

A Timely Intensive Two-Day Program on
Environmental Justice (EJ) in Oregon

How EJ will affect you and your business: what you need to know

October 14 & 15, 2021

Live Online | Pacific Time Zone

Agenda—Day 1

9:00 Introduction & Overview

Richard M. Glick, Esq., *Program Co-Chair*
Davis Wright Tremaine ~ Portland, OR

Kate L. Moore, Esq., *Program Co-Chair*
Dunn Carney ~ Portland, OR

9:15 EJ Initiatives at the Federal Level

The Biden Administration's Climate Action Plan and EJ as a key element

Michael B. Gerrard, Esq.,
Director of Sabin Center for Climate Change Law
Columbia Law School ~ New York, NY

Cecilia Martinez, Ph.D.,
Senior Director for Environmental Justice
White House Council on Environmental Quality
Washington, DC

10:30 Break

10:45 EJ Policy Development in Oregon

Update on implementation of SB 420: Composition of the Environmental Justice Task Force; progress towards development of a Best Practices Handbook for agencies; interplay with Executive Order 20-04 requiring reduction of GHG emissions; other developments

Elizabeth Amira Streeter, Esq.,
Natural Resources Policy Advisor
Office of Governor Kate Brown ~ Portland, OR

Implementation at Oregon's lead environmental protection agency

Stephanie Caldera, *State Agency Citizen Advocate*
Oregon Department of Environmental Quality
Salem, OR

12:00 Lunch Break

1:15 Environmental Cleanups: How We Can Expect EJ Issues to Play Out

Case study of the Portland Harbor cleanup: Project overview

Loren R. Dunn, Esq.

Beveridge & Diamond ~ Seattle, WA

Federal policy perspective

Elizabeth McKenna, Esq.,
Assistant Regional Counsel
EPA Region 10 ~ Seattle, WA

Tribal perspective

Gail Fricano
Industrial Economics, Incorporated ~ Cambridge, MA

Responsible party perspective

Rachel K. Roberts, Esq.
Beveridge & Diamond ~ Seattle, WA

3:15 Break

3:30 Water Resources: EJ Meets Western Prior Appropriation Water Law

Water for agriculture vs water for fish: Environmental Justice outreach in Oregon's place-based collaborative integrated water planning efforts; work in the Harney Basin; recently passed House Bill 2018 relating to assessment of groundwater resources

The Hon. Mark Owens, R-District 60
Oregon House of Representatives ~ Salem, OR

Where and how do you factor in EJ considerations? What is the impact of the Biden Administration's designation of Tribes as disadvantaged communities?

Vanessa L. Ray-Hodge, Esq.
Sonosky Chambers Sachse Endreson & Perry
Albuquerque, NM

Equity as one of four key pillars for sustainable water policy in Oregon: A detailed look at the Oregon Business Council Water Task Force "Securing Oregon's Water Future" report

John J. Audley, Principal
John Audley Consulting ~ Portland, OR

5:00 Adjourn Day 1

Agenda—Day 2

9:00 Air Quality

Case study of the Owens-Brockway enforcement action: In addition to a million-dollar penalty, the company is required to develop a plan to reduce emissions immediately and submit an application to modify its permit to include pollution controls

Ashley Bennett, Esq., Senior Associate Attorney
Earthjustice ~ Seattle, WA

9:45 Break

10:00 The Energy Sector's Transition to Carbon Free Renewable Energy

Implementation of Governor Brown's Executive Orders on climate change: How are state agencies handling EJ considerations?

