



THE STATE BAR OF CALIFORNIA  
ENVIRONMENTAL LAW SECTION

# 2015 ENVIRONMENTAL LAW CONFERENCE AT YOSEMITE®

October 22-25, 2015 | Tenaya Lodge at Yosemite

Qualifies for 11.25 Hours MCLE Credit, of which  
1.5 Hours Applies to Elimination of Bias in the Legal Profession

September 21  
Hotel Reservation Deadline

October 15  
Registration Deadline

Environmental Law Conference at Yosemite® <http://environmental.calbar.ca.gov>



## THE STATE BAR OF CALIFORNIA ENVIRONMENTAL LAW SECTION

# 2015 ENVIRONMENTAL LAW CONFERENCE AT YOSEMITE®

### 2015 Yosemite Conference Planning Committee

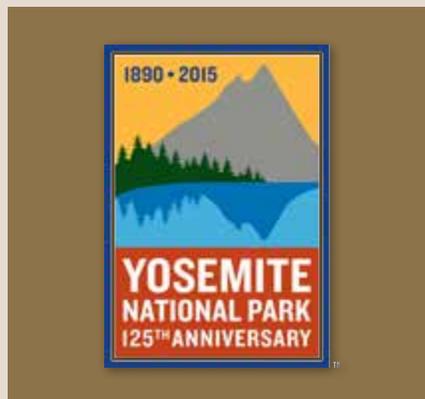
Christopher Calfee, Co-Chair, Office of  
Planning and Research, Sacramento  
Angela Howe, Co-Chair Surfrider  
Foundation, San Clemente

### Active Executive Committee Members on the Yosemite Planning Committee

Scott Birkey, San Francisco  
Alexander "Sandy" Crockett,  
San Francisco  
Amy E. Gaylord, San Francisco  
Deborah Halberstadt, Oakland  
Marc Luesebrink, Seattle, WA  
Gary Lucks, Walnut Creek  
Osha R. Meserve, Sacramento  
Letitia D. Moore, San Francisco  
Ryan Waterman, San Diego  
Jon Welner, San Francisco  
Chip Wilkins, Sacramento

Additional and generous help from  
Environmental Law Section Advisors

*The State Bar of California is an approved  
MCLE Provider. Topics, speakers and  
schedules are subject to change.*



The Environmental Law Conference at Yosemite® is nationally recognized as the largest and most prestigious gathering in California of leaders in environmental, land use, and natural resources law. We hope you will join us and many of our nation's top environmental officials, lawyers, and other professionals in the spectacular setting of Yosemite.

### Conference Program Materials and Merchandise

Conference registrants will receive a USB storage device with an electronic version of all program materials compliments of **West, a Thomson Reuters business**. Before the Conference attendees will receive a link with information on how to review and download the program materials from the Internet. It may be helpful to review a program's reference materials before the class, so please take a moment to check the materials for classes you plan to attend. This website is not available to the public, and access is given only to Conference registrants. Late-breaking supplemental materials not available before the Conference will be added to this site at a later date. We are pleased to announce that wireless Internet service will be available in all education program rooms, compliments of **Caldwell Leslie & Proctor PC**.

This year attendees receive a souvenir Conference water bottle sponsored by **Greenberg Glusker LLP**, and a signature tote bag. The annual Conference t-shirt will be available for pre-purchase on the registration form. Conference products are available while supplies last.

## PROGRAM SCHEDULE

### THURSDAY

**Thursday, October 22 | 4:00 pm-7:00 pm**

Registration Hours

**Thursday, October 22 | 5:00 pm-7:00 pm**

Environmental Law Section Executive Committee Meeting

**Thursday, October 22 | 6:00 pm-7:30 pm**

Opening Night Reception (RSVP Requested)

Welcome to the 24th Annual Environmental Law Conference at Yosemite® reception sponsored by **Burke Williams & Sorenson, Edgcomb Law Group, LLP**, and **Geosyntec Consultants**. To RSVP, select Ticketed Event #28 on the Conference registration form.

# PROGRAM SCHEDULE

## FRIDAY

### Friday, October 23 | 7:15 am-12:15 pm

Registration Hours (Sign in for your MCLE credit at the start of your day.)

### Friday, October 23 | 7:30-8:00 am

Continental Breakfast (RSVP requested)

RSVP for this complimentary breakfast on the registration form. **Select Ticketed Event #29.** Breakfast sponsored by **Farella Braun + Martel LLP**. Mid-morning refreshment break sponsored by **Shute, Mihaly & Weinberger LLP**.

### Friday, October 23 | 8:00-9:00 am | .75 Hour MCLE

Session 1: Friday General Session

#### Fresno's Story: Rebuilding the Center of Central California

Welcome by **Gideon Kracov**, 2014-2015 Chair, Environmental Law Section, Law Office of Gideon Kracov, Los Angeles. Introductions by **Letitia D. Moore**, Assistant Regional Counsel, U.S. Environmental Protection Agency, San Francisco. Keynote presentation by **Ashley Swearengen**, Mayor of Fresno.



Ashley Swearengen

**Ashley Swearengen** was elected Mayor of Fresno in 2008. In addition to her efforts to revitalize downtown Fresno and its surrounding neighborhoods, Mayor Swearengen has also launched a number of major initiatives, including the "Building Neighborhood Capacity Program"—a federally supported pilot program intended to catalyze community-driven change in neighborhoods that have historically faced barriers to revitalization. Mayor Swearengen was named one of California's top 10 mayors by Capitol Weekly, and was identified by the Brookings Institution as a member of the "Pragmatic Caucus." She is a board member of the California League of Cities, chair of the California Partnership for the San Joaquin Valley, and at the national level, serves on the leadership team of the U.S. Conference of Mayors as a member of its Executive Committee. Mayor Swearengen holds a Bachelor of Science (magna cum laude) and a Master of Business Administration (summa cum laude) from California State University, Fresno.

### Friday, October 23 | 9:15-10:45 am | 1.5 Hours MCLE

Session 2: CEQA Update: A Perennial Favorite

Panelists will discuss in detail key CEQA cases from the past year, including those decided in the California Supreme Court, and provide an update on recent legislative developments.

Moderator

**Robert "Perl" Perlmutter**, Partner, Shute Mihaly & Weinberger LLP, San Francisco

Panelists

**Kevin Bundy**, Senior Attorney, Center for Biological Diversity, San Francisco  
**Ellen Pilsecker**, Chief Deputy County Counsel, San Diego County, San Diego  
**Alisha Winterswyk**, Partner, Best Best & Krieger, Irvine

### Friday, October 23 | 9:15-10:45 am | 1.5 Hours MCLE

Session 3: Going Underground: Local Governance and Planning Under the Sustainable Groundwater Management Act

California finally has a plan to sustainably manage its shrinking groundwater resources. But the Sustainable Groundwater Management Act's founding principle - that groundwater management is best accomplished locally - now faces a major test. Local agencies must act quickly to form new governing bodies, Groundwater Sustainability Agencies, to develop and implement plans for sustainable basin management. Daunting obstacles remain, from gaps in information and institutional accountability to severe funding limitations and the disconnect between surface water and groundwater management. Can progress arrive in time to prevent destructive races to the bottom of groundwater basins? This multidisciplinary panel considers the prospects for counties, cities, and local agencies to equitably engage stakeholders and communities in effective groundwater governance.

