Download our conference app for easy access to the meeting schedule, maps, and more! Scan this QR code or visit http://crwd.cc/SFM20th.

The ABA Section of Environment, Energy, and Resources Law Summit

20th Section Fall Meeting

October 10–13, 2012
Hilton Austin
Austin, TX
Join your colleagues in Austin this October for the premier forum for CLE, networking, and idea exchange for environmental, energy, and resources lawyers. The conference theme is Our Tangled Web of Energy Policies and Practices: Their Natural Resource and Environmental Consequences Examined.

What better place than in the heart of Texas to hear environmental and energy regulators, leading academics, in-house counsel, NGO lawyers, and prominent private-practice lawyers discuss the latest developments and future trends. On Wednesday, October 10, we will begin our meeting with a public service project and a welcome reception. Thursday, October 11 and Friday, October 12 will offer CLE sessions on a wide range of topics. The dinner event on Thursday will be at the Bob Bullock Texas State History Museum, and our local flair reception will be Friday evening. We will conclude with our Section business meetings on Saturday.

Bring Family and Friends to Austin—and Stay for the Weekend!

Join us in the Live Music Capital of the World®, where day or night you can always find a variety of music playing. This year we’re fortunate to have the acclaimed Austin City Limits Music Festival in beautiful, nearby Zilker Park. The festival will feature more than 100 bands on eight stages. Last year’s performers included Stevie Wonder, Coldplay, Kanye West, Randy Newman, and Foster the People. And live music is just the beginning. Check out all the places to get a bite to eat, do some shopping, and find out what really makes Austin weird! Visit us online for details at www.ambar.org/EnvironFM.

A Special Invitation to Young Lawyers and Law Students!

Check out the panels shaded in gold that may be of special interest to you. These panels focus on emerging issues that will appeal to new lawyers while still being of interest to experienced lawyers. In addition to the Speed Networking event, we will also pair young lawyer attendees and law student attendees with an experienced lawyer from the Section to help you navigate the conference.
Wednesday, October 10, 2012

2:00 p.m. – 5:00 p.m.

Public Service Project

This public service project will bring together Section volunteers and partner Keep Austin Beautiful (KAB), which educates and inspires individuals to be greater environmental stewards by beautifying and protecting Austin’s environment through physical improvements and hands-on education. Project participants will work with middle-school students to create wildlife habitats with native species that are drought tolerant and have low water requirements. To volunteer, please indicate your interest when you register and bring your work gloves!

6:00 p.m. – 6:30 p.m.

Law Student Scholars and SEER Guides Meeting

Law Student Scholars and SEER Guides will meet for an informal gathering ahead of the Welcome Reception.

6:30 p.m. – 8:00 p.m.

Registration and Welcome Reception (cash bar)

Everyone is encouraged to attend to catch up with old friends, become acquainted with new ones, and meet the Section leadership. Meeting registration will be open. Afterward, stroll over to live entertainment venues on 6th Street, the heart of Austin’s music scene.

Thursday, October 11, 2012

7:30 a.m. – 8:30 a.m.

Continental Breakfast

8:20 a.m. – 8:30 a.m.

Welcome and Opening Remarks

Alexandra Dapolito Dunn, 2012–2013 Section Chair, Association of Clean Water Administrators, Washington, DC

Angela R. Morrison, Program Chair, Hopping Green & Sams, P.A., Tallahassee, FL
8:30 a.m. – 10:00 a.m.

Plenary Session:

Our country’s energy needs are a daily front-page issue. Whether our future energy production comes from oil and gas exploration and production, petroleum refining, biofuels, or electric generating plants (fossil fired, renewables, or nuclear), long-term investment decisions of massive capital expenditures must be made currently in the atmosphere of a national energy policy that is shifting at best. Speakers will address the challenges they face in advising senior management.

MODERATOR:
R. Kinnan Golemon, KG Strategies LLC, Austin, TX

SPEAKERS:
Kimberly S. Bowers, Executive Vice President and General Counsel, Valero Energy Corporation, San Antonio, TX
Marcus V. Brown, Senior Vice President and General Counsel, Entergy Corporation, New Orleans, LA
William R. Buck, General Counsel—Upstream Companies, Exxon Mobil Corporation, Houston, TX
Janet Langford Kelly, Senior Vice President Legal, General Counsel and Corporate Secretary, ConocoPhillips, Houston, TX

10:00 a.m. – 10:30 a.m.

