

# NEPA AT 40

## A Visionary Statute Confronts 21<sup>st</sup> Century Environmental Issues

The 2009 J.B. and Maurice C. Shapiro Environmental Law Conference

*NEPA at 40* is a unique gathering designed to critically assess the future of the National Environmental Policy Act in the context of today's environmental challenges. We will explore the opportunities and difficulties NEPA presents in addressing issues such as climate change, alternative energy development, sustainable development, environmental equity, and trans-border resource and pollution problems. In addition, the conference will examine the core function of NEPA and that of the Council on Environmental Quality in shaping federal environmental policy. Participants will have an exceptional opportunity to discuss with some of the foremost NEPA scholars and practitioners, ranging from those who helped shape NEPA in its early years to those who are exploring the leading edge of NEPA today, the issues that will set the direction of NEPA over the next generation.

### **March 23, 2009**

- 8:00-8:30      **Registration** and continental breakfast
- 8:30-8:45      **Announcements**  
Scott Schang, ELI
- 8:45-9:00      **Opening Remarks**  
Professor Jamie A. Grodsky, The George Washington University Law School
- 9:00-9:45      **Keynote Address**  
Nancy Sutley, Chair, Council on Environmental Quality
- 9:45-11:00    **Back to the Future: the Authority and Effect of NEPA**
- Professor William Rodgers, University of Washington School of Law
  - Professor Michael Gerrard, Columbia University School of Law
  - Dinah Bear, former General Counsel, Council on Environmental Quality (moderator)
- 11:00-11:15    Break
- 11:15-12:30   **NEPA and Public Involvement in Decisionmaking**
- David Mattern, Senior Consultant, Paramatrix
  - Jim McElfish, Senior Attorney and Director of the Sustainable Use of Land Program, Environmental Law Institute
  - Mary O'Brien, Environmental Scientist and Activist (moderator)

- 12:30-2:00 Lunch: **Panel Discussion of NEPA Exemptions and Waivers**
- Robert Dreher, Vice President for Conservation Law, Defenders of Wildlife
  - Horst Greczmiel, Associate Director for NEPA Oversight, Council on Environmental Quality
  - Stephen Kass, Partner, Carter Ledyard & Milburn LLP (moderator)
  - Nicholas Yost, Partner, Sonnenschein Nath & Rosenthal LLP

- 2:00-3:30 **Assessing NEPA Implementation**
- Ray Clark, Senior Partner, The Clark Group LLC
  - Jack Haugrud, Natural Resources Section Chief, U.S. Department of Justice
  - Professor Daniel Mandelker, Washington University Law School (moderator)

3:30-3:50 Break

- 3:50-5:15 **NEPA in Long Term Planning**
- Niel Lawrence, Senior Attorney, Natural Resources Defense Council
  - Carol Borgstrom, Director, Office of NEPA Policy and Compliance, U.S. Department of Energy
  - Professor Oliver Houck, Tulane University Law School
  - Horst Greczmiel, Associate Director for NEPA Oversight, Council on Environmental Quality (moderator)

5:30-7:00 **Reception**  
(GW Faculty Conference Center)

**March 24, 2009**

8:15 Continental breakfast

- 8:45-10:15 **Ensuring NEPA Compliance**
- Lois Schiffer, General Counsel, National Capital Planning Commission
  - Robert Dreher, Vice President for Conservation Law, Defenders of Wildlife
  - George Mannina, Senior Partner, Nossaman LLP
  - Edward Boling, General Counsel, Council on Environmental Quality (moderator)

10:15-10:30 Break

- 10:30-12:00 **NEPA's International Revolution**
- Professor Noah Hall, Wayne State University Law School
  - Charles DiLeva, Chief Counsel, Environmental and International Law Unit, World Bank
  - William Cohen, Of Counsel, Perkins Coie LLP
  - Professor Jonas Ebbesson, Stockholm University Law Faculty
  - Professor Nicholas Robinson, Pace University School of Law (moderator)
- 12:00-1:00 Lunch
- 1:00-2:15 **Lessons from the States**
- David Paget, Partner, Sive, Paget & Riesel, P.C.
  - Kevin Reuther, Legal Director, Minnesota Center for Environmental Advocacy
  - Kenneth Weiner, Partner, K&L Gates LLP
  - Nicholas Yost, Partner, Sonnenschein Nath & Rosenthal LLP (moderator)
- 2:15-2:30 Break
- 2:30-4:00 **NEPA's Fitness to Tackle Today's and Tomorrow's Environmental Issues: A Discussion among the Conference Moderators**
- Discussion leaders:
- Leslie Carothers, President, Environmental Law Institute
  - Lee Paddock, Associate Dean for Environmental Law Studies, The George Washington University Law School
- 4:00 Closing Remarks