



PCL/PCL Foundation 2013 Symposium

**CEQA:**  
**Yesterday, Today,**  
***Tomorrow?***

**EVENT PROGRAM**



**Saturday, January 12, 2013**

**UC Davis School of Law (King Hall)**



PLANNING AND CONSERVATION LEAGUE  
PLANNING AND CONSERVATION LEAGUE FOUNDATION

## **2013 Environmental Legislative Symposium and Awards Luncheon**

**Saturday, January 12, 2013  
UC Davis School of Law (King Hall)**

The Planning & Conservation League and PCL Foundation are Sacramento-based nonprofit organizations that work in concert to connect the power of grassroots organizations to state government in order to enact policies that protect our environment and improve the quality of life and economy security for all Californians.

**[www.pcl.org](http://www.pcl.org)**

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# Welcome to the PCL/PCLF 2013 Environmental Symposium!

For more than forty years, the California Environmental Quality Act (CEQA) has served as the California's foundational environmental and community protection law. By requiring state and local agencies to assess, disclose and minimize/mitigate environmental impacts of proposed projects, CEQA is our environmental 'bill of rights' that empowers communities to have a say in the decisions that impact them most directly.

Fueled by California's economic crisis, however, CEQA is now facing unprecedented criticism – even from some constituencies that have traditionally aligned with environmental interests. With the Governor and Legislative leadership continuing to explore major CEQA reform, 2013 is shaping up to be a crossroads for California's most important environmental law.

With that backdrop, PCL and PCLF seek to use the 2013 Symposium to:

- Separate fact from fiction about CEQA;
- Recognize where CEQA is working well to shape environmentally sound development and policies throughout California;
- Investigate potential changes to the law to make it an even more effective tool to safeguard our lands, air, waters and communities;
- Identify alternative (non-CEQA) approaches to promote more sustainable land-use, transportation, water and energy projects;
- Explore how we can mobilize around a shared vision for California's environmental future.

This event is designed to inspire and enhance your understanding of the critical issues surrounding CEQA. We are thrilled to be joined by so many legislators and legislative staff, agency officials, environmental and community activists, business and labor leaders, and other leading experts to explore how to make sure CEQA remains a vital environmental protection and community empowerment law.

PCL and the PCL Foundation have had a long and rich history with CEQA, helping to draft and pass the landmark law in 1970, playing a key role in defending CEQA in the legislature and the courts since that time, and educating and empowering local communities to use the law responsibly to safeguard their communities.

We thank you for joining us at this year's Symposium and look forward to working with you to ensure California continues to lead the way on critical environmental initiatives, including protecting, improving and strengthening CEQA.

Sincerely,



**Bruce Reznik**  
*Executive Director*

# Panel Abstracts

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## Welcome

The Planning and Conservation League's Board President, **David Mogavero**, will welcome 2013 Symposium participants, and frame the day's discussions as we explore, **CEQA: Yesterday, Today, Tomorrow?**.

## Plenary Panel on CEQA (9:00 AM - 10:00 AM)

*(Assess performance and next steps)*

No topic has been hotter in the Capitol over the past year than the future of the California Environmental Quality Act (CEQA). Kicking off the 2013 Symposium will be a panel presenting different perspectives on CEQA – where it is working well, and if and how it can be improved.

Opening plenary

- **Rick Frank** (moderator), UC Davis School of Law
- **Senator Rubio**, California State Senate
- **Senator Evans**, California State Senate
- **David Mogavero**, Mogavero Notestine Associates, PCL Board of Directors
- **Caroline Farrell**, Center on Race, Poverty & the Environment

## The State of CEQA (Concurrent Breakout #1, 10:15 AM - 11:30 AM)

Since its inception, CEQA has been a dynamic law that is constantly evolving through new legislation, guidelines and court decisions. Hear about some of the newest changes to the law – including recent amendments made through Senate Bill (SB) 226 and Assembly Bill (AB) 900 – and how those changes can affect your communities.

- **Roger Moore** (moderator), Rossman and Moore LLP
- **Chris Calfee**, Office of Planning and Research
- **Doug Carstens**, Chatten-Brown and Carstens
- **Kip Lipper**, State Senate President Pro Tempore's Office

## CEQA and Infill: What Now and What's Next

Is CEQA a vital tool to ensure that local communities have a say in decisions that could pollute their air and water and damage their quality of life? Or is CEQA an outdated law that hinders infill projects that are critical to combat climate change? This panel will explore the myth and reality of CEQA's role in infill; assess possible changes that will promote infill while safeguarding local communities; and look beyond CEQA to identify other barriers and solutions for good infill development.

- **David Mogavero** (moderator), Mogavero Notestine Associates, PCL Board of Directors
- **Jerry Walters**, Fehr and Peers
- **Amy Bricker**, Shute, Mihaly & Weinberger
- **Chris Ganson**, Office of Planning and Research

## Going with the Flow: CEQA and Statewide Water Planning

With water an ever-present issue in California, what role does CEQA play in the state's water future? Learn from leading experts the role CEQA may play in water projects large and small, and hear about how agencies have used CEQA successfully to promote sustainable water solutions.

- **Randy Kanouse** (moderator)
- **Senator Lois Wolk**, California State Senate
- **Jason Peltier**, Westlands Water District
- **Marguerite Patil**, Contra Costa Water District

## Keynote Address: The Future of CEQA (Luncheon 12:00 PM - 1:15 PM)

**California Senate President pro Tempore Darrell Steinberg** will discuss his vision for the California Environmental Quality Act, and what changes we can expect to see in the coming legislative session.

## Awards

PCL and PCL Foundation will honor some of the state's leading CEQA advocates.

