

*"Integrity is your destiny—
it is the light that guides your way."
- Plato*

First Annual

"Little NEPA" Conference

State-Level Environmental Impact Assessment

Date: May 30, 2005

Time: 9:00 a.m. – 5:00 p.m.

Place: Hyatt Regency Cambridge
Cambridge, Massachusetts



Section of Environment, Energy, and Resources

Organized by the

**American Bar Association
Environmental Impact Assessment Committee**

and the



International Association for Impact Assessment

in partnership with the following organizations

Environmental Law Institute

Environmental Law Section of the Virginia State Bar

Environmental Law Section of the Minnesota State Bar

Environmental Law Section of the Hawaii Bar Association

Environmental Law Section of the Connecticut Bar Association

Environmental Law Section of the New York State Bar Association

Environmental Law Committee of the Association of the Bar of the City of New York

Environmental Law Section of the State Bar of California

About the Conference



Beantown Trolley • Courtesy Brush Hill Tours/Gray Line of Boston

Approximately twenty states have their own programs for preparing environmental impact assessments of proposed governmental and private actions. These are often called “little NEPAs,” but in the aggregate, they are responsible for the preparation of far more impact assessments than are created under the National Environmental Policy Act.

The program will provide a unique opportunity to compare the impact assessment practices in the different states, to identify best practices, to highlight emerging analysis techniques, and to understand the role of the courts in the impact assessment system. Environmental impact assessment issues will be examined in the context of the mini-NEPAs, with NEPA itself as a basis for comparison.

The program is designed to appeal to lawyers and environmental professionals from the U.S. and from other countries working in the environmental impact assessment field.

About the Sponsors

ABA and IAIA wish to thank the following generous sponsors who helped to make this conference possible.

Sonnenschein Nath & Rosenthal LLP

P.E. LaMoreaux & Associates, Inc.

Daylor Consulting Group Inc.

Goodwin Procter LLP



Jumping whale. Courtesy Boston Harbor Cruises

Welcome (8:25 A.M.)

Karen Bryan, Vice President, P.E. LaMoreaux & Associates, Inc.,
Tuscaloosa, AL

Getting Started (8:30 A.M. – 10:00 A.M.)

R.J. Lyman, Esq., Goodwin Procter LLP, Former Massachusetts Assistant
Environmental Secretary and MEPA Director, Boston, MA, Moderator

Panelists

Diane M.L. Mas, MSE, Senior Environmental Engineer, Fuss & O'Neill, Inc.,
West Springfield, MA

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

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

- Jurisdiction
- Review thresholds
- Exclusions and exemptions
- Coordination and consistency with other laws
- Types of review documents

Scope (10:30 A.M. – Noon)

Nicholas C. Yost, Esq., Sonnenschein Nath & Rosenthal LLP, San Francisco,
CA, Former General Counsel, CEQ, Moderator

Panelists

Horst Grezmiel, Esq., Associate Director for NEPA Oversight, Council on
Environmental Quality, Washington D.C.

Barry Hill, Esq., Director, Office of Environmental Justice, US Environmental
Protection Agency, Washington D.C.

Ken Weiner, Esq., Preston Gates & Ellis, LLP, Seattle, WA

- What must be covered
- Breadth and analysis
- The human environment
- Relationship to other little-NEPA documents

(Noon – 1:30 P.M.)

Lunch at “Special Topic” roundtables hosted by delegates from states with
“Little NEPAs”

Preparation of EIA Documents (1:30 P.M. – 3:00 P.M.)

Norman F. Carlin, Esq., Pillsbury Winthrop LLC, San Francisco, CA,
Moderator

Panelists

Lisa A. Bail, Esq., Goodsill Anderson Quenn & Stifel, Honolulu, HI

Earl Phillips, Robinson & Cole, Hartford, CT

Daniel P. Selmi, Professor of Law, Loyola Law School, Los Angeles, CA

Jane Wheeler, Camp Dresser McKee, Cambridge, MA

- What EIA document to prepare
- Whether to combine mini NEPA with NEPA documents
- Role of lead and other agencies
- Who prepares the EIA document?
- Public comment
- Analytical issues
- Consequences of unmitigable impacts

Post EIA Procedures (3:30 P.M. – 5:00 P.M.)

Michael B. Gerrard, Esq., Arnold & Porter LLP, Chair, ABA Section of
Environment, Energy and Resources, New York, NY, Moderator

Panelists

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

Gail Bingham, President, RESOLVE, Inc., Washington, D.C.

Jay Wickersham, Esq., FAIA, Noble & Wickersham LLP, Cambridge, MA

- Post-decision monitoring and enforcement
- Non-litigation resolution of disputes
- Litigation: Access to the courts
- Litigation: Outcomes and effects

State-Level EIA

This special one-day program is being co-sponsored by the American Bar Association's Section of Environment, Energy & Resources, the nation's leading organization of environmental lawyers, in partnership with the other co-sponsors and the International Association of Impact Assessment, the largest international association of its kind, on the occasion of the 25th Anniversary of IAIA.