Moderator

**Roger Moore**, Partner, Rossmann and Moore, Berkeley

Panelists

**Anecita Agustinez**, Tribal Policy Advisor, Department of Water Resources, Sacramento

**Roger Dickinson**, Shareholder, Greenberg Traurig, Sacramento

**Michael Kiparsky**, Associate Director, Wheeler Institute for Water Law and Policy, University of California, Berkeley

**Jeanne Zolezzi**, Partner, Herum Crabtree Suntag, Stockton

### Friday, October 23 | 9:15-10:45 am | 1.5 Hours MCLE

Session 4: From Here to Eternity: The Trend Toward Extended Producer Responsibility

Extended Producer Responsibility ("EPR") is an environmental protection strategy intended to minimize the total environmental impact of a product, including product packaging, by making the manufacturer of the product responsible for its entire life-cycle, including for its take-back, recycling and final disposal. A similar concept, Product Stewardship ("PS") involves making all parties that manufacture, sell, distribute, use or dispose of a product responsible for its proper management. Since 2006, there has been a growing trend towards regulating EPR and PS ranging from international to local regulations. Areas of focus of EPR and PS policies include motor vehicle switches, batteries, cell phones, fluorescent lamps, mattresses, paint, medical sharps (needles), mercury containing thermostats and pharmaceuticals. Recent regulations and cases will be discussed, as will overall trends and the likely future of EPR and PS policies in California and beyond.

Moderator

**Robert Sullivan**, Senior Staff Counsel, Department of Toxic Substance Control, Sacramento

Panelists

**Peggy Otum**, Partner, Arnold & Porter, San Francisco

**Kathleen Pacheco**, Senior Deputy County Counsel, County of Alameda, Office of the County Counsel, Oakland

**Heidi Sanborn**, Executive Director, California Product Stewardship Council, Sacramento



**Friday, October 23 | 9:15-10:45 am | 1.5 Hours MCLE**

**Session 5: The Long and Winding Road: The Future of Transportation Spending and Emission Reductions**

California faces a severe backlog of transportation infrastructure needs but a shortage of revenue to address them. At the same time, the state seeks to reduce greenhouse gas emissions from the transportation sector, primarily through reducing vehicle miles traveled. This panel will discuss how environmental concerns may shape the future of transportation spending decisions in California and how new sources of funding could affect that effort.

Moderator

**Ethan Elkind**, University of California at Berkeley & Los Angeles Schools of Law, Berkeley

Panelists

**Brian Kelly**, Secretary, California State Transportation Agency, Sacramento

**Seleta Reynolds**, Director, City of Los Angeles Department of Transportation, Los Angeles

**Jeanie Ward-Waller**, Policy Director, California Bicycle Coalition, Sacramento

**Friday, October 23 | 11:00 am-12:30 pm | 1.5 Hours MCLE**

**Session 6: The Lifetime Achievement Award Annual Panel: A Look at Joseph Sax**

**The Yin and the Yang: The Role of the Public Trust Doctrine and Takings Law as Conceptual Bookends in the Management of California's Natural Resources**

In 2014, The State Bar of California Environmental Law Section posthumously gave the inaugural Lifetime Achievement Award to Professor Joseph Sax. Professor Sax's scholarship covered a wide terrain within the field of environmental law, but he is perhaps best known for his groundbreaking work in defining and refining the understanding and delineation of the public trust doctrine and takings law. Decades after Professor Sax began his exploration into these legal doctrines, they continue to shape public policy and government decision-making in important ways. This panel will discuss the overall impact of the public trust doctrine and takings law, recent decisions, and the path ahead.

Moderator

**Scott Birkey**, Partner, Cox Castle & Nicholson LLP, San Francisco

Panelists

**Christina Bull Arndt**, Supervising Deputy Attorney General, California Office of the Attorney General, Los Angeles

**Eric Buescher**, Principal, Cotchett Pitre & McCarthy LLP, Burlingame

**Megan Herzog**, Emmett/Frankel Fellow in Environmental Law & Policy, UCLA School of Law, Los Angeles

**Friday, October 23 | 11:00 am-12:30 pm | 1.5 Hours MCLE**

**Session 7: Water Transfers: Love Child of the Free Market or Deal with the Devil?**

California's massive water infrastructure already redistributes water throughout the state. In this fourth year of drought, competition for what little water is available is more intense than ever and the water transfer market is hot. This panel will explore the applicable legal structures, impediments to transfers, the environmental and economic effects of water transfers, and potential new directions for water markets. Real examples will be used as a means to illuminate the ability of water transfers to help reallocate water to where it is needed most. The panel will also grapple with what makes sound public policy with respect to transfers, especially given the long term emphasis on regional self-reliance.

Moderator

**Andy Sawyer**, Assistant Chief Counsel, State Water Resources Control Board, Sacramento

Panelists

**Ellen Hanak**, Senior Fellow and Director, Public Policy Institute of California, San Francisco

**Adam Keats**, Senior Attorney, Center for Food Safety, San Francisco

**Tim Quinn**, Executive Director Association of California Water Agencies, Sacramento

**Buzz Thompson**, Professor, Stanford University School of Law, Stanford

**Friday, October 23 | 11:00 am-12:30 pm | 1.5 Hours MCLE**

**Session 8: Administrative Advocacy: Effective Participation in Administrative Proceedings**

An environmental lawyer's success in protecting his or her client's interests often depends on working with administrative agencies. An understanding of the workings of the specific agency involved and the type of administrative proceeding to be followed is essential. This practical skills session will cover effective advocacy before the California Air Resources Board, and the State Water Resources Control Board (and its nine regional water quality control boards), in both legislative and adjudicative proceedings. Areas to be covered include practice under the California Administrative Procedures Act, permitting and other adjudicative proceedings, ex parte contacts, and separation of functions.

Moderator

**Beth Collins-Burgard**, Shareholder, Brownstein Hyatt Farber Schreck, Santa Barbara

Panelists

**Felicia Marcus**, Chair, State Water Resources Control Board, Sacramento (invited)

**Ellen Peter**, Chief Counsel, California Air Resources Board, Sacramento

**Matt Vespa**, Senior Attorney, Sierra Club, San Francisco

**Friday, October 23 | 11:00 am-12:30 pm | 1.5 Hours MCLE**

Session 9: Global Action on Global Warming: Trade, Diplomacy and Climate Populism

Yes, there is such a thing as international climate law, and it can have a direct effect on you, your clients and employers. The proposed Trans-Pacific Partnership trade deal may change environmental laws in the U.S. and abroad in ways that affect California businesses. The upcoming United Nations Climate Change Conference in Paris may lead to hard targets for greenhouse gas reductions in the U.S., and California's pioneering Under 2 MOU initiative may do the same on a sub-national basis. Our panel of experts will discuss the impact of these events on California.

Moderator

**Cara Horowitz**, University of California at Los Angeles, Los Angeles

Panelists

**Ken Alex**, Senior Advisor, California Governor's Office, Sacramento  
**Alexia Kelly**, Senior Climate Change Advisor, U.S. Department of State, Washington, D.C.  
**Roger Martella**, Partner, Sidley and Austin, Washington, D.C.

**Friday, October 23 | 1:00 pm (times vary)**

Friday Afternoon Activities led by Environmental Law Section Members  
Register on-site ONLY. Space is limited.

Conference attendees and their guests may choose to participate in offsite activities. Sign-up sheets for planned activities will be located at the Executive Committee table.

## SATURDAY

**Saturday, October 24 | 7:15 am-12:15 pm**

Registration Hours

Sign in for your MCLE credit at the start of your day.

**Saturday, October 24 | 7:30-8:00 am**

Continental Breakfast (RSVP Requested)

RSVP for this complimentary breakfast on the registration form.  
**Select Ticketed Event #30.** Breakfast sponsored by **Holland Knight**.  
Mid-morning refreshment break sponsored by **Stoel Rives LLP**.

**Saturday, October 24 | 8:00-9:00 am | .75 Hour MCLE**

Session 10: Saturday General Session

**The President's Clean Power Plan and is it Legal?**

Introduction by **Richard M. Frank**, Professor of Environmental Practice, University of California at Davis, School of Law, Davis. Keynote presentation by Professor **Richard J. Lazarus** and Professor **Jody Freeman**, Harvard Law School, Cambridge, MA.