## Moving Towards a Greener Future: How CEQA Impacts Transportation Planning

(Concurrent Breakout #2, 1:30 PM - 2:45 PM)

CEQA has been a major tool used to challenge, improve, or halt, transportation projects such as high speed rail and highway expansion efforts. CEQA has been challenged by some, however, for slowing bicycle lanes and other green transportation options. This panel will address how CEQA can play a positive role in promoting sustainable transportation planning.

- **Denny Zane**, (moderator), Move L.A., PCL Board of Directors
- **Stuart Flashman**, Law Offices of Stuart M. Flashman
- **Marco Gonzalez**, Coast Law Group LLP

## Growing New Alliances: CEQA's Role in California Agriculture

Our food system is inherently intertwined with water, energy, land-use and transportation planning are. Agricultural interests will also be key players in the CEQA debate, and this panel will explore how the law serves as a vital tool in addressing impacts of fracking, High Speed rail, and water and energy policies on the future of agriculture in California.

- **Terry Watt** (moderator), PCL Board of Directors
- **Dan O'Connell**, American Farmland Trust
- **Osha Meserve**, Soluri Meserve, LC
- **Matthew Zinn**, Shute, Mihaly and Weinberger

## CEQA Functional Equivalency: What it Means for Current Reform Efforts

Many regulatory agencies already use 'functional equivalency' programs in place of traditional CEQA compliance in a variety of settings, ranging from coastal protection and timber harvest plans to energy policy. You'll learn from leading experts, how have these programs worked, and what lessons can be learned for current reform efforts.

- **Rick Frank** (moderator), UC Davis School of Law
- **Bill Yeates**
- **Mike Levy**, California Energy Commission
- **Sharon Duggan**, Solo Practitioner and Environmental Protection Information Center

## Using CEQA for a Cleaner Energy Future

(Concurrent Breakout #3, 3:00 PM - 4:15 PM)

CEQA has been used to review energy projects ranging from traditional power plants to industrial-scale renewables and transmission lines. Community activists view CEQA as a vital tool to protect their quality of life and public health, while critics argue that CEQA can get in the way of needed clean energy options. This panel will address these apparent conflicts and how can we move forward with a clean energy future in California.

- **Kevin Johnson** (moderator), Johnson Law PLC, PCL Board of Directors
- **Donna Tisdale**, Protect Our Communities Foundation
- **David Barrett**, Sempra Utilities
- **Bill Powers**, Powers Engineering

## CEQA, Cultural & Community Preservation

One aspect of CEQA that critics complain of is the law's use to address issues that don't involve natural resources or pollution. Hear directly from historic preservation and tribal advocates about their use of CEQA to address cultural resources and from labor on its use of CEQA to address concerns of communities and its workers.

- **Jan Chatten-Brown** (moderator), Chatten-Brown and Carstens, PCL Board of Directors
- **Susan Brandt-Hawley**, Brandt Hawley Law Group
- **Paul E. Macarro**, Pechanga Reservation
- **James Araby**, United Food and Commercial Workers

## How To... Mobilize Communities Around CEQA

CEQA will be a hot topic in the 2013 legislative session, with the Governor and leadership already indicating that reforming the law is a top priority. For those who want to see CEQA protected – and even strengthened – mobilizing at the community level is vital. Learn from leading organizers and public relations experts how to message, engage the media, use social media and organize the public around CEQA protection.

- **Keith Wagner** (moderator) Lippe Gaffney Wagner LLP, PCL Board of Directors
- **Martha Arguello**, Physicians for Social Responsibility
- **Severn Williams/ Nina Erlich-Williams**, Public Good PR

## Wrap-up Closing Plenary (4:30 PM - 5:00 PM)

Sean Hecht (UCLA School of Law) and Bruce Reznik (PCL/PCLF) will wrap up the day's proceedings, assess what to expect with CEQA this session, and explore what is working well with CEQA and how we can improve the law.

# Schedule

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- 8:15 - 9:00**      **Registration and Continental Breakfast (King Hall)**
- 9:00 - 9:05**      **Welcoming Remarks (Room 1001, 1002)**  
- David Mogavero, PCL President
- 9:05 - 10:00**      **Morning Keynote Panel (Room 1001, 1002)**  
- Senator Michael Rubio, California State Senate  
- Senator Noreen Evans, California State Senate  
- David Mogavero, Mogavero Notestine Associates  
- Caroline Ferrell, Center on Race, Poverty & the Environment
- 10:15 - 11:30**      **Session One (Concurrent Breakouts)**  
- The State of CEQA (Room 1303)  
- CEQA and Infill (Room 2302)  
- Going with the Flow (Room 2304)
- 11:30 - 12:00**      **Transition to Lunch**
- 12:00 - 1:15**      **Awards Luncheon (UCD Conference Center)**  
- Keynote Address: Senate President Pro Tem Darrell Steinberg
- 1:30 - 2:45**      **Session Two**  
- Moving Towards a Greener Future (Room 1303)  
- Growing New Alliances (Room 2302)  
- CEQA Functional Equivalency (Room 2304)

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**3:00 - 4:15**

**Session Three**

- Using CEQA for a Cleaner Energy Future (Room 2302)
- CEQA, Cultural and Community (Room 2304)
- How To... Mobilize Communities (Room 1303)

**4:30 - 5:00**

**Closing Plenary Session (Room 1001, 1002)**

What to Expect Next Legislative Session

- Sean Hecht, UCLA School of Law
- Bruce Reznik, PCL

## CLE & CM Credit

If you have purchased CLE credit at the time of registration, please be sure to pick up your materials at the registration desk. Evaluation forms will be need to be handed in at the end of the day. For any questions on CLE or CM credit, please see PCL staff.

