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- National Oceanic and Atmospheric Administration
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- Republic Services
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The 12th Annual Santa Fe Advanced Conference on Litigating

Natural Resource Damages

Best strategies and tactics to handle large, complex NRD cases today

Audio & Video
Replays Available!

July 18 & 19, 2019

Santa Fe, New Mexico

La Fonda Santa Fe Hotel

Credits: 10.25 NM CLE | CA 10.50 MCLE | 10.25 WA CLE | 10.25 ABCEP maintenance hours
(call about others)

Quick when/where: 8:30 a.m., 100 E. San Francisco Street

Natural Resource Damages Conference

July 18 & 19, 2019 | Santa Fe, New Mexico
La Fonda Santa Fe Hotel

Yes! Please register me:

Name: _____

Email: _____

What type of credits do you need? _____

For which state(s)? _____

Register my colleague:

Name: _____

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What type of credits do you need? _____

For which state(s)? _____

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If you cannot attend in person, check boxes to order:

- ☐ Audio Replay ☐ Video Replay ☐ Course Materials



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19NRDNM WS



Thursday, July 18, 2019

Natural Resource Damages Conference

8:00 Registration Opens

8:30 Introduction & Overview

William J. Jackson, Esq., Program Co-Chair
Kelley Drye & Warren ~ Houston, TX

Sarah Peterman Bell, Esq., Program Co-Chair
Farella Braun + Martel ~ San Francisco, CA

8:45 **Special Opening Address: The Status and Future of Cooperative Federalism**

A discussion of the relationship between federal, state, and tribal natural resource trustees, cooperative federalism, and the scope of trusteeship and authority

John C. Cruden, Esq.
Beveridge & Diamond ~ Washington, DC

9:15 **Federal Update**

Key case law and administrative developments from the federal perspective, and a discussion of important issues from the federal trustees' perspective

James H. Colopy, Esq.
Farella Braun + Martel ~ San Francisco, CA

Craig R. O'Connor, Esq., Special Counsel for Natural Resources
National Oceanic and Atmospheric Administration ~ Seattle, WA

10:15 **Break**

10:30 **Regulatory Reform: A Status Report**

What is actually happening in Washington regarding NRD regulatory reform?

Brian Israel, Esq.
Arnold & Porter ~ Washington, DC

11:00 **State NRD Claims and Activities**

Natural resource priorities and trends among State Trustees and Attorneys General in the West, as well as an update on the new NRD initiative from New Jersey

Clive Strong, Esq.
Legal Director for Natural Resources and Environment
Conference of Western Attorneys General ~ Boise, ID

Shawn M. LaTourette, Esq.
Deputy Commissioner for Legal & Regulatory Affairs
New Jersey Department of Environmental Protection
Trenton, NJ

12:00 Lunch (on your own)

1:15 **The Rapidly Expanding Scope of Litigation and NRD Implications of Perfluorinated Chemicals (PFCs)**

Wide-ranging litigation across the country, including an MDL concerning AFFF and multiple industrial site-specific matters from the DuPont Parkersburg plant to the 3M Cottage Grove plant

William J. Jackson, Esq., Program Co-Chair

Robert A. Bilott, Esq.
Taft Stettinius & Hollister ~ Cincinnati, OH

Constance Travers, Principal Associate, Vice President
Abt Associates ~ Boulder, CO

2:30 **Statistics in NRD Litigation: Good Practice and Lessons for Attorneys**

Key expert and legal issues in NRD litigation

William Warren-Hicks, Ph.D., CEO
EcoStat, Inc. ~ Mebane, NC

3:00 **Break**

3:15 **Waters of the United States**

The US Supreme Court has accepted the Hawaii case on discharges to groundwater, and the Trump Administration has substantially curtailed the definition: Will these developments result in a substantial retreat of federal jurisdiction over waters?

