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- Ad-Hoc Industry NR Management Group
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The Sixth Annual Advanced Conference on

Natural Resource Damages

Adapting to changes in federal and state environmental policy and other new developments

March 23 & 24, 2017

Washington, DC

Arnold & Porter LLP Conference Center

Live webcast and replays available!

Credits: 11.75 CA MCLE | 11.5 WA MCLE (call about others)
Quick when/where: 8:30 a.m., 601 Massachusetts Avenue, NW

Natural Resource Damages Conference
March 23 & 24, 2017 | Washington, District of Columbia
Arnold & Porter LLP Conference Center



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

- Live Homestudy Webcast Homestudy Replay
 Course Materials



8:00 Registration Opens
8:30 Introduction & Overview

Ira M. Gottlieb, Esq., Program Co-Chair
McCarter & English LLP ~ Newark, NJ

Brian D. Israel, Esq., Program Co-Chair
Arnold & Porter Kaye Scholer LLP ~ Washington, DC

8:45 Special Opening Address

Reflections of a former Secretary and Acting Assistant Secretary of Interior on the use of NRD litigation as a process for remediating environmental damage

Kenneth L. Salazar, Esq.
Wilmer Cutler Pickering Hale and Dorr LLP ~ Denver, CO

Rachel Jacobson
Wilmer Cutler Pickering Hale and Dorr LLP ~ Washington, DC

9:15 The Future of NRD from the Federal Perspective: What to Expect from the Federal Trustees in the Coming Years

A retrospective on accomplishments of the last 8 years and insights into the challenges and opportunities that will consume federal trustee attention going forward

Brian D. Israel, Esq., Program Co-Chair, Moderator

John Rudolph, Esq., Attorney - Advisor
US DOI Office of the Solicitor ~ Washington, DC

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

10:30 Break

10:45 The Future of NRD from the State Perspective: Potential Changes in How the States May Approach NRD Claims and Litigation Moving Forward

Will state trustees be more inclined, and have the resources, to take the lead in pursuing claims?

Ira M. Gottlieb, Esq., Program Co-Chair, Moderator

The Hon. Bob Martin, Commissioner
NJ Department of Environmental Protection ~ Trenton, NJ

Andrew O. Guglielmi, Esq., (inv)
Section Chief, Office of General Counsel
New York State Department of Environmental Conservation
Albany, NY

Edward McTiernan, Esq.
Arnold & Porter Kaye Scholer LLP ~ New York, NY

12:00 Lunch (on your own)

1:15 The Future of NRD from a Community Perspective: How Public Involvement in NRD Decision Making may Change in the Coming Years

Challenges and opportunities for community involvement in restoration planning

Michael C. Donlan, Principal
Industrial Economics, Incorporated ~ Cambridge, MA

Trudy D. Fisher, Esq.
Butler Snow LLP ~ Ridgeland, MS

2:15 The Future of NRD from a Company Perspective: Potential Implications for Managing Large NRD Cases

Strategies for managing large NRD matters and a discussion of ideas for the future

Jean Martin, Esq., Senior Counsel, HSSE
BP America Inc. ~ Houston, TX

Kevin J. Vaughan, Esq., Counsel, Environmental & Safety
Exxon Mobil Corporation ~ Fairfax, VA

Peter C. Wright, Esq., Managing Counsel
The Dow Chemical Company ~ Saginaw, MI

3:15 Break

3:30 NRD Best Practices: A Continuing Work in Progress Over 30-Plus Years

Reflections from the Director of the NRD industry group on the policies and practices that have worked well (and a few that haven't) since the enactment of CERCLA and the emergence of the NRD legal regime

Barbara J. Goldsmith
President, Barbara J. Goldsmith & Company LLC

Executive Director
Ad-Hoc Industry Natural Resource Management Group
Washington, DC and Brussels, BE

4:00 Settlement of Natural Resource Damage Cases: An Empirical Review of Lessons Learned from Past NRD Settlements

Actual data from 25 years of consent decrees; key questions about NRD processes and remedies

Karen Bradshaw, Esq., Associate Professor of Law
Sandra Day O'Connor College of Law ~ Phoenix, AZ

Brian D. Israel, Esq., Program Co-Chair

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

Sponsored by Arnold & Porter LLP and McCarter & English LLP



About the Conference

LAW SEMINARS INTERNATIONAL

What previous attendees have said:

“The faculty for this conference are the best in their fields. It’s a great opportunity to attend an educational seminar with this group. It’s well worth the registration fee.”