# Bios

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## James Araby

James Araby received B.A.s in history and political science at California State University Long Beach. After graduating from university in 2001 he joined the labor movement. James started out as a field organizer and has held numerous other positions from Organizing Coordinator to California State Political for Director for the California Federation of Teachers. During that time he has been a part of campaigns that have organized over 25,000 workers into unions. In 2010

he led the field efforts to pass Prop. 25. In 2011-2012 James helped organize the Millionaire's Tax Coalition which campaigned to raise taxes on the 1%. This campaign ultimately led to a negotiation with Governor Brown to create Prop. 30. Since August 2012, James has been the Executive Director of UFCW Western States Council. This is the organization of over 200,000 union food workers across the states of California, Arizona and Nevada. James is married to Trina Araby and has two wonderful daughters ages three and seven months.



## David J. Barrett

David J. Barrett is the Assistant General Counsel (Environmental) at Sempra Energy, based in San Diego, CA. As Assistant General Counsel (Environmental), David Barrett is responsible for advising senior management and managing all environmental, land use, and natural resource legal matters for all Sempra Energy businesses. After graduating from Pepperdine University School of Law, David joined Latham & Watkins in San Diego where his practice included

complex environmental litigation, transactions and compliance counseling. In 1999, he moved to the firm's New York office. As New York Environmental Department Chair, he handled a wide variety of environmental and energy matters (including the development and financing of major independent power projects and electric industry restructuring), and represented issuers, borrowers, underwriters and lending institutions on environmental and energy issues in acquisitions, equity and debt offerings, project finances and other secured finance transactions. He joined Sempra Energy in 2002 to lead the environmental law group for this Fortune 250 energy company. He currently lives in Coronado with his wife Kathy and two children, Grace and David, Jr.



## Susan Brandt-Hawley

Susan Brandt-Hawley, UC Davis '77, represents public interest environmental groups in CEQA cases statewide from her offices in Sonoma County. Her current practice primarily focuses on the adaptive reuse of historic resources. Her environmental cases have contributed to precedent in all six districts of the California Court of Appeal and in the California Supreme Court. She received the 2001 California Lawyer of the Year (CLAY) award in environmental law from *California*

*Lawyer* and has been named repeatedly to the *Daily Journal's* lists of "top women litigators." She is a member of the California Academy of Appellate Lawyers.



## Amy Bricker

Ms. Bricker represents community groups and public agencies in complex environmental matters, including litigation in federal and state court, at both the trial court and appellate levels. Among other matters, Ms. Bricker represented coalitions of environmental and community groups in successfully challenging sprawl development in the Martis Valley area of the Sierra Nevada, and in litigation resulting in the rescission of a 20-year water privatization contract approved by the City

of Stockton. More recently, Ms. Bricker served on the legal teams negotiating two landmark settlements on behalf of environmental groups: the Tejon Ranch settlement agreement, preserving 240,000 acres in four crucial ecological regions in Southern California, and a settlement with the California Attorney General and the City of Stockton that addresses the threat of global warming.



### **Chris Calfee**

Chris is senior counsel at the Governor's Office of Planning and Research where his work centers on updating regulations and technical guidance to encourage infill development, resource conservation and renewable energy. He previously served as special counsel to both OPR and the California Natural Resources Agency in drafting amendments to the CEQA Guidelines addressing greenhouse gas emissions. In private practice, Chris represented both local governments and

private applicants in matters involving the California Environmental Quality Act and related environmental and planning laws in association with the law firm of Remy Moose & Manley, LLP, and later with Best Best & Krieger, LLP.



### **Douglas Carstens**

Douglas Carstens is the Managing Partner of a five person petitioners' environmental law firm, Chatten-Brown & Carstens LLP, based in Hermosa Beach and San Diego and practicing throughout the state. He graduated from Cornell University and UCLA Law School. Prior to attending law school, he served as an officer in the Navy. Since 1998, he has practiced exclusively in the area of environmental law. His law firm primarily represents environmental and community groups, and much of the practice

involves counseling and litigation under the California Environmental Quality Act. He was selected to be a Southern California Super Lawyer for environmental law in 2009 through 2012 and was awarded the Planning and Conservation League's Carla Bard Award for Individual Achievement in 2011.



## Jan Chatten-Brown

Jan Chatten-Brown has practiced environmental law since she graduated from UCLA Law School in 1971. For the first twenty-one years of her practice, Jan worked in various public law offices. In 1995, Jan opened her own public interest oriented environmental law practice, known as Chatten-Brown & Carstens. Along with four other attorneys, Jan primarily represents environmental and community groups. Much of the practice involves litigation under CEQA.

Jan and her partner Doug are proud of the fact that they have prevailed on behalf of the petitioners they represent in over 90% of their reported appellate cases. In addition to litigating under CEQA, Jan has appeared on innumerable panels on CEQA and taught environmental law at both UCLA and USC law school. Although Chatten-Brown & Carstens is located in Hermosa Beach, Jan now lives and works in San Diego. She remains a member of the PCL Board.



## Martha Dina Arguello

Martha Dina Arguello was born in Nicaragua and raised in the Pico Union and Echo Park areas of Los Angeles. Martha began community organizing in 1976 when she was one of the lead organizers of a four-gang truce in Los Angeles, one of the first effective gang truces. She has spent the last 35 years in the non-profit sector where she has done pioneering work in HIV-AIDS education and developed innovative health education materials focused on tobacco advertising in minority

communities. Ms. Arguello went on to be the health education coordinator for Partnered for Progress, the Breast Cancer Early Detection Program, where she developed a multicultural partnership working to promote breast cancer early detection services in Los Angeles. In 1998 she joined Physicians for Social Responsibility – Los Angeles to start their environmental health programs and is now Executive Director. She has expertise in the areas of Pesticides, Air Quality and health, Reproductive and Developmental Toxins Chemical Policy, Community organizing policy and media advocacy. Martha is a nationally recognized speaker on the Precautionary Principle and was instrumental in including precautionary principle language in the Cal EPA environmental justice guidelines. She serves on the boards of a number of organizations including: Californians for Pesticide Reform, Californians for a Healthy and Green Economy and is a member of the South Los Angeles Building Healthy Communities HUB.



