



**LAW SEMINARS
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A timely one-day program on options for addressing needs for

Ecosystem Restoration

*Innovative solutions, like restoration banking that address factors like
climate change and Environmental Justice*

April 14, 2021

Interactive Online Broadcast

Covid Discount: \$100 off when you register!

Agenda

9:00 Central Time: Introduction & Overview

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

Allan Kanner, Esq., *Program Co-Chair*
Kanner & Whiteley ~ New Orleans, LA

9:15 NRDA and Other Regulations as Simply a Starting Point: The Advantages of Focusing on Providing Ecosystem Services as the “Currency” for Innovative Settlements

Restoration as only one remedy with innovative projects and "NRDA banking" being increasingly considered; emerging new drivers that address factors like climate change and Environmental Justice

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

9:45 Break

10:00 Ecological Restoration in the Gulf Coast: What we Learned on Technical, Legal, and Programmatic Levels

From Deepwater Horizon and other cases, restoration planners in the Gulf coast have acquired unparalleled experience and expertise in planning ecological restoration projects: How can we apply those lessons to driven by other events in other locations?

Irving Mendelsohn, Ph.D., *Emeritus Professor,*
Department of Oceanography and Coastal Sciences
Louisiana State University ~ Baton Rouge, LA

Samuel W. (Billy) Plauche, IV, Esq.
Plauche & Carr ~ Seattle, WA

Christopher Doley, *Chief, Restoration Center*
NOAA National Marine Fisheries Service
Silver Spring, MD

11:00 Restoration Banking as an Idea Whose Time has Come

Legal, economic, and technical issues associated with restoration banking; innovative financing tools such as outcome/performance-based contracting and bonding to move restoration more quickly

Chip Kline,

Executive Assistant to the Governor for Coastal Activities

Office of the Governor ~ Baton Rouge, LA

Megan K. Terrell, Esq.

Plauche & Carr ~ Baton Rouge, LA

12:00 Lunch Break

1:15 Special Address: Establishing Restoration Priorities After Major Events

The benefits of allowing science to drive priority setting processes and tips for minimizing political conflicts

The Hon. Garret Graves, (R) Louisiana

U.S. House of Representatives ~ Washington, DC

1:45 Complex Project Management Case Studies from Around the Country

Managing a large volume of smaller projects: Lessons from New Jersey's large volume of industrial sites

John Sacco, Assistant Director

New Jersey Division of Parks & Forestry ~ Trenton, NJ

Allison Brouk, Esq.

Kanner and Whiteley ~ New Orleans, LA

Managing multiple projects and stakeholders toward a comprehensive restoration strategy: The Yakima Basin Integrated Plan

Peter H. Dykstra, Esq.

Plauche & Carr ~ Seattle, WA

3:00 Break

3:15 Special Address: The Emerging Importance of Environmental Justice (EJ) Considerations

Emerging federal requirements and state law trends; how choice of project affects EJ goals; establishing protocols for considering EJ impacts in proposing projects; the advantages of requiring local buy-in to ensure that EJ goals are met

Shawn M. LaTourette, Esq.,

Acting Commissioner

New Jersey Department of Environmental Protection

Trenton, NJ

3:45 Selection of Remedies Moving Forward: How Decisions for Restorations are Being Made and How Decision Making can be Improved

Innovative approaches to address ecological restoration while also considering climate change, environmental justice and other challenges and priorities: Looking forward, how will ecological restoration change over time?

Joshua Lipton, PhD., Principal

Lipton Consulting ~ Boulder, CO

Tod Delaney, Ph.D., PE, President

First Environment ~ Butler, NJ

Kyle Graham, Senior Program Manager

Ecosystem Investment Partners ~ Erie, CO

5:30 Evaluations and Adjourn

Who Should Attend

In-house, private, and government attorneys; NRD trustee representatives; land use planners, environmental professionals, senior executives and risk managers; consultants and others who are involved in environmental damage policy, assessments, and claims

About the Conference

Ecosystem Restoration, aka Ecological Restoration, has grown in importance and will continue to grow in the future as federal, state, and local governments address environmental damage in a variety of contexts. In this timely program, we will address the innovative concepts and approaches that have emerged from the response to major natural resource damage events around the country.