Richard Lazarus

**Richard Lazarus** is the Howard and Katherine Aibel Professor of Law at Harvard Law School, where he teaches environmental law, natural resources law, Supreme Court advocacy, and torts. Professor Lazarus has represented the United States, state and local governments, and environmental groups in the Supreme Court in 40 cases and has presented oral argument in 13 of those cases. His primary areas of legal scholarship are environmental and natural resources law, with particular emphasis on constitutional law and the Supreme Court. Prior to joining the Harvard law faculty, Professor Lazarus was the Justice William J. Brennan, Jr., Professor of Law at Georgetown University, where he also founded the Supreme Court Institute. A 1979 graduate of Harvard Law School with a B.S. in chemistry and a B.A. in economics from the University of Illinois, Professor Lazarus previously worked at the U.S. Department of Justice and later in the Solicitor General's Office.



Jody Freeman

**Jody Freeman** is the Archibald Cox Professor of Law and the founding director of the Harvard Law School Environmental Law and Policy Program. She is a leading scholar of both administrative law and environmental law, and has written extensively about climate change regulation. Professor Freeman served in the White House as Counselor for Energy and Climate Change in 2009-10. After leaving the administration, Freeman served as an independent consultant to the President's bipartisan Commission on the BP Deepwater Horizon Oil Spill. In 2011, she was elected to the American College of Environmental Lawyers. In 2012 Professor Freeman was elected as an outside director of ConocoPhillips, where she serves on the public policy and compensation committees. She has written for the New York Times, Wall Street Journal, and LA Times.

**Saturday, October 24 | 9:15-10:45 am | 1.5 Hours MCLE**

Session 11: Learning to Listen: Bringing California Native Voices into the Land Use Decision-Making Process

This panel will discuss how the concerns, knowledge and perspectives of California's native peoples are integrated into the land use decision-making process and explore the challenges faced by tribal representatives and advocates, local governments and project proponents in implementing consultation and other cultural resource protection requirements. In addition to providing an overview of the key laws governing the field, this panel will tackle the meaning of "consultation" under SB 18 and the AB 52 amendments to CEQA, how to determine which tribes need to be consulted, the definition of a "tribal cultural resource," and how to balance protecting the confidentiality of tribal resources with transparent decision-making.

Moderator

**Antonette B. Cordero**, Deputy Attorney General, California Department of Justice, Los Angeles

Panelists

**Thomas Gibson**, Deputy Secretary and General Counsel, California Natural Resources Agency, Sacramento  
**Merri Lopez-Keifer**, Chief Legal Counsel, San Luis Rey Band of Mission Indians, Martinez  
**Craig Spencer**, Associate Planner, Monterey County, Monterey



**Saturday, October 24 | 9:15-10:45 am | 1.5 Hours MCLE**

**Session 12: Water Rights *Light*: Regulation to Prevent Waste and Unreasonable Use**

Article X, section 2 of the California Constitution, which prohibits waste and unreasonable use of water, is a basic principle of California water rights law, providing broad, but flexible authority for the state to regulate water diversion and use. Until recently, the doctrine has been applied relatively infrequently, and on a case-by-case basis. Two significant developments in 2014 and 2015 may change that: The first is the District Court of Appeal's opinion in *Light v. State Water Resources Control Board*, upholding the State Water Resources Control Board's Russian River frost control regulations. The second is the State Water Resources Control Board's adoption of drought emergency regulations. The panel will discuss these developments and their implications for water management and protection of instream beneficial uses in California.

Moderator

**Barry Epstein**, Partner, Allen Matkins, San Francisco

Panelists

**Virginia Cahill**, Lecturer, University of California at Davis, Davis

**Brian Johnson**, California State Director and Senior Attorney, Trout Unlimited, Emeryville

**Peter Kiel**, Partner, Ellison Schneider & Harris, Sacramento

**Felicia Marcus**, Chair, State Water Resource Control Board, Sacramento

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**Saturday, October 24 | 9:15-10:45 am | 1.5 Hours MCLE**

**Session 13: Recent Environmental Law Developments in the U.S. Supreme Court, Ninth Circuit Court of Appeals and California Supreme Court**

The U.S. Supreme Court, Ninth Circuit Court of Appeals and California Supreme Court have been active over the past year, deciding numerous major environmental law cases. Join a panel of environmental law experts who follow these judicial developments closely for a survey of the most important decided and pending environmental law cases from these courts. The panelists will also discuss general environmental law trends and developments in these tribunals.

Moderator

**Richard M. Frank**, Professor of Environmental Practice, Director, California Environmental Law & Policy Center, University of California at Davis School of Law, Davis

Panelists

**Holly Doremus**, Professor, UC Berkeley School of Law, Berkeley

**Richard Lazarus**, Professor, Harvard University, Cambridge, Massachusetts

**Janill Richards**, Principal Deputy Solicitor General, California Department of Justice, Oakland

**Saturday, October 24 | 9:15-10:45 am | 1.5 Hours MCLE**

**Session 14: Handling the High Profile Case: Strategies for Managing Complex Hazardous Waste, Environmental Remediation, Toxic Tort and Enforcement Matters**

What are the issues you should think about if suddenly thrown into a high profile case? This panel will cover legal strategies and challenges in representing clients in significant, high liability environmental cases, including those resulting from "big events" (spills, explosions, toxic releases); legacy contamination (perhaps only recently discovered); and/or chronic, recalcitrant operators who ignore or underestimate years of non-compliance. Issues to be explored include: parallel proceedings, i.e., administrative actions (such as clean up orders and notices of noncompliance), civil actions (related to property damage, enforcement actions, and/or toxic torts), and/or criminal enforcement; litigation strategies (from venue selection to how to work with other parties and opposing counsel); dealing effectively with multiple governmental agencies; the role of insurance; and handling the press.

Moderator

**Reed Sato**, Chief Counsel, Department of Toxic Substances Control, Sacramento

Panelists

**Stacey Geis**, Managing Attorney, Earthjustice, San Francisco

**Gary Meyer**, Shareholder, Parker Milliken, Los Angeles

**Belynda Reck**, Partner, Hunton & Williams, Los Angeles

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**Saturday, October 24 | 11:00 am-12:30 pm | 1.5 Hours MCLE**

**Session 15: Are Wind Turbines for the Birds? The Compatibility or Incompatibility of Wind Energy with Eagles and Other Birds**

As the Governor's Office moves forward with its 50% renewable energy goal for 2030, the state could experience another renewable energy "gold rush," including a push for new wind energy development projects. Wind energy has potentially significant impacts on birds and bats. The new wind projects will likely seek to take advantage of new permitting procedures for the incidental take of special status avian species under the Bald and Golden Eagle Protection Act (BGEPA), while also navigating other regulatory requirements, including Endangered Species Act and potentially new permits that may be offered under the Migratory Bird Treaty Act. This panel will explore the interrelationship between wind energy development and protection of birds, and how this tension can be best handled given the regulatory requirements that are in place and other tools that are available.

Moderator

**Marc Luesebrink**, Senior Counsel, The Boeing Company, Seattle

Panelists

**Amedee Brickey**, Deputy Chief, Migratory Birds and Habitat Program, U.S. Fish and Wildlife Service, Sacramento

**Garry George**, Renewable Energy Director, Audubon California, Los Angeles

**Anne Mudge**, Partner, Cox Castle & Nicholson LLP, San Francisco

**Saturday, October 24 | 11:00 am-12:30 pm | 1.5 Hours MCLE**  
Session 16: Going Nuts Over Water: The Law, Economics and Water Consequences of Cropping Choices

Deliveries from federal and state water projects helped transform arid regions of California into major agricultural centers, but questions remain about their scale, salinity and sustainability. California law makes irrigation the “next highest” use of water after domestic use. Critics charge that hardened demand to supply large irrigators with reliable water for nut trees and other permanent crops strains surface supplies during drought and contributes to groundwater overdraft. They also question using water for export of alfalfa and other crops. This panel explores the law, economics and water consequences of cropping choices, including potential roles of the constitutional restriction on unreasonable use, and of stricter requirements to show adequate supply (as for large housing developments and other projects). The panel will also discuss how cropping patterns affect implementation of California laws protecting groundwater and the Delta.