## Sharon Duggan

EPIC's long-time staff attorney, Sharon Duggan provides overall direction for EPIC's judicial actions and takes the lead on most of the organization's cases. She has practiced environmental law since 1982, with an emphasis on forestry regulation. Sharon has served on numerous bar association committees and boards for non-profit organizations, including California Rural Legal Assistance, the San Francisco Baykeeper, Noriega Adult Day Support Center

Community Advisory Board and the California Women Lawyers Board of Governors. In 2008, Sharon argued EPIC's successful challenge of the permits granted by California agencies granted to the Pacific Lumber Company under the Headwaters Deal in the California Supreme Court. She is also co-author of the "Guide to the California Forest Practice Act and Related Laws."



## Nina Erlich-Williams

Nina Erlich-Williams joined Public Good PR in 2007. She specializes in translating complex issues into every-day language that illustrates how and why journalists should cover her clients' work. On behalf of a range of clients she has placed opinion-editorial pieces in outlets that include the Sacramento Bee, San Francisco Chronicle, San Diego Union-Tribune, and San Jose Mercury-News. Nina previously worked in local and state government as well as in higher education. At strategic communications

and political consulting firm Staton-Hughes, Nina developed strategy and directed day-to-day operations for political campaigns. There she also drafted brochures, newsletters, and other materials on behalf of both political and non-profit clients. Nina holds a Master of Public Policy degree from the Goldman School of Public Policy at the University of California, Berkeley and a B.A. from Wesleyan University in Middletown, Connecticut. She also served as a Coro Fellow in San Francisco.



## Senator Noreen Evans

Noreen Evans represents California's Second Senatorial District, covering Humboldt, Lake, Mendocino, Marin and Sonoma counties. Senate District 2 stretches over one third of California's coastline, is home to a world-renowned wine industry and California's beloved and historic giant redwood forests.

Senator Evans currently chairs the Senate Committee on Judiciary, the Legislative Women's Caucus, and the Senate Select

Committee on Wine. Additionally, she serves as a member of the Committees on Agriculture, Budget, Governmental Organization, and Natural Resources & Water. Her policy priorities include protecting our environment, fighting for women and children, and reforming our legal system.

Senator Evans previously served in the State Assembly from 2004-2010 where she served as Majority Whip, Democratic Caucus Chair, Human Services Committee Chair, and Budget Committee Chair. She was also a member of the Banking and Finance Committee, the Governmental Organization Committee, and the Joint Legislative Audit Committee. Representing much of California's premium wine growing region, Evans also chaired the Assembly Select Committee on Wine for all of her six years in the Assembly.

Senator Evans also serves as a Commissioner for the Commission on the Status of Women where she advises the Governor and the Legislature on inequities in laws, practices, and conditions that affect women. She also serves on the Judicial Council of California, the California Coastal Conservancy, the Pacific Fisheries Legislative Task Force, and the Western State Legislative Forestry Task Force.

Prior to her election to the Assembly in 2004, Evans served two terms on the Santa Rosa City Council, and three years on the Santa Rosa Planning Commission. An attorney by training, Evans practiced law for more than twenty years, focusing on civil litigation and appeals. She litigated before both state and federal courts, including the United States Supreme Court. Recently, Evans became the first woman to receive the Defender of Justice Award from the Judicial Council of California.

Evans has a Juris Doctor degree from the McGeorge School of Law at the University of Pacific and a Bachelor of Arts degree in Government from California State University, Sacramento. She lives in Santa Rosa and has three children: Erin, Joel, and Rachel.



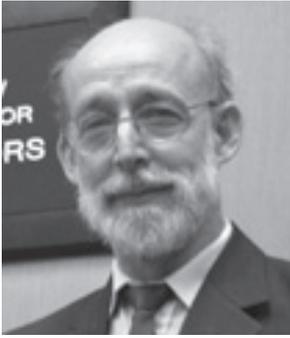
## Caroline Farrell

Caroline Farrell is the Executive Director of the Center on Race, Poverty & the Environment, otherwise called CRPE. Caroline is based out of CRPE's Delano office and for the last twelve years has been working with low income communities and communities of color in the south San Joaquin Valley. CRPE is an environmental justice organization with a three prong approach to its work: (1) to empower individuals through capacity building

trainings; (2) to work with communities to participate in the decision-making processes which affect their lives; and (3) to address the environmental problems facing low income communities and communities of color.

Caroline has represented low income communities and communities of color on issues related to dairy development in the Central Valley, hazardous waste facilities, land application of biosolids, and other industrial sources of pollution. Caroline serves as Vice-Chair of the Steering Committee for the Central Valley Air Quality Coalition, as a Member of the Environmental Justice Advisory Committee on AB 32 for the California Air Resources Board, and on the Board of Directors for Communities for a Better Environment and Act for Women and Girls. She co-authored with Luke Cole *Structural Racism, Structural Pollution* and the *Need for a New Paradigm* for the *Washington University Journal of Law & Policy* and authored, *SB 115: California's Response to Environmental Justice- Process Over Substance*, for the *Golden Gate Environmental Law Journal*. Caroline is also received the 2007 Dr. Zweig Community Health Advocate Award from the Center for Community Action and Environmental Justice and OMB Watch's Rising Star in Public Interest award in 2008.

Caroline graduated from Golden Gate University School of Law in 1999 with Highest Honors. She received her undergraduate degree in Political Science from Bates College in Lewiston, Maine.