Deepwater Horizon was a galvanizing event and resulted in a number of technical, legal and programmatic lessons for planning restoration projects. You will have an opportunity to hear about those lessons from key players with technical, legal, and policy perspectives on those lessons. We are pleased to have Congressman Garret Graves give a special address on how to let science, rather than politics, drive project selection.

For example, how do you restore a coastal wetland when rising sea levels due to climate change will soon put the wetland under water. One solution is restoration banking, and you'll hear tips for effectively establishing restoration banks as way to move restoration more quickly and less expensively.

An emerging new approach is to focus on Ecosystem Services rather than simply restoration as a way to facilitate more innovative settlements. The Gulf Coast restoration projects grew out of natural resource damage claims, but NRDA and other regulations are simply a starting point. You'll hear about emerging new drivers that address factors like climate change and Environmental Justice and that will enable you to expand your range of possible solutions.

That is particularly true in light of new requirements to include environmental justice considerations. You'll hear about the new requirements and how they'll affect selection of remedies moving forward.

Join us as we explore the forms and limits of restoration in different contexts during this critically important event.

~Brian Israel, Esq. of Arnold & Porter and
Allan Kanner, Esq of Kanner & Whiteley ,
Program Co-Chairs

Registration & Other Conference Information

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 Tribal Members and government employees, 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 and course materials.

Covid-19 discount: We recognize that being in the same Zoom isn't the same as being in the same room. When you register, we will deduct \$100 from the price you otherwise would pay.

Make checks payable to Law Seminars International.

As an added value bonus, you'll receive access to audio and video recordings of the program at no extra charge.

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 Thursday, April 8, 2021. After that time, we will credit your tuition toward attendance at another program or the purchase of an audio or video replay.

Continuing Education Credit: Live credits: 6.5 MCLE in LA and WA | 6.75 MCLE in CA | 6.5 ABCEP environmental professional | 6.5 AICP planner. Upon request, we will help you apply for CLE credits in other states and other types of credits.

Time Shift Your Content: Audio and video replay files, with course materials, are available for download or on a flash drive at the same price as live attendance. Files are available for downloading five business days after the program or from the date we receive payment. Flashdrive orders are sent via First Class mail within seven business days after the program or from the date we receive payment. The course materials alone are available for \$75.

Faculty

Brian D. Israel, *Program Co-Chair*, is a Partner at Arnold & Porter and chair of the firm's Environmental Practice Group. He served as lead counsel to BP in relation to the Deepwater Horizon NRD claim and as one of the trial attorneys at the Deepwater Horizon Clean Water Act penalty trial.

Allan Kanner, *Program Co-Chair*, currently represents the State of New Jersey against ExxonMobil and represented the State of Louisiana in the Deepwater Horizon oil spill litigation.

The Hon. Garret Graves, *(R) Louisiana, Special Address*, represents Louisiana's Sixth Congressional District in the U.S. House of Representatives. He has been very active in remediation efforts after Deepwater Horizon.

Shawn M. LaTourette is Acting Commissioner for the New Jersey Department of Environmental Protection where he is responsible for formulating statewide environmental policy while directing programs that protect public health and ensure the quality of New Jersey's air, land, water, and natural and historic resources. He previously served as Chief of Staff and then Deputy Commissioner.

Allison Brouk, Kanner and Whiteley, was part of the litigation team that represented the State of Louisiana in its claim related to the Deepwater Horizon oil spill. She also works on natural resource damage cases for the State of New Jersey.