“Your programs always have the best faculty.”

“Excellent balance between government and responsible party perspectives”

One of the results of the 2016 presidential election will be anticipated shifts in federal and state environmental policy that could include changes in the government’s and trustees’ approaches towards assessment and recovery of natural resource damages. This year’s Advanced NRD conference in D.C. will examine those potential changes and provide critical information so that NRD stakeholders may be better able to adapt.

At this moment of transition, the conference will also provide a forum to explore the past successes, challenges and opportunities of the NRD legal regime, and ideas for making the NRD practice more efficient and effective. This will include an in-depth, empirical look at what the data tells us about past NRD settlements including the effectiveness of NRD as a remedy for environmental damage. We’ll also look at policies and practices that have worked and those that have not over the last 30 plus years.

The second day of the conference will explore many practical topics, including new developments in NRD science and related admissibility issues, new approaches to restoration, and an engaging presentation from two accomplished trial attorneys on how to prepare an NRD case for trial.

We’ll wrap up with a look at what issues are likely to be coming over the horizon for NRD litigation. It’s a particularly important year for the conference and we hope you’ll join is for both the program and a special dinner on Thursday evening to continue the conversation and meet others in the field.

Program Co-Chairs: Ira M. Gottlieb, Esq., McCarter & English, LLP and Brian D. Israel, Esq., Arnold & Porter Kaye Scholer LLP



8:30 Proving Injury: New Developments in the Science & Resulting New Admissibility Issues

Scientific and legal perspectives on identifying and using the best science in NRD litigation

Paul D. Boehm, Ph.D., *Group VP, Principal Scientist*
Exponent, Inc. ~ Maynard, MA

Brett Marston, Esq.
Arnold & Porter Kaye Scholer LLP ~ Washington, DC

9:30 The Future of Restoration: Update on New Approaches for Developing the Most Effective Restoration Strategy

Case studies of recent habitat restoration projects, NRD banking and other innovative approaches to compensatory mitigation that may lead to potential settlement restoration projects

Mark S. Laska, Ph.D., *CEO and President*
Great Ecology ~ New York, NY

Shawn R.T. Severn, Managing Partner
Bluefield Holdings, Inc. ~ Seattle, WA

10:30 Break

10:45 Case Studies: Update on Status and Implementation Challenges for Several Large NRD Matters

A report and discussion of lessons learned from a few major NRD sites including the Deepwater Horizon Oil Spill and the Lower Duwamish River

Billy Plauche, IV, Esq.
Plauche & Carr LLP ~ Seattle, WA

Mark Schneider, Esq.
Perkins Coie LLP ~ Seattle, WA

12:15 Lunch (on your own)

1:30 Bringing an NRD Case to Trial

From two leading NRD trial lawyers, representing both a plaintiff and defendant perspective, this panel will provide practical trial tips from creating an NRD narrative through making effective closing arguments

James A. Bruen, Esq.
Farella Braun + Martel LLP ~ San Francisco, CA

Allan Kanner, Esq.
Kanner & Whiteley LLC ~ New Orleans, LA

2:30 A Look Ahead for NRD

Given the changing political environment, evolution of the science, and ongoing experience with the effectiveness of different approaches to NRD remedies, what issues can we expect to come next over the horizon?