Moderator

**Osha Meserve**, Shareholder, Soluri Meserve, A Law Corporation, Sacramento

Panelists

**Heather Cooley**, Water Program Co-Director, Pacific Institute, Oakland

**Randy Fiorini**, Managing Partner, Fiorini Ranch, Turlock; Chair, Delta Stewardship Council, Sacramento

**Jennifer L. Harder**, Assistant Professor, University of the Pacific, McGeorge School of Law, Sacramento

**Saturday, October 24 | 11:00 am-12:30 pm | 1.5 Hours MCLE**  
Session 17: What Happened Under the Capitol Dome?—The Latest Environmental Legislation from Sacramento

The California Legislature continues to pass groundbreaking environmental laws, which are often adopted nationally and internationally. During the 2015 legislative session, the Governor signed a number of new laws that, among others, tackle California’s severe drought, establish strategies and goals to address climate change, and promote renewable energy. Join our panel of seasoned legislative staffers for a timely discussion of newly enacted environmental, natural resources, and land use laws, with a special focus on legislative accomplishments and trends for the future.

Moderator

**Gary Lucks**, Partner, Environmental Resources Management, Walnut Creek

Panelists

**Bill Craven**, Chief Consultant, Senate Natural Resources and Water Committee, Sacramento

**Tina Cannon Leahy**, Principal Consultant, Assembly Water, Parks and Wildlife Committee, Sacramento

**Kip Lipper**, Chief Policy Advisor on Energy and the Environment, Office of the Senate pro Tem, Sacramento

**Saturday, October 24 | 11:00 am-12:30 pm | 1.5 Hours MCLE**  
Session 18: What’s New Under The Federal Clean Air Act?

Plenty. The Supreme Court has taken a heightened interest in this statute recently, including in 2014 with the Utility Air Regulatory Group (“UARG”) case and this year with the Mercury and Air Toxics Standards (“MATS”) rule case – a decision that may have a broad effect on EPA’s regulatory authority. EPA is considering new ozone (smog) standards. Here in California, the San Joaquin Valley and South Coast air districts are struggling to meet federal ozone limits that are many years old; how will they meet the new standards? And air districts throughout the state are revising their CAA implementation plans, giving rise to changing regulatory programs on the ground as well as legal challenges over whether they are doing enough. This panel will explore all of these recent developments . . . and much more.

Moderator

**Suma Peesapati**, Staff Attorney, Environmental Law Clinic, UC Irvine School of Law, Irvine

Panelists

**Kara Christenson**, Senior Counsel, U.S. Environmental Protection Agency, Region 9, San Francisco

**David Farabee**, Partner, Pillsbury Winthrop Shaw Pittman, LLP, San Francisco

**Angela Johnson Meszaros**, Staff Attorney, Earthjustice, Los Angeles

**Saturday, October 24 | 1:00-5:00 pm**

Saturday Afternoon Outdoor Presentations

Register on-site ONLY. Space is limited.

Some presentations may involve a short hike, and some programs may not be appropriate for children. Registration is on-site only, and all presentations have limited space. Descriptions and signup sheets are available at the Executive Committee table. At press time, the following presentations have been scheduled.

**Fire and Forest Structure**

Fire has shaped forest structure in Yosemite National Park and fire exclusion has altered that structure. Now the National Park Service is using prescribed fires to restore the forest. Learn about how the forests of Yosemite National Park are changing and how the National Park Service is taking the role of fire into account as part of park management.

Moderator

**K. Eric Adair**, Hinson Gravelle & Adair LLP

Speakers

**Jan van Wagtendonk**, Forest Researcher Emeritus, Yosemite National Park

**Gary Wuchner**, Fire Information Officer, Yosemite National Park

**Native Yosemite**

What is now Yosemite National Park was home to Native American tribes for millennia. Historically, Miwok and Paiute groups populated the area, in addition to other neighboring peoples who frequented the region. Following the discovery of gold and increased non-native settlements leading to California statehood, efforts increased to drive them from the area. These native peoples were the original stewards of the ecosystems in the area. Today the National Park Service collaborates with traditionally associated tribal groups to protect the natural, historical and cultural resources of the Park. Learn how Yosemite National Park addresses issues involving ethnology, archeology, traditional practices, and tribal consultation.



Moderator

**Antonette Cordero**, Deputy Attorney General, California Department of Justice.

Speaker

**Scott Carpenter**, Cultural Resources Program Manager, Yosemite National Park

**Mindfulness and Competence in Legal Practice**

(MCLE: 1 Hour Competence Issues)

This presentation qualifies for 1.0 Hour MCLE Competence Issues (formerly known as Prevention, Detection and Treatment of Substance Abuse or Mental Illness.) Pre-registration is not available. Attendees seeking MCLE credit must sign a MCLE Log Book at the start of the presentation.

The nature of the legal profession and those drawn to it results in a substantially higher rate of substance abuse and mental health issues than in the general population. This program, presented in a beautiful outdoor setting, presents a background on lawyers, substance abuse and mental illness, covering personality types and the particular lawyer propensity to struggle with substance abuse. Participants will learn about their own personalities and factors which might lead them to such abuse, and explore ways this interferes with their ability to perform legal services competently. Discussion will include learning how mindfulness can be a tool to enhance awareness to detect the factors leading to abuse and to prevent their occurrence. Also discussed will be cravings and addictions, and how to detect and work with them.

Moderator

**Rob Sawyer**, Remy, Moose Manley, LLP, Sacramento

Speaker

**Douglas Chermak**, Lozeau | Drury LLP, Oakland

**Water Cycle Implications of Headwater Management and Forest Restoration**

Forest management practices have a substantial effect on evapotranspiration and runoff. Learn about observed and projected changes in the water cycle from headwater management and forest restoration, where there are knowledge gaps, and efforts to verify the effects of the restoration measures, in a field trip in the Big Sandy watershed, upper South Fork Merced River, near Fish Camp.

Moderator

**Andy Sawyer**, Assistant Chief Counsel, California State Water Resources Control Board, Sacramento

Speaker

**Dr. Roger C. Bales**, Director of the Sierra Nevada Research Institute and Professor of Engineering, U.C. Merced

**Saturday, October 24 | 5:30-6:15 pm**

A Fireside Chat with **E. Clement Shute, Jr.**, Recipient of the 2015 Environmental Law Section Lifetime Achievement Award

Join us in the Fireside Lounge, which is adjacent to the Hotel lobby, for an informal chat with **E. Clement (Clem) Shute, Jr.**, this year's Lifetime Achievement Award recipient. Hear a firsthand account of his five-decade career and contributions to environmental law.

Facilitated by: **Jane Kroesche**, Skadden Arps, Palo Alto and **Thomas McHenry**, GIBSON DUNN, Los Angeles.

**Saturday, October 24 | 6:15-7:00 pm**

Saturday Evening Pre-Dinner Reception (RSVP Requested)

Join us as we gather before dinner for cocktails and hors d'oeuvre set out in the lobby. The reception is sponsored by **Gresham Savage Nolan & Tilden, PC**. To RSVP, select Ticketed Event #31 on the Conference registration form.