Networking Break

10:30 a.m. – 12:00 p.m.

Concurrent CLE Sessions

• Waiting for the Next Big Bang: ERCOT as the U.S. Grid in Microcosm

Reliability has always been the pivotal issue for our nation’s electricity system. Now reliability is at the heart of the changes that system is undergoing. The grid must accommodate new and clean—yet variable—sources of power; advances in transmission; and changed regulation, water availability, and acceptability of conventional fuels. ERCOT, one of the three independent grids that make up the U.S. system, has already experienced many of these changes. Using ERCOT as a unique window into the legal, economic, and technological revolution ahead, this session examines the fascinating issues that both generation and transmission face across the nation. How do independent system operators meet the challenges of the new energy economy? How do intermittent renewable resources change the dynamics of generation and transmission? What impact may merchant transmission have on the grid, and how might technological advances like Tres Amigas transform the delivery of our electricity in the future?

MODERATOR:
David S. Johnson, Deputy Counsel, Arizona Department of Water Resources, Phoenix, AZ

SPEAKERS:
Brett Perlman, President, Vector Advisors, Houston, TX
Dave Raskin, Steptoe & Johnson LLP, Washington, DC
Joseph Synnott, Sherman Creek Associates, LLC, Cedarhurst, NY

• Social Media and Environmental, Energy, and Resource Lawyers NON-CLE

Social media has become increasingly important to environmental, energy, and resource lawyers as a vehicle for a wide range of communications. As important as social media is becoming in the professional arena, many lawyers are unfamiliar with the range of social media options, how various social media tools work, or how those tools can be used in their practices. Even those who employ some social media tools may not be aware of ethical rules associated with usage violations. This multi-media, interactive panel discussion will highlight the nuts and bolts of social media, demonstrating and explaining the basic tools. It will also provide experienced insight into how environmental, energy, and resource lawyers can most effectively and profitably use these tools in their practice.
MODERATOR:
Sean Dixon, Coastal Policy Attorney, Clean Ocean Action, Highlands, NJ

SPEAKERS:
Kim Diana Connolly, Professor of Law and Director of Clinical Legal Education, The State University of New York at Buffalo Law School, Buffalo, NY
Adrian Dayton, Adrian Dayton and Associates, Amherst, NY

• Next Generation Environmental Compliance: What’s on the Horizon for EPA Enforcement?

Just as the Internet has transformed the way we communicate and access information, advances in information and emissions monitoring technology are setting the stage for detection, processing, and communication capabilities that can revolutionize environmental protection. We are moving toward a world in which EPA, along with state environmental agencies, citizen groups, and regulated industry will have real-time electronic information regarding environmental conditions, emissions, and compliance. Thus, EPA is developing and implementing a new paradigm—“Next Generation Compliance”—that will use advances in both monitoring and information technology to improve compliance with environmental regulations and permits. This panel discussion will explore EPA’s plans for Next Generation Compliance and other recent developments in environmental enforcement.

(This presentation will be repeated Thursday, October 11 at 1:30 p.m.)

MODERATOR:
John A. Heer, Walter & Haverfield LLP, Cleveland, OH

SPEAKERS:
Todd Chenoweth, Special Counsel, Office of Water, Texas Commission on Environmental Quality, Austin, TX
Cynthia Giles, Assistant Administrator for the Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, Washington, DC
Eric Shaeffer, Environmental Integrity Project, Washington, DC

• Lassoing Liability—How to Succeed at Brownfields Redevelopment

Brownfield sites present unique risks that can lasso the unwary and create a Texas-sized disaster. These sites increasingly are being evaluated as potential opportunities for redevelopment, including energy projects such as solar farms or generation plants. Our panel of experienced environmental practitioners will offer practical suggestions on these complex environmental issues using the hypothetical of an energy project redevelopment. Using lessons learned from recent case law and regulatory developments, the panel will discuss brownfields funding opportunities and pitfalls; essential contract terms for allocating environmental risk; challenges in site remediation and accountability; and additional methods to manage environmental risk before, during, and after a brownfields transaction, such as insurance and cost-recovery strategies.

