



11th Annual Conference – LIVE!

# NEPA

**Legal, Practice & Policy Developments**  
**May 8-9, 2017 • Hotel Nikko • San Francisco**

**Dear Colleague:**

After a brief hiatus, we are excited to bring back our comprehensive two-day NEPA conference. In addition to Congressionally-enacted streamlining legislation, the Council on the Environment has issued a number of new directives, including one addressing Climate Change effects and – as always – the courts have been busy publishing new decisions.

Your faculty will be comprised of experts who are at the forefront of NEPA issues in California, to provide you with the latest NEPA legal updates, best practices, and policy perspectives.

Whether you are an attorney, planner, consultant, agency staff, or project applicant, you will benefit from the knowledge you gain as you hear all points of view. Plus, you will have the opportunity to network with expert speakers and fellow attendees.

At the conference, you will get the latest information and updates on:

- **NEPA Primer**
- **Case Law Update**
- **Cumulative Impacts**
- **NEPA Streamlining**
- **Comparison of Case Law in 9th Circuit and Other Circuits**
- **New Developments in Climate Change**
- **CEQA and NEPA Coordination**
- **Connected Actions**
- **Consideration of Alternatives**
- **Cultural Resources Issues**
- ... and much more!

If you are considering only one NEPA Conference in the next year, this is the one to attend.

We look forward to seeing you in San Francisco!



**Barbara J. Schussman, Esq.**  
Program Co-Chair  
Perkins Coie, San Francisco



**Robert D. Thornton, Esq.**  
Program Co-Chair  
Nossaman, Irvine

## CONFERENCE LOCATION & HOTEL ACCOMMODATIONS



### Hotel Nikko

222 Mason Street  
San Francisco, CA 94102

Hotel Nikko San Francisco is a Four-Diamond, Four-Star sanctuary of serenity in the heart of one of America's most vibrant cities. Its warm demeanor, soothing comfort, and impeccable service make it a distinctive meeting destination. Experience the elegance and unique Asian grace of Hotel Nikko.

### For Hotel Reservations:

(415) 394-1111 or  
(800) 248-3308

Request the "NEPA Conference" special group rate.

## MONDAY, MAY 8

8:15 Registration and Continental Breakfast

### 8:45 **Welcome and Introduction**

Overview of Day One

**Barbara J. Schussman, Esq., Program Co-Chair**  
Perkins Coie, San Francisco

**Robert D. Thornton, Esq., Program Co-Chair**  
Nossaman, Irvine

### 9:00 **NEPA Primer**

Current Issues in NEPA Practice and Policy

**Barbara J. Schussman, Esq., Program Co-Chair**

9:45 Networking Break

### 10:00 **Case Law Update**

2016 - 2017 Cases and Litigation

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

### 11:00 **Cumulative Impacts**

Analysis Tips and Case Law Trends

**Michael D. Smith, PhD, Principal**  
ENERCON, Oakland

11:45 Lunch Break (on your own)

### 1:00 **NEPA Streamlining**

CEQ Guidance, Application of FAST Act, and Practice Tips

**Al Herson, Esq.**  
Sohagi Law Group, Sacramento

**David J. Miller, Esq.**  
Nossaman, Irvine

*Moderator:* **Robert D. Thornton, Esq., Program Co-Chair**

2:30 Networking Break

### 2:45 **Comparison of Case Law in 9th Circuit and Other Circuits**

New Developments

**Jennifer L. Hernandez, Esq.**  
Holland & Knight, San Francisco

### 3:45 **Ethics**

Ethics of Lawyering in the Field of Administrative Law

**John Steele, Esq.**  
Attorney at Law, Palo Alto

4:45 Adjourn

## TUESDAY, MAY 9

8:15 Continental Breakfast

### 8:45 **Welcome Back**

Overview of Day Two

**Barbara J. Schussman, Esq., Program Co-Chair**  
**Robert D. Thornton, Esq., Program Co-Chair**

### 9:00 **Featured Presentation: New Developments in Climate Change**

Analysis of Greenhouse Gas Emissions and Climate Change

**Douglas P. Carstens, Esq.**  
Chatten-Brown & Carstens, Hermosa Beach

**Ellison Folk, Esq.**  
Shute, Mihaly & Weinberger, San Francisco

**Shari Libicki, PhD, Global Air Quality Service Line Leader**  
Ramboll Environ, San Francisco

*Moderator:* **Barbara J. Schussman, Esq., Program Co-Chair**

10:30 Networking Break

### 10:45 **CEQA and NEPA Coordination**

New Approaches and Developments Regarding Preparation of Joint State-Federal Environmental Documents

**Curtis E. Alling, AICP**  
Ascent Environmental, Sacramento

**Kenneth M. Bogdan, Esq., Senior Staff Counsel**  
California Department of Water Resources, Sacramento

**Leslie Moulton-Post, President I Chief Executive Officer**  
ESA I Environmental Science Associates, San Francisco

*Moderator:* **Barbara J. Schussman, Esq., Program Co-Chair**

12:15 Lunch Break (on your own)