**Saturday, October 24 | 7:00-9:00 pm | Ticketed Event**

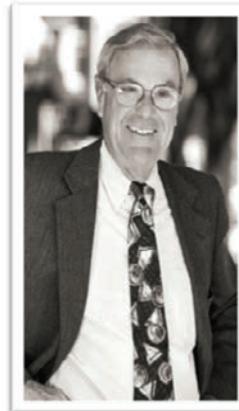
Saturday Night Dinner Program with Keynote by American Photographer **James Balog**. With Presentation of the Environmental Law Section Lifetime Achievement Award

Dinner is sponsored by **Antea Group**, **Barg Coffin Lewis & Trapp, LLP**, and **Pillsbury Winthrop Shaw Pittman LLP**. Wine provided courtesy of **Wilson Vineyards/Bogle Wines**. Attendees will receive a DVD of the documentary *Chasing Ice* courtesy of **Rossmann and Moore, LLP**. (*Quantities are limited.*)

**Presentation of the Environmental Law Section**

**Lifetime Achievement Award given to E. Clement (Clem) Shute, Jr.**

Introductions by **Osha Meserve**, 2015-16 Vice-Chair, Environmental Law Section, Soluri Meserve, Sacramento and **Marc B. Mihaly**, President and Dean, Vermont Law School, South Royalton, Vermont. Remarks by **E. Clement (Clem) Shute, Jr.**, Senior Counsel, Shute, Mihaly & Weinberger LLP, San Francisco



Photograph by Liza Heider

The Environmental Law Section is honored to present its second annual *Lifetime Achievement Award* to **E. Clement (Clem) Shute, Jr.**, a leading practitioner and innovator who has been instrumental in shaping substantive law and the culture of the environmental legal community in California for over five decades. Clem has contributed to the practice of environmental law in numerous ways, including driving to establish the State Bar's Environmental Law Section while he was a litigator at the California Attorney General's Office, co-founding the eponymous law firm that has been at the forefront of natural resources and environmental law for several decades,

and profoundly influencing new generations of environmental lawyers. Clem broke ground in fields such as coastal protection, the public trust doctrine, the California Environmental Quality Act and regulatory takings, assisted in drafting the law under which the Tahoe Regional Planning Agency (where he is still a member of the Governing Board) operates today, and volunteered his time to many non-profit environmental organizations. During all these endeavors, Clem set high ethical standards for himself and others. The Environmental Law Section is proud to recognize Clem for his lifetime of achievements in environmental law.

**Dinner and Keynote Presentation**

Introduction by **Angela T. Howe**, Legal Director, Surfrider Foundation, San Clemente. Remarks by **James Balog**, Founder & President, Earth Vision Institute & Extreme Ice Survey



James Balog

For 35 years, photographer James Balog (“BAY-log”) has broken new conceptual and artistic ground on one of the most important issues

of our era: human modification of our planet’s natural systems. He and his Extreme Ice Survey team are featured in the 2012 documentary *Chasing Ice* and in the 2009 PBS/ NOVA special, *Extreme Ice*. James has been honored with many awards, including the Heinz Award, the Duke University LEAF Award, the Sam & Julie Walters Prize for Environmental Activism, and the International League of Conservation Photographers (ILCP) League Award. He is the author of *ICE: Portraits of Vanishing Glaciers* and seven other books. His photos have been extensively published in major magazines and exhibited at more than 100 museums and galleries worldwide.



Matt  
Rodriguez

**Matt Rodriguez** was appointed California Secretary for Environmental Protection by Governor Edmund G. Brown Jr. in July 2011. Secretary Rodriguez oversees the activities of the California Air Resources Board, the Department of Resources Recycling and Recovery, the Department of Toxic Substances Control, the Department of Pesticide Regulation, the Office of Environmental Health Hazard Assessment, and the State Water Resources Control Board, and advises the Governor on environmental policy. Before becoming Secretary, Mr. Rodriguez served for more than 24 years with the California Department of Justice. Prior to joining the California Department of Justice, Mr. Rodriguez was Deputy City Attorney for the City of Hayward, Assistant City Attorney for the City of Livermore, an associate program analyst for the Governor’s Office of Planning and Research, and a graduate student assistant with the California Coastal Commission. He received his JD from UC Hasting College of the Law in 1980.



Dr. Manuel  
Pastor

**Dr. Manuel Pastor** is Professor of Sociology and American Studies and Ethnicity at the University of Southern California. Founding director of the Center for Justice, Tolerance, and Community at the University of California, Santa Cruz, Dr. Pastor currently directs the Program for Environmental and Regional Equity at the University of Southern California and USC’s Center for the Study of Immigrant Integration. Dr. Pastor’s research has generally focused on issues of the economic, environmental, and social conditions facing low-income urban communities, and the social movements that seek to change those conditions. Dr. Pastor holds an economics Ph.D. from the University of Massachusetts, Amherst, and is the inaugural holder of the Turpanjian Chair in Civil Society and Social Change at USC.

### Saturday, October 24 | 9:00-11:00 pm Saturday Night Dessert Party (RSVP Requested)

A tropical themed event completes the evening. Don your best Aloha shirt and enjoy dessert, hosted libations and dancing at the 24th Annual Dessert Party sponsored by **Brownstein Hyatt Farber Schreck, Cox Castle Nicholson** and **Skadden, Arps, Slate, Meagher & Flom LLP**. To RSVP, select Ticketed Event #37 on the Conference registration form.

## SUNDAY

### Sunday, October 25 | 7:15 am-12:15 pm Registration Hours

Sign in for your MCLE credit at the start of your day. If you are attending Session 26, you will be required to separately sign-in for the MCLE credit for just that session and will receive an additional certificate of attendance.

### Sunday, October 25 | 7:30-8:00 am Continental Breakfast (RSVP Requested)

RSVP for this complimentary breakfast on the registration form. Select Ticketed Event #38. Breakfast sponsored by **Cotchett, Pitre & McCarthy, LLP**. Mid-morning refreshment break sponsored by **Bick Law Group**.

### Sunday, October 25 | 8:00-9:00 am | .75 Hour MCLE Session 19: Sunday General Session

#### Mapping the Path to an Environmentally Just California

Welcome and introduction by **Ed Ochoa**, California Department of Justice, San Diego. Discussion moderated by **Janill Richards**, Principal Deputy Solicitor General, California Department of Justice, Oakland. Keynote presentation by **Matthew Rodriguez**, Secretary, California Environmental Protection Agency, and **Dr. Manuel Pastor**, Professor, University of Southern California.



**Sunday, October 25 | 9:15-10:45 am | 1.5 Hours MCLE**

**Session 20: CEQA Practitioner Roundtable: Enforcing Project Descriptions and Mitigation Measures**

*This session is limited to 60 people. Sign up on the Course Selector.*

When projects are subject to environmental review under CEQA, formulation of effective mitigation to avoid or lessen potentially significant impacts is a shared goal of lead agencies, the public and the applicant. But once adopted, project features and mitigation measures that are critical to reducing a project's environmental impacts may be changed and can be difficult to enforce. This practitioner-focused roundtable discussion will explore the forms mitigation may permissibly take under the statute, regulations and interpretive case law. The results of these varying approaches to mitigation on the ability of the public to participate in informed decision-making and to enforce what was agreed upon at the time of project approval in the context of recent legal developments will then be discussed.

Roundtable Moderators

**Ellison Folk**, Partner, Shute Mihaly & Weinberger LLP, San Francisco  
**Nicole Gordon**, Partner, Sohagi Law Group, Los Angeles  
**Amanda Olekszulín**, Principal, Ascent Environmental, Sacramento

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**Sunday, October 25 | 9:15-10:45 am | 1.5 Hours MCLE**

**Session 21: California's Safe Drinking Water Program at 40: New Directions**

December 16, 2014 marked the 40th anniversary of the federal Safe Drinking Water Act, and the 40th anniversary of the California Safe Drinking Water Act will be in 2016. In 2014, California's drinking water program was transferred from the California Department of Public Health to the State Water Resources Control Board. This panel will review recent developments and challenges facing the drinking water program, including establishing maximum contaminant levels for Chromium 6 and other contaminants, place of use treatment, regulatory requirements for a reliable water supply to get public water systems through drought, and efforts to find emergency supplies for disadvantaged communities during the drought.

