



**LAW SEMINARS  
INTERNATIONAL**

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*The 19th Annual Intensive One-Day Program on*

# SEPA & NEPA

*A deep dive into NEPA modernization and what should be kept from the re-write,  
the role for substantive SEPA, and Ecology's proposed GAP rule*

**January 22, 2021**

**Interactive Online Broadcast**

*\$100 Covid-19 Discount*

## *Agenda*

**9:00 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

**9:15 NEPA Case Law and Policy Developments**

Update on recent NEPA cases and federal administrative policy changes

**Owen L. Schmidt, Esq.**  
Owen L. Schmidt LLC ~ Portland, OR

**10:00 NEPA Modernization: Are There Elements of the Trump Administration's NEPA Re-Write that We Should Keep?**

Perspectives on how we can streamline the process while still achieving environmental protection goals

**Owen L. Schmidt, Esq.**, *Moderator*

**Stephen Odell, Esq.**  
Marten Law ~ Portland, OR

**Matthew Adams, Esq.**  
Kaplan Kirsch & Rockwell ~ San Francisco, CA  
**Heather Page**, *Principal Environmental Planner*  
Anchor QEA ~ Seattle, WA

**11:00 Break**

**11:15 SEPA Updates**

Judicial and Board decisions; 2020 legislative activity and what to expect for 2021

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

### 11:45 Substantive SEPA: What Role is It Playing, What Role Should It Play, And What Kind of Precedent is Being Set by the Marine Terminal Cases?

Evolving case law including marine terminal cases, SEPA's appropriate role in addressing greenhouse gas emissions, and Ecology's proposed GAP rule (Greenhouse Gas Assessment for Projects)

**Jay P. Derr, Esq.**

Van Ness Feldman ~ Seattle, WA

**Douglas E. Jensen, Esq.**, Chief Civil Deputy

Cowlitz County Prosecuting Attorney's Office

Kelso, WA

### 1:00 Evaluations and Adjourn

#### *Who Should Attend*

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

#### *About the Conference*

For our 19th annual advanced SEPA/NEPA program, we want to have a broad discussion of whether the Biden Administration should keep some of the Trump Administration's new NEPA regulations. As we discussed last year, the Trump Administration's changes were the most significant in the history of NEPA. We'll take a detailed look at the proposed changes from a variety of viewpoints. Even if you disagreed with some of the changes, you might agree that some streamlining and clarification of NEPA would be good.

We include our annual SEPA and NEPA case law updates, which are 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 Katie Kendall discusses the significant Washington SEPA cases plus a legislative changes.

Recent decisions regarding marine terminals have put a spotlight on SEPA's substantive authority as well as its procedural requirements. Our panel will debate SEPA's appropriate role in addressing global greenhouse gas emissions, Ecology's rulemaking, and the precedent that the marine terminal cases may create for SEPA review of other projects

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.

~ Rodney L. Brown, Jr., Esq. of Cascadia Law Group and

Patrick J. Schneider, Esq. of Foster Garvey,

Program Co-Chairs

#### *Registration & Other Conference Information*

**Tuition:** Regular tuition for this program is \$495 with a group rate of \$445 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$370. For students, people in their job for less than a year, and public interest NGO's, our rate is \$247.50. All rates include admission to all program sessions and course materials.

Covid-19 discount: We recognize that being in the same Zoom isn't the same as being in the same room. When you register, we will deduct \$100 from the price you otherwise would pay.

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, January 15, 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 ^Number ^State ^Type 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 \$75.

## Faculty

**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.

**Matthew Adams** is a partner at Kaplan Kirsch & Rockwell. He focuses on environmental issues related to energy, transportation, infrastructure, and natural resource development projects.

**Jay P. Derr**, partner at Van Ness Feldman, guides both public and private sector clients to progress their projects through to completion. He balances various factors and considerations to successfully negotiate the appropriate scope of SEPA and NEPA environmental review and mitigation.

**Douglas E. Jensen** is the Chief Civil Deputy for Cowlitz County Prosecuting Attorney's Office.

**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, and state courts.

**Stephen Odell** is a partner at Marten Law. He joined Marten after serving as an Assistant U.S. Attorney in the District of Oregon, where he handled many of the District's most consequential and controversial environmental disputes during the last two decades.

**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.