Scott E. Kauff, Esq.
Law Offices of John K. Dema ~ Rockville, MD

4:00 **Defending NRD Claims: Insights and Practical Tips from In-House Counsel for PRPs**

Key takeaways from recent cases

Stephanie McClain Hall, Esq., Senior Litigation Counsel
Valero Energy Corporation ~ San Antonio, TX

Judith A. George, Esq., Senior Corporate Counsel
Safety, Sustainability & Environmental Services
Republic Services ~ Phoenix, AZ

Joe Montello, Senior Manager, Hydrogeology
Republic Services ~ Placitas, NM

5:00 **Continue the Exchange of Ideas: Reception for Faculty and Attendees**

Sponsored by Farella Braun + Martel and Kelley Drye & Warren



About the Conference



LAW SEMINARS INTERNATIONAL

What previous attendees have said:

"The presenters were an extraordinary group of diverse thinkers who did an excellent job of bringing home the complexities of NRD matters."

"Thank you. It was an excellent course with great speakers and impressive content. Glad to participate and present."

This year the Santa Fe NRD conference will open with John Cruden discussing how the concept of cooperative federalism has evolved and what that evolution suggests for the relationship between federal, state, and tribal natural resource trustees. We will hear about ideas for regulatory reform, and where that effort stands, and we will hear from both federal and state trustees on how they see their roles and priorities moving forward.

Two major developments raise questions about the scope of federal environmental jurisdiction. We will hear commentary about the Trump Administration's efforts to limit the definition of Waters of the United States, and the SCOTUS decision in County of Maui v. Hawai'i Wildlife Fund, and what the implications are for industry and the regulated community with respect to indirect discharges.

We are continuing and expanding our efforts to identify and bring significant experience to cutting-edge issues facing NRD practitioners. We will explore the expanding scope of regulation and litigation involving Perfluorinated Chemicals (PFCs), and we will devote much of day 2 of our conference to discussing how climate change, rising sea levels and water temperatures, and extreme weather events – including wildfires in the West – are impacting natural resources and NRD claims.

You will hear from, interact with, and receive practical tips from leading NRD experts from around the country. We hope you'll be able to join us for this year's iteration of the best, longest-running NRD program in the country.

~ Program Co-Chairs: Sarah P. Bell, Esq. of Farella Braun + Martel and William J. Jackson, Esq. of Kelley Drye & Warren



Friday, July 19, 2019

Natural Resource Damages Conference

8:30 Climate Change, Rising Sea Levels, Warming Water Temperatures, and Prolonged Periods of Extreme Weather

Sorting out the causes of ecological impacts; interplay between NRD and other tools available to states for addressing natural resource losses

Robert Haddad, Ph.D.

Group VP - Environmental & Earth Sciences
Exponent, Inc. ~ Menlo Park, CA

Steven H. Goldberg, Esq.

Downey Brand ~ Sacramento, CA

Jennifer Sampson, Senior Consultant

Integral Consulting ~ Seattle, WA

Theodore Tomasi, Ph.D.

Vice President and Director of National Practices
Cardno, Inc. ~ Newark, DE

9:45 Wildfires: The Relationship Between NRD and Other Avenues for Recovering Damages

Legal and technical perspectives on evaluation of recovery options such as class action suits, implications of the PG&E and potentially other bankruptcy filings, and NRD perspectives

Sarah P. Bell, Esq., Program Co-Chair

Katherine Palmquist, Ph.D., Managing Scientist
Exponent, Inc. ~ Bellevue, WA

Dave Fox, Esq.

Wild Fire Legal Group ~ Solana Beach, CA

10:30 Break

10:45 Federal Liability as a PRP

The unique and often difficult issues that arise when the federal government is both a trustee and a responsible party in natural resource damages and federal contamination cases

A. J. Gravel, Senior Managing Director
FTI Consulting ~ Bethesda, MD

John D.S. Gilmour, Esq.