Ira M. Gottlieb, Esq., *Program Co-Chair*

Laurence S. Kirsch, Esq.
Goodwin Procter LLP ~ Washington, DC

3:00 Evaluations and Adjourn

Related Seminars & Webcast Replays:

Climate Change in the West	February 16-17, 2017	Seattle, WA
Tribal NRD Assessments	December 16, 2016	Seattle, WA
Natural Resource Damages	July 14-15, 2016	Santa Fe, NM

See more at www.lawseminars.com

General Webcast Info

- High quality audio & video
- View slide decks like you were in the room
- Works on any platform, any device

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- Participate from anywhere
- Includes the ability to ask questions
- Qualifies for live credits in most states

Video Replays

- Allow you to time-shift your content
- The streaming version has navigation tools and search capabilities that allow you to quickly find the portions most important to you
- The Vodcast option allows you to make effective use of in-flight plane time



Easy Ways to Register
Online: www.lawseminars.com
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Registration & Other Conference Information

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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 in person or webcast attendance for this program is \$995 with a group rate of \$745 each for two or more registrants from the same firm. For government employees and Tribal members, we offer a special rate of \$665. 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 seminar sessions, food and beverages at breaks, and all course materials. Materials will be available for download and review a few days before the seminar. 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, March 17, 2017. After that time, we will credit your tuition toward attendance at another program or the purchase of a webcast or audio replay.

Seminar Location: The conference will be held at the Arnold & Porter LLP Conference Center at 601 Massachusetts Avenue, NW in Washington, DC 20001-3743. Special thanks to Arnold & Porter LLP for making this space available. Sleeping rooms are available at The Henley Park Hotel at 926 Massachusetts Avenue NW. Call the hotel directly at (800) 222-8474 for reservations at the special negotiated rate of \$229 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 11.5 Washington and 11.75 California MCLE credits. (Law Seminars International is a State Bar of California approved MCLE provider.) Upon request, we will apply for, or help you apply for, CLE credits in other states and other types of credits.

Time Shift Your Content:

Webcast and audio replays, with course materials, are available for \$1005. The course materials alone are available for \$100. Replays will be available within two weeks after the seminar or from the date we receive payment.

Faculty: Natural Resource Damages Conference

Ira M. Gottlieb, Program Co-Chair, leads the Environment & Energy Practice Group at McCarter & English LLP. Chambers USA quotes clients as saying that Mr. Gottlieb “provides great insight into the legal, technical and political nature of environmental issues” and that he “flawlessly comes up with brilliant strategy.”

Brian D. Israel, Program Co-Chair, chairs the Environmental Practice Group at Arnold & Porter Kaye Scholer LLP. He is one of the nation’s leading lawyers for NRD claims and serves as lead counsel to BP in relation to the Deepwater Horizon NRD claim and was one of the attorneys representing BP at the Deepwater Horizon Clean Water Act (CWA) penalty trial.

Rachel Jacobson, Special Address, is Special Counsel at Wilmer Cutler Pickering Hale and Dorr LLP. She formerly was Acting Assistant Secretary for Fish and Wildlife and Parks, and Principal Deputy Solicitor for the U.S. Department of the Interior. She has helped lead work on NRD issues related to the Deepwater Horizon oil spill.

Ken Salazar, Special Address, is a partner at Wilmer Cutler Pickering Hale and Dorr LLP. He formerly served as the Secretary of the Interior as Colorado United States Senator and Colorado Attorney General.

Paul D. Boehm, Ph.D. is Group Vice President & Principal Scientist, Exponent, Inc. He is experienced in environmental forensics as applied to site and sediment investigations, environmental fate of chemicals and NRD assessments for oil spills and contaminated sites.

Karen Bradshaw is an Associate Professor of Law for the Sandra Day O’Connor College of Law at Arizona State University where she researches environmental and natural resources issues, with an emphasis on empirical exploration. She also is a Senior Sustainability Scientist at the Global Institute of Sustainability.

James A. Bruen is a partner at Farella Braun + Martel LLP. He represents industry, universities and governmental institutions on domestic and international environmental issues and litigation involving NRD.

Michael C. Donlan is the Principal of Economics Incorporated, Inc. He is an expert in the management of multidisciplinary natural resource and

economic damage assessments, and the valuation process.

Trudy D. Fisher, Butler Snow LLP, is experienced in environmental law, both counseling and litigation, and government relations.

