



*"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**



# About the Conference



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

**A**pproximately 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.



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 25<sup>th</sup> 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 23<sup>rd</sup> Street South, Suite C

Fargo, ND 58103 USA

Phone: (701) 297-7908

Fax: (701) 297-7917

[info@iaia.org](mailto:info@iaia.org) • [www.iaia.org](http://www.iaia.org)

or

Karen LaMoreaux Bryan

Chair Environmental Impact Assessment Committee

P.E. LaMoreaux & Associates, Inc.

1009A 23<sup>rd</sup> Avenue

Tuscaloosa, AL 35401

Phone: (205) 752-5543

Fax: (205) 752-4043

[kbryan@pela.com](mailto: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](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.



## 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

☐ 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](http://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](mailto: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](mailto: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](http://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.