Ruchi Sadhir, Esq.,
Associate Director for Strategic Engagement
Oregon Department of Energy ~ Salem, OR

EJ provisions in Washington's recent cap and trade legislation

Walker Stanovsky, Esq.
Davis Wright Tremaine ~ Seattle, WA

Case study of community solar as a way to spread benefits to disadvantaged communities

Damien R. Hall, Esq.
Ball Janik ~ Portland, OR

Electric vehicles: EJ in the distribution of charging infrastructure

Elizabeth Liedel Turnbull, Esq.,
Senior Product Portfolio Manager - Transportation Electrification
Portland General Electric ~ Portland, OR

12:00 Lunch Break

1:15 The Transportation Sector's Transition to Electric Vehicles and Hydrogen Fuel

Hydrogen fuel: The inherent EJ benefits from converting petrochemical refining and fueling stations to hydrogen production and distribution

Aydin Manouchehri, Engineering Consultant
Center for Transportation and the Environment
Los Angeles, CA

2:00 Legal Ethics: EJ and the Interplay with Oregon Rules of Professional Conduct

MCLE Rule 3.2(e) and elimination barriers to access to justice arising from biases against persons due to factors including culture, ethnicity, geographic location, and socioeconomic status: When do a lawyer's ethical obligations arise?

Tom Lininger, Esq., Professor
University of Oregon School of Law ~ Eugene, OR

3:00 Evaluations and Adjourn

Who Should Attend

Attorneys, governmental regulatory officials, land use planners, consultants, real estate and environmental professionals involved with climate, energy, environmental, land use, and transportation issues

About the Conference

While Environmental Justice (EJ) takes center stage aiming to eliminate environmental and health disparities and to provide equitable access to decision-making processes in Oregon and beyond, practitioners, lawyers, project proponents, and governmental entities must navigate a quickly evolving policy and regulatory landscape.

At the federal level, the U.S. EPA is doubling down on its commitment to honoring EJ principles and practices and EJ is a key element of the Biden Administration's Climate Action Plan. In Oregon, SB 420 is being implemented to enhance public participation by those affected by decisions of Oregon's natural resource and environmental agencies.

EJ concepts are now utilized across various sectors to address disproportionate environmental and health impacts on overburdened or underserved communities. For example, how will EJ be addressed in the Portland Harbor Superfund Site cleanup? How are tribal and other questions of equity considered in decisions relating to our state's water resources? What should local communities and industry representatives consider to avoid disproportionate impacts and million-dollar penalties? How is EJ being considered as part of our state's transition to carbon free renewable energy?

Please join us at this cutting-edge virtual conference with dynamic practitioners sharing their experience and expertise at the national, state, and local level.

~ Richard M. Glick, Esq. of Davis Wright Tremaine and
Kate L. Moore, Esq. of Dunn Carney Allen, Program Co-Chairs

Registration & Other Conference Information

Tuition: Regular tuition for this program is \$795 with a group rate of \$715 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$595. For Tribal Members, public interest NGO's, students, and people in their job for less than a year, our rate is \$397.50. All rates include admission to all program sessions and course materials.

Make checks payable to Law Seminars International.

As an added value bonus, you'll receive access to audio and video recordings of the program at no extra charge. 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, October 8, 2021. After that time, we will credit your tuition toward attendance at another program or the purchase of an audio or video replay.

Continuing Education Credit: Live credits: This program qualifies for 10.75 OR MCLE (1 Ethics included), 10.75 ABCEP environmental professional, and 10.75 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 and video replay files, with course materials, are available for download or on a flash drive at the same price as live attendance. Files are available for downloading five business days after the program or from the date we receive payment. Flashdrive orders are sent via First Class mail within seven business days after the program or from the date we receive payment. The course materials alone are available for \$100.

Faculty

Richard M. Glick, *Program Co-Chair*, is a partner at Davis Wright Tremaine. He helps clients navigate the labyrinth of federal and state environmental permitting processes for major infrastructure projects.

Kate L. Moore, *Program Co-Chair*, is a partner at Dunn Carney. She advises clients on water rights permitting and transfers, water rights transactions, easements, wetlands, and water quality. In addition, she handles matters related to the National Environmental Policy Act, public land permits and licenses, and the Endangered Species Act.

John J. Audley, Principal of John Audley Consulting, formerly led Renewable Northwest's policy advocacy in the Pacific Northwest and served as the State of Oregon's energy policy and program administrator. As a consultant, he specializes rural economic vitality. His clients include the Oregon Business Council, where he provides technical support to Oregon business leaders on matters related to Oregon's natural resource-based economy.

Ashley Bennett is a Senior Associate Attorney for Earthjustice and was part of the legal team working on the Owens-Brockway enforcement action. Previously she was a Public International Law & Policy Group Law Fellow working on land use rights in Myanmar.