Kelley Drye & Warren ~ Houston, TX

11:30 Economic and Financial Issues

Environmental damages in the context of climate change

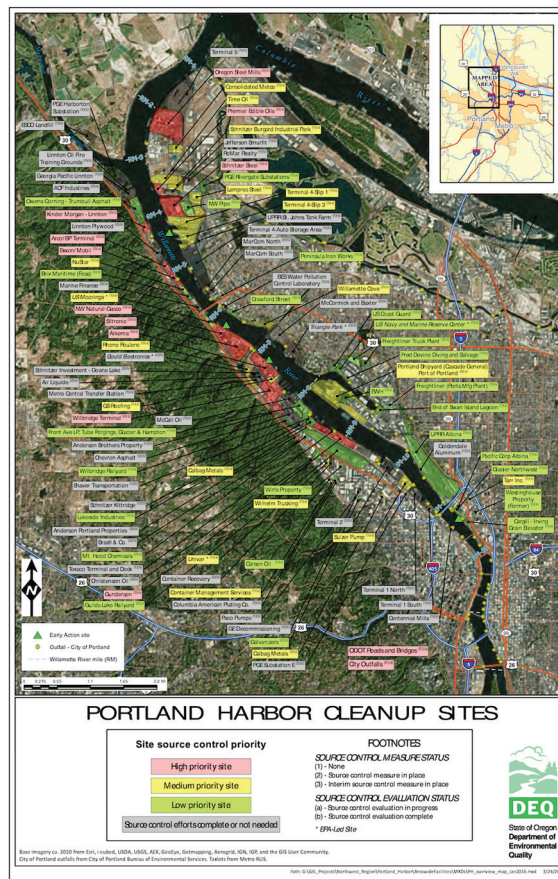
Robert E. Unsworth, Principal

Industrial Economics, Incorporated ~ Cambridge, MA

Ryan Stifter, Director, Economics & Complex Analytics

Roux Associates ~ Oakland, CA

12:30 Evaluations & Adjourn



Registration & Other Conference Information

To Register:

Call us at: 206-567-4490

Fax the registration form to us at:
206-567-5058

Email us at:
registrar@lawseminars.com

Online: www.lawseminars.com

Mail the registration form on the
front page.

Walk-ins are welcome, subject to
space availability.

Registration is complete when
we receive payment or agree to
later payment.

Tuition: Regular tuition for this program is \$995 with a group rate of \$895 each for two or more registrants from the same firm. For government employees and Tribal members, we offer a special rate of \$745. For students, people in their job for less than a year, and public interest NGO's, our rate is \$497.50. All rates include admission to all program sessions, food and beverages at breaks, and all course materials. Materials will be available for download and review a few days before the program. Make checks payable to Law Seminars International. Financial aid is available to those who qualify. Contact our office for more information.

Substitution & Cancellation:

You may substitute another person at any time. We will refund tuition, less a \$50 cancellation fee, if we receive your cancellation by 5:00 p.m. on Friday, July 12, 2019. After that time, we will credit your tuition toward attendance at another program or the purchase of an audio or video replay.

Location: The conference will be held at the La Fonda Santa Fe Hotel at 100 E. San Francisco Street in Santa Fe, NM 87501. Call the hotel directly at (505) 982-5511 for reservations at the specially negotiated rate of \$219 and mention that you are attending a Law Seminars International conference. Rooms are on a first come, first served basis.

Continuing Education Credits:

Live credits: This program qualifies for 10.25 NM, 10.50 CA, and 10.25 WA MCLE credits and 10.25 ABCEP environmental professionals credits. Upon request, we will help you apply for MCLE credits in other states and other types of credits.

Time Shift Your Content:

Audio podcasts and video replays, with course materials, are available at the same price as live attendance. The course materials alone are available for \$100. Replays will be available within three business days after the program or from the date we receive payment.

Faculty: Natural Resource Damages Conference



Sarah Peterman Bell, Program Co-Chair, is a Partner at Farella Braun + Martel. She focuses her practice on environmental and natural resources litigation.



William J. Jackson, Program Co-Chair, also is co-chair of the National Environmental Law practice group at Kelley Drye & Warren.



