

**Featuring Speakers From:**

- Anderson & Kreiger LLP
- Conservation Law Foundation
- Epsilon Associates Inc.
- Foley Hoag LLP
- Goulston & Storrs
- Mackie Shea O'Brien, PC
- Madera Energy, Inc.
- Massachusetts Audubon Society
- Massachusetts Executive Office of Energy and Environmental Affairs
- Tetra Tech Rizzo
- Wilmer Cutler Pickering Hale and Dorr LLP

**Who Should Attend:**

*Attorneys, environmental professionals, corporate managers and governmental representatives*

*The Third Annual Intensive Workshop on Recent Developments Under*

# MEPA & NEPA

New requirements, and techniques for compliance

*If you cannot attend -Live Webcast Available- for this program*

**June 2, 2010**

**Boston, Massachusetts**

**Hilton Boston Back Bay Hotel**

**Credits:** This program qualifies for MCLE in all states requiring MCLE credits. Upon request, we will apply for other types of credits. AICP CM is pending (call about others)

**Quick when/where:** 8:30 a.m., 40 Dalton Street

**MEPA & NEPA Workshop**

June 2, 2010 | Boston, Massachusetts  
 Hilton Boston Back Bay Hotel

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- 8:00** Registration and Continental Breakfast
- 8:30** Introduction and Overview
  - Margaret B. Briggs**, *Program Co-Chair, Managing Principal*  
Epsilon Associates Inc. ~ Maynard, MA
  - Seth D. Jaffe, Esq.**, *Program Co-Chair*  
Foley Hoag LLP ~ Boston, MA
- 8:45** New Developments in MEPA
  - Updated state guidance on greenhouse gas emissions and revisions to MEPA regulations
  - Alicia Barton McDevitt, Esq.**, *Assistant Secretary*  
Massachusetts Executive Office of  
Energy and Environmental Affairs ~ Boston, MA
- 9:30** The Commonwealth's Approach to Siting Renewable Energy Projects
  - Legislation concerning wind projects, review of biomass proposals, and update on efforts to encourage solar installation siting
  - Kenneth Kimmell, Esq.**, *General Counsel*  
Massachusetts Executive Office of  
Energy and Environmental Affairs ~ Boston, MA
- 10:15** Break
- 10:30** The New Ocean Management Plan
  - Summary of the provisions of the Plan and what it means for planning projects in waters of the Commonwealth
  - Deerin Babb-Brott**, *Assistant Secretary*  
Massachusetts Executive Office of  
Energy and Environmental Affairs ~ Boston, MA
- 11:15** Developments in the Treatment of Greenhouse Gases in NEPA Review
  - Anticipated new guidance requiring that impacts of climate change be considered in reviews for projects subject to NEPA; what this is likely to mean in practice if issued
  - Seth D. Jaffe, Esq.**, *Program Co-Chair*
- 11:45** Lunch (on your own)

- 1:00** MEPA/NEPA Case Law Update
  - Update on key federal cases and developments involving NEPA and climate change issues
  - Mark C. Kalpin, Esq.**  
Wilmer Cutler Pickering Hale and Dorr LLP ~ Boston, MA
  - Recent developments under MEPA: Case decisions including *Canton v. Paiewonsky*
  - Douglas H. Wilkins, Esq.**  
Anderson & Kreiger LLP ~ Cambridge, MA
- 2:00** Case Study: MEPA Review for Renewable Energy Facilities
  - The State's recent policy regarding renewable energy credits; technical studies with regard to renewable energy projects that burn biomass
  - Margaret B. Briggs**, *Program Co-Chair, Moderator*
  - E. Heidi Ricci**, *Senior Policy Analyst*  
Massachusetts Audubon Society ~ Lincoln, MA
  - Matthew Wolfe**, *Principal*  
Madera Energy, Inc. ~ Cambridge, MA
  - Thomas A. Mackie, Esq.**  
Mackie Shea O'Brien, PC ~ Boston, MA
- 3:30** Break
- 3:45** Integration of MEPA and NEPA Review
  - Coordinating federal NEPA and state MEPA reviews to get through the process as smoothly as possible
  - Edward W. Ionata**, *Senior Vice President*  
Tetra Tech Rizzo ~ Framingham, MA
- 4:15** Putting it All Together: Practical Tips for EIS/EIR Design and Preparation
  - Defining the proposal; determining which provisions of NEPA and MEPA apply; identifying the lead agency; tips for preparing notification forms and EIS/EIR documents; Phase I waivers; combined DEIR & FEIR; categorical exemptions; cumulative impacts
  - Douglas M. McGarrah, Esq.**, *Moderator*  
Foley Hoag LLP ~ Boston, MA
  - Matthew J. Kiefer, Esq.**  
Goulston & Storrs ~ Boston, MA
  - Susan Reid, Esq.**, *Senior Attorney and Director*  
MA Clean Energy and Climate Change Initiative  
Conservation Law Foundation ~ Boston, MA
- 5:30** Evaluations and Adjourn