Patriots Day • Courtesy Brush Hill Tours/Gray Line of Boston

● Cost

\$105 Attending IAIA Conference

\$185 Not attending IAIA Conference

● For information, contact

International Association for Impact Assessment

International Headquarters

1330 23rd Street South, Suite C

Fargo, ND 58103 USA

Phone: (701) 297-7908

Fax: (701) 297-7917

info@iaia.org • www.iaia.org

or

Karen LaMoreaux Bryan

Chair Environmental Impact Assessment Committee

P.E. LaMoreaux & Associates, Inc.

1009A 23rd Avenue

Tuscaloosa, AL 35401

Phone: (205) 752-5543

Fax: (205) 752-4043

kbryan@pela.com

● Accommodations

The room block that IAIA reserved for conference delegates at the Hyatt Regency-Cambridge filled very rapidly, and the conference hotel block is currently fully booked. The Hyatt has a few vacancies for some nights, but the \$99 conference rate will not apply. To help delegates locate alternative hotels, IAIA has added a link to the IAIA'05 conference page (http://www.hotels-and-discounts.com/CITY/Cambridge_Cheap_Hotels.htm), or delegates may contact IAIA HQ for additional information and alternatives. Boston has a metro system referred to as the "T." Look for hotels convenient to a "T" stop or bus line. Taxi fares are reported to be reasonable, and the Hyatt-Cambridge has offered to transport delegates to hotels or "T" stops within Cambridge.

International Association for Impact Assessment
www.iaia.org

Environmental Law Institute
www.eli.org

American Bar Association
Section of Environment, Energy, and Resources
www.abanet.org

Environmental Law Section
of the State Bar of California
www.calbar.ca.gov/state/calbar/calbar_generic.jsp?cid=10704



Registration

State-Level Environmental Impact Assessment

- ☐ YES, register the following person for **State-Level Environmental Impact Assessment**, May 30, 2005, in Boston, Massachusetts. This meeting is being held in conjunction with the International Association for Impact Assessment's "Ethics and Quality in Impact Assessment" conference.
- ☐ NO, I cannot attend this program. Please send me the course materials available after this meeting at the price of \$75.00, which includes postage and handling.

1 REGISTRANT INFORMATION

ABA membership number E-mail @

Name

Organization

Address

City, State, Country, ZIP

Daytime phone number Fax

2 REGISTRATION FEES

State-Level EIA ABA meeting only ☐ \$185

IAIA'05 delegate/IAIA member ☐ \$105

Student: State-level EIA ABA meeting only ☐ \$95

Student: IAIA'05 delegate ☐ \$55



☐ IAIA'05 registration form attached

☐ IAIA'05 registration submitted online

If you are attending IAIA'05, please complete a separate registration form. The form can be completed online, or you can download a printed version at www.iaia.org > Conferences > IAIA'05.

Course materials only ☐ \$75

3 PAYMENT INFORMATION

Charge to ☐  ☐ 

Expiration date / (mm/yy)

Print name on card

Authorized signature

☐ Check or money order payable to **IAIA** in US\$ drawn on a US bank enclosed.

☐ Purchase Order No.

Payment and/or P.O. must accompany registration, or registration form will not be accepted.

4 SEND REGISTRATION AND PAYMENT

BY MAIL

IAIA International Headquarters
ABA EIA Meeting
1330 23rd Street South, Suite C
Fargo, ND 58103 USA

BY FAX

1.701.297.7917

QUESTIONS ABOUT REGISTRATION?

Phone 1.701.297.7908
info@iaia.org

QUESTIONS ABOUT THE PROGRAM?

Karen LaMoreaux Bryan, Chair ABA SEER EIA Committee
P.E. LaMoreaux & Associates, Inc.
P.O. Box 2310
Tuscaloosa, AL 35403 USA
Phone 1.205.752.5543
Kbryan@pela.com

• ABOUT IAIA

The **International Association for Impact Assessment** is an interdisciplinary society dedicated to developing international capacity to anticipate, plan, and manage the consequences of development. IAIA seeks to ensure that political, environmental, social, and technological dimensions of decisions are understood by those making them.

To see the IAIA'05 "Ethics and Quality in Impact Assessment" preliminary program, or to register for IAIA'05, go to www.iaia.org.

• ABOUT SEER EIA

The Environmental Impact Assessment Committee is part of the **American Bar Association Section of Environment, Energy, and Resources** which has over 10,000 members. With over 400,000 members, The American Bar Association is the largest professional association in the world. It is dedicated to defending liberty and pursuing justice for all.