MODERATOR:
Gregory DeGulis, McMahon DeGulis LLP, Cleveland, OH

SPEAKERS:
Paul Curran, BQ Energy, Poughkeepsie, NY
Denise D’Ambrosio, Phillips Nizer LLP, New York, NY
Roy Shelley, Rogers Townsend and Thomas, Columbia, SC

12:00 p.m. – 1:30 p.m.

Committee Get-Together Luncheon

Everyone is welcome to attend. Choose one of over thirty-five tables based on your practice area or interests. Meet other practitioners with similar interests and plan on a lively discussion of hot topics in your area of focus.
1:30 p.m. – 3:00 p.m.  
Concurrent CLE Sessions

• The Critical Role of Water in Energy Facility Siting, Development, and Operation

The competition between water and energy demands will continue to shape energy’s future. Whether due to climate change, population growth, or increased demand for more water and energy, the world’s need for water will eventually outstrip its supply, according to many experts. Energy generation, as a relatively large water user, will be required increasingly to justify and limit its consumptive use and minimize its impact on water resources. These developments will influence both regulatory and business decisions affecting the generation of fuels, water-use and treatment technologies, and the location of future power plants. Panelists will explore the confluence of these issues in a world where both energy production and water resources protection are on a collision course. The session will address the technical, legal, policy, and sometimes political ramifications of the alternatives and provide real-world examples.

MODERATOR:  
Michelle Benedict Nowlin,  
Senior Lecturing Fellow and Supervising Attorney for the Environmental Law and Policy Clinic, Duke University School of Law, Durham, NC

SPEAKERS:  
Amy Hardberger, Professor of Law,  
St. Mary’s University School of Law, San Antonio, TX  
Craig Manson, General Counsel, Westlands Water District, Sacramento, CA  
Michael Webber, Ph.D., University of Texas at Austin, Austin, TX

• Wind, Water, Weather and the Endangered Species Act

Expanding wind-power development, growing water-resource demands, and global climate change will converge on efforts to protect endangered species. Increased demand for renewable energy in combination with advances in wind-turbine technologies favor expansion of wind-energy projects in the United States. Wind represents a sustainable alternative to conventional fossil-fuel energy yet poses potential threats to wildlife and wildlife habitat, particularly birds and bats. Meanwhile, with increased drought conditions predicted throughout the United States, there will be intense competition for water from agriculture, industry, and cities. Water shortages will impact endangered species and their habitats. Overshadowing these developments is the specter of extreme weather and local climate alteration consequences of global climate change. The panelists will discuss the impacts of wind projects, water transfers, and climate change on endangered species and the capacity of the Endangered Species Act to forestall extinctions.

MODERATOR:  
Madeline Kass, Professor, Thomas Jefferson School of Law; Visiting Professor, Seattle University School of Law (2012-13), San Diego, CA

SPEAKERS:  
Alan Glen, Smith, Robertson, Elliott, Glen, Klein & Douglas, LLP, Austin, TX  
Kalyani Robbins, Associate Professor, University of Akron School of Law, Akron, OH  
Michael Senatore, Vice President, Conservation Law, Defenders of Wildlife, Washington, DC

• Next Generation Environmental Compliance: What’s on the Horizon for EPA Enforcement?

Just as the Internet has transformed the way we communicate and access information, advances in information and emissions-monitoring technology are setting the stage for detection, processing, and communication capabilities that can revolutionize environmental protection. We are moving toward a world in which EPA, along with state environmental agencies, citizen groups, and regulated industry, will have real-time electronic information regarding environmental conditions, emissions, and compliance. Thus, EPA is developing and implementing a new paradigm—“Next Generation
Compliance”—that will use advances in both monitoring and information technology to improve compliance with environmental regulations and permits. This panel discussion will explore EPA’s plans for Next Generation Compliance and discuss other recent developments in environmental enforcement.

(This presentation is a repeated session from Thursday, October 11 10:30 a.m.)

**The Challenge of EPA’s Power-Plant Regulations and Their Impacts on the Electric System**

EPA’s broad-based regulatory agenda addressing power plants has been a major and ongoing topic of rulemaking activity, policy dialogue, and litigation. Significant and interrelated current litigation and regulatory developments for the electric utility industry include the Mercury Air Toxics Standards rule under the Clean Air Act (CAA), the Cross-State Air Pollution Rule under the CAA, greenhouse gas New Source Performance Standards for new and modified sources under the CAA, cooling water intake structure rule under section 316(b) of the Clean Water Act (CWA), effluent guidelines under the CWA, and coal-ash regulation under RCRA. In the aggregate, these initiatives and market forces are contributing to fundamental changes in electric-power generation, including numerous retirement announcements for older units as well as widespread retrofit of environmental controls. Representatives of EPA and regulated utilities will discuss the status of rules and litigation and their impacts on electric generation as well as potential impacts on electric reliability.

