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NEPA

New Two-Day Format

March 29-30, 2007 • Grand Hyatt • San Francisco

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Register Online at www.cle.com or Call (800) 873-7130
Conference Schedule and Speaker Biographies Inside 

Thursday, March 29**Friday, March 30**

8:30 Registration and Continental Breakfast

9:00 Welcome and Introduction

Overview of Day One

Barbara Schussman, Esq., Program Co-Chair*Bingham McCutchen, Walnut Creek***9:15 Case Law Update**

Key NEPA Cases in the Circuit Courts and Select District Courts

Barbara Schussman, Esq., Program Co-Chair

10:00 Morning Break

10:15 The Need for an Environmental Impact Statement (EIS)

When Is an Environmental Assessment Not Enough?

David M. Ivester, Esq.*Briscoe Ivester & Bazel, San Francisco***11:00 The Supplemental EIS**

When to Prepare It; Scope and Substance; Standard of Review

Scott B. Birkey, Esq.*Morrison & Foerster, San Francisco*

11:45 Lunch Break

1:15 12 Rules to Make the NEPA Process Work

Insights for the Environmental Professional

Nicholas C. Yost, Esq.*Sonnenschein Nath & Rosenthal, San Francisco***2:00 Hot Topics and Current Trends**

Analysis of Global Warming; Preparation of Joint Environmental Documents to Streamline State Environmental Review and NEPA Processes

Alicia Guerra, Esq.*Morrison Foerster, Walnut Creek*

2:45 Afternoon Break

3:00 The Small Federal Handle ProblemSection 404 Permitting After *Save Our Sonoran* and *Public Citizen***Robert D. Anderson, Esq.***Withey Anderson & Morris, Phoenix***3:45 Ethics**

Considerations for the Environmental Professional

Stanley W. Lampert, Esq.*Cox Castle & Nicholson, Los Angeles*

4:45 Q&A Panel

Members of the Faculty

5:00 Adjourn

8:30 Continental Breakfast

9:00 Welcome Back

Overview of Day Two

Robert D. Thornton, Esq., Program Co-Chair*Nossaman, Guthner, Knox & Elliott, San Francisco***9:15 NEPA and Permit Streamlining**

The Quest for the Holy Grail

Robert D. Thornton, Esq., Program Co-Chair

10:00 Morning Break

10:15 The Integration of NEPA and the California Environmental Quality Act (CEQA)

Triggers, Environmental Reviews, Standards of Review and Practical Considerations

Lynda L. Brothers, Esq.*Sonnenschein Nath & Rosenthal, San Francisco*

Understanding NEPA and CEQA in Practice: Case Examples

Kenneth M. Bogdan, Esq.*Jones & Stokes, Sacramento*

11:45 Lunch Break

1:15 Keynote Presentation

The Future of NEPA: The View from CEQ

Dinah Bear, Esq., General Counsel*Council on Environmental Quality, Washington, DC***2:00 Mitigation Measure Adequacy Under NEPA**

Case Law Trends and Practical Advice

Al Herson, Managing Principal*SWCA Environmental Consultants, Sacramento*

2:45 Afternoon Break

3:00 When Things Go Wrong

Terrorism, Emergencies, and the Worst Case:

Implications for Environmental Impact Statements

Alan C. Waltner, Esq.*Bingham McCutchen, San Francisco***3:45 Are Environmental Assessments an Endangered Species in the 9th Circuit?**

Recent Developments in 9th Circuit Case Law

Jim B. Butler, Esq.*Parsons Behle & Latimer, Reno*

4:30 Q&A Panel

Members of the Faculty

4:45 Evaluations and Adjourn

**Save
These
Dates!**

NEPA National Conference

March 1-2, Las Vegas

Land Use Law

April 12-13, Phoenix

California Water Law

April 12-13, San Francisco

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April 12-13, San Francisco

Eminent Domain

National Conference

April 19-20, Las Vegas

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Program Co-Chairs

Barbara Schussman focuses on environmental and land use litigation and counseling on behalf of public agencies and private entities. She has experience defending writ of mandate proceedings and counseling clients regarding NEPA and CEQA compliance, the California Planning and Zoning Law, and a variety of other land use and environmental regulations. She is the author of the CEQA chapter of Curtin's *California Land Use and Planning Law*.

Robert D. Thornton has practiced environmental law for 28 years and specializes in NEPA compliance for large infrastructure projects. He has successfully defended over \$5 billion in transportation projects against NEPA and other federal litigation challenges.

Keynote Speaker

Dinah Bear joined CEQ as Deputy General Counsel in 1981, and was appointed General Counsel in 1983, serving in that capacity through September 1993 and resuming that position in January 1995. She has chaired the Standing Committee on Environmental Law of the American Bar Association and the Steering Committee of the Environment, Energy and Natural Resources Division of the District of Columbia Bar. She has received the Distinguished Service Award from the Sierra Club and the Chairman's Award from the Natural Resources Council of America.

