

Melissa Samet

Senior Water Resources Counsel, National Wildlife Federation

Melissa Samet is an attorney and environmental protection advocate with more than 25 years of experience. Since 2010, Samet has been the Senior Water Resources Counsel for the National Wildlife Federation where she directs water resources campaigns and provides policy and legal direction on issues related to water resources planning and projects, with a particular focus on improving the planning practices of the Army Corps of Engineers and improving floodplain management. Samet has testified before Congress and the National Academies, published numerous articles and essays, and authored reports on the Corps of Engineers and water policy. She was awarded a 2009 National Wetlands Award from the Environmental Law Institute. From 2001 to 2009, Samet was the Senior Director of Water Resources at American Rivers where she directed American Rivers' Corps of Engineers Reform Campaign and Natural Flood Protection initiative. From 1994 to 2001, Samet worked for Earthjustice where she had dual roles as a litigating attorney and Director of Earthjustice's Marine Biodiversity Program. She also represented Earthjustice as a member of the Federal Advisory Committee on Total Maximum Daily Loads (TMDLs). Prior to joining Earthjustice, Samet was a litigating attorney in private practice focusing on federal securities law, antitrust, and international banking litigation. Samet received her J.D. from the New York University School of Law, and holds a B.S. in Wildlife Biology from the University of Vermont.

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Senior Water Resources Counsel, National Wildlife Federation
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Attorney and environmental advocacy director with more than 25 years of experience; recognized expert in water resources, wetlands, and ocean protection law and policy.

Professional Experience

NATIONAL WILDLIFE FEDERATION, Fairfax, California

Senior Water Resources Counsel, October 2010—Present

Direct, develop, and implement water resources campaigns, with particular focus on improving the planning practices of the Army Corps of Engineers, improving floodplain management, and protecting fish and wildlife in managed river systems. Direct and implement campaigns to modernize operation of the Mississippi River navigation system and the Apalachicola-Chattahoochee-Flint system. Analyze and advise on policy and legal issues related to water resources planning and projects.

CONSULTING FOR THE ENVIRONMENT, Fairfax, California

Water Resources Consultant, July 2009—Present

Direct, develop, and implement water resources campaigns. Analyze and advise on policy and legal issues related to water resources planning and projects. Clients include the National Wildlife Federation, American Rivers, Trout Unlimited, Apalachicola Riverkeeper, and the McKnight Foundation. Projects include: directing and implementing campaign to improve Federal water resources planning guidelines, including preparing comprehensive comments, organizing and leading meetings with senior Administration officials, providing testimony to the National Research Council, and leading outreach efforts to the scientific and conservation communities; developing grant making-related program goals and metrics; analyzing and advising on legal issues related to large-scale Federal water projects; preparing Congressional testimony and advocating for Congressional oversight of the Army Corps of Engineers.

AMERICAN RIVERS, Fairfax, California

Senior Director, Water Resources, 2001—June 2009

Developed, directed, and implemented all facets of American Rivers' Army Corps of Engineers Reform Campaign designed to fundamentally improve the way the Army Corps manages our nation's rivers and wetlands and to make reliance on healthy rivers and wetlands the standard and preferred option for protecting communities from flooding. Developed and led efforts to defend and strengthen protections provided by the Clean Water Act, with particular focus on Clean Water Act Section 404. Formulated and implemented fundraising strategies. Developed and managed program budget and managed staff. Worked with Board and Scientific Advisory Committee.

EARTHJUSTICE, San Francisco, California

Director and Attorney, Marine Biodiversity Program, 1997—2001; Associate Attorney, 1994—1997

Developed and implemented all facets of litigation-driven advocacy campaigns to protect marine resources in the Gulf of Mexico and Hawaii and to reform the Army Corps of Engineers, including, developing and implementing litigation, media, and political strategies; drafting and analyzing legislation; preparing written comments on environmental documentation and proposed rule changes; providing oral testimony; developing and writing reports; and building grassroots coalitions. Formulated and implemented fundraising strategies, developed and managed program budget.

SHEARMAN & STERLING, San Francisco, California and New York, New York

Litigation Associate, 1986—1994

Conducted all facets of commercial litigation, including researched and wrote appellate and trial court briefs; prepared witnesses; drafted closing and appellate arguments, and direct and cross-examinations; supervised and conducted discovery and motion practice. Conducted factual investigations; prepared reports analyzing allegations of financial and operational fraud and mismanagement; and counseled clients on contract and employment issues.

Select Testimony, Articles, and Reports

Samet, M., National Wildlife Federation Statement on *America's Water Infrastructure Needs and Challenges*, Committee on Environment and Public Works, United States Senate (January 10, 2018)

Samet, M. (2018). 'Mississippi River Navigation System: A Major Contributor to Flooding', in Sara-Llobet A. et al (ed.) *Managing Flood Risk*. eBook: Palgrave Macmillan, pp. 26-32.

Samet, M., National Wildlife Federation Statement on *A Review of United States Army Corps of Engineers Reports to Congress on Future Water Resources Development and Chief's Reports* (February 24, 2016)

Samet, M., National Wildlife Federation Statement on *EPA's Expanded Interpretation of Its Permit Veto Authority Under the Clean Water Act*, Subcommittee on Water Resources and Environment, U.S. House of Representatives Transportation and Infrastructure Committee (July 15, 2014).

