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- Los Angeles City Attorney's Office
- Remy, Thomas, Moose & Manley
- South Coast Air Quality Management District
- Southern California Association of Governments

Who Should Attend:

Attorneys, real estate and environmental professionals, governmental representatives, corporate managers and consultants

Our Sixth Annual Comprehensive Workshop on

California Environmental Quality Act (CEQA)

New developments and practical guidance

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-Live Webcast Available-
for this program

August 20, 2010

Santa Monica, California

DoubleTree Guest Suites Santa Monica Hotel

Credits: CA MCLE 7.25 (call about others)
Quick when/where: 8:30 a.m., 1707 Fourth Street

California Environmental Quality Act Workshop

August 20, 2010 | Santa Monica, California
DoubleTree Guest Suites Santa Monica Hotel

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10SEPACA WS



- 8:00 Registration and Continental Breakfast
- 8:30 Introduction and Overview
 - James L. Arnone, Esq., Program Co-Chair**
Latham & Watkins LLP ~ Los Angeles, CA
 - Douglas Carstens, Esq., Program Co-Chair**
Chatten-Brown & Carstens ~ Santa Monica, CA
- 8:45 Accounting For Climate Change In CEQA Documents: What's New With Air Districts, Lead Agencies and Case Law?

Newly adopted air district significance thresholds for analyzing climate change in CEQA documents; how CBE v. Richmond moved the ball and expectations for the future

 - Kurt Wiese, Esq., General Counsel**
South Coast Air Quality Management District ~ Diamond Bar, CA
 - Matthew Vespa, Esq., Senior Attorney, Climate Law Institute**
Center for Biological Diversity ~ San Francisco, CA
 - Barbara J. Schussman, Esq.**
Bingham McCutchen LLP ~ San Francisco, CA
- 9:45 How SB 375 and CARB's Regional GHG Reduction Targets Will Change CEQA Analyses

SB 375's regional planning for GHG reductions, CARB's new regional goals for GHG reductions, CEQA incentives for consistency with Sustainable Communities Strategies, and how CEQA documents might have to account for "voluntary" regional plans

 - Hasan Ikhrata, Executive Director**
Southern California Association of Governments ~ Los Angeles, CA
- 10:30 Break
- 10:45 Baseline Determinations Following CBE v. SCAQMD: When Can You Use Something Other Than Existing Physical Conditions?

Evolving CEQA baseline law, how to deal with historic baseline fluctuations, what the court left unresolved, and practical suggestions for dealing with the uncertainties

 - James L. Arnone, Esq., Program Co-Chair, Moderator**
 - Shana Lazerow, Esq., Staff Attorney**
Communities for a Better Environment ~ Oakland, CA
 - Jocelyn Niebur Thompson, Esq.**
Alston & Bird LLP ~ Los Angeles, CA
- 11:45 Practical Guidance on Extending Land Use Entitlements: Do You Have To Do New CEQA Analyses Just To Extend Them?

AB 333 extending vesting tract maps, local efforts to expand on it, options to use development agreements or other tools to extend entitlements, and whether simply extending old entitlements triggers a new CEQA assessment

 - Duncan Joseph Moore, Esq.**
Latham & Watkins LLP ~ Los Angeles, CA
- 12:15 Lunch (on your own)
- 1:30 Changing Previously Approved Projects: When Do You Have To Start From Scratch?

- When changes to a project become a new project needing new CEQA analysis, when changes just have to examine whether they will create any new impacts, and whether superficial factors can help resolve close calls
 - Arthur Pugsley, Esq.**
Chatten-Brown & Carstens ~ Santa Monica, CA
 - Beth Collins-Burgard, Esq.**
Brownstein Hyatt Farber Schreck, LLP ~ Los Angeles, CA
- 2:00 CEQA Overrides and the California Two-Step: What To Do (Or Not To Do) When Overriding Significant Impacts

California Native Plant Society v. Santa Cruz, the possibility of overriding feasible mitigations for policy considerations, and how to avoid trouble with the substantive elements of CEQA

 - Susan Brandt-Hawley, Esq.**
Brandt-Hawley Law Group ~ Glen Ellen, CA
 - Timothy McWilliams, Esq., Deputy City Attorney**
Los Angeles City Attorney's Office ~ Los Angeles, CA
- 2:45 What Comes After The Writ Of Mandate? Practical Advice On Responding To Court Orders

When a Writ of Mandate means you start from scratch, when you can use a fast process before the lead agency's final body, what to do when the court doesn't resolve dispute issues

 - Douglas Carstens, Esq., Program Co-Chair**
 - David J. Aleshire, Esq.**
Aleshire & Wynder, LLP ~ Irvine, CA
- 3:30 Break
- 3:45 New Developments On Water Supply and Assessments

The latest challenges in accounting for uncertain water supplies in CEQA documents

 - Steven P. O'Neill, Esq.**
Lemieux & O'Neill ~ Westlake Village, CA
- 4:15 Key Recent Developments in CEQA Appellate Case Law

Case law addressing the definition of "project", statutory and categorical exemptions, negative declarations, EIR adequacy, and issues arising in litigation such as statutes of limitations

 - Whitman F. Manley, Esq.**
Remy, Thomas, Moose & Manley ~ Sacramento, CA
- 4:45 Legislative Overrides: Trends Toward Focused Legislation To Address CEQA Delays

The NFL stadium legislation, the SCAQMD priority reserve legislation, and proposals for CEQA exemptions to encourage economic investment and activity

 - Jan Chatten-Brown, Esq.**
Chatten-Brown & Carstens ~ Santa Monica, CA
 - C. Eugene Talmadge, President**
Association of Environmental Professionals ~ Camarillo, CA
- 5:30 Evaluations and Adjourn



About the Workshop

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This advanced one-day workshop will cover a broad range of current CEQA compliance issues. Extensive information will be provided about new air district rules and case law governing global climate change impact assessments; SB 375 regional planning for greenhouse gas reductions; determining defensible project baselines following CBE v. SCAQMD; and extending land use entitlements in the current real estate market. Speakers and panels of experts will also discuss how to change previously approved projects; avoiding pitfalls when overriding significant environmental impacts; handling Writs of Mandate following a CEQA lawsuit; and new developments in water supply assessments. A distinguished CEQA author will also discuss key new CEQA appellate case law, and a panel will discuss the recent trend of focused legislation to avoid CEQA delays for high-priority projects.

