26th Annual

2017 ENVIRONMENTAL LAW CONFERENCE AT YOSEMITE®

October 19-22, 2017 | Tenaya Lodge at Yosemite

September 18
Hotel Reservation Deadline

October 12
Registration Deadline

Environmental Law Conference at Yosemite® http://environmental.calbar.ca.gov
2017 Yosemite Conference Planning Committee

Co-Chairs:
Cara Horowitz, Los Angeles
Ryan Waterman, San Diego
Alisha Winterswyk, Irvine

Active Executive Committee Members on the Yosemite Planning Committee

Eric Adair, Valencia
Rebecca Akroyd, Sacramento
Ellison Folk, San Francisco
Leah Goldberg, San Jose
Nicole Gordon, Los Angeles
Michael Leslie, Los Angeles
Christian Marsh, San Francisco
Osha Meserve, Sacramento
Jennifer Novak, Rolling Hills
Peter Nyquist, Los Angeles
Allison Smith, Sacramento
Julia Stein, Los Angeles
Chelsea Tu, San Francisco
Jon Weiner, San Francisco

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. 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 material 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 the Law Office of Jennifer F. Novak.

The annual Conference t-shirt will be available for pre-purchase on the registration form. Conference products are available while supplies last.

Scholarships

The Environmental Law Section of the State Bar of California is pleased to offer five (5) Michael H. Remy Scholarships which include tuition, transportation, room and board courtesy of Remy Moose Manley LLP, and at least 25 tuition scholarships. Scholarship awardees will be notified after August 21, 2017.

PROGRAM SCHEDULE

THURSDAY

Thursday, October 19 | 4:00 pm-7:00 pm
Registration Hours

Thursday, October 19 | 4:00 pm-6:00 pm
Environmental Law Section Executive Committee Meeting

Thursday, October 19 | 6:00 pm-7:30 pm
Opening Night Reception (RSVP Requested)

Welcome to the 26th Annual Environmental Law Conference at Yosemite® reception and wine sponsored by Bick Law LLP, Burke Williams & Sorenson, Greenberg Glusker LLP, and LangeTwins Family Winery and Vineyards. To RSVP, select Ticketed Event #28 on the Conference registration form.

Conference Green Initiatives

As an organization of environmental professionals, we will strive to conserve natural resources and to support their sustainable use. Help us reduce our carbon footprint by forming carpools or driving in an energy efficient vehicle when you travel to Yosemite. Please use this link to add yourself as a driver or join another carpool: https://www.groupcarpool.com/t/uzfp7w. Also don’t forget to sign the State Bar Eco Pledge, and review the Model Law Office Sustainability Guidelines and share these with your colleagues.
FRIDAY

Friday, October 20 | 7:15 am-12:30 pm
Registration Hours

Friday, October 20 | 7:30 am-8:00 am
Continental Breakfast (RSVP Requested)

RSVP for this complimentary breakfast on the registration form. Select Ticketed Event #29. Breakfast sponsored by Gibson Dunn. Mid-morning refreshment break sponsored by Downey Brand.

Friday, October 20 | 8:00 am-9:00 am
.75 Hour MCLE
Session 1a: Friday General Session

Welcome by Osha Meserve, 2016-2017 Chair, Environmental Law Section, Soluri Meserve. Introduction by Ryan Waterman, Yosemite Co-Chair, Brownstein Hyatt Farber Schreck. Keynote presentation by David Bernhardt, Deputy Secretary of the U.S. Department of the Interior.

David Bernhardt is the Deputy Secretary of the U.S. Department of the Interior. He is a former shareholder at Brownstein Hyatt Farber Schreck, where he chaired the Natural Resources Department. During his previous tenure at Interior, Mr. Bernhardt served as the Solicitor of the Interior Department, the third-highest ranking position at Interior and as Deputy Solicitor, Deputy Chief of Staff, Counselor to the Secretary of the Interior, and Director of the Office of Congressional and Legislative Affairs. Mr. Bernhardt also previously led the International Boundary Commission between the U.S. and Canada. Mr. Bernhardt received his BA from the University of Northern Colorado, and law degree with honors from the George Washington University Law School.

Friday, October 20 | 9:00 am-9:30 am
Session 1b: Friday General Session

Friday’s keynote presentation will be immediately followed by an important update on the future of the Environmental Law Section, led by Osha Meserve, 2016-2017 Chair, Environmental Law Section, Soluri Meserve; Eric Adair, 2017-2018 Chair, Environmental Law Section, Hinson Gravelle & Adair; and Howard (“Chip”) Wilkins III, 2015-2016 Chair Environmental Law Section and Environmental Law Section Council of Sections Representative, Remy Moose Manley LLP.

Friday, October 20 | 9:45 am-11:15 am
1.5 Hours MCLE
Session 2: Looking for “Buried Treasures” and Then Doing the Deal: The Latest Challenges and Tips in Developing, Selling, Buying and Leasing Contaminated Sites

Our panel of experts will discuss the latest developments and hot topics regarding site assessment and remediation, with or without agency oversite, in the context of the prospective development, sale or leasing of contaminated properties. The panel will cover the latest Brownsfield policies, how to best navigate soil vapor intrusion issues, the do's and don'ts of seeking and obtaining closure/no further action letters from government oversite agencies, and strategies to best protect against or minimize your environmental liabilities when transacting a deal involving impacted properties. Our panel will also address the Trump Administration's impacts on these issues.