## Stuart Flashman

Stuart Flashman practices land use, environmental, and election law, focussing on CEQA. He has worked on high-speed rail issues for more than ten years, including representing environmental/transportation groups and S.F. Peninsula cities against the High-Speed Rail Authority, winning two successive judgments. He received his A.B./Sc.M. Degree from Brown University, a Ph.D. in Biochemistry and Molecular Biology from Harvard, and his law

degree from New College of California. Before moving to California in 1980 as a researcher at Stauffer Chemical Company, he was a post-doc at Michigan State University and genetics professor at North Carolina State University. Dr. Flashman served on the Emeryville City Council and Planning Commission as well as on the boards of the Alameda County Mosquito Abatement District, the East Bay Municipal Utilities District, the Association of California Water Agencies, the San Francisco Bay Chapter of the Sierra Club, Citizens for Eastshore State Parks, and the Rockridge Community Planning Council.



## Richard Frank

Richard Frank is Professor of Environmental Practice and Director of the U. C. Davis School of Law's California Environmental Law & Policy Center. From 2006-2010, he served as Executive Director of the Center for Law, Energy & the Environment and as a Lecturer in Residence at the U.C. Berkeley School of Law. Mr. Frank received his law degree from the University of California at Davis in 1974.



### **Chris Ganson**

Chris Ganson is a Senior Planner with the Governor's Office of Planning and Research. He focuses on the intersection of transportation, land use planning, and greenhouse gas emissions reduction, including developing and evaluating metrics and performance standards. Previously, he worked at the World Resources Institute in Washington DC and US EPA's Region 9 office in San Francisco. Chris holds master's degrees in City Planning and Transportation Engineering from UC Berkeley.



### **Marco Gonzalez**

Marco Gonzalez is a founder and Managing Partner at Coast Law Group LLP in Encinitas, California, where he oversees the firm's Environmental and Land Use practice area. A past chairman of non-profit San Diego chapter of the Surfrider Foundation, senior attorney with San Diego Coastkeeper, and staff counsel to Heal the Ocean, Marco currently serves as executive director of the Coastal Environmental Rights Foundation. Focusing

on clean water, land use, coastal erosion and transportation issues, Marco's recent efforts include support for indirect potable reuse, expanded transit and bicycle infrastructure, updates of various general plans and Local Coastal Programs, and production of climate mitigation action plans. Recent litigation work includes challenges to the Carlsbad desalination project, San Diego Association of Governments 2050 Regional Transportation Plan and Sustainable Communities Strategy, and La Jolla 4th of July fireworks.



## Sean B. Hecht

Sean B. Hecht is the Executive Director of the UCLA Environmental Law Center at UCLA School of Law. In addition to teaching several courses, he directs the activities of the Evan Frankel Environmental Law and Policy Program and is a faculty member in the law school's Emmett Center on Climate Change and the Environment. He builds collaborations on environmental issues involving academia, practicing environmental lawyers, advocacy organizations, policymakers, and the business community. Sean is a past chair of the State Bar of California's environmental law section, and the founding board chair of the Harbor Community Benefit Foundation, a nonprofit that works to mitigate Port-related environmental impacts and improve environmental quality in the near-Port Los Angeles communities of San Pedro and Wilmington. His research includes evaluating how courts review environmental impact analysis under the California Environmental Quality Act (CEQA), and studying the adaptation of decision making in the governmental and private sectors to changing climatic conditions. He earned his B.A. degree at Yale University, and his J.D. at the University of Michigan.



## Kevin Johnson

Kevin K. Johnson is a 1980 graduate of the University of California at Davis School of Law. He is a land use and environmental attorney from San Diego, California and has been a PCL Board Member since 1985. While he works primarily as Petitioners Counsel in CEQA litigation, his practice include representing solar energy clients seeking permits for large solar utilities. He has also worked in opposition to a number of power plant and transmission line projects.



## Rande Kanouse

From 1989 through December 2011, Rande “Randy” Kanouse served as Special Assistant to the General Manager for the East Bay Municipal Utility District. Randy managed EBMUD’s federal congressional and state legislative programs, as well as EBMUD’s Bay-Delta Program.

Randy represented EBMUD in the decade-long effort to secure enactment of two landmark statutes in 2001, linking local land use decisions to the availability of an adequate water supply.

Randy also worked to secure enactment of state legislation in 2006 – and federal legislation in 2010 - to phase out the use of lead in the manufacturing of faucets and other drinking water plumbing parts. This legislation established the toughest lead content standard for drinking water plumbing anywhere in the world.

From 1980 through 1989, Randy was Chief of the Legislative and Public Affairs Office for the State Water Resources Control Board, and was responsible for legislative and congressional relations, news media contacts, and dissemination of public information.

During the late 1970’s, Randy served as staff counsel at the California Energy Commission, representing the Commission in power plant licensing proceedings, as well as in proceedings to establish a state response program to the oil crisis, and utility power pooling arrangements.

An Oakland native, Randy holds a bachelor’s degree in political science from UC Berkeley and a masters degree in public policy from the Goldman Public Policy School, as well as a law degree from Boalt Hall.



## Michael J. Levy

Michael J. Levy is the Chief Counsel of the California Energy Commission. He supervises the team of 28 attorneys in the agency responsible for licensing all utility-scale thermal power plants in California, for managing the state’s Integrated Energy Policy Report, and for maintaining California’s appliance and building efficiency standards. Prior to his appointment, he served for ten years as an attorney with the State Water Resources

Control Board, first as California’s lead attorney for “total maximum daily loads” (TMDLs), wetlands, and other Clean Water Act programs, and then as General Counsel to the Los Angeles Regional Water Quality Control Board.



