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- Massachusetts Audubon Society
- Massachusetts Department of Energy Resources
- Nixon Peabody LLP
- The Boston Harbor Association
- Wilmer Cutler Pickering Hale and Dorr LLP

Who Should Attend:

Attorneys, environmental and real estate professionals, corporate managers and governmental representatives

The Fourth Annual Intensive Seminar on Recent Developments in

MEPA and Environmental Permitting

New requirements and compliance strategies

November 7, 2013

Boston, Massachusetts

400 Atlantic Avenue Building

Credits: This program qualifies for CLE in all states requiring CLE credits.

7 AICP CM (pending) (call about others)

Quick when/where: 8:30 a.m., 400 Atlantic Avenue

MEPA and Environmental Permitting Seminar

November 7, 2013 | Boston, Massachusetts
400 Atlantic Avenue Building

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Thursday, November 07, 2013

MEPA and Environmental Permitting Seminar

- 8:00** Registration Opens
- 8:30** Introduction and Overview
Margaret Briggs, *Program Co-Chair, Managing Principal*
 Epsilon Associates, Inc. ~ Maynard, MA
Matthew J. Kiefer, Esq., *Program Co-Chair*
 Goulston & Storrs PC ~ Boston, MA
- 8:45** **Expediting Development of Renewable and Distributed Combined Heat and Power (CHP) Resources: How the Regulatory Pieces Fit Together**
 The big picture for developers: State incentive policies; tax credits; DPU ratemaking pieces for feed-in tariffs for solar and co-generation; local zoning issues
Dwayne Breger, Ph.D.
Director, Renewable and Alternative Energy Development
 Massachusetts Department of Energy Resources ~ Boston, MA
 Industry perspectives: CHP, solar and wind
Mark C. Kalpin, Esq.
 Wilmer Cutler Pickering Hale and Dorr LLP ~ Boston, MA
- 10:15** Break
- 10:30** **Update on New Legislative and Case Law Developments for MEPA and Environmental Permitting**
 Case law
Ruth H. Silman, Esq.
 Nixon Peabody LLP ~ Boston, MA
 Legislative and budgetary developments and updates
Jack Clarke
Director of Public Policy and Government Relations
 Massachusetts Audubon Society ~ Boston, MA
- 12:00** Lunch (on your own)

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- 1:15** **Sea Level Rises: Climate Change Adaptation in Boston**
 Stakeholder perspectives
Matthew J. Kiefer, Esq., *Program Co-Chair, Moderator*
Richard A. Dimino, *President and CEO*
 A Better City ~ Boston, MA
 Update on the Preparing for the Rising Tide report including site-specific examples of how to assess vulnerability and increase resilience to coastal flooding over time
Vivien Li, President
 The Boston Harbor Association ~ Boston, MA
 Stakeholder perspectives
Charles D. Reid, *Executive VP and Director*
 Boston Global Investors ~ Boston, MA
Brian Swett, *Chief of Environment and Energy*
 City of Boston ~ Boston, MA
- 3:15** Break
- 3:30** **Case Study of a Policy Initiative and the Results: Casino Permitting in Massachusetts**
 Expectations and a run down on actual specific applications
Margaret Briggs, *Program Co-Chair, Managing Principal*
Maeve Valley-Bartlett, Esq.
Undersecretary for the Environment
 Executive Office of Energy and Environmental Affairs
 Boston, MA
- 4:30** **Putting it All Together: Strategic Tips for Approaching Environmental Review Including EIS/EIR Design and Preparation**
 Defining the proposal; determining which provisions of NEPA and MEPA apply; identifying the lead agency; tips for preparing notification forms and EIS/EIR documents; Phase I waivers; combined DEIR & FEIR; categorical exemptions; cumulative impacts
Barry P. Fogel, Esq.
 Keegan Werlin LLP ~ Boston, MA
Douglas M. McGarrah, Esq.
 Foley Hoag LLP ~ Boston, MA
Jennifer Rushlow, Esq., *Staff Attorney*
 Conservation Law Foundation ~ Boston, MA
- 5:30** **Continue the Exchange of Ideas: Reception for Faculty and Attendees**
 Sponsored by Epsilon Associates, Inc. and Goulston & Storrs PC



About the Seminar



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It has been a busy year in Massachusetts relative to environmental permitting. Regulatory efforts have focused on climate change adaptation and on renewable energy and greenhouse gas reduction, including tax incentives for solar, wind and offshore wind, DEP initiatives in combined heat and power and anaerobic digestion, and changes to MEPA regulations to meet the Commonwealth's greenhouse gas reduction policies. In addition, the past year has seen numerous casino proposals make their way into the permitting process.

*This seminar will provide an update on how the various casino projects have dealt with the local and state permitting processes. It will also provide insight into policy initiatives and practical strategies to most efficiently permit projects in Massachusetts. In addition to an overview of the relevant regulatory, legislative and decisional trends, including the Supreme Court's recent *Koontz Decision*, the expert faculty of policy directors, practitioners and non-profit leaders will share practical first-hand lessons for both beginners and experienced practitioners.*

Program Co-Chairs: Margaret Briggs, Epsilon Associates, Inc.
and Matthew J. Kiefer, Esq., Goulston & Storrs PC



Thursday, November 07, 2013

MEPA and Environmental Permitting Seminar

Margaret Briggs, *Program Co-Chair*, Managing Principal at Epsilon Associates, Inc., assists clients through the regulatory process associated with development, institutional and infrastructure projects. She has played a major role in numerous MEPA, Article 80 and NEPA projects.