Moderator:
Gary A. Meyer, Parker Milliken, Los Angeles

Panelists:
Marie Rongone, U.S. EPA Region IX Office of General Counsel, San Francisco
Suzi Rosen, Partner, Engineering and Science, Inc., Torrance
Matt Winefield, Winefield & Associates, Real Estate Ventures, Long Beach

Friday, October 20 | 9:45 am-11:15 am
1.5 Hours MCLE
Session 3: The Dynamic Policy, Politics, and Law of Desalination

With new technology, regulations, and changing coastlines, the setting for desalination on the California coast is very dynamic. According to the industry, desalination technology has improved drastically in recent years. Meanwhile, the State Water Resources Control Board has passed the “Desal Amendments” as part of the Ocean Plan, creating a new framework to evaluate desalination plants as a potential part of the state's water supply. But given potential impacts of ocean intake and briny dispersal, as well as other potential effects on ocean ecology and coastal values, the plants concern environmental groups, which are taking an active part in the permitting process. This panel will discuss the current legal and political battles over desal, and what they may mean for the future of the practice in California.

Moderator:
Jonathan Zasloff, UCLA School of Law, Los Angeles

Panelists:
Alvar Escriva-Bou, Public Policy Institute of California, San Francisco
Susan Jordan, California Coastal Protection Network, Santa Barbara
Tom Luster, California Coastal Commission, San Francisco
Richard Svindland, CalAm Water, Monterey
Friday, October 20 | 9:45 am-11:15 am
1.5 Hours MCLE

Session 4: CEQA and the Tangled Web of Environmental Laws

CEQA is California’s premiere environmental law, mandating disclosure and public consideration of the possible adverse environmental consequences of any discretionary action that will result in a physical change in our environment. Concurrently, proposed projects are often subject to a myriad of other laws, including the Coastal Act, Sustainable Groundwater Management Act, State Planning and Zoning, and the common law public trust doctrine. This panel will explore the challenges and sometimes conflicting or overlapping legal requirements that come to the fore during the environmental review process.

Moderator:
Gideon Kracov, Law Office of Gideon Kracov, Los Angeles

Panelists:
Sydney Coatsworth, Ascent Environmental, Inc., Sacramento
Whit Manley, Remy Moose Manley LLP, Sacramento
Beverly Grossman Palmer, Strumwasser & Woocher, Los Angeles

Friday, October 20 | 9:45 am-11:15 am
1.5 Hours MCLE

Session 5: New California Legislation: The Latest from Sacramento

The California Legislature is known for passing groundbreaking environmental policies, which are often adopted nationally and internationally. Amid the backdrop of a new, business-friendly EPA Administrator, the California Legislature served up, and Governor Brown signed, a number of new laws to preserve the state’s leadership role in the environmental field. Join our panel of seasoned legislative staffers for a timely discussion of newly enacted legislation, with a special focus on legislative accomplishments and trends for the future.

Moderator:
Gary Lucks, Beyond Compliance, Oakland

Panelists:
Catherine Freeman, Chief Consultant to the Assembly Committee on Water, Parks, and Wildlife, Sacramento
Kip Lipper, Office of the Senate Pro Tempore, Sacramento
Marie Liu, Special Assistant to Assembly Speaker Anthony Rendon, Sacramento

Friday, October 20 | 11:30 am-1:00 pm
1.5 Hours MCLE

Session 6: Federal Chemical Reform as Seen Through the California Lens

In June 2016, the Federal “Frank R. Lautenberg Chemical Safety for the 21st Century Act” was signed into law by President Obama. Known more popularly as the “new Toxic Substances Control Act”, it constitutes an historic and comprehensive overhaul of the original law of that name, likely with far-reaching impacts. Our panel of experts will discuss the significant changes to the federal TSCA regime, key substantive rulemakings and procedural mandates, and important milestones. Specific attention will be given to how this new regime may – and may not – affect toxics regulation in California, including under California’s Proposition 65 and Green Chemistry Initiative, as well as how changes in federal administrative priorities and edicts may affect its implementation and enforcement.

Moderator:
Claudia Polsky, UC Berkeley School of Law, Berkeley

Panelists:
Andy Igregias, Safer Chemicals, Healthy Families, Washington D.C.
Dr. Jeff Morris, U.S. Environmental Protection Agency, Washington, D.C.
Peggy Otum, Arnold & Porter, San Francisco
Dr. Meredith Williams, California Department of Toxic Substances Control, Sacramento

Friday, October 20 | 11:30 am-1:00 pm
1.5 Hours MCLE

Session 7: Cooperative Federalism and Water Resources under the Trump Administration

Recently enacted federal legislation affecting Central Valley Project operations (Subtitle J of Title I of the WIIN Act) modifies federal environmental requirements, while leaving state law, and federal law requirements for compliance with state law, in place. Will the state increase its activity to fill in the gap in federal regulation? Or will Congress depart from its historical deference to state water law and override state law, as proposed in H.R. 23 and other legislation?

