



NO ADVERSE IMPACT  
Preserving Our Watersheds  
Protecting Our Property Rights  
February 21 and 22, 2008  
Fairmont Hot Springs Resort

- **Local Officials** -- Would you like to know how development in hazardous and environmentally sensitive areas can be fairly, properly, and legally regulated?
- **Builders** -- Do you worry about getting sued if a development you've built near a water body causes problems for others?
- **Landowners** -- Has nearby development in the floodplain adversely impacted your property? Are you concerned that local land use regulations may constitute a "taking" of your property rights?
- **All Montana Citizens** -- Would you like new development in hazardous and environmentally sensitive areas to be managed in a way that both preserves our watersheds AND protects our property rights??

If your answer to any of these questions is **YES**, you won't want to miss the opportunity to hear featured speaker Edward A. Thomas, Esq., developer of the No Adverse Impact (NAI) approach to floodplain and stormwater management.

**NAI is defined as "...an approach that ensures the action of any property owner, public or private, does not adversely impact the property and rights of others."** The objective of NAI is the safe and proper development of land subject to a hazard.

Mr. Thomas will discuss the origins of NAI, how it works in hazard management, how it's regarded by the courts, and how it can be applied to assure that the property rights of everyone in the community are respected and protected. Ed Thomas, with the Michael Baker Corporation of Quincy, Massachusetts, has 35 years of experience as a floodplain manager, disaster specialist, and attorney. .

**This conference is targeted to:**

- County Commissioners, Planning Board Members, and Tribal Leaders
- County Planners, Sanitarians, Floodplain Managers, and Emergency Managers
- Conservation Districts and Watershed Councils
- Public and Private Attorneys
- Ranchers and Other Landowners/Taxpayers
- Builders, Developers, Realtors
- State Legislators, State and Federal Resource Managers
- Grassroots Citizen Planning Groups
- Conservation Organizations
- All other interested citizens of Montana

**Presentation on No Adverse Impact will address the following topics:**

Legal Roots of a Do No Harm in Developing Land  
Preventing Harm - Government's Rights and Duties  
The Taking Issue  
The United States Constitution and Court Decisions  
How Efforts to Safely Regulate Can Be Challenged  
Tools for Implementing NAI  
A Call for Coordination among Water Resource Managers  
Federal Disaster Assistance and Mitigation -National Flood Insurance Program

All presentations will provide ample time for questions and discussion.

This conference serves to meet Montana State Bar continuing legal education credits.

# NAI Conference Sponsors

Sky Sponsors – \$1,000 and up



**Liz Claiborne/Art Ortenberg Foundation**  
[www.lcaof.org](http://www.lcaof.org)

**Montana Department of Environmental Quality**  
[www.deq.state.mt.us](http://www.deq.state.mt.us)



**Montana Department of Natural Resources and Conservation**  
[www.dnrc.mt.gov](http://www.dnrc.mt.gov)

**Montana Smart Growth Coalition**  
[www.mtsmartgrowth.org](http://www.mtsmartgrowth.org)



**Montana Department of Fish, Wildlife & Parks**  
[www.fwp.mt.gov](http://www.fwp.mt.gov)

**Bureau of Land Management**  
[www.blm.gov/mt/st/en.html](http://www.blm.gov/mt/st/en.html)



## Water Sponsors ~ \$500 - \$999



**PBS&J**

[www.pbsj.com](http://www.pbsj.com)



**Montana Association of Planners**

<http://www.montanaplanners.org>



**Association of Montana Floodplain Managers**

<http://mtfloods.org>

**Beaverhead County**

<http://www.beaverheadcounty.org>



**Butte Silver Bow County**

<http://co.silverbow.mt.us/>

**Madison County**

[www.madison.mt.gov](http://www.madison.mt.gov)



**Montana Water Trust**

[www.montanawatertrust.org](http://www.montanawatertrust.org)

## Earth Sponsors ~ \$300-\$499

**Watershed Consulting, Whitefish, Montana**

[www.watershedconsulting.com](http://www.watershedconsulting.com)

**University of Montana – Watershed Health Clinic**

[www.umt.edu/watershedclinic](http://www.umt.edu/watershedclinic)

**The Sonoran Institute**

[www.sonoran.org](http://www.sonoran.org)

# No Adverse Impact

## Preserving Watersheds

## Protecting Property Rights

### AGENDA DAY 1 – February 21

**8:00 Registration and refreshments**

**9:00 Welcome and Introductions**

*Rick Hartz, Beaverhead County Planner*

- Why an NAI Conference – Beyond Setbacks - The Big Hole Experience  
*Garth Haugland, Beaverhead County Commissioner*  
*Harold Peterson, Big Hole Rancher* ∆ Both are Governing Board Members of the Big Hole Watershed Committee
- No Adverse Impact – A Quick Sketch  
*Mr. Edward A. Thomas Esq., Attorney, Michael Baker Corporation, Quincy Massachusetts*

**10:00 What Are the Threats – Understanding the Concerns (Panel)**

- Hydrologic realities of floodplain and river movement- How does a floodplain function? ∆ *Karin Boyd, Fluvial Geomorphologist, Applied Geomorphology, Inc. Bozeman, MT*
- Ecological realities – Cost of floodplain development on riparian habitat, wildlife, birds, fish, and water quality ∆ *Chris Clancy (Fisheries Biologist) and John Vore (Wildlife Biologist), Montana Department of Fish, Wildlife & Parks*
- Economic realities - Health and human safety- Infrastructure impacts ∆ *Karl Christians, past Montana Floodplain Manager*
- Question and Answer