## About the Workshop

### LAW SEMINARS INTERNATIONAL

#### Advanced Workshops

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*This workshop will cover the entire range of current MEPA/NEPA compliance issues. The program provides a broad outline of requirements under MEPA and NEPA for large and small projects, including summaries of recent case law developments under the MEPA and NEPA.*

*It also addresses more advanced issues of interest to experienced practitioners, including current practice under the MEPA greenhouse gas policy requirements and other recent developments under integrated MEPA and permitting review, the Commonwealth's recently issued final Ocean Management Plan, and a broader look at the Commonwealth's efforts to facilitate the siting of renewable energy projects and what such efforts mean for the review of such projects, the groundbreaking Green Communities Act, and how new stormwater regulations and the Oceans Act fit with MEPA/NEPA. In addition, the program will address the State's renewable energy program and policies.*

*The program will close with an interdisciplinary discussion of practical tips for EIS/EIR design and preparation from defining the proposals to cumulative impacts. The respective roles of lawyers, environmental professionals and governmental officials will be a recurring theme.*

*~ Program Co-Chairs: Margaret B. Briggs, and Seth D. Jaffe, Esq.*



**Margaret B. Briggs**, *Program Co-Chair*, Managing Principal at Epsilon Associates Inc., assists clients through the regulatory process associated with development, institutional, and infrastructure projects. She has played a major role in numerous MEPA, Article 80, and NEPA projects.

**Seth D. Jaffe**, *Program Co-Chair*, partner at Foley Hoag LLP, focuses on the permitting and licensing of new facilities and offers ongoing guidance on permitting and enforcement related matters. He is a "Super Lawyer" and listed in *Chambers* and *Best Lawyers*.

**Douglas M. McGarrah**, *Moderator*, partner at Foley Hoag LLP and Co-Chair of the Real Estate/Land Use and Development Practice, focuses on major development and infrastructure projects, expedited permitting and development of large-scale sites and creative solutions to regulatory compliance issues.

**Deerin Babb-Brott**, Assistant Secretary at the Massachusetts Executive Office of Energy and Environmental Affairs, is experienced in the environmental field, with a focus on coastal management issues and environmental impact review. He managed the development of an ocean management plan for Massachusetts waters under the Oceans Act of 2008.

**Edward W. Ionata**, Senior Vice President at Tetra Tech Rizzo, oversees all of Tetra Tech Rizzo's services for public and private sector clients, specializing in the management of multi-disciplinary projects from inception through design, permitting and construction.

**Mark C. Kalpin**, partner at Wilmer Cutler Pickering Hale and Dorr LLP, is a member of the Environmental and Real Estate Practice Groups and Co-Chair of the Energy and Clean Technology Group. He focuses on the development of traditional and renewable energy generation projects.

**Matthew J. Kiefer**, director at Goulston & Storrs, coordinates the firm's Green Business Group. He practices real estate development and land use law, focusing on obtaining site control and public approvals for complex urban projects. He also teaches in the Urban Planning Program at the Harvard Graduate School of Design.

**Kenneth Kimmell** is General Counsel at the Massachusetts Executive Office of Energy and Environmental Affairs. He focuses on legislation to reorganize the environmental secretariat, energy legislation, permit streamlining initiatives, statutory and regulatory changes to promote renewable energy, wind energy siting reform, and policy initiatives such as the MEPA Greenhouse Gas policy.

