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An Advanced Two-Day Conference on

Land Use, GHG and Green Development in Massachusetts

Emerging regulatory tools and investment opportunities

January 12 & 13, 2009

Boston, Massachusetts

Seaport Hotel/World Trade Center

Credits: CT CLE 13 | ME CLE 13 | NH CLE 13 | NY CLE 15.5 (nontransitional)
RI CLE 15.6 | VT CLE 13 | AICP pending (call about others)

Quick when/where: 8:30 a.m., 200 Seaport Blvd.

Land Use and Green Development Conference

January 12 & 13, 2009 | Boston, Massachusetts
Seaport Hotel/World Trade Center

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09LUCMA WS



8:00 Registration and Continental Breakfast
8:30 Introduction to Day 1: Land Use Controls as They Relate to GHG Emissions

Michael J. Bradley, Program Co-Chair, Managing Director, M.J. Bradley & Associates LLC ~ Concord, MA

Christopher P. Davis, Esq., Program Co-Chair, Goodwin Procter LLP ~ Boston, MA

8:45 Carbon Emissions and Local Policy Initiatives
Update on the carbon emissions landscape in New York and New England: Union of Concerned Scientists' 2007 Northeast Climate Change Impacts Assessment, "Confronting Climate Change in the U.S. Northeast: Science, Impacts and Solutions"

Sonia Hamel, Senior Advisor, Climate Policy Program, New America Foundation ~ Boston, MA

Which initiatives are achieving the most bang for the buck? To what extent are there perverse incentives in the current law?

Christa Koehler, Community Program Manager, Clean Air Cool Planet ~ Portsmouth, NH

9:45 Break
10:00 State Climate Change Initiatives and Required Actions in Massachusetts and Other Leading States

Perspectives on state project review authority under MEPA, CEQA and other state programs; practical views on how local land use regulation can play an effective role; regulating indirect impacts

Kenneth Kimmell, Esq., General Counsel, Massachusetts Exec. Office of Energy and Environ. Affairs, Boston, MA

SB 375's requirement for local government to develop regional land use plans to reduce GHG emissions; project GHG emissions under CEQA; California Air Resources Board's plan to adopt the scoping plan, a roadmap for the economy-wide AB32 program

Robert A. Wyman, Jr., Esq., Latham & Watkins LLP ~ Los Angeles, CA

11:15 Preparing Environmental Impact Review Documents: Applying Cumulative Impact Theories and Approaches to GHG Emissions

Assessing GHG emissions impacts in preparing EIRs under MEPA; development alternatives and mitigation strategies

Samuel Mygatt, Esq., Principal, Epsilon Associates Inc. ~ Maynard, MA

Leo Pierre Roy, LEED AP, Managing Dir., Environmental Svcs, Vanasse Hangen Brustlin, Inc. ~ Watertown, MA

12:15 Lunch (on your own)

1:30 Special Address: How Local Project Review Fits into Massachusetts' GHG Policy Priorities

GHG initiatives at state level; smart growth strategies; what else state government is doing

The Hon. Laurie Burt, Esq., Commissioner, Massachusetts Department of Environmental Protection, Boston, MA

2:00 Controlling Sprawl to Reduce Vehicle Miles Traveled: Smart Growth and Transportation Planning

Statutory initiatives; strategies and priorities; who is trying what; coordination, particularly for public transportation, between state and local governments; pros and cons of congestion pricing as a potential solution

Stephen H. Burrington, Esq., Anderson & Kreiger LLP ~ Cambridge, MA

Melissa A. Hoffer, Vice President and Director, NH Advocacy Center, Conservation Law Foundation ~ Concord, NH

3:15 Break

3:30 Municipal Initiatives to Reduce Energy Consumption and GHG Emissions

Perspectives on what cities are doing, and can further do, to reduce GHG emissions, including building codes, green building mandates and development regulations

Michael J. Bradley, Program Co-Chair, Moderator, Barbra Batshalom, LEED AP, Executive Director, Green Roundtable, Inc. ~ Boston, MA