Matthew J. Kiefer, *Program Co-Chair*, Director at Goulston & Storrs PC, practices real estate development and land use law. He focuses on obtaining site control and public approvals for complex urban projects, including market-oriented and affordable housing, commercial and mixed-use developments.

Dwayne Breger, Ph.D., Director of the Renewable and Alternative Energy Division at the Massachusetts Department of Energy Resources, is responsible for implementing the state's Renewable Energy Portfolio Standards, and solar, wind, biomass energy, combined heat and power, and alternative transportation programs.

Jack Clarke, Director of Public Policy and Government Relations, Massachusetts Audubon Society, has represented them in three state task forces.

Richard A. Dimino, President and CEO of A Better City, has helped to keep Boston open for business during the construction of one of the country's most complex highway projects. He influenced the development of a twenty-seven acre corridor along Boston's waterfront and launched the Sustainability and Climate Change Initiative.

Barry P. Fogel, partner, Keegan Werlin LLP, is a member of the Environmental and Land Use Group. He represents businesses, institutions, municipalities and individuals in real estate transactions, land use development, and permit and enforcement proceedings.

Mark C. Kalpin, partner, Wilmer Cutler Pickering Hale and Dorr LLP, and Co-Chair of the Energy and Cleantech Group, focuses on the development of energy generation and natural resource projects.

Vivien Li is President at The Boston Harbor Association. Previously, she was a member of Governor Michael Dukakis' senior staff and served on the transition committees of Governors Paul Cellucci, Mitt Romney and Deval Patrick.

Douglas M. McGarrah, partner at Foley Hoag LLP and Co-Chair of the Real Estate/Land Use and Development Practice, focuses on major development and infrastructure projects, expedited permitting, and development of large-scale sites including approvals under NEPA and MEPA.

Charles D. Reid, Executive VP and Director, manages design and construction for Boston Global Investors. Previously, he was at Gale International where he coordinated the design development of the 6 million square foot Boston Seaport Square project.

Jennifer Rushlow, Staff Attorney, Conservation Law Foundation (CLF), directs the Farm & Food Initiative and also leads advocacy on clean vehicles and transportation fuels.

Ruth H. Silman, partner at Nixon Peabody LLP, leads the Climate Change Team and focuses on environmental issues at the federal, state and local levels. Previously, she worked for the Massachusetts Office of the Attorney General in the Environmental Protection Division.

Brian Swett, Chief of Environment and Energy for the City of Boston, is the Mayor's appointee to the boards of the Massachusetts Water Resource Authority, Boston Groundwater Trust, Boston Harbor Islands Alliance, and the Boston Harbor Islands Partnership.

Maeve Valley-Bartlett is Undersecretary for the Environment at the Executive Office of Energy and Environmental Affairs. Previously, she was Director, Massachusetts Environmental Policy Act (MEPA) Office.

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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, November 1, 2013. After that time, we will credit your tuition toward attendance at another program or the purchase of a Homestudy. There is a \$25 cancellation fee for Course Materials orders and \$50 for Homestudy orders.

Seminar Location: The seminar will be held at the 400 Atlantic Avenue Building in Boston, MA 02110, in the conference center of Goulston & Storrs LLP. Special thanks to Goulston & Storrs for making this space available.

Continuing Education Credits:

Live credits: This program qualifies for CLE in all states requiring CLE credits; 7 AICP CM (pending). Upon request, we will apply for, or help you apply for, CLE credits in other states and other types of credits.

If You Cannot Attend: Our complete Homestudy Course, consisting of a DVD recording and the course materials, is available for \$705. The course materials alone are available for \$100. We will ship your Homestudy order via UPS ground within two weeks after the seminar or from the date we receive payment.

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You Will Learn About:

- *Expediting development of renewable and distributed Combined Heat and Power resources*
- *New legislative and case law developments for MEPA and environmental permitting*
- *Sea level rises: Climate change adaptation in Boston*
- *Case study of a policy initiative: Casino permitting in Massachusetts*
- *Strategic tips for approaching environmental review including EIS/EIR design and preparation*

Watch for our TeleBriefings on major legal developments.

Members of our distinguished faculties will present analyses of major decisions and other developments as soon as they happen in a one-hour telephone conference.

If you wish to receive announcements for TeleBriefings that affect you, please make sure we have your email address—send it to me, H. Kate Johnson, President:

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California Environmental Quality Act (CEQA)	October 11, 2013	Los Angeles, CA
Energy Exports in the Northwest	October 24 & 25, 2013	Seattle, WA
Tribal Employment Rights & Law	October 28 & 29, 2013	Cabazon, CA
Energy in California	November 4 & 5, 2013	San Francisco, CA
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