**MODERATOR:**

William Fang, Deputy General Counsel, Edison Electric Institute, Washington, DC

**SPEAKERS:**

Janet Henry, Deputy General Counsel, American Electric Power, Columbus, OH

Randall LaBauve, Vice President, Environmental Services, NextEra Energy, Inc., Juno Beach, FL

**3:00 p.m. – 3:30 p.m.**

**Networking Break**

**3:30 p.m. – 5:00 p.m.**

**Concurrent CLE Sessions**

**Environmental Impacts of Oil and Gas Production in Shale Formations: Policy, Perception, and Reality**

Hydraulic fracturing of shale has led to an abundance of natural gas in the United States and access to important sources of crude oil. Experts have opined that the technology has made possible the most important energy revolution in a generation. As production in tight shale formations has increased, so too have concerns about impacts to ground water and surface water quality, water supplies, and air quality. EPA and several universities have published assessments of the potential risks—and benefits—of the fracturing process. Meanwhile, media reports have featured stories about methane leaks and earthquakes, fueling the public’s reluctance to endorse the practice. This session will explore what’s known—and what’s not known—about the environmental impacts of shale development practices. The speakers will discuss efforts to reduce the air and water impacts of shale development and the state and federal regulatory frameworks that apply to fracturing.

**MODERATOR:**

David S. Neslin, Davis Graham & Stubbs LLP, Denver, CO

**SPEAKERS:**

Jill Cooper, Group Lead, Environment, Encana Oil & Gas (USA) Inc., Denver, CO

The Honorable Michael Krancer, Secretary, Department of Environmental Protection, State of Pennsylvania, Harrisburg, PA

Hannah Wiseman, Assistant Professor, Florida State University College of Law, Tallahassee, FL

**Is This Federalism? Texas v. EPA**

American environmental law is largely based on “cooperative federalism,” where states administer federally delegated programs under statutes such as the Clean Air Act and Clean Water Act. Under this model, states may issue and enforce permits under state law so long as it is at least as stringent
as federal law. At the start of this year the State of Texas had thirteen lawsuits pending against EPA. EPA recently issued its first greenhouse gas permit in Texas due to the State’s refusal to accept the new federal program elements. Is this cooperative or dysfunctional federalism? This session will address the history, benefits, and costs of federally delegated environmental programs and examine the practical consequences for regulated entities and the public if EPA begins to administer more programs in place of, or in addition to, existing state programs.

MODERATOR:

Thomas G. Mason, Graves, Dougherty, Hearon and Moody, Austin, TX

SPEAKERS:

Suzanne Murray, Regional Counsel, Region 6, U.S. Environmental Protection Agency, Dallas, TX
Vickie Patton, General Counsel, Environmental Defense Fund, Boulder, CO
Bryan Shaw, Ph.D., Chairman, Texas Commission on Environmental Quality, Austin, TX

• Air “Hot Topics”

Regulatory developments related to air emissions are not confined to the utility sector and to greenhouse gases. How will sources cope with implementing the new Boiler MACT, commercial and industrial solid waste incinerators (CISWI), and nonhazardous secondary material rules? What are the issues associated with developing and implementing state implementation plans for EPA’s SO\textsubscript{2} one-hour National Ambient Air Quality Standards (NAAQS)? What does the future look like with the development of a revised PM\textsubscript{2.5} NAAQS or the Ozone NAAQS? Experienced professionals representing EPA, the states, and regulated sources will discuss the new and unique challenges posed by these rulemakings, including the process and criteria for determining whether alternate fuels are or are not solid wastes, switching between Boiler and CISWI source categories based on fuel use, and air-quality modeling issues in light of the new NAAQS.

