

Featuring Speakers From:

- Abt Associates
- BDO
- Cardno, Inc.
- Industrial Economics, Inc.
- Nez Perce Tribe
- Ogden Murphy Wallace
- Pueblo de San Ildefonso
- Schwabe Williamson & Wyatt
- The Askman Law Firm
- The Cleary Law Group
- Van Ness Feldman

Who Should Attend:

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

The Fifth Annual Comprehensive Seminar on

Tribal NRD Assessments

Current best strategies and tactics for conducting Tribal NRD Assessments



December 16, 2019

Seattle, Washington

Crowne Plaza Hotel - Seattle Downtown

Quick when/where: 8:30 a.m., 1113 Sixth Avenue
Credits: 7.00 WA MCLE | 7.00 ABCEP (call about others)

Tribal NRD Assessments Seminar
December 16, 2019 | Seattle, Washington
Crowne Plaza Hotel - Seattle Downtown

Yes! Please register me:

Name: _____

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For which state(s)? _____

Register my colleague:

Name: _____

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City: _____ **State:** _____ **Zip:** _____

Phone: _____ **Fax:** _____

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

- Audio Replay Video Replay Course Materials



- 8:00 Registration Opens**
- 8:30 Introduction & Overview**
Jack Bell, *Program Co-Chair, Director, ERWM*
 Nez Perce Tribe ~ Lapwai, ID

Connie Sue M. Martin, Esq., *Program Co-Chair*
 Schwabe Williamson & Wyatt ~ Seattle, WA
- 8:40 Invocation**
Anthony Smith, *Environmental Specialist*
 Nez Perce Tribe ~ Lapwai, ID
- 8:45 Update on Federal Damage Assessment Processes and Developments**
Richard A. Du Bey, Esq.
 Ogden Murphy Wallace ~ Seattle, WA
- 9:15 Case Law Update**
 Lessons from recent cases
Connie Sue M. Martin, Esq., *Program Co-Chair*
- 10:00 Break**
- 10:15 Tribal Service Losses (TSL): Unique Economic Analysis Issues for Tribal NRDA**
 Tribal perspective on valuing invaluable resources
Nadia Martin, *Senior Associate*
 Industrial Economics, Inc. ~ Cambridge, MA

 Potentially responsible party perspective
Theodore Tomasi, Ph.D.
VP/Global Senior Principal - Economics
 Cardno, Inc. ~ Newark, DE

 Legal perspective on TSL recovery including situations involving bankruptcy and in settlement contexts
Brian J. Cleary, Esq.
 The Cleary Law Group ~ Hayden, ID
- 12:00 Lunch (on your own)**
- 1:15 Incorporating Climate Change Adaptation into Restoration Planning**
 Anticipating the impact of sea level rise, drought-wildfire cycles, vegetation shifts, and extreme storm events
Kaylene Ritter, Ph.D., *Principal Scientist*
 Abt Associates ~ Boulder, CO

- Impacts of climate change and resiliency/adaptation from a Tribal perspective
Raymond J. Martinez
Director, Department of Environmental and Cultural Preservation
 Pueblo de San Ildefonso ~ Santa Fe, NM
- 2:30 Gaining Leverage by Developing a Legal Structure to Deal with Natural Resource Damages Under Tribal Law**
 Key questions to resolve and provisions to include;
David F. Askman, Esq.
 The Askman Law Firm ~ Denver, CO
- 3:15 Break**
- 3:30 Developing and Refining Environmental Cost Recovery Programs to Make Them More Effective**
 Tips for incentivizing prior owners and operators, arrangers, and transporters to increase the chances that they will pay a fair share of investigation and remediation costs
Michael D. Goodstein, Esq.
 Van Ness Feldman ~ Washington, DC
- 4:00 Negotiating Strategies: Adapting Your Approach to the Presence or Absence of Counsel During Technical Discussions**
 NRDA as a series of negotiations: Insights into the dance of negotiation; practical realities for technical people addressing sub-issues; implications for setting the scope of authority for technical people to make commitments
Jack Bell, *Program Co-Chair*
- 4:30 Avoid Leaving Money on the Table: The Role of Accounting Systems for Maximizing Recovery**
 Legal perspective on what costs are recoverable
Brian J. Cleary, Esq.
 The Cleary Law Group ~ Hayden, ID

 Effective use of accounting systems and techniques to maximize recovery
Wiley Wright, CPA, *Practice Leader - Construction and Environmental Advisory Services*
 BDO ~ McLean, VA
- 5:30 Evaluations and Adjourn**



About the Seminar

LAW SEMINARS INTERNATIONAL

What previous attendees have said:

- “Presenters were very engaging.”
- “Great presentations w/ great material. I appreciate the interaction w/ the audience.”
- “Program felt particularly dynamic and varied this year.”
- “Overall - Very good work”

This fifth annual seminar focusing exclusively on Tribal NRDA continues to explore the cutting-edge cases that are driving the development of Tribal NRD law. The program will start with an update on federal damage assessment processes and developments, and the annual case law update.