Moderator:
Paul Kibel, Golden Gate University School of Law, San Francisco

Panelists:
Clifford Lee, California Department of Justice, San Francisco
Rachel Zwillinger, Defenders of Wildlife, Sacramento
Friday, October 20 | 11:30 am-1:00 pm
1.5 Hours MCLE
Session 8: Results from the Laboratory of Democracy: Which California Climate Policies are Working Best? Which are Not?

California's legislature has set an ambitious 2030 climate emissions target, posing serious questions for policymakers about which tools to use to meet that target. In addition, subnational jurisdictions across the country and the world continue to look to California for model climate policies. What has California's experience shown about the benefits and drawbacks of various climate regulatory tools? Which regulatory tools have worked best, and which have underperformed? And, given these lessons, what's coming down the pike for regulated industry in California on the path to 2030? Are climate taxes or other new tools a likely part of our future?

Moderator:
Suma Peesapati, Law Offices of Suma Peesapati, San Diego

Panelists:
Alex Jackson, Natural Resources Defense Council, San Francisco
Amy Vanderwarker, California Environmental Justice Alliance, Oakland
Michael Wara, Stanford School of Law, Stanford

Friday, October 20 | 11:30 am-1:00 pm
1.5 Hours MCLE of which 1 Hour is Legal Ethics
Session 9: Cannabis from Medicinal to Recreational: What It Means for You and Your Practice

Proposition 64 changes the landscape for marijuana use in California. Drawing lessons from states that have experienced this transformation, this panel will address changes in enforcement and regulation in California, with a focus on what these changes mean for business and municipal clients and for your practice. The panel will cover proposed new California state regulations; the interaction of state and federal enforcement priorities; and the impact of marijuana legalization on California's large businesses, cities, and counties as well as ethical issues unique to representation of cannabis industry clients.

Moderator:
Rebecca Akroyd, Kronick Moskovitz Tiedemann & Girard, Sacramento

Panelists:
Crystal D'Souza, California Department of Food and Agriculture, Sacramento
Pamela Epstein, Green Wise Consulting, Los Angeles
Victor Ponto, Best Best & Krieger LLP, Ontario

Friday, October 20 | 1:30 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 21 | 7:15 am-12:15 pm
Registration Hours

Saturday, October 21 | 7:30 am-8:00 am
Continental Breakfast (RSVP Requested)
RSVP for this complimentary breakfast on the registration form.

Saturday, October 21 | 8:00 am-9:00 am
.75 Hours MCLE
Session 10: Saturday General Session
Introduction by Alisha Winterswyk, Yosemite Conference Co-Chair, Best Best & Krieger LLP. Keynote presentation by Martha Guzman Aceves, Commissioner of the California Public Utilities Commission.

Martha Guzman Aceves was appointed Commissioner at the CPUC by Governor Edmund G. Brown, Jr. on Dec. 28, 2016. She previously served as deputy legislative affairs secretary in the Office of the Governor since 2011, focusing on natural resources, environmental protection, energy and food and agriculture. She was the sustainable communities program director for the California Rural Legal Assistance Foundation from 2005 to 2011. She was legislative coordinator for United Farm Workers from 1999 to 2005, working on labor and environmental issues. She is the co-founder of Communities for a New California, a charitable organization promoting increased civic engagement of underrepresented communities. She received her Master of Science degree in agricultural and resource economics from the University of California, Davis.
Saturday, October 21 | 9:15 am-10:45 am
1.5 Hours MCLE

Session 11: Getting to 50% Renewables and Beyond: How California Plans to Achieve its 2030 Goals

SB 350 (De Leon, 2015) requires California to procure half of its electricity from renewable sources by 2030, with additional legislative efforts for even more aggressive targets in the coming decades. But while the price of renewables has been decreasing, the effort will require major deployment of new facilities and associated grid infrastructure, which will have significant land use implications throughout the state. In addition, decisions related to regionalizing California's grid with other western states could affect costs and deployment as well as the ability to integrate intermittent energy in a way that does not increase overall emissions. This panel will discuss these issues and more as California's aggressive renewable goals are put into action.

Moderator: Ethan Elkind, UC Berkeley School of Law, Berkeley
Panelists:
Alice Reynolds, Office of Governor Edmund G. Brown, Jr., Sacramento
Mark Rothleder, California Independent Systems Operator, Folsom
Geof Syphers, Sonoma Clean Power, Santa Rosa

Saturday, October 21 | 9:15 am-10:45 am
1.5 Hours MCLE of which 1 Hour is Elimination of Bias
(Limited to 60 People)

Session 12: Diversity Roundtable: Developing Diverse Leadership in Environmental Law and Policy

Environmental workplaces are increasingly devoting institutional resources to foster diversity and inclusion. This round table will explore how non-profit organizations, governmental entities, law firms, and other institutions in the environmental law and policy sector support individuals from diverse backgrounds rising to leadership positions. Motivations, strategies, and opportunities for creating a pipeline of diverse leaders in environmental law and policy will also be shared.