Moderator

**Rob Sawyer**, Of Counsel, Remy Moose Manley LLP, Sacramento

Panelists

**Marisol Aguilar**, Staff Attorney, California Rural Legal Assistance, Modesto  
**Cindy Forbes**, Deputy Director, Division of Drinking Water, State Water Resources Control Board, Sacramento  
**Martha Guzman-Aceves**, Deputy Legislative Secretary, California Governor's Office, Sacramento  
**Andre Monette**, Partner, Best Best & Kreiger LLP, Washington, D.C.

**Sunday, October 25 | 9:15-10:45 am | 1.5 Hours MCLE**

**Session 22: The Other Side of Water: Stormwater Permits and Receiving Water Limitations**

The State Water Resources Control Board has issued a precedential order affecting water quality in California through the adoption of municipal separate storm sewer system (MS4) permits. The order will require permits to continue to incorporate receiving water limitations and total maximum daily loads (TMDLs), but will also allow watershed-based program implementation to constitute compliance with those provisions. By issuing a decision on Los Angeles County's MS4 permit, which uses the watershed-based program approach in part to promote capture of stormwater runoff, the State Water Board has endorsed a paradigm shift from previous permits. This panel will discuss how the State Water Board order will affect MS4s statewide and beyond through the precedential determinations on receiving water limitations, TMDL implementation, and watershed program-based compliance, as well as how the new MS4 approach focusing on stormwater capture factors into the State's greater water supply picture and need to develop alternative water supply sources.

Moderator

**Noah Garrison**, Environmental Science Practicum Director, University of California at Los Angeles, Los Angeles

Panelists

**Tess Dunham**, Shareholder, Somach Simmons & Dunn, Sacramento  
**Steve Fleischli**, Senior Attorney, Natural Resources Defense Council, Los Angeles  
**William W. Funderburk, Jr.**, Vice President of Board of Commissioners, Los Angeles Department of Water and Power, and Partner, Castellón & Funderburk LLP, Los Angeles  
**Emel Wadhvani**, Senior Staff Counsel, State Water Resources Control Board, Sacramento

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**Sunday, October 25 | 9:15-10:45 am | 1.5 Hours MCLE**

**Session 23: Sustainable Cities and Sustainable Energy for All**

To meet California's climate goals, we must integrate efficiency and renewable energy into land use planning in every community, including disadvantaged neighborhoods. Panelists will share their experience implementing creative, bold strategies for lowering greenhouse gas emissions that improve access to clean energy while taking into account geography, land use and development patterns, and environmental justice concerns.

Moderator

**Deborah Halberstadt**, California Attorney General's Office, Oakland

Panelists

**Howard Choy**, General Manager, County of Los Angeles Office of Sustainability, Los Angeles  
**Sandy Goldberg**, Senior Counsel, Governor's Office of Planning and Research, Sacramento  
**Louise Mozingo**, Professor and Chair, Department of Landscape Architecture and Environmental Planning at UC Berkeley, Berkeley  
**Parin Shah**, Senior Strategist, Asian Pacific Environmental Network, Oakland

**Sunday, October 25 | 11:00 am-12:30 pm | 1.5 Hours MCLE**

**Session 24: Evaluating the Risks of Crude-by-Rail**

A series of highly-publicized accidents involving crude oil trains, including an explosion in Lac Mégantic, Quebec, that killed 47 people, has given rise to a great deal of public concern about the safety of transporting crude oil by railroad. This panel will examine the accident, public health and environmental risks of crude-by-rail and similar projects, including topics such as how these risks should be addressed in the environmental review process, how to determine whether such risks are “significant”, the environmental justice implications, how mitigation measures can reduce such risks, and how doctrines like federal preemption interact with the environmental review process under state law.

Moderator

**Alexander “Sandy” Crockett**, Assistant Counsel, Bay Area Air Quality Management District, San Francisco

Panelists

**Yana Garcia**, Associate Attorney, Earthjustice, San Francisco  
**Melissa Hagan**, Senior Counsel, Union Pacific Railroad Company, City of Industry  
**Scott Lichtig**, Deputy Attorney General, California Department of Justice, Sacramento

**Sunday, October 25 | 11:00 am-12:30 pm | 1.5 Hours MCLE**

**Session 25: Reliability, Restoration and Resilience in Water Planning: Relearning the Three Rs in an Era of Climate Change**

In 2014, California’s Water Action Plan recognized that climate change is compounding the current inability of the state’s water management system to “satisfactorily meet both ecological and human needs.” The plan identifies three broad objectives: reliable water supply, restoration of important species and habitat, and a more resilient water management system. This diverse panel of experts will evaluate the changing relationship of laws and institutions to these potentially conflicting objectives, and the potential future roles of supply and storage options, watershed restoration, and improvements in conservation.

Moderator

**Paul Kibel**, Professor, Golden Gate University, San Francisco

Panelists

**Debbie Davis-Franco**, Community & Rural Affairs Advisor, Governor’s Office of Planning and Research, Sacramento  
**Jonas Minton**, Water Policy Advisor, Planning and Conservation League, Sacramento  
**Chris Scheuring**, Associate Counsel, California Farm Bureau Federation, Sacramento  
**Joshua Viers**, Professor and Co-Director, UC Water Security and Sustainability Research Initiative, University of California, Merced

**Sunday, October 25 | 11:00 am-12:30 pm | 1.5 Hours**

**Elimination of Bias in the Legal Profession**

**Session 26: Diversity and the Environmental Bar: Look to your Left, Look to your Right—Where Are the People of Color?**

California is the second most diverse state in the Union (surpassed only by Hawaii). On July 1, 2013, the State officially confirmed its “majority minority” status, with non-Latino whites accounting for less than fifty percent of the State population for the first time since California’s statehood. On every front, we tackle issues that impact and are influenced by California’s diverse population, yet, the oft-stated goal of achieving diversity among the environmental bar remains elusive. Why is this so? A growing body of research shows that a number of unconscious and institutional factors impact who we hire, retain and promote. This panel seeks to not only highlight the lack of diversity in the world of environmental law, but discuss the reasons behind this phenomenon and present generally-applicable strategies for combating our unconscious and institutional biases.

Moderator

**Letitia D. Moore**, Assistant Regional Counsel, U.S. Environmental Protection Agency, San Francisco

Panelists

**Juliet Cho**, Associate, Stoel Rives LLP, San Francisco  
**Gladys Limón**, Staff Attorney, Communities for a Better Environment, Huntington Park  
**Jyoti Nanda**, Lecturer in Law, Former Co-director, Critical Race Studies Program, University of California at Los Angeles, Los Angeles

**Sunday, October 25 | 11:00 am-12:30 pm | 1.5 Hours MCLE**

**Session 27: The Future of Rooftop Solar: What Happens Next Will Make All the Difference**

In recent years, the growth of rooftop solar has been exponential in California and numerous other states. Many believe that rooftop solar is a key component of a sustainable energy future, and Governor Brown has indicated that it will be a significant part of achieving his 50% renewable energy goal. At the same time, utilities worry about loss of revenue as their customers go solar and about disruption of their established business model. Environmental justice advocates are concerned that the benefits of rooftop solar may not reach disadvantaged communities. The future of rooftop solar depends on decisions being made now by state regulators and legislatures, and California is at the forefront of this debate. This panel will discuss the state of play and what happens next in this exciting area.

Moderator

**Jonathan Welner**, Partner, Jeffer Mangels Butler & Mitchell LLP, San Francisco

Panelists

**Aaron Johnson**, Vice President, Customer Energy Solutions, Pacific Gas and Electric Company, San Francisco  
**Shana Lazerow**, Chief of Litigation, Communities for a Better Environment, Oakland  
**Sanjay Ranchod**, Vice President for Policy and Electricity Markets and Regulatory Counsel, SolarCity Corporation, San Mateo  
**Edward Randolph**, Energy Division Director, California Public Utilities Commission, San Francisco

# Hotel Reservation Form

October 22-25, 2015, Tenaya Lodge at Yosemite  
2015 Environmental Law Conference at Yosemite®

HOTEL RESERVATION DEADLINE: **SEPTEMBER 21, 2015**

HOTEL RESERVATIONS PROCEDURE: Please confirm early as rooms will sell out.