We then move into valuing Tribal service losses, incorporating climate change impacts into restoration planning, and pathways to more effective negotiations. This will include ways to gain leverage through development of legal structures for dealing with resource damages under Tribal law.

Restoration requires funding and we address that in two important ways. You'll hear tips for designing more effective cost recovery programs. You'll also hear about ways to design accounting systems to minimize the risk that the Tribe ends up leaving money on the table.

Sign up now so you can participate in our discussions and interact with the faculty. We'll have question and answer sessions after each presentation and at breaks. It's also a great opportunity to enjoy the truly extraordinary city that is Seattle.

We hope to see you there.

~ Program Co-Chairs: Jack Bell, of Nez Perce Tribe and Connie Sue M. Martin, Esq. of Schwabe Williamson & Wyatt



Jack Bell, Program Co-Chair, is the Director of the Environmental Restoration and Waste Management (ERWM) program for the Nez Perce Tribe. In that role, he serves as the Tribe's NRDA Coordinator for the Hanford cleanup.



Connie Sue M. Martin, Program Co-Chair, is a shareholder at Schwabe Williamson & Wyatt. She helps Tribes, ports, companies of all sizes and individuals address environmental contamination and restore injured natural resources.



David F. Askman, The Askman Law Firm, focuses on Native people's law and works on a variety of environmental and natural resource issues. Those issues range from cleanup to regulatory enforcement to restoration of injured natural resources.



Brian J. Cleary, The Cleary Law Group, represents Tribes in a variety of matters including development and litigation of CERCLA cost-recovery and natural resource damage claims.



Richard A. Du Bey, is a Partner at Ogden Murphy Wallace. His practice focuses on environmental and natural resources law and Tribal government matters including inter-governmental negotiations.



Michael D. Goodstein is a partner at Van Ness Feldman where he focuses on issues arising under federal, state, local, and Tribal environmental laws. He previously served with the US DOJ in the Environmental Enforcement Section.



Nadia Martin is a Senior Associate at Industrial Economics, Inc. She specializes in both the assessment of ecological impacts resulting from physical and chemical stressors to natural resources as well as ecological restoration.

Raymond J. Martinez is the Director of the Department of Environmental and Cultural Preservation for the Pueblo de San Ildefonso. One of his top priorities is continued monitoring of chromium groundwater contamination. Another is the development of a climate resiliency plan.



Kaylene Ritter, Ph.D. is a geochemist and a Principal Scientist at Abt Associates. She works with Native American communities across the US, assessing the environmental, health, and cultural impacts of contamination on Native American lands.



Anthony Smith is an Environmental Specialist for the Nez Perce Tribe. He works to protect, preserve and perpetuate retained Treaty Rights and resources in aboriginal lands of the Tribe.



Theodore Tomasi, VP/Global Senior Principal - Economics at Cardno, Inc., is a natural resource economist. He specializes in management of natural resource damage liabilities using restoration-based and monetary evaluations in assessments of impacts to ground water, oil spills, and complex contaminated sites.



Wiley Wright, CPA, is the Practice Leader for Construction and Environmental Advisory Services at BDO. He has extensive experience in providing expert and consulting services for environmental and natural resource damages, including more than 30 years of services to DOJ's Environment and Natural Resources Division for Superfund cost recovery.

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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 \$695 with a group rate of \$625 each for two or more registrants from the same firm. For government employees and Tribal members, we offer a special rate of \$520. For students, people in their job for less than a year, and public interest NGO's, our rate is \$347.50. All rates include admission to all program sessions, food and beverages at breaks, and course materials. As an added bonus, you'll receive access to audio and video replays. 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 Tuesday, December 10, 2019. After that time, we will credit your tuition toward attendance at another program, or the purchase of an audio or video replay.

Seminar Location: The seminar will be held at the Crowne Plaza Hotel - Seattle Downtown at 1113 Sixth Avenue in Seattle, WA 98101. Call the hotel directly at (206) 464-1980 for their best available rate and mention that you are attending a Law Seminars International conference.

Continuing Education Credits:

Live credits: This program qualifies for 7.00 WA MCLE credits and 7.00 ABCEP environmental professional credits. Upon request, we will help you apply for CLE credits in other states and other types of credits.

Time Shift Your Content:

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

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You Will Learn About:

- Federal damage assessment processes and developments
- Maximizing recovery of Tribal Service Losses (TSL)
- Incorporating climate change adaptation into restoration planning
- Legal structures to deal with NRD under Tribal law
- Ways to make environmental cost recovery programs more effective
- Navigating cooperative NRDA as a series of negotiations
- The role of accounting systems for maximizing recovery
- Annual case law update

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Natural Resource Damages	July 18-19, 2019	Santa Fe
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