MODERATOR:

Steven C. Kohl, Warner Norcross & Judd LLP, Southfield, MI

SPEAKERS:

Susan Bodine, Barnes & Thornburg LLP, Washington, DC
Carl E. Edlund, P.E., Director, Multimedia Planning and Permitting Division, Region 6, U.S. Environmental Protection Agency, Dallas, TX
Laurel Kroack, Chief, Bureau of Air, Illinois Environmental Protection Agency, Springfield, IL

• Transparent Yet Competitive: Environmental Disclosures from Hydraulic Fracturing to Consumer Products

Product disclosure implementation challenges are considerable. Obtaining accurate and comprehensive supply-chain information can be onerous, and transparency must be balanced with the protection of proprietary technologies and confidential information. This conundrum has become particularly pronounced in the hydraulic fracturing fluid regulation debate. The speakers will review the ways that EPA has used its existing authority, including
more aggressive use of its TSCA authority, to drive testing and disclosure at the federal level in the oil and gas sector; describe how the Securities and Exchange Commission and state regulators have helped to shape hydraulic fracturing disclosure; review the policy and legal arguments for protecting proprietary information as confidential business information; discuss how consumers, commercial buyers, competitors, plaintiffs’ attorneys, and others use such information; and address supply-chain disclosure challenges. The speakers will highlight the policy challenges of hydraulic fracturing fluid disclosure in comparison to developments in consumer product disclosure.

MODERATOR:
Jean-Cyril (JC) Walker, Keller and Heckman LLP, Washington, DC

SPEAKERS:
Gwen Lachelt, Oil & Gas Accountability Project Director, EARTHWORKS, Durango, CO
Stephen A. Owens, Squire Sanders (US) LLP, Phoenix, AZ
Carl Michael Smith, Executive Director, Interstate Oil and Gas Compact Commission, Oklahoma City, OK

5:15 p.m. – 6:30 p.m.
Speed Networking Event
You’ve probably heard of “Speed Dating,” but what about “Speed Networking”? Young lawyer and law student attendees will meet one-on-one with several seasoned environmental, energy, and resources law practitioners over the course of an hour. This is the place to network and seek general advice from your colleagues and potential mentors and to discuss Section activities and initiatives that may be of interest. Everyone is welcome. To participate in this event, please indicate your interest when registering. If you have any questions, please contact Noemi Alvarez, Section Assistant, at Noemi.Alvarez@americanbar.org.

6:30 p.m. – 10:30 p.m.
Dinner Event at the Bob Bullock Texas State Museum
Put on your jeans and cowboy boots and join us for a lively and entertaining evening with libations, Texas barbeque, and live music by the Jason Roberts Combo (the core Kings of Western Swing musicians from Austin’s nine-time Grammy Winner—Asleep at the Wheel) at The Bob Bullock Texas State History Museum, where the “Story of Texas” is told through three floors of exhibits. You’ll want to take a journey through Texas and a century of music with the current special exhibition Texas Music Roadtrip, which explores the people and places that put Texas music on the map.

Friday, October 12, 2012
7:30 a.m. – 8:30 a.m.
Continental Breakfast

8:00 a.m. – 8:20 a.m.
2012 ABA Award for Excellence in Environmental, Energy, and Resources Stewardship

8:20 a.m. – 8:30 a.m.
Welcome and Opening Remarks
Amy L. Edwards, 21st Section Fall Meeting Program Chair, Holland & Knight LLP, Washington, DC

8:30 a.m. – 10:00 a.m.
Plenary Session: Developing and Sustaining an “All-of-the-Above” National Energy Policy
In his State of the Union address, President Obama called for an “all-out, all-of-the-above” energy strategy. Despite Congress’s enactment of significant energy legislation over the past decade, substantial uncertainty remains in our national energy policy. Do we intend to reduce our reliance on coal
and other fossil fuels? Will environmental regulations and/or competition from natural gas drive a significant number of existing coal-fired plants out of business? Will federal financial incentives for renewables be extended and made more predictable? Can new transmission and pipeline facilities be successfully sited within a reasonable period of time? Will we ever have a long-term solution for nuclear waste materials? This roundtable discussion by experts from different facets of the energy field will examine these and other questions and provide advice on creating a clear and consistent “all-of-the-above” national energy policy.

