

## December 20 - Land Use

### WOTUS 2.0: Implications of this week's Trump Administration proposal to revise the definition of the term "waters of the United States" for the purposes of the Clean Water Act

#### SPEAKERS:

**Andre Monette** works with both public and private clients in matters involving water quality, water rights, wetlands, and state and federal hazardous and solid waste issues. He is a member of the Environmental & Natural Resources practice group in BB&K's Washington, D.C. office. Andre works extensively with water districts, cities, counties and school districts on matters involving the Federal Clean Water Act and its state law analogues.

Andre's practice has included:

- Representing multiple clients in Clean Water Act cases as *Amicus* before the United States Supreme Court in *Decker v. Northwest Environmental Defense Center (2012)*, *Los Angeles County Flood Control District v. Natural Resources Defense Council (2012)* and *Los Angeles County Flood Control District v. Natural Resources Defense Council (2014)*
- Testifying before the United States Senate on storm water runoff and the jurisdictional reach of the Clean Water Act
- Assisting with the implementation of pretreatment standards in compliance with Clean Water Act Regulations
- Litigating complex water rights disputes involving groundwater formations and surface streams across California
- Defending clients in enforcement actions brought by state and federal authorities for violating the Clean Water Act and other environmental regulations
- Participation in the development and subsequent challenge of Total Maximum Daily Loads (TMDLs) applicable to wastewater treatment facilities, municipalities, and other dischargers
- Assisting in the development and use of recycled water, including ownership issues, in compliance with California and Federal law

A major area of focus for Andre's practice is the intersection of the water quality and water supply regulation. Federal and state laws across the nation divide water quality and water supply regulations into separate categories that often do not intersect and can preclude efficient use of the supply. Andre's practice focuses on areas of overlap where acute knowledge of multiple regulatory schemes is required including: groundwater recharge projects, indirect potable reuse projects, large scale recycled water projects, effluent limitation compliance where source water constituents impact discharge levels, and water quality trading programs.

Andre received his bachelor's degree of science in geology, with an emphasis in marine geology and a minor in political science, from San Diego State University. He received his law degree from Case Western Reserve School of Law in Cleveland, Ohio. While in law school, Andre was a member of the Case Western Reserve School of Law ABA Moot Court Team. His law school honors include the Class of 1940 Scholarship, the 2005 Adelstein Environmental Law Award - "Outstanding Note," the 2004 Saul S. Biskind Public Interest Law Fellowship and the California Bar Association Wiley W. Manual Pro Bono Service Award.

**Lowry Crook** advises and represents public and private clients on water infrastructure, the Clean Water Act, environmental review and permitting, ecosystem restoration, and disaster resilience and recovery issues. He is a partner in the Environmental Law & Natural Resources practice group in Best Best & Krieger LLP's Washington, D.C. office. Lowry works with cities, counties, water districts, flood control districts and private entities to develop and advance water infrastructure and ecosystem

restoration projects, expedite environmental reviews and permitting, resolve water operation and regulatory issues, and prepare for — and recover from — natural disasters.

Lowry has served in senior positions at the White House and federal agencies governing a wide range of environmental, natural resources, infrastructure, energy, land management and transportation issues. He served as a senior leader and counsel overseeing the Army Corps of Engineers, the White House Council on Environmental Quality and the Federal Maritime Commission. Prior to his government service, Lowry worked for 10 years as a litigation and government investigations attorney at the law firm WilmerHale in Washington, D.C.

Lowry's experience and knowledge helps local governments and private clients navigate complex issues such as:

- The Army Corps of Engineers' project planning and budgeting processes
- Regulation and permitting under section 404 of the Clean Water Act and section 408 of the Rivers and Harbors Act
- Reviews and interagency consultations under the National Environmental Policy Act and the Endangered Species Act
- Tools for expediting reviews and permitting, including the FAST Act of 2015 and the Federal Permitting Improvement Steering Council
- White House Office of Management and Budget and Congressional authorization, budgeting and appropriations
- Public-private partnerships and innovative finance approaches for infrastructure
- Resolving complex water operations and allocation issues
- Federal programs and resources for ecosystem restoration
- Requirements for mitigating project impacts on natural resources, including for advanced conservation through mitigation banks and in lieu fee programs
- Federal tools and resources for preparing for disasters, reducing hazards, increasing resilience, and disaster response and recovery
- Federal regulation of international shipping and ports

Lowry has also advised and represented clients and organizations in a wide range of government and Congressional investigations, hearings and litigation.

Before he began his law practice in Washington, D.C., Lowry served as a judicial clerk for then Justice Greg Abbott of the Texas Supreme Court. Lowry is admitted to practice law in the District of Columbia.