The faculty will consist of the General Counsel for the South Coast Air Quality Management District, the Executive Director of the Southern California Association of Governments, and a diverse group of highly experienced CEQA practitioners who will share practical tips and techniques to navigate the ever-changing CEQA landscape. Recognizing that different perspectives must be considered in addressing CEQA compliance issues, the faculty will include counsel for property owners and developers, environmental groups and local governments. You will not want to miss this program.

~ Program Co-Chairs: James L. Arnone, Esq. and Douglas Carstens, Esq.



James L. Arnone, Program Co-Chair, partner with Latham & Watkins LLP, practices land use and environmental law, focusing on controversial real estate developments and local government-related disputes. He has advised clients on and litigated state and federal environmental and land use laws, including those under CEQA and NEPA.

Douglas Carstens, Program Co-Chair, partner at Chatten-Brown & Carstens, focuses on environmental, land use, municipal and natural resources, representing environmental and community groups in enforcing state and federal laws.

David J. Aleshire, partner at Aleshire & Wynder, LLP, practices municipal law, environmental, franchising, municipal and zoning, and land use law. He is City Attorney/Redevelopment counsel to Signal Hill, Banning and Suisun City.

Susan Brandt-Hawley, founding partner at Brandt-Hawley Law Group, practices environmental preservation law, advocating for adaptive reuse of threatened historic resources and protection of cultural landscapes.

Jan Chatten-Brown, founder of Chatten-Brown & Carstens, practices environmental, land use and natural resources law, representing environmental and community groups in local and state government decisions under CEQA.

Beth Collins-Burgard, Of Counsel and member of the Natural Resources, Land Use, Energy, Climate Change and Litigation Groups at Brownstein Hyatt Farber Schreck, LLP, assists land owners and developers through the entitlement and development process.

Hasan Ikhata, Executive Director at Southern California Association of Governments, is responsible for implementing policies and directing operations of the nation's largest metropolitan planning organization.

Shana Lazerow is Staff Attorney for Communities for a Better Environment, a social justice organization with a focus on environmental health and justice.

Whitman F. Manley, co-author of CEQA and partner at Remy, Thomas, Moose & Manley, focuses on California and Federal environmental and land use law, including the CEQA.

Timothy McWilliams, Deputy City Attorney with the Los Angeles City Attorney's Office, is head of the Environmental Section of the Real Property/Environment Division. He advises City departments, commissions, boards and elected officials on CEQA compliance and litigating CEQA claims.

Duncan Joseph Moore, Latham & Watkins LLP, practices land use and environmental law, focusing on land use and environmental litigation, real estate development controversies and local government disputes.

Steven P. O'Neill, partner at Lemieux & O'Neill, provides litigation services for water districts, municipalities and other public agencies. His practice focuses on water recycling, conservation and desalination.

Arthur Pugsley, of Chatten-Brown & Carstens, focuses on environmental and land use law. He has published articles discussing the proper timing of CEQA review and the development of CEQA's "substantive mandate".

Barbara J. Schussman, partner at Bingham McCutchen LLP, leads the Land Use and Development Practice. She recently won an appeal before the California Supreme Court for Stanford University regarding compliance with CEQA and the California State Planning and Zoning Law.

C. Eugene Talmadge is President of Association of Environmental Professionals, a non-profit organization working to improve skills as environmental practitioners and natural resource managers. He has experience in executive management for public agencies with responsibilities that include CEQA/NEPA studies.

Jocelyn Niebur Thompson, partner at Alston & Bird LLP, focuses on environmental permitting, compliance and auditing, including environmental review under CEQA and NEPA, air and water quality, global climate change and permitting.

Matthew Vespa, Senior Attorney at Center for Biological Diversity, works with the Center's Climate Law Institute. He has litigated cases on the treatment of global warming impacts under CEQA and worked on the California Resources Agency's development of CEQA guidelines for emissions under SB 97.

Kurt Wiese, General Counsel at South Coast Air Quality Management District, started work at AQMD as a Deputy Prosecutor in the Chief Prosecutor's Office and then as District Counsel.



Registration & Other Workshop Information

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You Will Learn About:

- Newly adopted thresholds for analyzing climate change in CEQA documents
- CARB's new regional goals for GHG reductions
- Evolving CEQA baseline law
- Guidance on extending land use entitlements
- Changing previously approved projects and CEQA
- CEQA overrides
- Practical advice on responding to court orders
- Accounting for uncertain water supplies in CEQA documents
- CEQA appellate case law updates
- Legislative overrides

Watch for our telebriefings on major legal developments.

Members of our distinguished faculties will present analyses of major decisions and other developments as soon as they happen in a one-hour telephone conference.

If you wish to receive announcements for telebriefings that affect you, please make sure we have your email address—send it to me, H. Kate Johnson, President:

kate@lawseminars.com

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Environmental Civil Penalties & Criminal Enforcement	October 25 & 26, 2010	Seattle, WA
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