MODERATOR:
Sheila Slocum Hollis, Duane Morris LLP, Washington, DC

SPEAKERS:
Vicky A. Bailey, Principal & Executive Vice Principal, BHMM Energy Services, LLC, Washington, DC
Michelle Foss, Ph.D., Chief Energy Economist, Bureau of Economic Geology's Center for Energy Economics, The University of Texas, Houston, TX
Catherine Edwards Heigel, General Counsel and Corporate Secretary, American Transmission Company, Waukesha, WI
Karl R. Rábago, Vice President, Distributed Energy Services, Austin Energy, Austin, TX

10:00 a.m. – 10:30 a.m.
Networking Break

10:30 a.m. – 12:00 p.m.
Plenary Session: Environmental Law Before the Supreme Court
The U.S. Supreme Court has devoted more attention to environmental law cases over the past few years. Since the 2009 Term, where the Court heard five environmental law cases, environmental law has continued to grab the Court’s attention. The 2011 Term has produced important opinions dealing with pre-enforcement review of compliance orders, navigability-in-fact for purposes of state public trust lands, and the constitutional limitations of criminal environmental penalties. This session will discuss how the Court ruled, the impact of those rulings, and whether there is any discernible trend in the Court’s environmental law decisions over the past few years. The discussion will also include a look at the environmental cases that the Supreme Court declined to hear and thoughts on possible cases the Court might take up in the 2012 Term.

MODERATOR:
J.B. Ruhl, Vanderbilt Law School, Nashville, TN

SPEAKERS:
Virginia S. Albrecht, Hunton & Williams LLP, Washington, DC
Eric Glitzenstein, Meyer Glitzenstein & Crystal, Washington, DC
Damien M. Schiff, Principal Attorney, National Litigation Center, Pacific Legal Foundation, Sacramento, CA

12:00 p.m. – 1:30 p.m.
Technical Roundtables Luncheon
These fast-paced presentations over lunch offer the opportunity to learn something new from some of the nation’s top environmental consultants and service providers. You will be able to attend to two roundtable presentations of your choice.
• Bloomberg BNA—Groundwater and Property Rights: The New Takings Debate
• Geosyntec Consultants—Battle-Tested Environmental Liability Valuation: Defensible Cost Estimates for Decision Makers
• Cardno ENTRIX—Wastewater Management and Water Quality: New Challenges for Hydraulic Fracturing Operations

1:30 p.m. – 3:00 p.m.
Concurrent CLE Sessions
• Pipelines in the Crosshairs: Siting, Permitting, Compliance, and Enforcement After the Keystone XL Nonapproval
The Obama administration’s recent Keystone XL Pipeline decision, forced by Congress last January, has generated much rhetoric regarding that project, but many other pipeline issues remain a focus of concern and in the news. Greater cooperation of late among EPA, pipelines, and the Hazardous Materials Safety Administration (PHMSA)
has led to increased federal pipeline
enforcement, while a number of noteworthy
criminal cases involving pipeline failures
have also been brought. PHMSA has also
been engaged in prolific rulemaking to
address the safety of oil and gas pipelines.
This session will look beyond the rhetoric
of the Keystone XL project pros and cons
to the fundamental questions raised about
pipelines, their siting and permitting, the
prospects for increased regulatory scrutiny
and compliance enforcement under new and
existing regulations, and the importance of
pipelines to the growth and development
domestic and North American energy
reserves.

MODERATOR:
Celina Romero, Duggins Wren Mann
& Romero LLP, Austin, TX

SPEAKERS:
James M. Pates, Assistant Chief Counsel
for Pipeline Safety, Pipeline & Hazardous
Materials Safety Administration, U.S.
Department of Transportation,
Washington, DC

Beth Pratt, National Wildlife Federation,
Midpines, CA

Michael Whatley, Executive Vice President,
Consumer Energy Alliance, Washington, DC

• Energy, Environment, and
Politics in 2012: Expectations
and Prognostications for
the Next Four Years

In the 2008 election cycle, energy and
the environment took center stage as the
presidential candidates touted the need
for policies that would advance their
agendas for the nation's energy security and
economic viability. In the years since, energy
and environmental policies have continued
to be significant and controversial issues as
political views shaped the debates. Because
of philosophical and political divides over
energy and environment and the role and
scope of government on these matters, no
significant piece of legislation or unifying
policy has emerged over the last four years.
What can we expect moving forward as
the next administration and our nation's
political leadership continue to grapple with
these critical issues and seek to govern over
the next four years? These speakers will
share their views on significant energy and
environmental issues, from clean energy to
shale gas to climate change that will likely
color this presidential election cycle.

