Schedule

First Annual Emerging Issues in Environmental Law Policy and Practice Symposium

October 3, 2013 at UC Irvine School of Law

The Collision of Energy Development and Environmental Laws

Rapidly changing around the world, energy development poses new economic and environmental challenges on a daily basis. Companies have made long-term investment and supply chain decisions based upon climate change models. “Zero” emission vehicles have changed the point of emissions from the tailpipe to the power plant, but those emissions are only as “clean” as the manufacturing process and the source that generates the power. Laws and regulations are adapting to the changing world of energy development, and this year’s symposium discusses the law, the politics and the policies influencing these changes.

8:00 – 8:30 a.m.  Sign In and Welcome (CLE credit arranged)

8:30 – 8:40 a.m.  Welcoming Remarks and Introductions

- Alejandro E. Camacho, Professor of Law
  Director, Center for Land, Environment, and Natural Resources
  University of California, Irvine

- Geoffrey K. Willis
  Partner, Sheppard Mullin

8:40 – 9:45 a.m.  The Unanticipated Environmental Consequences of Renewable Energy

As the United States continues to promote creative and efficient ways to develop and use energy resources, two key challenges are 1) to understand the environmental impacts of renewable energy development and use, and 2) to develop strategies to ensure maximum benefit at the lowest cost. Development of solar and wind farms has been pushed to the front of the energy agenda bringing with it impacts to endangered species habitat, migratory birds and raptors, visual resources, cultural resources, agriculture and unanswered questions about the disposal of replaced or depleted units and post-development land restoration. Are there unexpected consequences from clean energy development? If so, what is being done to identify those consequences and reduce or eliminate environmental impacts?

Panelists

- Tony Toranto – Partner, Sheppard Mullin

- Julie Falkner – Senior Policy Analyst, Renewable Energy and Wildlife, Defenders Of Wildlife

- Angela Mooney D’Arcy (Acjachemen) – Executive Director, Sacred Places Institute for Indigenous Peoples
9:45 – 10:45 a.m. **Tensions and Conflicts Between Energy Development and Environmental Laws**

As energy development is pushed to the front of the agenda, the roles and relative positions of environmentalists, industry and government have seemingly been rearranged. What are the major tensions between "clean" energy development and existing environmental laws? Who are the stakeholders? Are stakeholder alliances shifting? What is the status of current efforts to resolve these conflicts? How are competing stakeholders working to resolve these conflicts?

**Panelists**
- Ken Alex – Senior Policy Advisor to Governor Jerry Brown and the Director of the Office of Planning and Research
- Tim O’Connor – Director, California Climate and Energy Initiative, Environmental Defense Fund
- Peter Weiner – Head of Energy and Environmental Group, Paul Hastings

10:45 – 11:00 a.m. **Break**

11:00 a.m. – 12:15 p.m. **Significant CEQA and NEPA Issues Raised By Green Energy Projects**

Clean or alternative energy development has dominated the agenda both in California and nationwide.

How have these projects been evaluated under either the California Environmental Quality Act or the National Environmental Protection Act? What creative solutions have project proponents or regulatory agencies used to identify and resolve these issues? Are environmental groups hesitant to identify the environmental impacts of clean or alternative energy projects? Have the courts handled claims arising from either CEQA or NEPA differently for alternative energy projects than they have handled similar issues for other projects?

**Panelists**
- Lisa Belenky – Senior Attorney, Center For Biological Diversity
- Susan Lee – Vice President, Aspen Environmental
- Geoffrey Willis – Partner, Sheppard Mullin

12:15 – 1:30 p.m. **Hosted Lunch**

1:45 – 3:00 p.m. **Greenhouse Gas Emission Control Measures – A Sub-Global Solution?**

Much of the drive to shift to clean energy is fueled by concerns over climate change and the drive to reduce greenhouse gases. California has been a national leader in the adoption of laws and regulations to control and mitigate greenhouse gas emissions. California's sub-global climate action program is predicated on the theory that a national/international program is built from the ground up rather than from the top down. California's adoption of low carbon fuel standards has raised concerns that the program violates constitutional protections for interstate commerce.

If the *Rocky Mountain Farmers Union v. Goldstene* case currently pending before the Ninth Circuit strikes down California's low carbon fuel standards, will that sound the death knell to all sub-global regulatory efforts to control GHGs or merely limit their scope? Given the global nature of climate change, is a local or regional approach more desirable than national and international emission control and mitigation approaches?
Panelists

- Ellen Peter – Chief Counsel, California Air Resources Board
- Peter Miller – Senior Scientist at the Natural Resources Defense Council
- Jared Ficker – California Strategies, LLC

3:00 – 3:15 p.m. Break

3:15 – 4:30 p.m. Practical Solutions Resolving the Conflicts Between Environmental Regulations and Resource Availability

Efforts to preserve the environment in one area have resulted in significant environmental harm in another. Global warming, water quality protection, air quality protection and similar regulatory environmental programs sometimes appear to have goals and objectives that are in direct competition with each other.

What is being done to resolve conflicts between competing regulatory programs which are focused on a single environmental issue or media and operate in conflict with other programs? How are private companies using regulatory trends for both economic benefit and competitive advantage? How can all stakeholders meaningfully engage to resolve these conflicts?

Panelists

- Chris Costanzo – Legal Director, SolarReserve
- Mark Massara – General Counsel and Vice President of Sustainability, O’Neil Wetsuits
- Scott Birkey – Partner, Cox, Castle & Nicholson

4:30 p.m. Program Close