### Paul E. Macarro

Paul E. Macarro was educated at Cal Poly Pomona in English Education, with a background in Urban and Regional Planning. He is a Pechanga Tribal Member, was trained as a Cultural Site Monitor, and for 9 years has served as Pechanga Cultural Resources Coordinator. Mr. Macarro has contributed to the Tribe's environmental-comments for: Audie Murphy Ranch, Camp Pendelton BWI, Winchester Ridge, LEAPS, M.W.D. Pipeline #6, Mid-County Parkway, Gregory Canyon Landfill,

Villages of Lakeview, and Liberty Quarry projects. Ongoing research includes: the Luiseño Placename and the California Sacred Lands Inventory Projects. Paul is Pechanga's-delegate to Riverside County's T-TRAC (Tribal-Traditional Resources Committee). He has developed Cultural Resource's outreach-efforts for the Tribe's: Summer Youth Program, Elementary-curriculum, and for local and private schools. Mr. Macarro has presented on Pechanga's preservation-efforts at: the University of California Berkeley, Davis, Riverside, the University of San Diego, Cal State San Marcos, California Indian Conference, George Wright Society Conference, ESRI National Conference, CSUSM Environmental Leadership Academy, Western Science Center, and to various historical committees.



### David J. Mogavero

David Mogavero is the Senior Principal of Mogavero Notestine Associates, an architecture, urban planning and development firm in Sacramento, California. He began his career designing naturally heated and cooled buildings thirty years ago. His practice embraces the full range of progressive community design, such as high density mixed use urban infill and sustainable building systems. His roles as developer and environmental advocate help him conceive projects

that are economically viable and sensitive to the community and the environment. Through his professional practice, his writings and lectures, and as past president and current Board member of the Environmental Council of Sacramento, current Board President of The Planning and Conservation League and Board member of the California Infill Builders Association, he has promoted the widespread adoption of sustainable building and smart growth practices and policies.



## Roger B. Moore

Roger B. Moore is a partner at Rossmann and Moore, LLP in San Francisco, where he has practiced land use, water, natural resources, constitutional, environmental and administrative law for just over two decades. As a litigator, negotiator, and advisor, Mr. Moore is a veteran of major disputes involving the consequences of water projects, water transfers and development decisions. His projects often seek to ensure public accountability and informed decision-making,

and have involved him in key decisions addressing the legal parameters of state and federal environmental review. His cases include successful challenges to radiation standards for the proposed Yucca Mountain nuclear waste repository and the environmental review of the State Water Project's Monterey Amendments.

Mr. Moore, who graduated with highest honors from Swarthmore College and cum laude from Harvard Law School, has expertise in the enforcement of environmental, transportation, energy and election laws, and in the interface of climate change, water supply, water quality, and land use planning. On issues of neighborhood and national concern, he advises public and community clients seeking lawful, productive and environmentally sustainable solutions. He serves on the Executive Committee of the California State Bar's Environmental Law Section, which elected him Secretary for the annual term starting in October 2012. A slow but stubborn runner and cyclist, a longtime music critic, and a percussionist of great enthusiasm and dubious quality, Mr. Moore is also coordinator and coach of the Odyssey of the Mind program at Oakland's Glenview Elementary School.



## Daniel O'Connell

Daniel O'Connell is the San Joaquin Valley Representative for American Farmland Trust. Before starting with AFT in 2012, he worked as Associate Director at Sequoia Riverlands Trust where he completed the first agricultural conservation easements with farmers in the four-county region of the southern San Joaquin Valley, launched that organization's farmland conservation program, and facilitated its growth into a regional land trust. Daniel has a Masters

of Science in International Agricultural Development from U.C. Davis and a Doctoral degree in Education from Cornell University. The focus of his graduate scholarship was on San Joaquin Valley with particular emphasis on community development practice, the region's socio-economic structure and the role of scholars working with its marginalized communities. Currently, his professional work is centered upon land use planning policy, practice and advocacy.



## Osha R. Meserve

Osha R. Meserve is a shareholder in the firm of Soluri Meserve. A graduate of Hastings College of the Law, Osha has been practicing land use and environmental law since 1999. Osha has extensive experience drafting and commenting on environmental review documents (primarily CEQA), as well as litigating the adequacy of those documents in both trial and appellate courts. Prior to joining Soluri Meserve, Osha was an attorney with the Sacramento office of Adams,

Broadwell, Joseph & Cardozo, where she practiced primarily plaintiff-side environmental law. Prior to that, she was an attorney at Remy Thomas Moose and Manley, where she worked on a variety of environmental and land use matters for public entities, project applicants and citizen groups. Osha has a special interest and extensive experience analyzing issues related to water resources, air quality, agricultural and forest resources, solid waste and energy use.



## Marguerite Patil

Marguerite Patil joined the Contra Costa Water District in 2000 and is currently the Special Projects Manager for the agency. She is a Professional Civil Engineer with over 23 years of experience in project management, planning, design and construction on a variety of civil, mechanical and environmental engineering projects. She served as Project Manager of the Los Vaqueros Reservoir Expansion Project since the project began in January 2001,

including the public vote in 2004 that resulted in over 62% approval for the Project. She manages the ongoing \$17.7 million contract with the California Department of Water Resources as well contracts with the Bureau of Reclamation totaling over \$10 million. She also manages CCWD's environmental permitting, grants management, and legal services programs and is responsible for CCWD's regional initiatives such as the Regional Capacity Study.



## Jason Peltier

Jason Peltier serves as a Deputy General Manager of Westlands Water District. Raised on a diversified farm in Kern County, Peltier began his work in the field of water management in 1966 as an irrigator's assistant. Prior to his service with Westlands, Peltier served for six years as the Principal Deputy Assistant Secretary for Water and Science at the Department of the Interior in Washington D.C. In this position, he was a part of the management

team responsible for the Bureau of Reclamation and the U.S. Geological Survey. For 12 years he served as the Manager of the Central Valley Project Water Association, an organization representing the interests of the eighty water districts serving three million acres of irrigated farm land and four million households. Prior to that he farmed and worked for an agricultural trade association. Peltier holds a degree in Agriculture Business from Chico State and is a graduate of the California Agricultural Leadership Program.