Moderator: Chelsea Tu, Public Advocates, Sacramento
Panelists:
Stacey Geis, Earthjustice, San Francisco
Guillermo Mayer, Public Advocates, San Francisco
Letitia Moore, U.S. EPA Region IX, San Francisco
Danielle Sakai, Best Best & Krieger LLP, Riverside

Saturday, October 2 | 9:15 am-10:45 am
1.5 Hours MCLE

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

The U.S. Supreme Court and U.S. Circuit Courts of Appeals have been active over the past year, deciding numerous major environmental law cases. Other key environmental litigation—including judicial challenges to the Obama Administration's Clean Power Plan and “Waters of the United States” regulatory initiatives—is currently pending. 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 Frank, UC Davis School of Law, Davis
Panelists:
Holly Doremus, UC Berkeley School of Law, Berkeley
Janill Richards, California Attorney General Office of the Solicitor General, Oakland

Saturday, October 21 | 9:15 am-10:45 am
1.5 Hours MCLE

Session 14: Public Lands: Past Achievements, Current Threats, and Future Opportunities

Even before the change in administrations in Washington, D.C., the role of the federal government in the management of public lands was a focus of national attention with the takeover of the Malheur Wildlife Refuge and President Obama's invocation of the Antiquities Act to protect lands taking center stage. The 2016 winner of the Lifetime Achievement Award, Johanna Wald, will participate in a discussion of key issues in public lands protection, including the Antiquities Act, the rebirth of the Wise Use movement, and efforts by the Trump administration to divest public lands.

Moderator: Ellison Folk, Shute Mihaly & Weinberger, San Francisco
Panelists:
Letty Belin, Former Senior Counsel to the Deputy Secretary, U.S. Department of the Interior, Washington, D.C.
Mark Maryboy, Former Navajo Nation Delegate and Former San Juan County (UT) Commissioner, Blanding, UT
Johanna Wald, Former Senior Attorney, Natural Resources Defense Council, San Francisco
Saturday, October 21 | 11:00 am-12:30 pm
1.5 Hours MCLE

Session 15: A View from the Bench: Marking the California Supreme Court's Jurisprudence in Environmental Law

The California Supreme Court, perhaps the most influential state supreme court in the nation, decided over a dozen significant environmental cases over the past three years and currently has multiple environmental cases pending. Recent court decisions involving CEQA, greenhouse gas reduction, federal preemption, and coastal development permitting have helped to shape the administration of our environmental laws. At the same time, the composition of the Court has changed markedly during Governor Brown’s tenure. With the dramatic shift in environmental policies at the federal level, California and the Court will play a significant role in shaping the environmental legal landscape in the coming years. This panel, which includes a Supreme Court Justice and two avid court-watchers, will examine the Court’s past decisions and current trends, and offer observations about the direction of the Court and environmental law in California.

Moderator:
Kathleen Kenealy, California Department of Justice, Los Angeles

Panelists:
Sean B. Hecht, UCLA School of Law, Los Angeles
The Honorable Goodwin H. Liu, Supreme Court of California, San Francisco
Fiona Smith, California Environmental Insider, San Francisco

Saturday, October 21 | 11:00 am-12:30 pm
1.5 Hours MCLE

Session 16: Controlling Air Pollution from Mobile Sources in California

The importance of controlling vehicle emissions in California has only grown as stationary source emissions have continued to fall. Levels of traditional criteria pollutants remain stubbornly high in urban areas in the south, while tailpipe emissions are the chief source of greenhouse gases throughout California. In the face of federal regulatory backsliding on a number of air quality rules, this panel looks at the legal and regulatory programs the state is relying on to control transportation emissions today and to meet future goals. Topics to be discussed include infrastructure improvements, goods movement innovations, state mobile-source emission standards (including the zero-emission vehicle program), the Low Carbon Fuel Standard, and traditional measures to reduce criteria air pollutants from vehicles.

Moderator:
William W. Westerfield, III, Sacramento Municipal Utility District, Sacramento

Panelists:
Adrian Martinez, Earthjustice, Los Angeles
Elaine Meckenstock, California Department of Justice, Oakland
Matthew Nelson, Electrify America (subsidiary of Volkswagen Group of America), Reston, Virginia (invited)

Saturday, October 21 | 11:00 am-12:30 pm
1.5 Hours MCLE Elimination of Bias

Session 17: Respecting California Native Tribes as Sovereign Nations

Certain environmental laws explicitly provide for government-to-government consultation between California’s Native Nations and local, state and federal agencies, but what does “consultation” mean? And what role does cultural bias play in the failure to recognize tribal governments as governments? This panel will describe tribal sovereignty, explore the unbreakable link between tribal sovereignty and the government-to-government concept, and describe the respect tribal leaders and tribal governments receive under the law. The discussion will focus on AB 52 and Section 106 of the National Historic Preservation Act, and will also help identify ways to keep cultural bias from creeping into consultations.