**Thomas A. Mackie**, managing shareholder at the Boston environmental law firm of Mackie Shea O'Brien, PC, focuses on the developing field of renewable energy facility siting with an emphasis on biomass facilities. He is listed in *Best Lawyers*.

**Alicia Barton McDevitt**, Assistant Secretary for Environmental Review at the Massachusetts Executive Office of Energy and Environmental Affairs, administers the Massachusetts Environmental Policy Act Office which oversees the environmental impact review and permitting of major development projects in Massachusetts.

**Susan Reid**, Senior Attorney and Director of the Conservation Law Foundation's Massachusetts Clean Energy and Climate Change Initiative, focuses on addressing the threat of global warming by promoting responsible new renewable energy development and energy efficiency by pursuing initiatives to reduce dependence on fossil fuels.

**E. Heidi Ricci**, Senior Policy Analyst at Massachusetts Audubon Society, is experienced in environmental policy and land use planning. She has been part of many state advisory committees including MEPA, wetlands, and stormwater regulatory updates and the Aquatic Habitat Restoration Task Force which recommended measures to address climate change impacts.

**Douglas H. Wilkins**, partner at Anderson & Kreiger LLP, is experienced in administrative, trial court and appellate litigation, including representing developers, business, landowners, citizen groups, project opponents and municipalities in litigation and permitting proceedings.

**Matthew Wolfe**, Principal at Madera Energy, Inc., focuses on development of clean wood biomass power plants. Previously he led the development activities for a biomass facility in Pittsfield, MA.



## Registration & Other Workshop Information

### To Register:

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Fax the registration form to us at: 206-567-5058

Email us at: registrar@lawseminars.com

Web site: www.lawseminars.com

Mail the registration form on the front page.

Walk-ins are welcome, subject to space availability.

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

**Tuition:** Regular tuition for in person or webcast attendance for this program is \$695 with a group rate of \$595 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$495. For students and people in their job for less than a year, our rate is \$347.50. 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 Thursday, May 27, 2010. 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 workshop will be held at the Hilton Boston Back Bay Hotel at 40 Dalton Street in Boston, MA 02115. Call the hotel directly at (617) 236-1100 for reservations and mention that you are attending a Law Seminars International workshop. Rooms are on a first come, first served basis.

### Continuing Education Credits:

This program qualifies for MCLE in all states requiring MCLE credits. Upon request, we will apply for other types of credits. AICP CM is pending

**If You Cannot Attend:** Our complete Homestudy Course, consisting of a DVD recording and the course materials (either a binder or searchable CD), is available for \$705. The course materials alone are available for \$100. We will ship your Homestudy order via UPS ground within two weeks after the seminar or from the date we receive payment.



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## MEPA & NEPA

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Boston, Massachusetts

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### You Will Learn About:

- NEPA/MEPA case law
- New state guidance and revisions to MEPA regulations
- The siting of renewable energy projects
- New legislation for renewables
- Provisions of the new Ocean Management Plan
- Developments in the treatment of greenhouse gases in NEPA reviews
- Coordinating NEPA and MEPA reviews
- Practical tips for EIS/EIR design and preparation

### 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](mailto:kate@lawseminars.com)

## Law Seminars International News:

### Upcoming Seminars:

|  |                         |                   |
|--|-------------------------|-------------------|
| Commercial Real Estate Workouts and Remedies | March 24, 2010          | Boston, MA        |
| Stormwater Regulation in New York            | April 23, 2010          | West Harrison, NY |
| Climate Change Regulation and Policy         | May 20 & 21, 2010       | Washington, DC    |
| Tribal Energy Development                    | June 10 & 11, 2010      | Washington, DC    |
| Real Estate Joint Ventures and Funds         | June 21 & 22, 2010      | Washington, DC    |
| Winery and Wine Distribution Law             | June 28 & 29, 2010      | Richmond, VA      |
| Energy in the Northeast                      | September 27 & 28, 2010 | Boston, MA        |

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