**12:00 Lunch**

**1:00 No Adverse Impact** ∆ *Edward A. Thomas*

**2:45 Break**

**3:00 No Adverse Impact** ∆ *Edward A Thomas*

**5:00 Social Hour and Soak Break**

**6:30 Dinner**

**7:30 After Dinner Presentation – NAI Case Study: Thurston County, Washington**

Thurston County's NAI floodplain management is in large part geared toward avoiding harm to its invaluable natural features by using all of the NAI building blocks. Through its plans, maps, and regulations, the County gives special attention to endangered species, wetlands, and habitat preservation and restoration.

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**AGENDA**                      **DAY 2 – February 22**

**7:00**    **Breakfast**

**8:00**    **Recap of Previous Day – What Will Today Look Like?**

**8:10**    **No Adverse Impact** – *Edward A. Thomas*

**10:15**    **Break**

**10:30**    **Next Steps – Facilitated Round Table**

*Panelists: Edward A. Thomas Esq., Attorney, Michael Baker Corporation, Quincy Massachusetts, Stephanie Kruer, Attorney, Kruer Law Firm, Sheridan, Montana*

*Karl Christians, Montana Department of Natural Resources Conservation (past Montana Floodplain Manager)*

*Doris Fischer, Land Use Planning Specialist, Montana Department of Fish, Wildlife & Parks.*

**12:00**    **Lunch**

**Lunch Presentation**

*“Takings – A local government perspective” Δ Stephanie Kruer, Attorney*

**1:30**    **Facilitated Discussion**

**3:00**    **Closing Statements** – Hal Harper, Chief Policy Advisor, Governor's Office

# No Adverse Impacts Conference

## Registration

February 21 and 22, 2008 Fairmont Hot Springs Resort

### Conference Registration

The Big Hole Watershed Committee welcomes anyone concerned about land use planning, particularly as it relates to development in our floodplains and riparian areas. Please complete, and mail in your registration form. **Early registration deadline is February 8, 2008. Registration fees rise after that date.**

### Conference Sponsorship Packages

Corporate contributions help offset conference costs in exchange for raising the profile of your company. We are offering three levels of sponsorship - *E*arth, *W*ater, and *S*ky. Sponsorship levels and benefits are as follows:

#### *E*arth - \$300

- One 6' exhibit table
- one conference registration
- your company name listed in conference program materials

#### *W*ater - \$500

- Above benefits plus
- your company name displayed on conference signage
- your company logo prominently listed on front of conference program materials and any weblinks or homepages

#### *S*ky - \$1,000

- Above listed benefits plus
- One full page advertisement in conference program materials booklet (you provide your own design and verbiage)

### Booth Registration

Booths will be made available for free to non-profits, watershed groups, local government, and academics for use in sharing your accomplishments and resources. Booth space is limited so please register early.

*Registration form for conference sponsorship and booth is found on the registration page following. If you have questions, please contact Jill Luebeck, (406)494-6216 [jmluebeck@bhwc.org](mailto:jmluebeck@bhwc.org) or Noorjahan Parwana, (406)782-3682 [nparwana@bhwc.org](mailto:nparwana@bhwc.org).*

*Please note: Scholarship requests are no longer being accepted.*

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Print this form, complete it, and mail it (with payment) to the Big Hole Watershed Committee. Deadline for early registration is February 8, 2008. Make checks payable to the Big Hole Watershed Committee. Send completed registration form and check to the following address.

Conference Registration  
Big Hole Watershed Committee  
PO Box 931  
Butte, MT 59703-0931

Name:

Title:

Organization:

Address:

City:

State:

Zip:

Phone:

Email:

Check the meal functions you plan to attend (All meals are included with registration):

- 2/21/08 Lunch Buffet     
  2/21/08 Social Hour     
  2/21/08 Dinner Buffet  
 2/22/08 Breakfast Buffet     
  2/22/08 Lunch Buffet

<b>Conference Costs</b>	<i>Amount per Individual</i>	<i>Number of Registrants or Booths</i>	<i>Total</i>
<b>Early registration due by February 8, 2008</b>			
<b>Early Registration Fee</b> -through February 8, 2008 (Add \$50 late fee after 2/8/08) All meals included.	\$150.00		
<b>Late Registration Fee</b> – after February 8, 2008	\$200.00		
<b>Sponsorship Package</b>	Earth    \$300		
	Water    \$500		
	Sky    \$1,000		
<b>Booth Registration</b>	Free (non-profits, watershed groups, local government, and academics)		\$00
<b>Total Amount Due:</b>			

# No Adverse Impact Conference Accommodations

February 21 and 22, 2008 Fairmont Hot Springs Resort

## Hotel

A block of rooms has been reserved at Fairmont Hot Springs Resort for \$72/night for a single or \$99/night for a double, plus tax. The reservation number is **1.800.332.3272**. Please indicate that you are going to the No Adverse Impact Conference to receive your special rate and reserve by February 8, 2007



**Remember to make your reservations by February 8 to get the special rate!**

Check out more information about Fairmont Hot Springs Resort, along with directions and maps, by clicking onto their website at [www.FairmontMontana.com](http://www.FairmontMontana.com).