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- National Oceanic and Atmospheric Administration
- New Jersey Department of Environmental Protection
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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

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

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Natural Resource Damages Conference

July 18 & 19, 2019 | Santa Fe, New Mexico
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If you cannot attend in person, check boxes to order:

Audio Replay Video Replay Course Materials



19NRDNM WS



Thursday, July 18, 2019

Natural Resource Damages Conference

8:00	Registration Opens	12:00	Lunch (on your own)
8:30	Introduction & Overview	1:15	The Rapidly Expanding Scope of Litigation and NRD Implications of Perfluorinated Chemicals (PFCs)
	William J. Jackson, Esq., <i>Program Co-Chair</i> Kelley Drye & Warren ~ Houston, TX		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
	Sarah Peterman Bell, Esq., <i>Program Co-Chair</i> Farella Braun + Martel ~ San Francisco, CA		William J. Jackson, Esq., <i>Program Co-Chair</i> Robert A. Bilott, Esq. Taft Stettinius & Hollister ~ Cincinnati, OH
8:45	Special Opening Address: The Status and Future of Cooperative Federalism		Constance Travers, <i>Principal Associate, Vice President</i> Abt Associates ~ Boulder, CO
	A discussion of the relationship between federal, state, and tribal natural resource trustees, cooperative federalism, and the scope of trusteeship and authority	2:30	Statistics in NRD Litigation: Good Practice and Lessons for Attorneys
	John C. Cruden, Esq. Beveridge & Diamond ~ Washington, DC		Key expert and legal issues in NRD litigation
9:15	Federal Update		William Warren-Hicks, Ph.D., <i>CEO</i> EcoStat, Inc. ~ Mebane, NC
	Key case law and administrative developments from the federal perspective, and a discussion of important issues from the federal trustees' perspective	3:00	Break
	James H. Colopy, Esq. Farella Braun + Martel ~ San Francisco, CA	3:15	Waters of the United States
	Craig R. O'Connor, Esq., <i>Special Counsel for Natural Resources</i> National Oceanic and Atmospheric Administration ~ Seattle, WA		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?
10:15	Break		Scott E. Kauff, Esq. Law Offices of John K. Dema ~ Rockville, MD
10:30	Regulatory Reform: A Status Report	4:00	Defending NRD Claims: Insights and Practical Tips from In-House Counsel for PRPs
	What is actually happening in Washington regarding NRD regulatory reform?		Key takeaways from recent cases
	Brian Israel, Esq. Arnold & Porter ~ Washington, DC		Stephanie McClain Hall, Esq., <i>Senior Litigation Counsel</i> Valero Energy Corporation ~ San Antonio, TX
11:00	State NRD Claims and Activities		Judith A. George, Esq., <i>Senior Corporate Counsel</i> Safety, Sustainability & Environmental Services Republic Services ~ Phoenix, AZ
	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		Joe Montello, <i>Senior Manager, Hydrogeology</i> Republic Services ~ Placitas, NM
	Clive Strong, Esq. <i>Legal Director for Natural Resources and Environment</i> Conference of Western Attorneys General ~ Boise, ID	5:00	Continue the Exchange of Ideas: Reception for Faculty and Attendees
	Shawn M. LaTourette, Esq. <i>Deputy Commissioner for Legal & Regulatory Affairs</i> New Jersey Department of Environmental Protection Trenton, NJ		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**

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. Bilot 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.



CERCLA matters.

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



segment.

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



Assessment & Restoration Division.

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



environmental litigation.

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



in relation to the Deepwater Horizon.

Brian Israel, chair of the Environmental Practice Group at Arnold & Porter, is lead counsel for BP



state trustees.

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



Jersey Department of Environmental Protection.

Shawn M. LaTourette is Deputy Commissioner for Legal & Regulatory Affairs at the New



and remedial projects.

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

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



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.



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.

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100 E. San Francisco Street
(505) 982-5511

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*

To Register:

Mail

800 Fifth Ave., Suite 101
Seattle, WA 98104

Phone

(206) 567-4490

Fax

(206) 567-5058

Email

registrar@lawseminars.com

Online

www.lawseminars.com

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