### 1:30 **Connected Actions**

The Importance of Independence Under NEPA

**Laura Godfrey Zagar, Esq.**  
Perkins Coie, San Diego

2:15 Networking Break

### 2:30 **Consideration of Alternatives**

How to Identify and Evaluate

**Ella Foley Gannon, Esq.**  
Morgan Lewis, San Francisco

### 3:15 **Cultural Resources Issues**

Projects and Considerations

**Matthew Adams, Esq.**  
Dentons, San Francisco

**Elizabeth Merritt, Esq., Deputy General Counsel**  
National Trust for Historic Preservation, Washington, DC

### 4:30 **Q&A Panel**

Members of the Faculty

4:45 Evaluations and Adjourn

Earn up to 12 Hours MCLE Credit, Including One Hour of Ethics

Earn up to 12 Hours AICP/CM Credit

REGISTER NOW! [cle.com/NEPA](http://cle.com/NEPA) or (800) 873-7130

**PROGRAM CO-CHAIRS**

**Barbara J. Schussman** focuses on securing federal, state and local agency approvals needed to develop a wide range of private and public projects. Barbara counsels clients regarding compliance with CEQA and NEPA legislative and quasi-adjudicatory approvals required under the California Planning and Zoning Law, and permits and approvals required by other land use and environmental regulations, including the Clean Air Act, Clean Water Act, federal and state Endangered Species Acts, California Coastal Act and the Subdivision Map Act. Barbara also is an experienced litigator, defending project approvals in state and federal courts.

**Robert D. Thornton** specializes in advising state and regional infrastructure authorities on environmental issues regarding large infrastructure projects. He has successfully defended more than \$10 billion in regional infrastructure improvements against federal and state environmental challenges.

**FEATURED PRESENTERS**

**Douglas P. Carstens** has extensive experience in environmental, land use, municipal and natural resource matters and is the managing partner of his firm. He was a member of the petitioners' litigation team in the recent Supreme Court case *Center for Biological Diversity v. Department of Fish and Wildlife* (2015) 62 Cal.4th 204, which now provides guidance for greenhouse gas analysis during environmental review.

**Ellison Folk** represents community groups, public agencies, and environmental organizations on a wide range of environmental and land use issues, including CEQA, the California Coastal Act, Proposition 65, the Clean Water Act, the Endangered Species Act, and general plan and zoning law. She successfully defended the Bay Area Quality Management District's thresholds for evaluating the significance of greenhouse gas emissions from new development.

**Shari B. Libicki** is her firm's Air Quality Service Line Leader, and has over 25 years of experience to managing greenhouse gas emissions and estimating air emissions. She is also a Lecturer at Stanford University where she teaches about environmental regulation.

**FACULTY**

**Matthew Adams, Esq.**  
Dentons, San Francisco

**Curtis E. Alling, AICP**  
Ascent Environmental, Sacramento

**Kenneth M. Bogdan, Esq.**  
**Senior Staff Counsel**  
California Department of Water Resources  
Sacramento

**Ella Foley Gannon, Esq.**  
Morgan Lewis, San Francisco

**Jennifer L Hernandez, Esq.**  
Holland & Knight, San Francisco

**Al Herson, Esq.**  
Sohagi Law Group, Sacramento

**Elizabeth Merritt, Esq., Deputy General Counsel**  
National Trust for Historic Preservation  
Washington, DC

**David J. Miller, Esq.**  
Nossaman, Irvine

**Leslie Moulton-Post**  
**President | Chief Executive Officer**  
ESA | Environmental Science Associates  
San Francisco

**Michael D. Smith, PhD, Principal**  
ENERCON, Oakland

**John Steele, Esq.**  
Attorney at Law, Palo Alto

**Laura Godfrey Zagar, Esq.**  
Perkins Coie, San Diego

<b>4 EASY WAYS TO REGISTER</b>	<b>1</b> <a href="http://cle.com/NEPA">cle.com/NEPA</a>	<b>2</b> <b>FAX</b> (303) 321-6320	<b>3</b> <b>PHONE</b> (800) 873-7130	<b>4</b> <b>MAIL</b> 7995 East Prentice Avenue Suite 200 Greenwood Village, CO 80111

**YES!** Please register the following:

Name \_\_\_\_\_  
 Email \_\_\_\_\_  
 Name \_\_\_\_\_  
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 Name \_\_\_\_\_  
 Email \_\_\_\_\_  
 Firm \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_  
 State \_\_\_\_\_ Zip+4 \_\_\_\_\_  
 Phone \_\_\_\_\_ Fax \_\_\_\_\_

**Cancellation**

Full tuition refunds (less a \$75 administrative charge) will be given only if notice of cancellation is received by 5:00 pm MST on the Monday prior to the Conference. Substitutions may be made at any time.

Course Materials provided in electronic format only.

**Tuition - includes Course Materials**

- \$795 per person
- \$695 each for two or more
- \$695 each for government, 501(c)(3) organizations, full-time judges, law students and paralegals
- \$595 each for two or more government, 501(c)(3) organizations, full-time judges, law students and paralegals

**Home Study - available after the Conference**

- Audio transcript and course materials  
 \$795 plus \$10 shipping and handling

**Course Materials Only**

- \$250 plus \$10 shipping and handling

**Payment**

- Check payable to CLE International \$ \_\_\_\_\_ or  
 charge my:  
 VISA  MASTERCARD  AMEX Expiration Date: \_\_\_\_\_

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**Analysis of Greenhouse Gas Emissions and Climate Change**



**Douglas P. Carstens, Esq.**  
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Hermosa Beach



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Shute, Mihaly &  
Weinberger, San Francisco



**Shari Libicki, PhD**  
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Ramboll Environ  
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**Featuring Experts From:**

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- California Department of Water Resources
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- ESA | Environmental Science Associates
- National Trust for Historic Preservation
- Ramboll Environ
- ... and top law firms in California!

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