MODERATOR:
Marianne Horinko, President,
The Horinko Group, Washington, DC

SPEAKERS:
Jim Connaughton, Executive Vice President
and Senior Policy Advisor, Exelon,
Baltimore, MD

Peter Robertson, Senior Vice President,
Legislative and Regulatory Affairs, America's
Natural Gas Alliance, Washington, DC

Irma S. Russell, Dean and Professor,
The University of Montana School
of Law, Missoula, MT

• The Challenges of Permitting
Renewable Projects Across
a Diverse Landscape

National, state, and local energy policies
promote the development and use of
renewable energy supplies. Across the
United States, these policies have resulted
in an unprecedented level of interest in the
development of solar, wind, geothermal, and
biomass resources. For those resources,
hundreds of projects have been proposed
and many have come to fruition. However,
developing renewable energy creates
unique siting and permitting challenges and
implicates a host of additional regulatory
challenges under NEPA, NHPA, and local
land-use laws. And while renewable energy
development is environmentally sustainable
in theory, in practice renewable siting
often raises environmental issues such as
wildlife impacts, water use, and transmission
infrastructure. These concerns and others
have the potential to split the conservation
community and raise new debates about how
to balance competing environmental interests.
The challenges and benefits of renewable
energy will be examined in this discussion.

MODERATOR:
Ella Foley Gannon, Bingham McCutchen
LLP, San Francisco, CA

SPEAKERS:
Steve Black, Counselor to the Secretary, U.S.
Department of the Interior, Washington, DC

Lisa Chavarria, Stahl, Bernal & Davies,
L.L.P., Austin, TX

Gary Graham, Land Program Director,
Western Resource Advocates, Boulder, CO
management is pursuing a course of action or inaction that is unlawful or that otherwise threatens to lead to substantial injury to the organization. When is a lawyer deemed to “know” that a client is engaged in criminal, fraudulent, or other conduct that is likely to result in substantial injury to the client? How does one determine that he or she has discretion—or even a duty—to take action that seeks to prevent the company from creating criminal or civil liability for itself? If action is permitted or required, what options does the lawyer have? What are the possible consequences of inaction? This program will explore these issues and their importance in the daily practice of corporate lawyers.

MODERATOR:
Lawrence K. Hellman, Dean Emeritus and Professor of Law, Oklahoma City University School of Law, Oklahoma City, OK
Friday, October 12, 2012 – Saturday, October 13, 2012

**Dining Together**

After the reception, Section Fall Meeting attendees and their guests have the opportunity to sample Austin’s dining venues together. Please check the message board in the registration area for group sign-up sheets. This is an excellent way to meet people.

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**Saturday, October 13, 2012**

**8:00 a.m. – 9:00 a.m.**

**Continental Breakfast**

**9:00 a.m. – 10:00 a.m.**

**Committee Chairs Meeting**

Committee chairs will join Council liaisons to discuss strategies for the year. This is an excellent opportunity to meet chairs of other Section committees and plan cooperative initiatives.

**10:00 a.m. – 11:00 a.m.**

**Vice Chair Working Groups**

Committee vice chairs will meet with their peers in the same committee leadership role: committee newsletters, membership, programs, social media, website, and *The Year in Review*. Leadership responsibilities will be outlined, and there will be time for questions and group discussion.

**11:30 a.m. – 5:00 p.m.**

**Council Meeting**

Everyone is welcome to attend.

**5:30 p.m. – 6:30 p.m.**

**Section Chair’s Farewell Reception**

Don’t miss this opportunity to gather with your friends and colleagues at the closing event of the 20th Section Fall Meeting.
Stay connected with the Section
Join the Section in discussions, news, and events on environment, energy, and natural resources law on Twitter and LinkedIn! Follow our Twitter account at: @ABAEnvLaw and join our LinkedIn group at: http://linkd.in/K6OquT.
Remember to download our conference app to have easy access to the meeting schedule, maps, attendees, and more! Just search for “20th Fall Meeting” in Apple’s App Store, Android’s Google Play, or scan the QR code above. You can also visit http://crwd.cc/SFM20th.

Course Materials
Course materials and related background information will be provided online prior to the conference to attendees. You may wish to bring a laptop, netbook, or tablet to view the materials onsite as complimentary Wi-Fi access will be available.