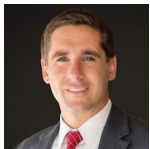
Robert A. Bilott is a partner at Taft Stettinius & Hollister. He brought the first PFAS environmental exposure case in 1999.



James H. Colopy, partner at Farella Braun + Martel, focuses on citizen suit litigation, cost recovery actions, and toxic tort cases.



John C. Cruden is a partner at Beveridge & Diamond. He formerly served at DOJ and as President of American College of Environmental Lawyers.



Dave Fox is a principal at Wild Fire Legal Group. He is on the Plaintiffs' Executive Committee for the 2015 Butte Fire that is being litigated against PG&E.



Judith A. George is Senior Corporate Counsel for Safety, Sustainability & Environmental Services at Republic Services.



John D.S. Gilmour co-chairs the Environmental Litigation section at Kelley Drye & Warren.



Steven H. Goldberg is a partner at Downey Brand focusing on groundwater contamination and CERCLA matters.



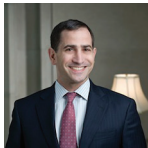
A. J. Gravel is a Senior Managing Director in FTI Consulting's Forensic Litigation and Consulting segment.



Robert Haddad, Ph.D., Group VP - Environmental & Earth Sciences for Exponent, Inc., was head of NOAA's Assessment & Restoration Division.



Stephanie McClain Hall is Senior Litigation Counsel at Valero Energy Corporation where she manages environmental litigation.



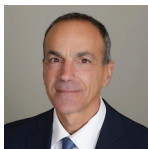
Brian Israel, chair of the Environmental Practice Group at Arnold & Porter, is lead counsel for BP in relation to the Deepwater Horizon.



Scott E. Kauff is Of Counsel at the Law Offices of John K. Dema. He serves as special environmental counsel for state trustees.



Shawn M. LaTourette is Deputy Commissioner for Legal & Regulatory Affairs at the New Jersey Department of Environmental Protection.



Joe Montello is a Senior Manager, Hydrogeology at Republic Services. He manages a large array of Superfund and remedial projects.

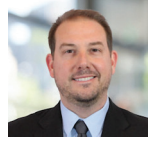
Craig R. O'Connor is Special Counsel for Natural Resources for the National Oceanic and Atmospheric Administration.



Katherine Palmquist, Ph.D., is a Managing Scientist for Exponent, Inc. She focuses on chemical risks to aquatic taxa.



Jennifer Sampson is a Senior Consultant for Integral Consulting where she is an aquatic ecologist and risk assessor.



Ryan Stifter is Director of Economics & Complex Analytics at Roux Associates where he focuses on non-market valuations.



Clive Strong is Legal Director for Natural Resources and Environment for the Conference of Western Attorneys General.



Theodore Tomasi is Vice President and Director of National Practices for Cardno, Inc. He manages the company's natural resources sector.



Constance Travers, Principal Associate and Vice President of Abt Associates, is a hydrogeologist. Her work has included per- and polyfluoroalkyl substances (PFAS).



Robert E. Unsworth is a Principal at Industrial Economics, Incorporated. He focuses on applied natural resource and environmental economics.



William Warren-Hicks is CEO of EcoStat, Inc. He provides consulting expertise in the areas of environmental statistical analysis.

July 18 & 19, 2019

Santa Fe, New Mexico

La Fonda Santa Fe Hotel

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Who Should Attend:

In-house and private attorneys, consultants, corporate managers, Tribal and governmental representatives, and others who are involved in natural resource damage claims

You Will Learn About:

- The status and future of cooperative federalism
- Federal case law and administrative developments
- State NRD claims and activities
- The scope of federal jurisdiction: Waters of the US
- Federal liability as a PRP
- Progress towards regulatory reform
- Claims involving Perfluorinated Chemicals (PFCs)
- Claims involving climate change including:
 - Rising sea levels
 - Warming water temperatures
 - Prolonged periods of extreme weather
 - Wildfires
- Environmental damages in the context of climate change
- Practical tips for defending NRD claims

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