James W. Hunt, III, Esq., Chief of Environment and Energy, City of Boston ~ Boston, MA

James O'Reilly, Director of Public Policy, Northeast Energy Efficiency Partnerships, Inc. ~ Lexington, MA

5:00 Continue the Exchange of Ideas: Reception for Attendees and Faculty Sponsored by Goodwin Procter LLP and M.J. Bradley & Associates LLC



About the Conference

LAW SEMINARS INTERNATIONAL

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Most of the efforts in the United States to limit greenhouse gas emissions in response to climate change have focused on electric power generation and transportation. As those efforts mature, more and more attention is being paid to land use planning and project review at the local level.

Massachusetts, California, Washington and Oregon have all adopted legislation or policies seeking to assess and regulate GHG emissions in private development and major governmental projects through their environmental review process. Massachusetts has adopted a policy requiring assessment of greenhouse gas (GHG) impacts of major development projects under the Massachusetts Environmental Policy Act, California has passed a landmark statute, AB 32, which requires local governments to consider global warming impacts as part of their planning processes, and the California Environmental Quality Act is being used as a tool to force analysis and mitigation of GHG impacts. There is a growing list of other pioneering efforts by local governments to reduce GHG emissions and require green buildings.

For this path-breaking conference, we have assembled experts from early adopter jurisdictions around the country, as well as leading Massachusetts land use professionals, to provide insights for attorneys, developers, planners, consultants and local governments. Hear about the factors that go into a successful regulatory program, the appropriate scope of project review in Massachusetts and other jurisdictions, municipal GHG reduction initiatives, and the best ways for developers to respond to climate change concerns regarding their projects.

~ Program Co-Chairs: Michael J. Bradley and Christopher P. Davis, Esq.



8:00 Registration and Continental Breakfast

8:30 Introduction to Day 2: Carbon Markets and Green Investment Opportunities

Michael J. Bradley, Program Co-Chair

Christopher P. Davis, Esq., Program Co-Chair

8:45 Best Practices for Owners and Developers: Designing and Implementing Green Building and Energy Efficiency Programs

Shades of green: Assessing the cost and benefit tradeoffs of full LEED certification vs. other options; investing in energy efficiency

Christopher F. Halpin, LEED AP Sustainable Design Coordinator

Celtic Energy Inc. ~ Glastonbury, CT

Gregory J. Bergmiller, LEED AP, President The S/L/A/M Collaborative, Inc. ~ Glastonbury, CT

9:30 Real Estate Development Regulations as a Means for Reducing Carbon Emissions

Representing developers in addressing GHG reduction mandates and green building requirements; risks and opportunities in the new green building market

R. Jeffrey Lyman, Esq.

Goodwin Procter LLP ~ Boston, MA

10:15 Break

10:30 Evolving Federal and Regional Programs to Address GHG Emissions

How land use-related carbon offsets are treated in state and regional climate change programs; what counts under RGGI and other regional initiatives

Michelle Manion, Program Manager, Climate and Energy Team NESCAUM ~ Boston, MA

Evaluating GHG emissions under NEPA; land use-related carbon credits in proposed federal climate legislation; federal preemption issues

Jonathan Martel, Esq.

Arnold & Porter LLP ~ Washington, DC

12:00 Lunch (on your own)

1:15 Restrictions on, and Best Practices for, Using Environmental Marketing Claims for Offsets and Green Development

Meeting consumer perceptions of truth in advertising: The FTC's planned update of its Green Guides; trends in state requirements; tips for keeping tabs on the marketing department without getting in the way

Kevin Poloncarz, Esq.

