

Featuring Speakers From:

- Anchor QEA
- Bricklin Newman
- Cascadia Law Group
- City of Snoqualmie
- City of Tacoma
- Foster Garvey
- King County Prosecuting Attorney's Office
- Law Offices of Susan Elizabeth Drummond
- McCullough Hill Leary
- Owen L. Schmidt LLC
- Sound Law Center
- University of Washington

Who Should Attend:

Attorneys, land use planners, real estate and environmental professionals, consultants, and governmental regulatory officials

The 18th Annual Intensive One-Day Seminar on

SEPA & NEPA

Today's most important regulatory, litigation, and compliance developments for land use practitioners, government officials, and environmental professionals



January 10, 2020
Seattle, Washington
1111 3rd Avenue Building

Quick when/where: 8:30 a.m., 1111 3rd Ave
Credits: 6.50 WA CLE | 6.50 AICP | 6.50 ABCEP (call about others)

SEPA & NEPA Seminar
January 10, 2020 | Seattle, Washington
1111 3rd Avenue Building

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For which state(s)? _____

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If you cannot attend in person, check boxes to order:

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- 8:00 Registration Opens
- 8:30 Introduction & Overview
 - Rodney L. Brown, Jr., Esq., *Program Co-Chair***
Cascadia Law Group ~ Seattle, WA
 - Patrick J. Schneider, Esq., *Program Co-Chair***
Foster Garvey ~ Seattle, WA
- 8:45 Major New NEPA Developments

Recent NEPA cases and federal administrative policy changes, including the new GHG guidance, and update on administration efforts to rewrite NEPA regulations

Owen L. Schmidt, Esq.
Owen L. Schmidt LLC ~ Portland, OR
- 9:45 Break
- 10:00 State and Local Legislative Changes to SEPA

Perspectives on changes by the 2019 legislature and the Seattle City Council

Claudia M. Newman, Esq.
Bricklin Newman ~ Seattle, WA

Katie Kendall, Esq.
McCullough Hill Leary ~ Seattle, WA

Perspectives on how cities can make SEPA work better and faster without creating bigger exemptions

Ted Hunter, Esq.
Sound Law Center ~ Seattle, WA

Shirley Schultz, *Principal Planner*
City of Tacoma ~ Tacoma, WA
- 12:00 Lunch (on your own)



- 1:15 Review of Cumulative Impacts

Court decisions under NEPA vs. SEPA, and evolving regulatory agency views, make it complicated and unclear: What other proposals do you need to consider (just “reasonably foreseeable” or anything possible)? How far upstream or downstream?

Richard L. Settle, Esq., *Moderator*
Foster Garvey ~ Seattle, WA

Julie Blakeslee, *Environmental and Land Use Planner*
University of Washington ~ Seattle, WA

Heather Page, *Principal Environmental Planner*
Anchor QEA ~ Seattle, WA

Darren E. Carnell, Esq., *Land Use Section Chair*
King County Prosecuting Attorney’s Office ~ Seattle, WA

Owen L. Schmidt, Esq.
Owen L. Schmidt LLC ~ Portland, OR
- 2:45 Break
- 3:00 SEPA Judicial and Board Decision Updates

Patrick J. Schneider, Esq., *Program Co-Chair*
- 3:30 Areas of Uncertainty After All These Years: Issues that Neither the SEPA Rules nor Current Case Law Definitely Resolve

Perspectives on “prima facie” compliance with SEPA: What does this judicially created standard mean in light of the “substantial weight” that must be given to agency decisions?

What is the consequence of failure to comment on a threshold determination or draft EIS?

What process is needed to cure an inadequate EIS?

What does it mean for the Shorelines Hearings Board to have “sole jurisdiction” over SEPA issues pursuant to RCW 43.21C.075(7)?

When is judicial review available, and when does a limitation period begin to run, when the appealable action is something other than issuance of a permit?

Susan Elizabeth Drummond, Esq.
Law Offices of Susan Elizabeth Drummond ~ Kirkland, WA

Steven J. Gillespie, Esq.
Foster Garvey ~ Seattle, WA

Bob C. Sterbank, Esq., *City Attorney*
City of Snoqualmie ~ Snoqualmie, WA
- 5:00 Evaluations and Adjourn



About the Seminar

LAW SEMINARS INTERNATIONAL

What previous attendees have said:

- ““I am not a legal practitioner but always learn a great deal from these seminars”
- “The case studies are informative”
- “Supplemental materials useful and will be great resource for later”
- “Excellent faculty - great audience interaction”
- “Pretty fascinating stuff; I’ll definitely be back”

For our 18th annual advanced SEPA/NEPA program, we highlight the potential impact of the Trump Administration's proposed changes to NEPA on environmental review for projects in Washington State. These changes are likely to be the most significant in the history of NEPA. We'll take a detailed look at the proposed changes from a variety of viewpoints.