### **Bill Powers**

Bill Powers, P.E., is a consulting engineer and expert on regional power provision, with extensive experience in the fields of power plant operations and environmental engineering.

He is the author of “San Diego Smart Energy 2020,” an October 2007 strategic energy plan for the San Diego area that prioritizes energy efficiency, local solar power, and combined heat and power systems as the most cost-effective and efficient pathway to a 50 percent reduction

in greenhouse gas emissions from power generation by 2020. Mr. Powers has served as an expert witness on low greenhouse gas emission alternatives to conventional coal-fired power plants in numerous cases around the country.



### **Bruce Reznik**

Bruce Reznik, a California licensed attorney specializing in environmental law and policy development, joined the Planning and Conservation League (PCL) and PCL Foundation in May 2011 as Executive Director. From August 1999 through November 2010, he served as Executive Director of San Diego Coastkeeper. Under his direction, the organization grew into the region’s largest clean water advocacy organization and played a key role in strengthening water quality regulations. Reznik has

also worked to promote alternative fuels and clean air projects at a Los Angeles based consulting firm. Reznik currently sits as an Alternate on the California Coastal Commission, and has served on numerous boards and commissions, including the United Way of San Diego, League of Conservation Voters San Diego, Vote the Coast, and the international Waterkeeper Alliance. He holds an undergraduate degree from the UC Berkeley, a law degree from the University of San Diego, and completed environmental law coursework at George Washington University.



## Senator Michael J. Rubio

Senator Michael J. Rubio was elected to the 16th State Senate District in November 2010, representing all or portions of Fresno, Kern, Kings and Tulare Counties. Notably, Senator Rubio is also the youngest Senator currently serving in the California State Senate. Senator Rubio was previously elected in March 2004 to represent the Fifth District on the Kern County Board of Supervisors. The Senator firmly believes that putting people back to work needs to be

the state's first order of business. From restoring water in the San Joaquin Valley to streamlining the permitting process for diverse industries, Senator Rubio recognizes the importance of creating jobs and its connection to a better quality of life for all Californians. Governor Jerry Brown has signed several bills authored by Senator Rubio that make California a more business friendly and competitive state. SB 16 and SB 267 streamline the creation of renewable energy jobs, SB 108 keeps mines operating during economic downturns and SB 325 protects critical short rail services in the Central Valley.

As incoming Chairman of the Senate Environmental Quality Committee, Senator Rubio remains committed to ensuring that the California Environmental Quality Act (CEQA) continues to protect the environment, while eliminating abuses that inhibit economic growth in California. Senator Rubio was named "Legislator of the Year" by the California Narcotics Officers' Association and the California Business Properties Association during his first two years in office. He was also previously awarded the prestigious John F. Kennedy Jr. Leadership Award from the California Democratic Party and the German Marshall Memorial Fellowship from the German Marshall Fund of the United States. Senator Rubio completed the Senior Executives in State and Local Government program at the John F. Kennedy School of Government at Harvard University. Senator Rubio currently makes his home in Shafter with his wife, Dora, their daughters, Iliana and Soraya, as well as their chocolate lab, Levi.



## Donna Tisdale

Donna was born and raised in Brawley, California, and is a member of an extended Imperial Valley farming family. Tisdale holds unpaid elected seats as Chair of the Boulevard Planning Group (advisory community land use) and as a member of the Executive Committee of the San Diego / Imperial Valley Chapter of the Sierra Club. She received the chapter's 2011 Conservation Activist Award, their Rainbow Warrior award in the mid-90's, and was selected as a 2012

thought leader for the San Diego Foundation's Regional Vision Initiatives.

Tisdale also holds volunteer positions as the Secretary of The Protect Our Communities Foundation (501c3) and as President of Backcountry Against Dumps (BAD), a public benefit non-profit, that she co-founded in 1989. When time allows, she submits articles for various backcountry papers, and the Sierra Club's Desert Report, disclosing threats to rural communities, at-risk natural and cultural resources, quality of life, and public health and safety. Recent efforts have been focused on adverse impacts related to so-called green industrial scale wind, solar, and transmission projects proposed for rural neighborhoods, previously protected lands, and public recreation areas. She is currently working with impacted residents and experts gathering documentation on the adverse impacts of electrical and low frequency noise pollution. In 2008, she produced a documentary about the impacts of SDG&E's controversial Sunrise Powerlink: "A Question of Power."



## Jerry Walters

Jerry Walters, is a Principal with Fehr & Peers transportation consultants, and leader of the firm's sustainability practices. He has over thirty-five years' experience in transportation planning, travel forecasting and impact assessment and is a registered California Traffic Engineer.



## Terrell Watt

Terry Watt brings a wealth of experience in planning and implementation efforts focused on projects that promote resource conservation and sustainable development patterns and practices. Prior to forming her own consulting firm, she was the staff planning expert with the environmental and land use law firm Shute, Mihaly and Weinberger. Terry is an expert in general and specific planning and zoning, open space and agricultural land conservation strategies and

environmental compliance. Facilitation, public outreach, project management and negotiation are among the skills Terry offers to a wide variety of California clients including non-profit organizations, government agencies and foundations.

Recent clients include the Marin Countywide Plan Update and its Environmental Impact Report; the California Attorney General's Office related to a project related to climate change, CEQA and general plans; an environmental coalition that secured an Agreement with the Tejon Ranch Company for the permanent protection of 240,000 acres of the ranch; and several coalitions and organizations studying infill methodology dedicated to sustainable development patterns as a key strategy to achieving California's emissions reduction targets. A graduate of Stanford and of the University of Southern California Graduate School of Urban and Regional Planning, Terry is a frequent presenter at regional, national and statewide workshops and symposiums on general plans and sustainability best practices and case studies. She has been honored with the California State Association of Counties Distinguished Service Award, the Environment Now Award, state and national American Planning Association awards and the Carla Bard Award for Individual Achievement.