Bingham McCutchen LLP ~ San Francisco, CA

2:00 Participation in Carbon Markets

Update on evolving carbon trading markets in the U.S. and abroad; offset verification and registration

Wiley Barbour, Executive Director

Environmental Resources Trust, Inc. ~ Arlington, VA

Practical tips for participation in carbon exchanges; best practices for ensuring credit for early voluntary action

Chris Hunter, Vice President, Carbon Finance Climate Change Capital ~ Washington, DC

3:15 Break

3:30 Investment Opportunities in the Agricultural and Forestry Sectors to Create Offsets Through Carbon Sequestration and Emissions Reductions

The potential for carbon offsets/credits from reduced deforestation or reforestation (carbon sequestration); investing in conservation in U.S. and abroad

Wayne Klockner, Massachusetts State Director The Nature Conservancy ~ Brunswick, ME

Developing and marketing offset projects in the agricultural sector; creating credible, marketable offsets for the compliance and voluntary markets

Anne Hambleton, Senior Manager Business Development NativeEnergy, Inc. ~ South Burlington, VT

5:00 Evaluations and Adjourn



Registration & Other Conference Information

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Walk-ins are welcome, subject to space availability.

Registration is complete when we receive payment or agree to later payment.

Tuition: Regular tuition for this program is \$995 with a group rate of \$845 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$695. For students and people in their job for less than a year, our rate is \$497.50. All rates include admission to all seminar sessions, food and beverages at breaks, and all course materials. Make checks payable to Law Seminars International.

Substitution & Cancellation: You may substitute another person at any time. We will refund tuition, less a \$50 cancellation fee, if we receive your cancellation by 5:00 p.m. on

Tuesday, January 6, 2009. After that time, we will credit your tuition toward attendance at another program or the purchase of a Homestudy. There is a \$25 cancellation fee for Course Materials orders and \$50 for Homestudy orders.

Seminar Location: The conference will be held at the Seaport Hotel/World Trade Center at 200 Seaport Blvd. in Boston, MA 02210 USA. Call the hotel directly at (877) 732-7678 for reservations at the special negotiated rate of \$169 and mention that you are attending a Law Seminars International conference. Rooms are on a first come, first served basis.

Continuing Education Credits: This program qualifies for 13 CT, ME, NH and VT CLE, 15.5 NY, and 15.6 RI CLE credits. AICP credits are pending. Upon request, we will apply for CLE credits in other states and other types of credits.

If You Cannot Attend: Our complete Homestudy Course, consisting of a DVD recording and the written course materials, is available for \$1005. The written course materials alone are available for \$100. We will ship your Homestudy order via UPS ground within two weeks after the seminar or the date we receive payment (whichever is later).

Faculty: Land Use and Green Development Conference

Michael J. Bradley, *Program Co-Chair*, Principal at M.J. Bradley & Associates LLC, focuses on strategic environmental policy development, use of innovative market systems and for having an in-depth understanding of environmental regulatory and legislative issues. He provides advice on air quality and climate change policy to private industry, nonprofit organizations and government agencies.

Christopher P. Davis, *Program Co-Chair*, partner at Goodwin Procter LLP, focuses on climate change, clean technology investments, corporate and private equity transactions, regulatory compliance, site remediation, brownfields redevelopment, environmental disclosure and environmental dispute resolution. He is listed in *Chambers USA, Super Lawyers* and *The Best Lawyers in America*.

Wiley Barbour, Executive Director of Environmental Resources Trust, Inc., focuses on developing the infrastructure for a robust GHG emissions trading market by providing independent registry services. Previously he was in the Policy Office at the U.S. EPA.

Barbra Batshalom, LEED AP, Executive Director and founder of the Green Roundtable, focuses on market transformation. She collaborates with cities, institutions and companies to transform their internal practices to improve performance, profitability and sustainability.

Gregory J. Bergmiller, LEED AP is Sustainable Design Coordinator at The S/L/A/M Collaborative, Inc., working with design teams to meet high performance goals in siting, water use, energy consumption, building materials and indoor air quality projects.

Stephen H. Burrington, counsel at Anderson & Kreiger LLP, develops energy, infrastructure and growth policy strategies, and has advised many states on land use and transportation strategies to reduce GHG emissions. Previously he was Commissioner of the Massachusetts Department of Conservation and Recreation.

The Hon. Laurie Burt, Commissioner of the Massachusetts Department of Environmental Protection, was appointed by Governor Deval L. Patrick in September 2007. Previously she was a partner at Foley Hoag, LLP,

where she started the Environmental Practice Group.