Barbara J. Goldsmith, a specialist in national and international environmental and energy policy and related corporate management issues, has served as Executive Director of the Ad-Hoc Industry Natural Resource Management Group, a unique group of industrial companies, now in its 29th year, focused on natural resource-related liabilities and opportunities, inclusive of NRD. She is also President of Barbara J. Goldsmith & Company LLC.

Andrew O. Guglielmi is an Associate Attorney in the Office of General Counsel of the N.Y.S. Department of Environmental Conservation. He is currently a Section Chief in OG’s Bureau of Remediation. He supervises a team of attorneys and a paralegal, which is responsible for providing legal assistance to the DEC’s remedial programs, including the Brownfield Cleanup Program, the State Superfund Program, the Environmental Restoration Program, and the RCRA Corrective Action Program.

Allan Kanner, founder, Kanner & Whiteley LLC, represents the State of Louisiana in the Deepwater Horizon oil spill litigation, and the State of New Jersey against Exxon Mobil in a natural resource damages case.

Laurence S. Kirsch is chair of Goodwin Procter LLP’s Energy & Environmental Practice. He focuses on air, surface water, groundwater, hazardous waste, sediments, and toxic substances regulation.

Dr. Mark Laska is the Founder and President of Great Ecology. In 2016, Great Ecology partnered with EnviroFinance Group, to form Tellurium Partners, a public benefit corporation specializing in creating ecological resources and habitat mitigation from degraded lands.

Brett Marston, Arnold & Porter Kaye Scholer LLP, focuses on NRD, contaminated site remediation, oil spill liability, and litigation under the Clean Water Act and other civil penalty statutes.

The Hon. Bob Martin serves as Commissioner of the New Jersey Department of Environmental Protection. Previously, he was a partner at Accenture LLP.

Jean Martin is Senior Counsel, HSSE, in the Legal Department of BP America Inc.

Edward McTiernan is a partner at Arnold & Porter Kaye Scholer LLP. He previously served as Deputy Commissioner and General Counsel for the New York State Department of Environmental Conservation.

Craig R. O’Connor is Section Chief and Special Counsel for the Natural Resources Section, Office of General Counsel, National Oceanic and Atmospheric Administration. He provides legal advice to the National Marine Fisheries Service and the National Ocean Service, and seeks monetary restitution from responsible parties for injuries caused to natural resources.

Samuel W. (Billy) Plauche, partner, Plauche & Carr LLP, focuses his practice on natural resources, land use and environmental regulations. He is a former chair of the Deepwater Horizon NRD trustee council. Prior to entering private practice, Billy was a trial attorney in DOJ’s Environment and Natural Resources Division.

John Rudolph is Attorney Advisor at the U.S. Department of the Interior in the Office of the Solicitor, Division of Parks and Wildlife, Branch of Environmental Restoration.

Mark Schneider is the Chair of Perkins Coie LLP’s national Energy and Environmental Litigation practice and a partner in the firm’s Litigation and Environment, Energy & Resources groups. He focuses on environmental, energy, natural resources, and land use counseling and litigation.

Shawn R.T. Severn is the Managing Partner of Bluefield Holdings, Inc. He provides the strategic direction for the capitalization and expansion of North American credit markets; and leads the firm’s environmental strategies to create ecological assets worthy of highly valued credits backed by Wall Street financial assurance. For the last ten years he has focused on the development of the first independently funded NRD Restoration (Duwamish River Project).

Kevin J. Vaughan, Counsel, Environmental & Safety at Exxon Mobil Corporation, focuses on Superfund and natural resource damage issues.

Peter C. Wright is Managing Counsel at The Dow Chemical Company.

March 23 & 24, 2017

Washington, District of Columbia

**Arnold & Porter LLP
Conference Center**

601 Massachusetts Avenue, NW
(202) 942-5000

Who Should Attend:

In-house, private and government attorneys; trustee representatives; senior executives and risk managers; consultants and others who are involved in natural resource damage policy, assessments and claims

Our Co-Chairs:



Ira M. Gottlieb, Esq.
McCarter & English, LLP



Brian D. Israel, Esq.
Arnold & Porter Kaye Scholer LLP

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