TELEPHONE RESERVATIONS ARE NOT ACCEPTED.

1. To make your hotel reservation please complete the registration form below and send with one night's deposit (check or credit card) via Mail to Tenaya Lodge, P.O. Box 159, Fish Camp, CA 93623 or Fax Attn: Candi – 559-683-0249. **(Telephone reservations will not be accepted.)**
2. Deposits: Each room reservation must be prepaid by a credit card or check in the amount of the first night's room and tax. The room rate will be \$199 plus occupancy tax per night. Deposit will be required at time of booking.
3. Check-in time is 3:00 pm and check-out time is 11:00 am.
4. Cancellation Policy: Reservations must be cancelled 7 days prior to arrival to receive a full refund. Cancellation within the 7-day period will result in forfeiture of your deposit.
5. All reductions to a guest's stay must be received 48 hours or more prior to arrival. If a reduction is made within 48 hours of arrival, the guest will be required to pay for the original length of stay.
6. "No shows" will be charged the contracted nightly rate for each night the reserved room is not occupied by the individual, up to and including the entire length of stay.
7. Early departures and/or late arrival will be charged the contracted nightly rate for each night the reserved room is not occupied by the individual, up to and including the entire length of stay.

Complete the information on this form and send to the Tenaya Lodge by fax or mail. Online reservations accepted. Telephone reservations not accepted. **DO NOT MAIL THIS FORM TO THE STATE BAR.**

## GUEST INFORMATION:

Name: \_\_\_\_\_

Sharing With: \_\_\_\_\_

Number of Persons in Room: \_\_\_\_\_ Date of Arrival: \_\_\_\_\_

(To avoid duplicate reservations, if sharing a room only one should complete form)

Date of Departure: \_\_\_\_\_

Firm/Organization: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

## TYPE OF ACCOMMODATIONS:

(i.e. King, Double, etc. All are on request only.)

## SPECIAL NEEDS:

(i.e. wheelchair accessible, pet friendly room, outdoor access for smoking, etc.)

## DEPOSIT:

I authorize the Tenaya Lodge to use my credit card for my hotel reservation.

American Express  Diners Club  Discover  MasterCard  VISA

Account Number: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

Cardholder's Name: \_\_\_\_\_

Cardholder's Signature: \_\_\_\_\_

If you have not received a confirmation letter within 1 week, please call the Tenaya Lodge at 559-683-6555.



To book online go to  
[www.tenayalodge.com](http://www.tenayalodge.com)  
and enter the

**Group Code: 30T0N2**

FOR ONLINE RESERVATIONS ONLY



## Alternate Accommodations Near the Conference Location

The Environmental Law Conference at Yosemite® will be held at the Tenaya Lodge, located in the town of Fish Camp, two miles outside the southern entrance to Yosemite National Park. Although it will be more convenient to stay at the host facility, some attendees may choose to stay elsewhere. Following is a list of alternative accommodations located near the entrance. Keep in mind that Bass Lake and Oakhurst are approximately fourteen miles away.

Fish Camp	
Karen's Bed & Breakfast	(559) 683-4550
Narrow Gauge Inn	(559) 683-7720
Bass Lake	
Pines Resort and Chalets	(559) 642-3121
Oakhurst	
Oakhurst Lodge	(559) 683-4417
Shilo Inn	(559) 683-3555
Yosemite Gateway, Best Western	(559) 683-2378
Yosemite National Park	
National Park Camping	(800) 436-7275
The Redwoods Cottages	(209) 375-6666
Wawona Lodge	(801) 559-5000
Yosemite West Condominiums	(800) 640-9099
Martin Lovely, Vacation Rentals inside Yosemite Park	(209) 375-6554

## 2015 REGISTRATION INFORMATION

### Conference Registration—deadline

**October 15, 2015** The Environmental Law Conference at Yosemite® is a popular event that sells out in advance. Conference registration fees are \$525 for Section members (or \$610 for non-Section members, which includes one year of Section Membership). \$395 for Section members employed by government or non-profit agencies; and \$295 for law students. The fee includes educational programs, USB drive, three (3) continental breakfasts and two (2) receptions. Registration is limited and will be on a first-come first-served basis. File the Program Registration Form and Course Selector as soon as possible, but not later than **October 15, 2015**. Mail: Program Registrations, The State Bar of California, 180 Howard Street, San Francisco CA 94105- 1639, Fax: (415) 538-2368. Register Online: <http://environmental.calbar.ca.gov>.

**Guests** Non-attorney spouse/guests are complimentary, but seats in education classes are reserved for paid registrant attendees only. Guests who are attorneys must complete a separate registration form and pay the appropriate fee.

### Cancellations—deadline Oct. 15, 2015

A refund (less a non-refundable fee of \$50) will be made for all registration and/or ticket cancellations received in writing by October 15, 2015. Refunds will not be made for cancellations after **October 15, 2015**.

### Special Assistance and Registration

**Information** For special assistance please call (415) 538-2582. For registration-related questions call (415) 538-2508.

### Hotel Reservations Deadline —

**September 21, 2015.** Each registrant is responsible for his or her own hotel reservations. A limited number of rooms have been reserved at the Tenaya Lodge at Yosemite at the rate of \$199 single/double occupancy per night plus tax. For reservations, complete the hotel form on the previous page, or book online. Reservations are made directly with the hotel by mail, fax or online. Telephone reservations are not accepted. Online reservations can be made at [www.tenayalodge.com](http://www.tenayalodge.com).

**USE CODE 30T0N2.**

**Kids Kamp** The Tenaya Lodge at Yosemite will offer Kids Kamp. Activities include arts and crafts, games, and outdoor play under the supervision of qualified counselors. Reservations required 72 hours in advance. Contact the Guest Experience Center at (800) 635-5807 to make reservations. Be sure to alert staff to special education or dietary needs. Kids Kamp is available on Friday, Saturday and Sunday, from 8:00 AM to 1:30 PM. Children's party and activities via Kids Kamp will be held Saturday from 6:00 PM to 10:00 PM.

**Outdoor Activities in Yosemite** There are a number of activities that the Tenaya Lodge can coordinate for the entire family. For questions or to book activities, contact the Tenaya Lodge Concierge Department at 888- 514-2167, [www.tenayalodge.com](http://www.tenayalodge.com). Note: there is a 24-hour cancellation policy on all activities.

## SCHOLARSHIP INFORMATION—The 2015 Yosemite Scholarships Have Been Awarded



The State Bar Environmental Law Section is pleased to offer the **Michael H. Remy Scholarship**.

In his nearly thirty years of private practice, Michael Remy represented a wide

variety of public and private clients as well as nonprofit organizations. Michael assisted large corporations and small entrepreneurs alike in various permitting and environmental matters throughout the state. Many counties, cities, and special districts relied on Remy's counsel in the processing, environmental review, and litigation of large and small projects. Some of his most notable environmental accomplishments were: heading the successful political and legal efforts to shut down the Rancho Seco Nuclear Power Plant; and representing the Sierra Club and William Hewlett against the conversion of Shirley Canyon to a commercial ski run by the

Squaw Valley Ski Corporation. In 1990, the Environmental Council of Sacramento named Remy "Environmentalist of the Year." Remy was widely admired and loved by his colleagues, friends and family, who regarded him as a man of extraordinary intelligence, personal integrity, kindness, and generosity. Remy's warm presence is sorely missed by everyone at Remy Moose Manley, LLP, but even in his absence, his memory continues to provide guidance and inspiration.