Moderator:
Antonette Cordero, Office of the Attorney General, Los Angeles

Panelists:
Donna Beddow, County of San Diego, Lakeside
Cynthia Gomez, Tribal Advisor to Governor Edmund G. Brown, Jr., Elk Grove
Merri Lopez-Keifer, San Luis Rey Band of Mission Indians, Martinez

Saturday, October 21 | 11:00 am-12:30 pm
1.5 Hours MCLE

Session 18: The Fix is In: Would Re-Engineering Save or Undermine the Delta?

Decades of Delta pronouncements have failed to prevent major species declines, water quality impairment, and ongoing battles over Delta water supplies. The proposal to build two massive Delta tunnels, now called “California WaterFix,” has generated intense disputes in an intricate web of proceedings, including one of the most complex reviews in the State Water Resources Control Board’s history. This panel will comment on key areas of scientific and legal dispute and lessons learned from years spent evaluating this major water infrastructure project. It will consider more broadly whether re-engineering the Delta with new infrastructure as proposed would improve the Delta’s sustainability or contribute to the Delta’s destruction.

Moderator:
David Owen, UC Hastings School of Law, San Francisco

Panelists:
Michelle Banonis, California Department of Water Resources, Sacramento
Osha Meserve, Soluri Meserve, Sacramento
Jonathan Rosenfield, The Bay Institute, San Francisco
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 Ecology**
Wildfire is a critical part of healthy forested ecosystems in the Sierra Nevada. Over a century of fire exclusion has dramatically altered forest structure, resulting in more severe fires that can kill entire stands of trees at unprecedented scales. Learn how fire and its exclusion are impacting the forests of Yosemite National Park and how the Yosemite Fire Management Program has been working to restore fire to fire-dependent ecosystems for over forty years. The program will discuss the tactics used and challenges faced by the program.

**Moderator:**

**Speaker:**
Kristen Shive, Fire Ecologist, Yosemite National Park

**Welcome Back, Celebrated Jumping Frog—and Turtle Too**
The California red-legged frog, a federally listed threatened species, and the western pond turtle, identified as a species of special concern by the California Department of Fish and Wildlife, are being reintroduced in Yosemite Valley. Learn about the identification of suitable sites and other aspects of the cooperative effort to bring these species back after a 50 year absence from Yosemite Valley.

**Moderator:**
William W. Westerfield, III, Sacramento Municipal Utility District, Sacramento

**Speaker:**
Rob Grasso, Park Aquatic Ecologist, Yosemite National Park

**Merced River Restoration**
Yosemite National Park is conducting ecological restoration projects in the Merced River using restoration techniques that have not been done in the park before. In the fall of 2016, a large wood structure was installed in the river that takes advantage of deposition processes to build out riverbanks. High river flows have jump-started the restoration process and the structure has already started to function as intended. The presentation will discuss the science and strategy behind the restoration, as well as anticipated future work.

**Moderator:**
Andy Sawyer, State Water Resources Control Board, Sacramento

**Speaker:**
Catherine Fong, Hydrologist, Yosemite National Park

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**Saturday, October 21 | 1:00 pm-5:00 pm**
**Saturday Afternoon Outdoor Presentations**

Register on-site ONLY. Space is limited.

**Saturday, October 21 | 5:30 pm-6:15 pm**
**A Fireside Chat with Byron Sher, Recipient of the 2017 Environmental Law Section Lifetime Achievement Award**

Join us in the Fireside Lounge, adjacent to the Hotel lobby, for an informal chat with Byron Sher, this year’s Lifetime Achievement Award recipient. Hear a firsthand account on his stellar career and contributions to environmental law. Facilitated by: Kip Lipper, Office of the Senate Pro Tempore, Sacramento.

**Saturday, October 21 | 6:15 pm-7:00 pm**
**Saturday Evening Reception (RSVP Requested)**

Join us as we gather before dinner for cocktails and hors d’oeuvres set out in the lobby. The reception is sponsored by Gresham Savage Nolan & Tilden, PC, Langan and Ramboll Environ and Brownstein Hyatt Farber Schreck. To RSVP, select Ticketed Event #31 on the Conference registration form.

**Saturday, October 21 | 7:00 pm-9:00 pm**
**Saturday Night Dinner Program**

Dinner and Wine sponsored by Langan, Hanson Bridgett LLP, Barg Coffin Lewis & Trapp LLP, SCS Engineers and Bogle Vineyards and Wilson Vineyards. Ticketed Event. Select Ticketed Event #32 to 36 on the conference registration form.

**Presentation of the Environmental Law Section Lifetime Achievement Award given to Byron Sher**

As a state legislator for nearly a quarter century (1980-2004), much of it concurrent with his career as a Law Professor at Stanford University, Byron was a driving force in shaping California’s environmental laws. In both the state assembly and state Senate, Byron held leadership positions on committees with responsibility for environmental and natural resources matters. His enduring influence on the environment is reflected in his authorship of legislation concerning, among other issues, clean air, waste management, wild and scenic rivers, forests and timber harvesting, and responsible mining operations. After retiring from the Legislature, Byron served on the boards of the Sierra Nevada Conservancy and the Tahoe Regional Planning Agency. Throughout his career, Byron maintained a steadfast commitment to using his knowledge and skills as a lawyer to strengthen and improve California’s environmental laws and to guide several of our most important governmental land management and conservation organizations to make prudent decisions.
Dinner and Keynote Presentation

Introduction by Christian Marsh, Downey Brand LLP. Remarks by Dr. Thomas E. Lovejoy, University Professor in the Department of Environmental Science and Policy at George Mason University and Senior Fellow at the United Nations Foundation.

