

2020 Environmental Law: Year in Review

Cosponsored by the Environmental & Natural Resources Section

Register at www.osbar.org/seminars (search for ENV20)



Thursday, October 8, 2020

8:30 a.m.–4:40 p.m.

Pacific Daylight Time (PDT)

LIVE WEBCAST

CLE credits: 6 General and 1 Ethics (Oregon specific)

Register now at www.osbar.org/seminars
(search for ENV20)

Gain updates essential to your practice in this year's environmental law year in review. Learn about the July 2020 revisions to Council on Environmental Quality (CEQ) regulations implementing the National Environmental Policy Act of 1969 (NEPA) and their potential effects. Delve into water resource management issues as they relate to the Endangered Species Act. Receive updates on Oregon forest law and policy, as well as Superfund legal updates and ADR tools for your next environmental negotiation. Explore Oregon ocean and coastal law including wind development, fisheries and pollution. The ethics of storytelling in environmental advocacy will also be explored.

Environmental & Natural Resources Section members save \$20 off registration rates.



Need help with registration, refunds, tuition assistance or accessibility accommodations?

Call or email the OSB CLE Service Center:
(503) 431-6413 or (800) 452-8260, ext. 413
or cle@osbar.org

Please contact us at least 24 hours before the seminar for refunds and 72 hours before the seminar for accessibility accommodations.



LIVE WEBCAST REGISTRATION

\$110 ONLD member

\$140 Environmental & Natural Resources Section member (Enter coupon code **ENV20SM** to receive discount)

\$160 OSB member

\$175 Non-OSB member

Includes online access to recorded seminar for 60 days after the event. Electronic materials are included with your registration.

Scholarships: As a special thank you to ENR Section members, the Environmental & Natural Resources Section is providing partial scholarships ranging from \$25 to \$50 off the lowest published rates to OSB members who are ENR Section members. To receive these special rates please contact the OSB CLE Service Center at 503-431-6413.

50-Year and Active Pro Bono OSB members and Oregon judges and their lawyer staff – please call the OSB CLE Service Center at (503) 431-6413 or (800) 452-8260, ext. 413 to register for the seminars.

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- 8:30** **Introductory Remarks**
Maura Fahey, *CLE Chair, ENR Section Chair-Elect, Crag Law Center, Portland, OR*
Sarah Liljefelt, *ENR Section Chair, Schroeder Law Offices PC, Portland, OR*
- 8:40** **Crystal Balls and Tea Leaves: NEPA Implementation in a Changing Landscape**
- July 2020 revisions to Council on Environmental Quality (CEQ) regulations implementing the National Environmental Policy Act of 1969 (NEPA)
 - The potential effects of these revisions on national forestlands
 - Filed and prospective litigation challenging CEQ and NEPA revisions
 - What the future holds for the two agencies promulgating these rules
- Susan Jane Brown**, *Western Environmental Law Center, Portland, OR*
Elizabeth Rosso, *Jordan Ramis PC, Portland, OR*
- 9:40** **Transition**
- 9:45** **ESA Issues in Water Resources Management**
- Irrigation and water management and the impact on species listed under the Endangered Species Act
 - Intersection of the Endangered Species Act (ESA) and tribal reserved rights—*Baley v. United States* and *Klamath Irrigation District v. Bureau of Reclamation*
 - Ongoing effort by Deschutes Basin Board of Control and City of Prineville to develop a habitat conservation plan
- David Filippi**, *Stoel Rives LLP, Portland, OR*
Thane Somerville, *Morisset Schlosser Jozwiak & Somerville, Seattle, WA*
- 10:45** **Transition**
- 10:50** **Superfund Legal Update & ADR Tools for Your Next Environmental Negotiation**
- Recent developments in Superfund law
 - Mediation and arbitration of multi-party environmental matters
 - Allocation factors unique to environmental disputes and presenting them during allocation and mediation
- Ashley Carter**, *Portland Office of City Attorney, Portland, OR*
Mark Schneider, *Perkins Coie LLP, Seattle, WA*
- 11:50** **Lunch**
- 12:20** **Oregon Forest Law and Policy Update**
- Litigation updates and recent legal and regulatory changes to forest management of Oregon's state, federal, and private forestlands
 - Amendments to the *Eastside Screens* governing federal forest management
- Ralph Bloemers**, *Crag Law Center, Portland, OR*
Sara Ghafouri, *American Forest Resource Council, Portland, OR*
- 1:20** **Transition**
- 1:25** **1200-z General Permit Rulemaking**
- DEQ's revised rulemaking for the NPDES 1200-z stormwater general permit, process, and expected timeline
 - Draft provisions of the 1200-z rulemaking
 - Water quality-based effluent limitations
- Justin Green**, *Water Quality Division Administrator, Oregon Department of Environmental Quality, Portland, OR*
Stacy Hibbard, *Environmental Program Manager, City of Portland, OR*
James Saul, *Earthrise Law Center, Portland, OR*
- 2:25** **Transition**
- 2:30** **Ocean and Coastal Law: A Primer on Governance, Wind Development, Fisheries, and Pollution**
- Fisheries management and plastics pollution
 - Overview of Oregon's ocean and coastal regulatory program
 - Regulatory framework that applies to offshore wind development
- Tara Brock**, *Oceana, Portland, OR*
Josh Franklin, *Chief Development Officer, Progression Energy, San Diego, CA*
Heather Wade, *Coastal Policy Specialist and Senior Planner, State of Oregon, Salem, OR*

Continued...

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3:30 Transition

3:35 The Ethics of Storytelling in Environmental Advocacy

- How strong advocacy can inadvertently cross ethical lines
- Examples of ethical and unethical interactions with a fact finder or regulator
- ORPC rules 1.6, 3.3, 4.1, and 8.4

Steve Johansen, *Lewis & Clark Law School, Portland, OR*

4:35 Closing Remarks

Maura Fahey, *CLE Chair, Crag Law Center, Portland, OR*

4:40 Adjourn

Planning Committee:

Maura Fahey, *CLE Chair, Crag Law Center, Portland, OR*

Alia Miles, *Oregon Department of Justice, Portland, OR*

Kate Moore, *Dunn Carney LLP, Portland, OR*

Ilene Munk, *Foley & Mansfield PLLP, Portland, OR*

Stephanie Regenold, *Perkins Coie LLP, Portland, OR*

Ryan Shannon, *Center for Biological Diversity, Portland, OR*

Avalyn Taylor, *Attorney at Law, Portland, OR*

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OSB CLE Seminars

www.osbar.org/seminars

MP3 downloads

- Water Law in Real Estate Transactions
- Water Law Related to Land Use

OSB Legal Publications

www.osbar.org/publications

Also available in BarBooks

- *Insurance Law in Oregon*—Environmental Liability Insurance and Environmental Claims
- *ADR in Oregon*—ADR in Environmental and Natural Resources Disputes

OSB Public Information

is available on the OSB public website:

www.oregonstatebar.org

Upcoming Seminars



September 11

All Day PowerPlay (ADPP20)

Featuring Stuart Teicher

- The Code of Kryptonite: Ethical Limitations on a Lawyer's Superpowers
- Everything I Need to Know About Legal Ethics I Learned from the Kardashians

September 15-18

Oregon Tax Institute (OTI20)

Register now at www.osbar.org/seminars and search by program code.



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