## Severn Williams

For more than 25 years Severn Williams has advanced the goals of nonprofits and socially responsible businesses through strategic communications campaigns. He regularly generates media coverage in top regional and national outlets, including the *New York Times*, *NPR*, *Washington Post*, *Los Angeles Times*, *San Francisco Chronicle* and *Sacramento Bee*. Since founding Public Good PR in 2001, Severn has secured coverage to support a range of ambitious public policy goals. From

helping to prevent the Nestle corporation from bottling water in the shadow of Mt. Shasta to protecting Stockton's public libraries from privatization to making the case for leveraging CEQA to prevent leapfrog development in communities throughout California, Severn's work has amplified the voices of groups with limited resources and big visions. At strategy and communications consulting firm Staton-Hughes, Severn helped elect Democratic candidates, represented labor unions to the media, and developed media strategies for non-profit organizations.



## Senator Lois Wolk

During her years of public service, Lois Wolk has earned a reputation as a problem solver. She has been honored for her leadership in water policy and flood protection—and for her work to support preservation of parks, recreation, open space, and habitat conservation. Wolk currently represents the Third Senate District, which includes all of Napa and Solano Counties, most of Yolo County, several cities in Sonoma and Contra Costa Counties, and a portion of Sacramento

County. She chairs the Select Committee on Delta Stewardship and Sustainability, among others, and serves on numerous committees including the Standing Senate Committee on Natural Resources and Water, and the Select Committee on Green Jobs, Solar, Wind, and Clean Technologies. Additionally, Wolk is the Senate's representative on the Delta Protection Commission and is a liaison advisor to the Delta Conservancy Board. She also serves on the California Wildlife Conservation Board's Legislative Advisory Committee.



## Bill Yeates

I am a retired and reformed environmental litigator. Prior to retirement in October 2011 my legal practice focused on environmental and land use consultation and litigation involving California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), Federal and California Endangered Species Acts, Public Trust, State Planning and Zoning, Elections, California Coastal Act, Williamson Act, Integrated Waste Management Act, Water

Quality and Supply, Fish and Wildlife, Surface Mining and Reclamation Act, and Off-Highway Motor Vehicle Recreation Act. From 1978 until 1984 I was staff counsel and the legislative liaison for the California Coastal Commission. I recently finished the "Pineapple Express" California International Marathon setting a personal best time of 4:06. In 2012 I reduced my time in the 10K, 10-mile, half-marathon, and marathon; but, there is so much room for improvement in 2013. I am currently doing pro-bono laborer/painter work for my son Matthew.



## Matthew D. Zinn

Matthew D. Zinn is a partner with Shute, Mihaly & Weinberger LLP. His practice areas include air quality, land use, climate change, CEQA and NEPA, defense of regulation against constitutional and administrative law challenges, and development and enforcement of conservation easements and other servitudes. Mr. Zinn has litigated a number of the firm's important land use and environmental cases, including *Building Industry Association of Central California v.*

*County of Stanislaus*, in which the Court of Appeal issued a landmark ruling upholding regulations requiring the use of conservation easements to mitigate the loss of farmland caused by development. Mr. Zinn joined the firm in 2001 after serving as a law clerk to Chief Judge John M. Walker, Jr. of the United States Court of Appeals for the Second Circuit. In 1999, he received his J.D. and an M.S. in environmental policy, both from the University of Michigan.

# Awards

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## Senator Noreen Evans

For her longtime commitment to support the California Environmental Quality Act, as well as her leadership on a variety of environmental issues, including working to keep California's State Parks stay open to the public.

## Center on Race, Poverty & the Environment

For helping empower low-income communities and communities of color fighting environmental hazards, including using CEQA to reduce impacts of air and water pollution and toxic threats on those communities.

# Making this a “Greener” Event

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We are always trying to do more environmentally friendly tasks that make this event greener. For example, here are things we incorporated this year to reduce our impact on the environment:

- This years program was printed using recycled paper.
- Water glasses at lunch will not be pre-filled, saving water.
- The event brochure was printed on Forest Stewardship Council certified paper.
- Disposable water bottles were eliminated during breaks.
- Our materials were printed locally, reducing greenhouse gas emissions related to shipping.
- We reduced the number of mailings associated with this event, which saves trees.
- Provided legal handouts to only those registered for legal credit, and posted the materials online for download to all others.
- All plates, cups and utensils used at the event are 100% biodegradable.

# 2012 Accomplishments

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In 2012, PCL/F gained significant recognition for:

- Bringing together dozens of Delta stakeholders who are often pitted against one another on statewide water policy to jointly identify and pursue more than 40 consensus restoration and water reliability projects identified in a Near-term Bay-Delta Action Plan.
- Leading a coalition that successfully defended against some of the most serious attacks on California's foundation environmental law - the California Environmental Quality Act - including legislation that could have rendered almost meaningless a law that has helped protect communities across the state from a host of toxic threats for more than 40 years.
- Successfully advocating for California's High Speed Rail project to move forward in a more environmentally and community-friendly manner by helping tie funding for the project with requirements to undertake a full greenhouse gas (GHG) analysis, greater support for a blended approach to upgrade existing rail infrastructure rather than build entirely new tracks along the 520-mile route, significant planning grants to local municipalities to promote infill and sustainable development along HSR routes, and by adopting greater accountability mechanisms for the High Speed Rail Authority.

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# Notes

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**The Planning and Conservation League (PCL)** is working in the halls of California's Capitol to protect the air we breathe, the water we drink, the food we eat, and the land we love. Our name also represents both our history and our mission. PCL and all of its members and affiliates support effective planning for California's future, and are committed to a passionate conservation ethic.



**PLANNING AND CONSERVATION LEAGUE**  
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