Stephanie Caldera is the State Agency Citizen Advocate for the Oregon Department of Environmental Quality.

Loren R. Dunn, principal at Beveridge & Diamond, represents regional and national companies at locations throughout the country in environmental regulation and litigation issues. Before entering private practice, he worked for the U.S. Environmental Protection Agency headquarters office as a senior policy economist.

Gail Fricano, a principal at Industrial Economics, Incorporated, specializes in evaluations of marine, coastal, and riverine resources in the context of natural resource damage assessment, remediation, restoration, and regulatory and policy frameworks. Her clients include federal and state agencies, Tribes, and First Nations.

Michael B. Gerrard is Andrew Sabin Professor of Professional Practice at Columbia Law School. He also is the Founder and Director of Sabin Center for Climate Change Law. A former partner and current Senior Counsel to Arnold & Porter, he is an advocate, litigator, teacher, and scholar who has pioneered cutting-edge legal tools and strategies for addressing climate change.

Damien R. Hall Chairs the Land Use and Real Estate practice groups at Ball Janik. He represents both property owners and local governments, helping them navigate Oregon's unique land use requirements and political sensitivities to controlled growth and land development.

Tom Lininger, Professor at the University of Oregon School of Law, His research interests include the intersection of environmental law, ethics, and criminal procedure. As a former prosecutor of environmental crime and a plaintiff's attorney who sued polluters, he is interested in customizing ethical and procedural rules for the unique context of environmental advocacy.

Aydin Manouchehri is an Engineering Consultant at the Center for Transportation and the Environment. He previously was a Program Manager for The Fiedler Group where he designed and managed development of a nationwide network of alternative energy fueling stations, primarily hydrogen for fuel cell vehicles.

Cecilia Martinez, Ph.D., is Senior Director for Environmental Justice for the White House Council on Environmental Quality. She facilitates the coordination of the whole-of-government EJ agenda of the Biden administration. Previously she was the Executive Director of the Center for Earth, Energy, and Democracy.

Elizabeth McKenna is Assistant Regional Counsel for EPA Region 10.

The Hon. Mark Owens Represents District 60 in the Oregon House of Representatives. District 60 encompasses Baker, Grant, Harney, Malheur, & part of Lake Counties. He currently serves as Vice-Chair of the House Committee on Water,

Vanessa L. Ray-Hodge (Pueblo of Acoma) is a partner in the Albuquerque office of Sonosky Chambers Sachse Endreson & Perry. She works in all areas of the firm's practice with a special focus in water rights and energy and economic development issues.

Rachel K. Roberts, Beveridge & Diamond, previously served as a Trial Attorney for U.S. Department of Justice's Natural Resources Section of the Environment and Natural Resources Division. While at DOJ, Rachel handled a diverse docket of natural resource matters, including representing the Bureau of Reclamation in the Acquavella adjudication.

Ruchi Sathir is Associate Director for Strategic Engagement at the Oregon Department of Energy. She previously served as Oregon Governor Kate Brown's energy and climate change policy advisor, where she participated in UN Climate Change Conferences in Paris and Bonn and served as senior policy advisor at the Oregon Public Utility Commission where she worked on a range of matters related to the energy industry and transition to cleaner sources of energy.

Walker Stanovsky practices energy and climate change law at Davis Wright Tremaine. He uses his background in biology and climate science to help them navigate the swift currents of climate and energy regulation at the local, state, and federal levels.

Elizabeth Amira Streeter is the Natural Resources Policy Advisor in the Office of Governor Kate Brown. She previously served as the Policy Director for City of Portland Commissioner Nick Fish and Policy and Advocacy Director at the Urban League of Portland.

Elizabeth Liedel Turnbull is a Senior Product Portfolio Manager in Transportation Electrification at Portland General Electric. In that capacity she has led PGE's school bus electrification initiatives and launched PGE's Drive Change Fund, a \$2.25 million annual grant fund to help government agencies and non-profit organizations electrify transit buses, passenger vehicles, electric bikes, and community service vehicles.