Robert D. Anderson practices in the areas of environmental, natural resources and water law, focusing on water quality, endangered species, aquifer protection, cultural resources and state ground water law. He authored the chapter on Endangered Species for the *Arizona Environmental Law Manual*.

Scott B. Birkey is a member of his firm's Land Use and Environmental Law practice group. His practice includes advising clients in connection with the preparation of environmental review documents pursuant to NEPA, CEQA, and Section 404 of the Clean Water Act.

Kenneth M. Bogdan serves as environmental counsel with his consulting firm. He specializes in environmental planning and natural resource management and advises government agencies and private clients regarding the environmental review process. He is a co-author of *Wetlands, Streams and Other Waters: Regulation, Conservation, and Mitigation Planning* (2004 edition) and *The NEPA Book: A Step-By-Step Approach* (2001 edition).

Lynda L. Brothers focuses her practice on federal and state remedial actions, regulatory compliance for air emissions, solid waste, hazardous and radioactive waste, waste water discharges, compliance with NEPA and analogous state laws in California and Washington, wetlands issues, complex property transactions with contamination issues, and general corporate work.

Jim B. Butler is a shareholder in the environmental, energy and natural resources department of his firm. Before joining his firm, he worked for the Utah State Energy Office, the Utah State Planning Coordinator's Office, and from 1981 to 1985, he served as a senior policy assistant for natural resources to Utah Governor Scott M. Matheson.

Alicia Guerra practices land use, natural resources and environmental law. She has broad experience in all types of land use and natural resource matters, including land use planning and development, wetlands and endangered species regulation, water rights and air quality, and water quality permitting. Her expertise includes CEQA, NEPA, ESA and the Clean Water Act.

Al Herson is an environmental planner and attorney with over 27 years of experience. He manages operations in Sacramento, Orange County, San Diego, and Los Angeles. He has directed hundreds of environmental assessments for infrastructure and land development projects, and has been training planners and attorneys on CEQA compliance at UC Extension Programs for over 15 years.

David M. Ivester focuses on land use, environmental, and natural resource law. He has represented landowners, developers, public entities, energy companies and various other businesses on a wide variety of environmental, land use, land title and water quality issues before federal, state and local regulatory agencies and state and federal trial and appellate courts.

Stanley W. Lamport practices development and land use law, real estate litigation and consulting, and legal ethics. He has been actively involved in the field of legal ethics and currently serves on the Commission for the Revision of the California Rules of Professional Conduct. He also served on the California State Bar's Standing Committee on Professional Responsibility and Conduct.

Alan C. Waltner has more than 25 years of environmental and land use experience. His practice primarily addresses the federal and state regulatory programs that apply to major private and public development projects, with an emphasis on wetlands, water quality and endangered species permitting.

Nicholas C. Yost served as General Counsel of the President's Council on Environmental Quality, where he drafted the federal government's Council on Environmental Quality NEPA Regulations. Currently, he has a nationwide NEPA practice, primarily assisting applicants with compliance.

conference information

Continuing Education Credit

MCLE: This course is approved by the California State Bar for a maximum of 11 hours of MCLE credit, including one hour of legal ethics.

Planners: The course meets the requirements for up to 11 hours of AICP/CPDP credit in the State of California.

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Registration

Advance registration is recommended, and you are encouraged to mail in your registration early. Or simply call in your registration or homestudy order to (800) 873-7130, fax the Registration/Order Form to (303) 321-6320, email your registration to registrar@cle.com, or register on-line at www.cle.com. Full payment is due at time of registration. Walk-in registrations will be subject to space availability. Please call **CLE INTERNATIONAL** at (800) 873-7130 if you require any special accommodations.

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Course Materials

Each registrant will receive a set of course materials, prepared by the speakers especially for this Conference, which will be a valuable future reference. The course materials alone are available for \$95 plus \$10 shipping and handling.

Home Study Package

If you cannot attend, **CLE INTERNATIONAL** also offers a complete audio transcript of the Conference (including all course materials) for \$695 plus \$10 shipping and handling. This package may qualify for home study credit.

Cancellation

Full tuition refunds (less a \$50 administrative charge) will be given only if notice of cancellation is received by 5:00 p.m. MST on the Friday prior to the Conference. Substitutions may be made at any time.

Sponsorship Information

Sponsorship and exhibition opportunities are still available. For more information, please contact Shauna Krazcek at (800) 873-7130 or shauna@cle.com.

CLE INTERNATIONAL Program Attorney:
Michelle M. Messner, michelle@cle.com.



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NEPA

Your Guide to National Environmental Policy Act Compliance and Enforcement

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Keynote Presentation:

The Future of NEPA: The View from CEQ

Dinah Bear, Esq.

General Counsel, Council on Environmental Quality
Washington, DC