Dr. Thomas Lovejoy is a conservation biologist well known for coining the term “biological diversity.” He is a University Professor in the Department of Environmental Science and Policy at George Mason University, and serves as Senior Fellow at the United Nations Foundation, and as a Science Envoy for the U.S. Department of State. He has served as the President and Biodiversity Chair of the Heinz Center for Science, Economics, and the Environment. Before assuming this position, he was the World Bank’s Chief Biodiversity Advisor and Lead Specialist for Environment for Latin America and the Caribbean, as well as Senior Advisor to the President of the United Nations Foundation. Spanning the political spectrum, Dr. Lovejoy has served on science and environmental councils under the Reagan, Bush, Clinton, and Obama administrations. He also founded Nature, the popular long-term series on public television. Dr. Lovejoy holds B.S. and Ph.D (biology) degrees from Yale University.

Saturday, October 21 | 9:00 pm-11:00 pm
Saturday Night Dessert Party (RSVP Requested)

Delicious delicacies complete the evening. Enjoy dessert, hosted libations and dancing at the 26th Annual Dessert Party sponsored by Skadden, Arps, Slate, Meagher & Flom LLP. To RSVP, select Ticketed Event #37 on the Conference registration form.

SUNDAY

Sunday, October 22 | 7:15 am-12:15 pm
Registration Hours

Sunday, October 22 | 7:30 am-8:00 am
Continental Breakfast (RSVP Requested)
RSVP for this complimentary breakfast on the registration form. Select Ticketed Event #38. Mid-morning refreshment break sponsored by Integral Consulting.

Sunday, October 22 | 8:00 am-9:00 am
.75 Hour MCLE
Session 19: Sunday General Session

Welcome by Eric Adair, 2017–2018 Vice-Chair, Environmental Law Section, Hinson Gravelle & Adair LLP. Introduction by Cara Horowitz, Yosemite Conference Co-Chair, UCLA School of Law. Keynote presentation by The Honorable Goodwin H. Liu, Associate Justice of the Supreme Court of California.

Justice Goodwin Liu is an Associate Justice of the California Supreme Court. He was unanimously confirmed on August 31, 2011, following his appointment by Governor Edmund G. Brown, Jr. Before joining the court, Justice Liu was Professor of Law at the UC Berkeley School of Law (Boalt Hall), where he served as Associate Dean and taught constitutional law and education law and policy. Justice Liu earned a bachelor’s degree in biology from Stanford University, attended Oxford University on a Rhodes Scholarship, and graduated from Yale Law School. He clerked for D.C. Circuit Judge David Tatel, and U.S. Supreme Court Justice Ruth Bader Ginsburg.

Sunday, October 22 | 9:15 am-10:45 am
1.5 Hours MCLE
Session 20: Built to Spill, or Built to Last? A Long View of the 2017 Oroville Dam Crisis

After five years of drought, heavy winter rains raised flood risks and renewed questions about California’s resilience between extremes of drought and deluge. Oroville Dam is the 49-year old keystone facility of California’s State Water Project. The dam’s Winter 2017 crisis forced 188,000 people to evacuate when an emergency spillway was used for the first time. The Department of Water Resources asserts it has followed the law in Oroville’s lengthy relicensing review and is developing a spillway recovery plan. Counties and environmental groups criticize DWR for underestimating known costs and risks, and failing to prepare for climate change or establish resilience under a complete range of drought and flood conditions. This panel will discuss intersecting law, science and policy issues and practical steps to protect the environment and public safety.

Moderator:
Roger Moore, Rossmann and Moore LLP, Berkeley

Panelists:
Cindy Messer, California Department of Water Resources, Sacramento
Ronald Stork, Friends of the River, Sacramento
Joshua Viers, UC Merced, Merced
Sunday, October 22 | 9:15 am-10:45 am
1.5 Hours MCLE
Session 21: CEQA Update—A Perennial Favorite
Panelists will discuss in detail key CEQA cases from the past year, summarizing the published cases, outlining trends, and providing a brief update on recent legislation.
Moderator:
Christian Marsh, Downey Brand LLP, San Francisco
Panelists:
Caroline Farrell, Center on Race, Poverty & the Environment, Delano
John Fox, City of Los Angeles, Los Angeles
Andrew Sabey, Cox, Castle & Nicholson LLP, San Francisco