Location and Lodging
The 20th Section Fall Meeting will be held at the Hilton Austin at 500 East 4th St., Austin, TX 78701. A block of rooms has been reserved at the discounted rate of $219 plus tax for single/double rooms. A limited number of government rooms are available at $114 plus tax (or the prevailing government rate); identification is required at the time of check-in. The deadline for room reservations at the discounted rates is Monday, September 17, 2012. Do not wait to reserve your room, as the Hilton and other area hotels are expected to sell out because of the Austin City Limits Music Festival. The Section cannot guarantee rooms beyond our room block or after the September 17, 2012 deadline.
For reservations, call the Hilton Austin directly at (512) 482-8000 or toll free at (800) 236-1592 or visit our program page, www.ambar.org/EnvironFM for a direct link to reservations.
The Hilton Garden Inn is approximately 0.4 miles from the Hilton Austin and is located at 500 North IH 35, Austin, TX 78701. A block of rooms has been reserved at the discounted rate of $239 plus tax for single/double rooms. For reservations, call the Hilton Garden Inn directly at (512) 480-8181 or toll free at (877) 782-9444. The deadline for room reservations at the discounted rate is Tuesday, September 18, 2012.

Advance Registration
We encourage you to take advantage of online registration. Visit us online at www.ambar.org/EnvironFM. You can also retrieve a printable registration form there. Please mail or fax the form with your check (payable to the American Bar Association) or credit card information to: ABA Section of Environment, Energy, and Resources, Attn: Program Registrar, 321 N. Clark St., Chicago, IL 60654 or fax to (312) 988-5572. All attendees must be registered for this meeting to participate.
The deadline to receive the early-bird registration rate for the 20th Section Fall Meeting is Friday, August 31, 2012. All registrations postmarked after Friday, August 31, 2012, must include an additional $50 for processing. The final cutoff date for advance registrations is Monday, September 24, 2012. After this date, registrations must include an additional $25 for processing.

Registration Fee
The registration fee for the 20th Section Fall Meeting includes tuition and course materials (provided online) developed especially for this meeting. In addition, your fee covers Wednesday’s public service project and Welcome Reception, Thursday’s Committee Get-Together Luncheon and dinner event at the Bob Bullock Texas State Museum, Friday’s Technical Roundtable luncheon and Local Flair Reception, and Saturday’s Section Chair’s Farewell Reception. Breakfast and networking breaks will be available on Thursday and Friday.
Cancellation Policy
Attendees registered for the 20th Section Fall Meeting are eligible for a full refund of the registration fee and additional tickets less a $50 administrative fee for all written requests received by Monday, September 24, 2012. No refunds will be granted after Monday, September 24, 2012—no exceptions will be made. Substitutions are acceptable. The Section does not provide credits to be used toward future programs. Cancellations may be sent via e-mail to Julie Connell at Julie.Connell@americanbar.org or by fax to (312) 988-5572. The ABA reserves the right to cancel any program and assumes no responsibility for personal expenses.

Tuition Assistance
A limited number of registration fee waivers are available for government employees, public interest lawyers employed with non-profit organizations, and academics. To apply, send a letter outlining why you are interested in participating in the meeting and the basis for your request of a fee waiver by e-mail to Julie.Connell@americanbar.org. Deadline: Friday, September 7, 2012.

Law Student Scholarship Opportunity
A limited number of scholarships are available to law students interested in attending the entire meeting and volunteering. Responsibilities will include assisting with CLE program logistics and participating in the public service project (if your schedule permits). Benefits will include a registration fee waiver, an assigned “Guide” from Section leadership for the meeting, and networking opportunities. To be considered as a law student scholar you must be a member of the ABA Section of Environment, Energy, and Resources. Deadline: Friday, August 31, 2012.

Section Business Activities
Section leadership should plan to participate in activities throughout the meeting for committee chairs and vice chairs and Council members. Section members are welcome to attend these activities. If you want to get involved, this is a way to learn more about the Section.

Achieving Carbon Neutrality
Calculated with great care, the Section estimates that the average Section Fall Meeting attendee’s participation will generate approximately one metric ton of carbon emissions. A Section Fall Meeting attendee can offset his or her carbon footprint by adding $20 to the registration fee. This will cover the cost of a one-ton carbon credit and help pay for tree plantings and service projects!
Austin 20th Section Fall Meeting
October 10–13, 2012
Hilton Austin • Austin, TX
Registration Online!
www.ambar.org/EnvironFM