This scholarship, sponsored by Remy Moose Manley, LLP in memory of former Environmental Law Section member and advisor, Michael H. Remy, includes tuition, travel and room for the 2015 Environmental Law Conference at Yosemite®. Five (5) scholarships were awarded.

### Tuition-Only Scholarships

The Environmental Law Section offered more than 25 tuition-only scholarships to attend the 2015 Environmental Law Conference at Yosemite®.

### The Section thanks the following for their contribution to the 2015 Yosemite Conference Scholarship program.

Ascent Environmental, Inc.  
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**October 22-25, 2015, Tenaya Lodge at Yosemite  
2015 Environmental Law Conference at Yosemite®**

Pre-Registration Deadline: Received by October 15

**3 Ways to Register!**

(Please keep a copy of your forms)

1. Online: Register online at <http://environmental.calbar.ca.gov>
2. Fax: Complete the Registration and Course Selector forms and fax to: Program Registrations at (415) 538-2368. Credit card payments only. Do not mail original form if faxing.
3. Mail: Complete the Registration and Course Selector forms and mail to Program Registrations, The State Bar of California, 180 Howard Street, San Francisco, CA 94105

Note: One registrant per form. Photocopies may be used.

Bar Number: \_\_\_\_\_  
 First/Last Name: \_\_\_\_\_  
 Firm: \_\_\_\_\_  
 Firm Address: \_\_\_\_\_  
 City, State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_  
 E-mail Address:\* \_\_\_\_\_

\* Required for email confirmation

Check here if you do not want your information released.

Non-Attorney Spouse/Guest(s) Name: \_\_\_\_\_

**Registration Fees:**

- |   |       |
|---|-------|
| <input type="checkbox"/> Environmental Law Section Members  | \$525 |
| <input type="checkbox"/> Environmental Law Section Members employed by Government or Non-Profit Agencies  | \$395 |
| <input type="checkbox"/> Law Student Rate   | \$295 |
| <input type="checkbox"/> Non Environmental Law Section Members*<br>(*\$85 of the non-member registration fee will be credited to 2016 Section membership dues.) | \$610 |

**Payment Method:**

Registration fees may be paid by check, VISA or MasterCard. No other credit cards will be accepted. Make checks payable to The State Bar of California.

VISA     MasterCard

Account Number: \_\_\_\_\_  
 Expiration Date: \_\_\_\_\_  
 Cardholder's Name: \_\_\_\_\_  
 Cardholder's Signature: \_\_\_\_\_

**For Registration Information  
Call (415) 538-2508**

**Ticketed Events:**

- Thursday, October 22, 2015
- [28] Thursday Welcome Reception                      # Attending \_\_\_\_ FREE
- Friday, October 23, 2015
- [29] Continental Breakfast                                      # Attending \_\_\_\_ FREE

**Saturday, October 24, 2015**

- [30] Continental Breakfast                                      # Attending \_\_\_\_ FREE
- [31] Saturday Pre-Dinner Reception                              # Attending \_\_\_\_ FREE
- [32] Saturday Banquet (Adults)                                      @ \$60 each = \_\_\_\_\_
- [33] Saturday Banquet (Children)                                      @ \$35 each = \_\_\_\_\_

Please Select Entree Choice:

- [34] Beef             [35] Fish             [36] Vegetarian
- [37] Dessert Reception                                      # Attending \_\_\_\_ FREE

**Sunday, October 25, 2015**

- [38] Continental Breakfast                                      # Attending \_\_\_\_ FREE

Commemorative T-Shirt (while supplies last) :

- [39] Adult Large \$20 ea     [40] Adult XLarge \$20 ea
- [41] Adult Med \$20 ea     [42] Adult Small \$20 ea
- [43] Child Large \$15 ea     [44] Child Med \$15 ea
- [45] Child Small \$15 ea

Registration Total                                      = \_\_\_\_\_

Ticketed Events                                      = \_\_\_\_\_

**TOTAL AMOUNT ENCLOSED  
OR TO BE CHARGED**                                      \$ \_\_\_\_\_

## October 22-25, 2015, Tenaya Lodge at Yosemite 2015 Environmental Law Conference at Yosemite®

List below are the MCLE sessions for the 2015 Conference. Pre-register to ensure a seat. Keep this form with your Program Registration.

Name: \_\_\_\_\_

Bar # \_\_\_\_\_

### FRIDAY OCTOBER 23, 2015

8:00 am-9:00 am | .75 Hour MCLE Credit

- Session 1 Friday General Session  
Fresno's Story: Rebuilding the Center of Central California

9:15 am-10:45 am | 1.5 Hours MCLE Credit

- Session 2 CEQA Update: A Perennial Favorite
- Session 3 Going Underground: Local Governance and Planning Under the Sustainable Groundwater Management Act
- Session 4 From Here to Eternity: The Trend Toward Extended Producer Responsibility
- Session 5 The Long and Winding Road: The Future of Transportation Spending and Emission Reductions

11:00 am-12:30 pm | 1.5 Hours MCLE Credit

- Session 6 The Yin and the Yang: The Role of the Public Trust Doctrine and Takings Law as Conceptual Bookends in the Management of California's Natural Resources
- Session 7 Water Transfers: Love Child of the Free Market or Deal with the Devil?
- Session 8 Administrative Advocacy: Effective Participation in Administrative Proceedings
- Session 9 Global Action on Global Warming: Trade, Diplomacy and Climate Populism

### SATURDAY OCTOBER 24, 2015

8:00 am-9:00 am | .75 Hour MCLE Credit

- Session 10 Saturday General Session: The President's Clean Power Plan and Is It Legal?

9:15 am-10:45 am | 1.5 Hours MCLE Credit

- Session 11 Learning to Listen: Bringing California Native Voices into the Land Use Decision-Making Process

- Session 12 Water Rights Light: Regulation to Prevent Waste and Unreasonable Use
- Session 13 Recent Environmental Law Developments in the U.S. Supreme Court, Ninth Circuit Court of Appeals and California Supreme Court
- Session 14 Handling the High Profile Case: Strategies for Managing Complex Hazardous Waste, Environmental Remediation, Toxic Tort and Enforcement Matters

11:00 am-12:30 pm | 1.5 Hours MCLE Credit

- Session 15 Are Wind Turbines for the Birds? The Compatibility or Incompatibility of Wind Energy with Eagles and Other Birds
- Session 16 Going Nuts Over Water: The Law, Economics and Water Consequences of Cropping Choices
- Session 17 What Happened Under the Capitol Dome?—The Latest Environmental Legislation from Sacramento
- Session 18 What's New Under The Federal Clean Air Act?

### SUNDAY OCTOBER 25, 2015

8:00 am-9:00 am | .75 Hour MCLE Credit

- Session 19 Sunday General Session  
Mapping the Path to an Environmentally Just California

9:15 am-10:45 am | 1.5 Hours MCLE Credit

- Session 20 CEQA Practitioner Roundtable: Enforcing Project Descriptions and Mitigation Measures
- Session 21 California's Safe Drinking Water Program at 40: New Directions
- Session 22 The Other Side of Water: Stormwater Permits and Receiving Water Limitations
- Session 23 Sustainable Cities and Sustainable Energy for All

11:00 am-12:30 pm | 1.5 Hours MCLE Credit \*Session 26  
Qualifies for 1.5 Hours Elimination of Bias in the Legal Profession.

- Session 24 Evaluating the Risks of Crude-by-Rail
- Session 25 Reliability, Restoration and Resilience in Water Planning: Relearning the Three Rs in an Era of Climate Change
- Session 26 Diversity and the Environmental Bar: Look to your Left, Look to your Right—Where Are the People of Color?\*
- Session 27 The Future Of Rooftop Solar: What Happens Next Will Make All The Difference

The State Bar of California  
The Environmental Law Section  
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## THE STATE BAR OF CALIFORNIA ENVIRONMENTAL LAW SECTION

# 2015 ENVIRONMENTAL LAW CONFERENCE AT YOSEMITE®

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