



**An MSWG Dialogue:
An Ecologically-Driven NEPA –
Looking for More than Mitigation and Moderation**

Hotel Chateau Sonesta

800 Iberville St

New Orleans, LA 70112

504-586-0800, ask for MSWG-Multi-State Working Group room block

Block rate: \$119 (+13%+\$1 tax) single & double

**Delivered In Partnership with
The Tulane University School of Law
11 and 12 February 2008**

**A stepping stone toward:
The Path to Washington
Convening Leaders for an Ecologically Sustainable America**

Charter

The purpose of this dialogue will be to build on discussions held in Glen Ellen, California in Spring 2007 concerning Eco-Systems Services and Eco-Systems Thinking (see: http://www.mswg.org/regional_meetings).

The dialogue will explore the feasibility and advisability of adopting new approaches to National Environmental Policy Act (NEPA) implementation and regulatory mechanisms, specifically to contemplate (in certain circumstances) that rather than merely mitigating adverse environmental, social, and economic impacts (or trading adverse environmental and social impacts for beneficial economic results), certain projects must result in positive overall contribution towards the attainment of ecological and community sustainability, both at the local and regional levels.

Through this work, we will engage the voice of the local communities adversely impacted by the current limitations of the current implementation and regulatory approaches within NEPA. Building on this, we will seek to bring clarity to the message that citizens of good intent must highlight to policy leaders and political forces in order to drive Positive, Sustainable Change throughout our Society.

Purpose & Opportunity Statement

NEPA's promise is expressed in its poetic and inspired preamble:

The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment . . . declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

NEPA's promise is almost fully unrealized in the intervening years since its passage in 1969. Most of the environmental analysis done in NEPA documents merely describes the damage and loss that will occur in large projects. And virtually no tracking of mitigation measures, or monitoring of the effectiveness of these measures, is ever completed by lead agencies. Perhaps more profoundly, very few lawsuits by activist groups have ever challenged large scale projects on the ground that the approval process under NEPA fails to live up to the declared national policy in the NEPA preamble.

This policy exploration will consider whether it is time, and whether there is the public and political will, to give NEPA the implementation and regulatory rigor and detail necessary to realize its failed promise.

Agenda: Day 1

<u>Timescale</u>	<u>Topic</u>	<u>Presenter(s)</u>
8:30-9:00	Welcome, Introductions, and Overview	R. Stephens, E. Quevedo
9:00-9:15	PTW Overview	Smoller/Innes/
9:15-9:30	Framing the Issue – Why Do We Gather, What is the Premise of the Dialogue, What do We Hope to Accomplish?	E. Quevedo
9:30-10:10 <u>(10:10- 10:30 – Discussion with Delegates of Topic)</u>	History, Purpose, and Performance of NEPA	CEQ representative And MSWG Facilitator
10:30-11:10 <u>(11:10- 11:30 – Discussion with Delegates of Topic)</u>	Current NEPA Reform Proposals	CEQ, NGO Perspective, brief overview presentation of the alternative presented by the Voisey's Bay Inco Project
11:30 – Noon	Local Reflections and Perspectives on the Morning Issue/Topics	Carlton Dufrechou, Director of the Lake Pontchartrain Basin Foundation (invited); Mark Davis, Director of the Institute for Water Law and Policy at Tulane
12:00-1:30	Lunch and Speakers on NOLA Coastal Restoration and Community Restoration/Development	R. Quevedo to Facilitate; Mark Davis to Present
1:30-3:00	The Voisey's Bay Inco Project (the source of these reform ideas – See <i>Sustainability Assessment: Criteria, Processes and</i>	Inco and a Native Nation Presenter, with MSWG Facilitator

	<i>Applications</i> (Gibson et. al, Eds.; Earthscan 2005 – ISBN 1-84407-050-6)	
3:00-4:00	Facilitated Discussion of Voisey’s Bay Project and Its Implications for NEPA Reform	J Smoller Facilitator – Case Study drawn from <i>Sustainability Assessment</i> Gibson, Hassan, et al., Eds. Earthscan (2005) ISBN: 1-84407-050-6
4:00-5:00	Private Sector Perspectives and Roundtable Discussion of Role of the Private Sector in the NEPA Regulatory Reform Process	Recommend E Uram or L Jone as Facilitator – Private Sector Reps to be nominated

Proposed Agenda: Day 2

<u>Timescale</u>	<u>Topic</u>	<u>Presenter(s)</u>
8:00-8:30	Summary of Day 1 and Roundtable Discussion	J Speir
8:30-9:30	Other Federal Agency NEPA Regulatory Reform Considerations	Joe Carbone, US Forest Service, Deputy Director for NEPA
9:30-10:30	NEPA Reflections from the NOLA Region	Oliver Houck, Professor of Law, Tulane University (invited); Rob Verchick, Professor of Law, Loyola University
10:30 – Noon	Relationship of the Proposed Federal Framework for NEPA Regulatory Reform to EMS Models, Ecosystems Services and Other Path to Washington Themes Policy and Public Participation Issues	CEQ invited. Quevedo and Feldman or Will Garvey (EPA) to contribute here
<u>Timescale</u>	<u>Topic</u>	<u>Presenter(s)</u>
Noon-1:30	Luncheon and Roundtable Discussion of Morning Sessions	MSWG Facilitator
1:30-3	Closing Session – Steps Forward Along the Path to Washington and the Prospects for NEPA Regulatory Reform	Panel composed of Mark Davis, Joe Carbone, CEQ, and E. Quevedo facilitating
3:00	Workshop Close	J. Smoller