

# Second Annual “Little” NEPA Conference

## State-Level Environmental Impact Assessment

**Saturday, October 7, 2006**

**8:45 a.m.**

### Welcome and Introduction

Michael H. Zischke, Morrison & Foerster LLP, San Francisco, CA

**9:00 a.m. – 10:30 a.m.**

### The NEPA Reform Debate and its Relation to Little NEPA Practice

An overview of the current debate in Washington about reform of NEPA, similar reform debates in some state legislatures, and practical implications for impact reviews pursuant to the various state environmental review statutes.

#### Introduction and Moderator:

Nicholas C. Yost, Sonnenschein Nath & Rosenthal LLP, Former General Counsel, Council on Environmental Quality, San Francisco, CA

#### Panelists:

John C. Martin, Patton Boggs LLP, Washington, DC

Michael H. Zischke, Morrison & Foerster LLP, San Francisco, CA

## Registration Information

The registration fee for this program includes tuition for the program and course material proceedings developed especially for this meeting. In addition, we invite you to participate in the reception and networking events at the Section Fall Meeting including: the Friday evening reception and the Farewell Reception on Saturday.

If you wish to participate in additional programs in conjunction with the Section Fall Meeting or The Basic Practice Series, you are expected to register for those separately.

### Registration Form

You may register online at <http://www.abanet.org/enviro/fallmeet/2006/nepa.shtml> or use the registration form at back of brochure to register for The Second Annual “Little” NEPA Conference.

**10:30 a.m. – 10:45 a.m.**

### Networking Break

**10:45 a.m. – 12:00 p.m.**

### Integrating and Streamlining Impact Reviews

Much of the debate over improving NEPA and Little NEPAs relates to whether—and how—federal and state environmental review can be integrated with each other and with other laws and Tribal treaty rights, both in terms of substance and process. A panel of practitioners will discuss various streamlining approaches and major project examples in NEPA and in the little NEPA practice.

#### Moderator:

Kenneth S. Weiner, Preston, Gates & Ellis, LLP, Seattle, WA

#### Panelists:

Allison Ray, Project Manager, Washington State Department of Transportation, Bellevue, WA

Daniel Selmi, Professor, Loyola Law School, Los Angeles, CA

**12:00 p.m. – 1:00 p.m.**

### Lunch Break

**1:00 p.m. – 2:15 p.m.**

### Special Topics in Little NEPA Practice

Our first afternoon session will cover the critical topics of environmental justice and the integration between Little NEPA environmental impact review requirements and land use planning laws.

Environmental justice is a burgeoning issue in Little NEPA practice and particularly in the environmental controversy that surrounds certain types of projects. A panel including academic, advocacy and project applicant perspectives will discuss the role of environmental justice in Little NEPA reviews.

Little NEPA laws also apply to zoning and planning in several states. This overlap creates a need for coordination between impact reviews and zoning and planning schemes. This session will describe state legislation and model laws proposed by the American

Planning Association to provide this coordination.

#### Moderator:

Michael H. Zischke, Morrison & Foerster LLP, San Francisco, CA

#### Environmental Justice:

Eileen Gauna, Professor, University of New Mexico School of Law, Albuquerque, NM

Alicia Guerra, Morrison & Foerster LLP, Walnut Creek, CA

#### Land Use Integration:

Daniel R. Mandelker, Stamper Professor of Law, Washington University, St. Louis, MO

**2:15 p.m. – 2:30 p.m.**

### Networking Break

**2:30 p.m. – 4:00 p.m.**

### Special Topics in Little NEPA Practice—Continued

The second afternoon panel will discuss cumulative impact analysis, analysis of project alternatives and the digitalization of Little NEPA practice.

The first two discussions will focus on the practical aspects of cumulative impact analysis and evaluating alternatives to a proposed project, two of the more complicated issues that often arise in Little NEPA practice. The final presentation will discuss the growing regulatory and public demand for digital and electronic availability of Little NEPA impact review documents and practical suggestions for dealing with this demand.

#### Moderator:

Lisa A. Bail, Goodwill Anderson Quinn & Stifel, Honolulu HI

#### Alternatives and Cumulative Impacts:

Mark A. Chertok, Sive, Paget & Riesel, P.C., New York, NY

Timothy M. Taylor, Somach, Simmons & Dunn, Sacramento, CA

#### Digitalization of Little NEPA Practice:

Michael B. Gerrard, Arnold & Porter LLP, New York, NY