Christopher F. Halpin, LEED AP is President of Celtic Energy Inc., an independent energy consulting firm specializing in energy efficiency program management, energy engineering, performance contracting consulting, and sustainable/green building design.

Anne Hambleton, Senior Manager of Business Development at NativeEnergy, Inc., focuses on climate policy and renewable energy. She advises companies on renewable energy and carbon offset investments and works with developing country governments to create carbon offset programs.

Sonia Hamel, Senior Advisor in the Climate Policy Program at the New America Foundation, focuses on the development and implementation of energy and environmental issues. Previously she was state lead for climate action at the Massachusetts Office for Commonwealth Development.

Melissa A. Hoffer is Vice President and Director of Conservation Law Foundation's New Hampshire Advocacy Center, and Director of the Healthy Communities and Environmental Justice Program.

James W. Hunt III is on Mayor Thomas Menino's Cabinet as Chief for Environmental and Energy Services for the City of Boston. He is the Mayor's lead advisor on environmental and energy policy.

Chris Hunter, Vice President, Carbon Finance at Climate Change Capital, leads the Carbon Finance team in the United States and is responsible for originating and commercializing investments across North America.

Kenneth Kimmell, General Counsel at the Massachusetts Executive Office of Energy and Environmental Affairs, focuses on environmental and energy legislation, including permit streamlining initiatives promoting renewable energy and policy initiatives.

Wayne Klockner is The Nature Conservancy's Massachusetts State Director and has lead the Global Climate Change Team.

Christa Koehler, Community Program Manager for Clean Air Cool Planet, guides communities to

become energy independent, reduce traffic congestion, local air pollution and create sustainable local economies

R. Jeffrey Lyman, partner at Goodwin Procter LLP, focuses on commercial real estate development, including site acquisition, project permitting, debt and equity financing, and property disposition. Previously he was the Massachusetts Environmental Policy Act Office Director.

Michelle Manion, Program Manager of the Climate and Energy Team at NESCAUM, works closely with New York and New Jersey to support their efforts on state and regional energy, climate, and air quality policy and programs.

Jonathan Martel, partner at Arnold & Porter LLP, focuses on Clean Air Act matters, environmental litigation and counseling. Previously he was at the Office of General Counsel of the U.S. EPA.

Samuel Mygatt, Principal at Epsilon Associates Inc., is experienced in environmental analysis, permitting review and project management, and was head of the Massachusetts Environmental Policy Act Office.

James O'Reilly, Director of Public Policy at Northeast Energy Efficiency Partnerships, Inc., works on local, state, regional and national levels to develop and maintain a positive environment for public policies and programs that promote building energy efficiency across the Northeast.

Kevin Poloncarz, partner in Bingham McCutchen LLP's Environmental Practice Group and Co-Chair of the Climate Change Practice Group, focuses on environmental compliance and enforcement matters, and advises clients on strategies for reporting GHG emissions, climate risk and participation in emerging trading programs.

Leo Pierre Roy is Managing Director of Environmental and Energy Services at Vanasse Hangen Brustlin, Inc

Robert A. Wyman, Jr., Co-Chair of the Latham & Watkins LLP Climate Change Practice Group and lead counsel for Clean Air Act matters, represents businesses and trade associations on regulatory, legislative and litigation matters.

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Boston, Massachusetts

Seaport Hotel/ World Trade Center

200 Seaport Blvd.
(877) 732-7678

Who Should Attend:

Attorneys, real estate professionals, consultants and developers, engineers, planners and local government officials

You Will Learn About:

- Federal, state and local climate change initiatives and required action
- How local project review fits into Massachusetts' GHG policy priorities
- Controlling sprawl to reduce vehicle miles traveled
- Preparing environmental impact review documents
- Designing and implementing green building programs
- Real estate development regulations for reducing carbon emissions
- Participation in carbon markets
- Investment opportunities to create offsets through carbon sequestration and emissions reductions

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