Sunday, October 22 | 9:15 am-10:45 am
1.5 Hours MCLE
Session 22: U.S. Climate Change Regulation at a Crossroads: The Big Picture
This year has brought major changes vis-à-vis federal efforts to reduce greenhouse gas regulation and transition our energy sector away from fossil fuels. The Trump Administration has backtracked on many climate initiatives, and questioned the value of national and international efforts to control greenhouse gas emissions. It also is poised to reduce support for research and development of alternative energy. Do opportunities remain for federal progress and, if so, where? What role is the U.S. likely to play over the next few years in international climate talks? What implications will federal climate policy changes have for disadvantaged communities? And what strategies might states, local governments, advocacy groups, and businesses that support climate action use to fill the gap in federal action?
Moderator:
Ann E. Carlson, UCLA School of Law, Los Angeles
Panelists:
Tomás Carbonell, Environmental Defense Fund, Washington, D.C.
Kyle Danish, Van Ness Feldman LLP, Washington, D.C.
Jacqui Patterson, NAACP Environmental and Climate Justice Program, Baltimore, MD

Sunday, October 22 | 11:00 am-12:30 pm
1.5 Hours MCLE
Session 24: 50th Anniversary of the State Water Resources Control Board
In 1967, the California Legislature combined the state’s water right and water quality control programs, creating the State Water Resources Control Board. But the Legislature provided little guidance as to how to integrate the programs. Looking back 50 years later, how has the State Water Resources Control Board met the challenge? What needs to be done? What challenges has it faced in fulfilling its mission, and what challenges lie ahead?
Moderator:
Michael Lauffer, State Water Resources Control Board, Sacramento
Panelists:
Jennifer Harder, McGeorge School of Law, Sacramento
Felicia Marcus, State Water Resources Control Board, Sacramento
The Honorable Ron Robie, California Court of Appeal, Third Appellate District, Sacramento

In the aftermath of the historic leak of natural gas from the Aliso Canyon storage facility, the effort to ramp up alternative forms of grid energy storage has been supercharged. These efforts are further supported by the California Public Utilities Commission's requirement that Investor-Owned Utilities integrate different types of energy storage into the grid. This panel would look back at lessons learned from the Aliso Canyon leak; examine today's burgeoning efforts to create alternative grid storage facilities; and discuss what these efforts may mean for the future of California's energy grid. We will place particular emphasis on the future of natural gas and the effect of storage going forward for structuring the energy grid.

Moderator:
Eric Adair, Hinson Gravelle & Adair LLP, Valencia

Panelists:
Janice Lin, California Energy Storage Alliance, Berkeley
Commissioner Liane M. Randolph, California Public Utilities Commission, San Francisco
Sarah Van Cleve, Tesla, San Francisco

Session 26: CEQA and Climate Change

The California Supreme Court's decision in Center for Biological Diversity v. Cal. Dept of Fish & Wildlife, the Governor's 2015 Executive Order, and state legislation on climate change have brought new challenges to the analysis of greenhouse gas emissions in CEQA documents. This panel will address how agencies and courts have approached the analysis of GHG emissions in the wake of the CBD decision and will also discuss how recent legislative initiatives and the Supreme Court's recent decision in Cleveland Nat'l Forest Found. v. SANDAG will affect this approach.

Moderator:
Ellen M. Peter, California Air Resources Board, Sacramento

Panelists:
Kevin P. Bundy, Center for Biological Diversity, Oakland
Jane Luckhardt, Northern California Power Agency, Roseville
Margaret Sohagi, The Sohagi Law Group, Los Angeles

Session 27: Receding and Advancing Jurisdictional Boundaries and the Interplay Between Federal and State Wetlands and Species Regulations

As the new Administration and Congress seek to redefine “Waters of the United States” and overhaul federal Endangered Species and Clean Water Act regulations, California wetlands and species laws are playing an ever more prominent role in land and water policies. This includes renewed urgency for completing the long-awaited rules governing wetlands and state waters, as well as expansive applications and enforcement of California's Streambed Alteration Program, the California Endangered Species Act, and Fully Protected Species statutes. This panel will provide a comprehensive overview of recent developments in case law and administration at the federal and state level, with a particular focus on possible trends and future issues of concern over streams, wetlands, and endangered species.

Moderator:
Eric Biber, UC Berkeley School of Law, Berkeley

Panelists:
Clark Morrison, Cox, Castle & Nicholson LLP, San Francisco
Ken Sanchez, WRA, Inc., San Rafael
Deborah Sivas, Stanford Law School, Stanford
HOTEL RESERVATION DEADLINE: **SEPTEMBER 18, 2017**

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 $205 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 canceled 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 and enter the

**Group Code: 30Z2X4**

FOR ONLINE RESERVATIONS ONLY

Alternate Accomodations 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
  - Narrow Gauge Inn (559) 683-7720
- Bass Lake
  - Pines Resort and Chalets (559) 642-3121
- Oakhurst
  - Oakhurst Lodge (559) 683-4417
  - Shilo Inn (888) 265-7733
  - Yosemite Gateway, Best Western (559) 683-2378
- Yosemite National Park
  - Big Trees Lodge
  - National Park Camping (800) 436-7275
  - Rush Creek Lodge (209) 379-2373
  - The Redwoods Cottages (209) 375-6666
  - Yosemite West Condominiums (800) 640-9099
  - Martin Lovely, Vacation Rentals (209) 375-6554
  - inside Yosemite Park
2017 Registration Information

Conference Registration—deadline OCTOBER 12, 2017

The Environmental Law Conference at Yosemite® is a popular event that sells out in advance. Conference registration fees are $535 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 12, 2017. 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.