Tod Delaney, Ph.D., PE, is the President of First Environment. For First Environment's litigation practice, he serves as an expert witness for natural resource damages cases and has testified in more than 30 litigations involving the management, disposal, and handling of chemicals in the context of CERCLA, RCRA, state-law cleanup statutes, and toxic tort lawsuits.

Christopher Doley is Chief, Restoration Center for NOAA National Marine Fisheries Service. Following the Deepwater Horizon spill, he led state and federal partners through "contentious negotiations with BP" regarding the early restoration projects and encouraged his team and the affected parties to "think bigger and more creatively to come up with innovative options that will most directly benefit the injured natural resources.

Peter H. Dykstra is a partner at Plauche & Carr where he counsels public and private clients on water rights, land conservation transactions and strategies, ecosystem service markets, and complex natural resource projects. In addition to his law practice, Peter helps clients with issues before Congress, the Washington State Legislature, and federal, state and tribal government agencies, working to pass legislation, secure funding for conservation, restoration, and infrastructure projects, and develop collaborative public/private partnerships for large-scale, innovative solutions to natural resource challenges.

Kyle Graham is a Senior Program Manager at Ecosystem Investment Partners. He previously served as Executive Director for Louisiana's Coastal Protection and Restoration Authority, implementing large scale coastal restoration projects.

Chip Kline is Executive Assistant to the Governor for Coastal Activities in the Office of the Governor. He also is Chairman of the Louisiana Coastal Protection and Restoration Authority Board. Between the two positions, he is responsible for coordinating and focusing the functions of all state agencies as they relate to integrated coastal protection.

Mark S. Laska, Ph.D., is CEO and President of Great Ecology. technical specialization includes habitat restoration, ecological planning and design, and he is a leading Natural Resource Damage (NRD) practitioner. He is highly experienced in taking projects of all scales and sizes from the conceptual stage through post- construction monitoring.

Shawn M. LaTourette is Acting Commissioner for the New Jersey Department of Environmental Protection where he is responsible for formulating statewide environmental policy while directing programs that protect public health and ensure the quality of New Jersey's air, land, water, and natural and historic resources. He previously served as Chief of Staff and then Deputy Commissioner.

Joshua Lipton, Ph.D., formerly President and CEO of Stratus Consulting, has spent much of his career working in the field of natural resource damage assessment and restoration (NRDAR). He has worked on over 100 natural resource damage assessments, having served as a lead scientist and technical coordinator at many of the prominent NRDA investigations that have been undertaken by federal, state, and Tribal trustees.

Irving A. Mendelsohn, Ph.D., holds the position of Professor Emeritus in the Department of Oceanography & Coastal Sciences, Louisiana State University. He is a Fellow of the Society of Wetland Scientists and holds an Honorary Doctorate from the University of Aarhus, Denmark, where he conducted collaborative research. Dr. Mendelsohn's research emphasizes the restoration and sustainability of coastal wetlands, including the use of hydraulically dredged sediment-slurries for coastal marsh restoration and the response and mitigation of wetlands to oil spills.

Samuel W. (Billy) Plauche, IV, Plauche & Carr, focuses on environmental, natural resources, and coastal law. Billy represents both public and private sector clients, including the State of Louisiana with regard regulatory issues

associated with the State's coastal restoration program. As part of his representation of the State of Louisiana, he served as Chair of the Deepwater Horizon Trustee Council from 2015-2016.

John Sacco is the Assistant Director of New Jersey Division of Parks & Forestry. In that position, he serves as the State Forester and supervises the Office of Natural Resource Restoration (ONRR). He previously served as the Administrator of the Office of Natural Resource Restoration.

Megan K. Terrell is a partner at Plauche & Carr. She previously served as Deputy Director of the Louisiana Governor's Office of Coastal Activities. Prior to joining the Governor's Office, she was the Deputy Director of the Civil Division and Chief of the Environmental Section of the Louisiana Department of Justice, where she served as lead in-house counsel for the Deepwater Horizon response, litigation, and restoration.