

→ Wetlands and Endangered Species

Sheppard Mullin's lawyers provide strategies for navigating the complex permitting process for wetlands and endangered species at both the federal and state levels. Our attorneys are known for their ability to identify and overcome a host of regulatory obstacles blocking the development of projects. We assist clients with the conception and implementation of compliance programs. Our attorneys have comprehensive experience at every stage of the permitting process, from undertaking due diligence and developing permitting and mitigation strategies to preparing application and mitigation materials and negotiating with agencies. In the event of litigation, we help to develop sound records and litigate as needed.

Based on the numerous wetland permitting projects in which we have been involved, we have developed a streamlined process that ensures early identification of critical wetland issues and appropriate ways to document such issues. In addition to obtaining numerous individual permits and authorizations, we also were involved in developing the Special Area Management Plan (SAMP) and Master Streambed Alteration Agreement for the San Diego Creek watershed and have extensive experience in regional planning efforts involving both wetlands and endangered species. NEPA compliance is a key part of this practice.

We also have advised clients on the many aspects of endangered species law, including incidental take authorizations from consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service under Section 7 of the federal Endangered Species Act, including biological assessments and biological opinions; Habitat Conservation Plans ("HCP") and incidental take authorization from the U.S. Fish and Wildlife Service under Section 10 of the federal Endangered Species Act; the designation of critical habitat under the federal Endangered Species Acts; and the listing and de-listing of endangered species under both the federal and California Endangered Species Acts.

Our team members have worked closely with consultants to ensure compliance with the new delineation requirements following the U.S. Supreme Court case of *Rapanos* and the subsequent joint guidance from the U.S. Army Corps of Engineers and the EPA; the new mitigation rule and recently issued guidance regarding establishment of mitigation banks. Sheppard Mullin attorneys have also been monitoring the State and Regional Water Quality Control Boards efforts to develop a new state wetland and riparian policy.

We also have expertise in water rights, resources and water quality matters. We regularly counsel clients on federal and state permit issuance, modifications and transfer proceedings concerning the NPDES, POTW and SPDES. Because federal, state and local efforts to regulate freshwater or wetlands can overlap or present contradictory information, Sheppard Mullin has deep expertise in all current initiatives and trends pertaining to this vast body of law.

Sheppard Mullin also maintains expertise in litigating wetlands and endangered species matters. Our lawyers have successfully resolved some of the most complex cases before the courts today, including ones that have raised important new interpretations of wetlands and endangered species regulations, as well as our clients' rights and responsibilities under these laws.