We include our annual SEPA/NEPA case law update, which is a very useful way, even for people who regularly read the decisions, of tying the pieces together and condensing the trends. Owen Schmidt discusses NEPA and a distinguished panel discusses the significant Washington SEPA cases together with legislative changes to SEPA by the Legislature and Seattle City Council.

The study of cumulative impacts is fraught with uncertainty under both NEPA and SEPA and this issue is addressed by another distinguished panel. Additional topics include the relationship between MTCA and SEPA and assorted procedural issues that remain unresolved despite decades of SEPA case law.

We carry on the tradition of an interactive program so that you can contribute your own ideas and have your specific questions answered. We hope you will join us for what promises to be a very lively discussion.

~ Program Co-Chairs: Rodney L. Brown, Jr., Esq. of Cascadia Law Group and Patrick J. Schneider, Esq. of Foster Garvey



Rodney L. Brown, Jr., Program Co-Chair, is a partner at Cascadia Law Group. He focuses on environmental and land use law relating to natural resources, transportation megaprojects, energy and other project permitting.



Patrick J. Schneider, Program Co-Chair, is a Principal at Foster Garvey. He advises developers on land use entitlement and litigation strategies. He previously served as lead land use attorney for the City of Seattle and a senior land use attorney for King County.



Richard L. Settle, Moderator, is Of Counsel to Foster Garvey and focuses on land use law. Chambers USA described him as “one of the leading lights of the land use community and such an expert that people go to him with any arcane question.”



Julie Blakeslee is an Environmental and Land Use Planner for the University of Washington and their SEPA Responsible Official. She is skilled in land use development strategies and major institution master planning.

Darren E. Carnell is a Senior Deputy in the King County Prosecutor’s Office and is Chair of the county’s Land Use Practice Group.



Susan Elizabeth Drummond, Law Offices of Susan Elizabeth Drummond, works on virtually every facet of land use law from permitting to litigation. She also provides hearing examiner services.



Steven J. Gillespie is a principal at Foster Garvey. He assists Seattle’s major institutions in obtaining master plan approvals as well as project-level permits.

Ted Hunter, Sound Law Center, has served as Legal Counsel to the Washington State Legislature on energy and environmental matters. He also was selected as the Chief Negotiator for the Legislature in matters involving land use proposals at the U.S. Hanford Nuclear Reservation.



Katie Kendall is a partner at McCullough Hill Leary. She counsels clients on all aspects of land use law, including zoning compliance, master plans, shoreline issues, critical areas, impact fees, vesting strategies, design review, Development Agreements, code amendments, and rezones. She also litigates zoning and permit related appeals before Hearing Examiners, City Council, boards, and state courts.



Claudia M. Newman is a partner at Bricklin Newman. She represents environmental organizations, citizen groups, individuals, and local governments in matters involving comprehensive planning, environmental review, and site-specific development proposals.



Heather Page is Principal Environmental Planner at Anchor QEA. She manages environmental documentation for a variety of complex projects with a focus on infrastructure within or adjacent to aquatic systems.



Owen L. Schmidt, Owen L. Schmidt LLC, a former Senior Counsel to the U.S. Department of Agriculture, is known for his NEPA expertise. He advised the Forest Service, Natural Resources Conservation Service, and other USDA agencies in Washington and Oregon.



Shirley Schultz is Principal Planner for the City of Tacoma where she is the SEPA Officer for the city. She formerly served as a Land Use Planner focusing on long-range planning activities for the City of Auburn.



Bob C. Sterbank is the City Attorney for the City of Snoqualmie. Before he came to the City, he was in private practice and served as special counsel for numerous Puget Sound-area cities on land use and shoreline planning matters.



Registration & Other Seminar Information

To Register:

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Walk-ins are welcome, subject to space availability.

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

Tuition: Regular tuition for this program is \$695 with a group rate of \$625 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$520. For students, people in their job for less than a year, and public interest NGO’s, our rate is \$347.50. All rates include admission to all program sessions, food and beverages at breaks, and course materials. Make checks payable to Law Seminars International. Financial aid is available to those who qualify. Contact our office for more information.

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 Friday, January 3, 2020. After that time, we will credit your tuition toward attendance at another program or the purchase of an audio or video replay.

Location: The seminar will be held at the 1111 3rd Avenue Building at 1111 3rd Ave in Seattle, WA 98101. Our thanks to Foster Garvey for graciously hosting this event.

Continuing Education Credits: Live credits: This program qualifies for 6.50 WA MCLE credits, 6.50

ABCEP environmental professional credits, and 6.50 AICP planner credits. Upon request, we will help you apply for CLE credits in other states and other types of credits.

Time Shift Your Content: Audio podcasts and video replays, with course materials, are available for download or on a flash drive at the same price as live attendance. The course materials alone are available for \$100. Replays will be available within five business days after the program or from the date we receive payment.

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- Major new NEPA developments
- SEPA case law update
- State and local Legislative changes to SEPA
- Cumulative impacts-what you need to consider
- Areas of uncertainty and how to deal with them

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