawsuits around the country regarding FEMA's obligations to protect species listed as threatened or endangered in implementing the National Flood Insurance Program. Professor Rohlf will summarize the issues and legal questions that arise in these cases, highlighting ongoing litigation in the Pacific Northwest.

– **Daniel J. Rohlf**, Professor of Law, Lewis & Clark Law School

1:30–2:30

Changes to Mapping Requirements for NFIP

The current system for regulating and protecting floodplains relies on mapping a variety of flood hazard zones and conservation zones. This mapping is technically challenging, and raises a host of difficult policy issues such as how to account for climate change in mapping flood-prone areas. This panel will explore changes and controversies involving floodway mapping.

- **John Graves**, Acting Chief, Floodplain Management Branch, FEMA Region X
- **Kim W. Kratz**, Assistant Regional Administrator, NOAA Fisheries, West Coast Region
- **Jed Roberts**, Geologist, Flood Mapping Coordinator, Oregon Department of Geology and Mineral Industries
- **Christine Shirley**, National Flood Insurance Program Coordinator, Oregon Department of Land Conservation and Development

2:30–2:45 BREAK

2:45–3:45

Floodplains and Local Land Use Regulation

Under the NFIP, FEMA establishes criteria for floodplain management that local governments must meet to maintain eligibility for federal benefits. NOAA Fisheries has proposed changes to these standards that not everyone supports or believes are possible under current law. Panelists will provide an overview of the complex interactions between federal, Oregon, and local laws, and the hurdles to achieving floodplain habitat protections.

- Moderator: **Amanda Punton**, Natural Resource Specialist, Oregon Department of Land Conservation and Development
- **Gordon Howard**, Urban Planning Specialist, Oregon Department of Land Conservation and Development
- **Kaitlin Lovell**, Science, Fish and Wildlife Division Manager, Bureau of Environmental Services, City of Portland
- **Bryan W. Pohl**, Community Development Director, Tillamook County

3:45–4:30

Columbia River Treaty

After 2024, if no changes are made to the Columbia River Treaty, the U.S. loses assured flood storage in Canada under a coordinated flood control operating plan and must make effective use of its available flood storage before it can call upon Canada for help. As a result of this change, there are several questions about U.S. flood management planning after 2024. This panel will outline some potential answers to those questions.

- **Brian C. Gruber**, Attorney for the Colville Confederated Tribes, Zions Chestnut
- **John Shurts**, General Counsel, Northwest Power and Conservation Council

4:30 p.m. ADJOURN



PROGRAM FACULTY

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Mineral Industries

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Professor of Law
Lewis & Clark Law School

Christine Shirley

National Flood Insurance Program
Coordinator, Oregon Department of
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John Shurts

General Counsel, Northwest Power
and Conservation Council

Sunny Simpkins

Natural Resources Project Manager,
Multnomah County Drainage District

Matt Wynne

Chair, Upper Columbia United Tribes,
Spokane Tribe of Indians

Thomas A. Zeilman

Attorney for Yakama Nation

Sandy B. Zellmer

Law Professor
University of Nebraska College of Law

LIVE PRESENTATION

Portland – November 7, 2014

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*A Flood of Questions: Integrating Floodplain
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Friday, November 7, 2014

Name	OSB No. or Profession
Firm/Organization	
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Please "✓" appropriate box:

TUITION

Registration includes electronic course materials. Printed materials are available for an additional \$15.00. (A link to a PDF of the materials will be emailed prior to the seminar date.)

Early registration (received by November 3, 2014)

- ☐ \$189 Early registration
- ☐ \$159 Tribal, non-profit, and government attorneys and staff
- ☐ \$139 New attorneys (admitted 2012–2014) and legal staff
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- ☐ \$15 Print materials
- ☐ \$20 **Add to above tuition if registration received after November 3, 2014**

LIVE WEBCAST REGISTRATION

Can't attend in person? OLI offers a simultaneous live webcast option allowing you to "attend" the program from the convenience of your office. This program will be broadcast LIVE online on Friday, November 7, 2014, starting at **8:30 a.m.** Pacific Time. You may access this event from anywhere with an established internet connection. The webcast will include video and audio of the speakers and seminar handout materials. To register for the live webcast, please [click here](#) or go to our website at <http://go.lclark.edu/oli> and click on "Webcasts."

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 OLI, including credit card information.

CONFIRMATION: Confirmation will be sent via e-mail.

CANCELLATION POLICY: Tuition minus a \$20 handling charge will be refunded if the cancellation request is written and received by Monday, November 3, 2014.

NEED ASSISTANCE: If you are a person with a disability, please let OLI know in time to make any necessary accommodations for you.

TUITION ASSISTANCE: A limited number of scholarships are available based on financial need. Contact OLI.