Cancellations—deadline October 12, 2017

A refund (less a non-refundable fee of $50) will be made for all registration and/or ticket cancellations received in writing by October 12, 2017. Refunds will not be made for cancellations after October 12, 2017.

Special Assistance and Registration Information

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


Each registrant is responsible for his or her own hotel reservations. A limited number of rooms have been reserved at Tenaya Lodge at Yosemite at the rate of $205 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.

Kids Camp

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 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 Tenaya Lodge Concierge Department at (888) 514-2167, www.tenayalodge.com. Note: there is a 24-hour cancellation policy on all activities.

2017 SCHOLARSHIP INFORMATION

The State Bar Environmental Law Section offers two types of scholarships to the Yosemite Conference—the Michael H. Remy Scholarship, and tuition-only scholarships. Scholarship applications were available at the Environmental Law Section’s website (see www.calbar.ca.gov/environmental), and were accepted from March 29 to July 13, 2017. The application period is now closed. Scholarship awardees will be notified after August 21, 2017.

Michael H. Remy Scholarships

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. Remy 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 2017 Environmental Law Conference at Yosemite®. There are up to five (5) scholarships of this type available, which is designed primarily, though not exclusively, for law students.

Tuition-Only Scholarships

The Environmental Law Section plans to offer at least 25 tuition-only scholarships to attend the 2017 Environmental Law Conference at Yosemite®.

The Section thanks the following contributors for their support of the 2017 Yosemite Conference Scholarship program.

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2017 ENVIRONMENTAL LAW CONFERENCE AT YOSEMITE®
Pre-Registration Deadline: Received by October 12th

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: ___________________________________________
E-mail Address:*  __________________________________________

* Required for email confirmation

Check here if you do not want your information released.

Registration Fees:
- Environmental Law Section Members $525
- Environmental Law Section Members employed by Government or Non-Profit Agencies $395
- Law Student Rate $295
- Non Environmental Law Section Members* $610
  (*$85 of the non-member registration fee will be credited to 2018 Section membership dues.)

Ticketed Events:
Thursday, October 19, 2017
- [28] Thursday Welcome Reception # Attending ____ FREE

Friday, October 20, 2017
- [29] Continental Breakfast # Attending ____ FREE

Saturday, October 21, 2017
- [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 22, 2017
- [38] Continental Breakfast # Attending ____ FREE
- [39] Adult XLarge $20 ea
- [40] Adult Large $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 $ ________________

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

- VISA
- MasterCard

Account Number: _______________________________________________________________________________________________________
Expiration Date: _______________________________________________________________________________________________________
Cardholder’s Name: _____________________________________________________________________________________________________
Cardholder’s Signature: __________________________________________________________________________________________________
Listed below are the MCLE sessions for the 2017 Conference. Pre-register to ensure a seat. Keep this form with your Program Registration.

Name: ________________________________________
Bar #  ________________________________________

FRIDAY OCTOBER 20, 2017
8:00 am-9:00 am | .75 Hour MCLE
- Session 1: Friday General Session: David Bernhardt
9:45 am-11:15 am | 1.5 Hours MCLE
- Session 2: Looking for “Buried Treasures” and Then Doing the Deal: The Latest Challenges and Tips in Developing, Selling, Buying and Leasing Contaminated Sites
- Session 3: The Dynamic Policy, Politics, and Law of Desalination
- Session 4: CEQA and the Tangled Web of Environmental Laws
- Session 5: New California Legislation: The Latest from Sacramento
11:30 am-1:00 pm | 1.5 Hours MCLE
- Session 6: Federal Chemical Reform as Seen Through the California Lens
- Session 7: Cooperative Federalism and Water Resources under the Trump Administration
- Session 8: Results from the Laboratory of Democracy: Which California Climate Policies are Working Best? Which are Not
- Session 9: Cannabis from Medicinal to Recreational: What It Means for You and Your Practice (1 Hour of Legal Ethics)

Saturday OCTOBER 21, 2017
8:00 am-9:00 am | .75 Hour MCLE
- Session 10: Saturday General Session: Martha Guzman Aceves
9:15 am-10:45 am | 1.5 Hours MCLE
- Session 11: Getting to 50% Renewables and Beyond: How California Plans to Achieve its 2030 Goals

SUNDAY, OCTOBER 22, 2017
8:00 am-9:00 am | .75 Hour MCLE
- Session 19: Sunday General Session: Honorable Goodwin H. Liu
9:15 am-10:45 am | 1.5 Hours MCLE
- Session 20: Built to Spill, or Built to Last? A Long View of the 2017 Oroville Dam Crisis
- Session 21: CEQA Update—A Perennial Favorite
- Session 22: U.S. Climate Change Regulation at a Crossroads: The Big Picture
- Session 23: Contaminated Groundwater as a Resource & Emerging Contaminants
11:00 am-12:30 pm | 1.5 Hours MCLE
- Session 24: 50th Anniversary of the State Water Resources Control Board
- Session 26: CEQA and Climate Change
- Session 27: Receding and Advancing Jurisdictional Boundaries and the Interplay Between Federal and State Wetlands and Species Regulations
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