Samet, M., National Wildlife Federation Statement on *The Foundations For A New Water Resources Development Act*, U.S. House of Representatives Transportation and Infrastructure Committee (April 16, 2013)

Samet, M., National Wildlife Federation Testimony on *Reinvesting in Inland Waterways: What Policymakers Need to Know*, Transportation Research Board Committee, National Research Council (March 7, 2014)

Samet, M., National Wildlife Federation Statement on *Oversight Hearing on Implementation of Corps of Engineers Water Resources Policies*, U.S. Senate Environment and Public Works Committee (February 7, 2013)

Samet, M., National Wildlife Federation Statement on *Water Resources Development Act: Growing the Economy and Protecting Public Safety*, U.S. Environment and Public Works Committee (September 20, 2012)

Samet, M., *A Citizen's Guide to the Corps of Engineers*, American Rivers and National Wildlife Federation (2009).

Samet, M., *Yazoo Pumps: Decompressed*, National Wetlands Newsletter 31:5 (2009)

Samet, M., *Congress Hands the Corps a New Set of Orders on Mitigation*, National Wetlands Newsletter 30:3 (2008).

Samet, M., *Bankside Federal* in RIVERTOWN RETHINKING URBAN RIVERS (Paul Stanton Kibel ed.2007, MIT Press)

Samet, M., American Rivers Statement on *Water Resources Needs and the President's Budget Proposal for the Army Corps of Engineers for Fiscal Year 2008*, Transportation and Infrastructure Subcommittee, U.S. Senate Environment and Public Works Committee (March 15, 2007)

Samet, M., Wu, J., *Unnatural Disasters, Natural Solutions: Lessons from the Flooding of New Orleans*, American Rivers (2006).

Samet, M., *The Clean Water Act: Commerce Has Everything to Do With It*, National Wetlands Newsletter 26:2 (2004).

Samet, M., American Rivers Testimony on *Independent Peer Review of Products that Support Agency Decision-Making*, Subcommittee on Water Resources and Environment, U.S. House of Representatives Committee on Transportation and Infrastructure (March 5, 2003)

Samet, M., American Rivers Statement on *Water Resources Development Programs within the U.S. Army Corps of Engineers*, U.S. Senate Environment and Public Works Committee (June 18, 2002)

Samet, M., American Rivers Testimony on *Water Resources Development Act of 2002*, Water Resources and Environment Subcommittee, U.S. House of Representatives Transportation and Infrastructure Committee (April 10, 2002)

Samet, M., Mueller T.L., *Saving the Oceans: A Litigation Strategy*, Sierra Club Legal Defense Fund (Commissioned by the Pew Charitable Trusts) (1997).

Selected Advocacy Highlights

Directed successful long-term strategy resulting in requiring the Army Corps of Engineers to consider natural infrastructure solutions in flood and storm risk management planning (Water Resources Development Act of 2018).

Directed successful long-term strategy resulting in cessation of planning for St. Johns Bayou New Madrid Floodway Project, protecting 50,000 acres of ecologically significant wetlands and the most important backwater fisheries habitat in the Middle Mississippi River.

Directed successful long-term strategy resulting in substantially improved water resources planning guidelines for the U.S. Army Corp of Engineers and other federal agencies.

Working closely with partner organizations, ensured wilderness protection for Drakes Estero in Point Reyes National Seashore in California, the only marine wilderness on the west coast.

Directed successful long-term strategy resulting in the U.S. Army Corps of Engineers undertaking studies to modernize its 25 year old navigation operations plan for the Middle Mississippi River.

Awarded the 2009 National Wetlands Award for Wetland Community Leader from the Environmental Law Institute.

Directed successful long-term strategy resulting in a Clean Water Act veto of the Yazoo Backwater Pumping Plant, protecting 200,000 acres of ecologically significant wetlands.

Directed successful long-term strategy resulting in enactment of legislation improving the planning practices and policies of the Army Corps of Engineers (Water Resources Development Act of 2007).

Directed successful strategy resulting in enactment of legislation requiring closure of the deadly Mississippi River Gulf Outlet and restoration of the wetlands and storm buffering capacity lost to the Outlet (Water Resources Development Act of 2007).

Directed successful strategy that led to the State of Florida ending decades of highly destructive federal navigation dredging on the Apalachicola River.

Directed and developed preparation of amicus briefs, including Supreme Court amicus briefs filed in *United States v. Rapanos* (defending the historically broad jurisdictional scope of the Clean Water Act) and *Coeur Alaska, Inc. v. Southeast Alaska Conservation Council* (defending a prohibition on the Army Corps' ability to issue a 404 permit for disposal of toxic materials regulated under the Clean Water Act).

Working closely with partner organizations, successfully halted highly destructive dredging of the Bolinas Lagoon in northern California.

Working closely with partner organizations, successfully defended against significant rollbacks to regulations and permit requirements under the Clean Water Act and Rivers and Harbors Act.

Organized and led development of the Water Protection Network (formerly the Corps Reform Network), which currently has more than 200 organizational members; and the Gulf Restoration Network which has evolved into a highly effective environmental advocacy organization.

Represented Earthjustice as a member of the Federal Advisory Committee on Total Maximum Daily Loads (TMDLs).

Education and Admissions to Practice

New York University School of Law, Juris Doctor Degree
University of Vermont, Bachelor of Science in Wildlife Biology

Admitted to Practice in the States of California and New York