

*The 17th Annual Santa Fe Advanced Conference on*  
**Natural Resource Damages**

*Featuring the nation's leading NRD experts to bring you critical updates on key legal and policy developments, evolving roles for states and Tribes, successful restoration solutions, and valuable litigation tips and strategies*

**September 19 & 20, 2024**

The Historic La Fonda on the Plaza Hotel in Santa Fe and Live Online

*Agenda—Day 1*

**9:00 Introduction & Overview**

**Sarah Peterman Bell, Esq.**, *Program Co-Chair*  
Farella Braun + Martel ~ San Francisco, CA  
**William J. Jackson, Esq.**, *Program Co-Chair*  
Kelley Drye & Warren ~ Houston, TX

**9:15 Update from the Nation's Capital: The Year Behind and the Uncertainty Ahead**

In the last year of its first term, the Biden Administration has promulgated an ambitious environmental agenda, but as we look ahead to the 2024 election the agenda's impact on and the future of federal environmental priorities is anything but certain

**Jordan Diamond, President**  
Environmental Law Institute ~ Washington, DC

**9:45 Update from the States: NRD Priorities for State Trustees**

States taking an increasingly important role in natural resource damages assessment and damages cases nationally: State priorities, new developments in NRD, and new approaches to addressing PFAS cases and other ongoing NRD matters

**William J. Jackson, Esq.**, *Moderator*  
**William G. Grantham, Esq.**,  
*Assistant Attorney General*  
New Mexico Environment Department ~ Santa Fe, NM  
**Daniel S. Hirschman, Esq.**,  
*Senior Deputy Attorney General*  
Office of the Attorney General ~ Raleigh, NC  
**Sheila H. Potter, Esq.**,  
*Chief Trial Counsel*  
Oregon Department of Justice ~ Portland, OR

**10:45 Break**

**11:00 Tribal Cultural Resources as Natural Resource Damages**

What cultural resources are, importance to Tribes, how to value them and measure damages, when they are recoverable as NRD: Analysis of recent cases including Pakootas and The Confederated Tribes of the Colville Reservation v. Teck Cominco Metals, Ltd.

**Robert E. Unsworth, Principal**  
Industrial Economics, Incorporated ~ Cambridge, MA  
**Scott E. Kauff, Esq.**  
Law Offices of John K. Dema ~ Rockville, MD  
**David R. Yepa, Esq. (inv)**  
VanAmberg Rogers Yepa Abeita Gomez & Wilkinson  
Santa Fe, NM

**12:00 Lunch (On Your Own)**

**1:30 Key Current Issues Regarding the Assessment of Natural Resource Damages**

New NRDA methodologies and approaches for injuries and damages

**Kaylene Ritter, Ph.D., President**  
Natural Nexus ~ Golden, CO

**Ryan Stifter,**  
*Principal, Economics & Complex Analytics*  
Roux Associates ~ Oakland, CA

New DOI Type A regulations for the easy sites and how changes to other federal and state laws impact NRDA

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

How and when are the costs of an NRDA recoverable by trustees?

**Lana Rowenko, Esq.,**  
Kelley Drye & Warren ~ Houston, TX

**2:30 Best Practices for Managing Environmental Risk**

The growing list of environmental risks businesses must consider, including the SEC's latest climate disclosure rules, evolving ESG requirements, "green washing" litigation, increasing PFAS standards, and state laws requiring the use of recycled materials

**Sarah Peterman Bell, Esq., Moderator**  
**Ann L. Al-Bahish, Esq., Senior Corporate Counsel - HSE**  
CITGO Petroleum ~ Houston, TX

**Sabrina M. Mizrachi, Esq.,**  
*VP, Litigation & Global Product Regulatory*  
Estee Lauder ~ New York, NY

**3:30 Break**

**3:45 What is the Next Big Thing?**

The discovery, study, and regulation of emerging compounds has been largely dominated by PFAS, but there are numerous other emerging compounds including 1,4 Dioxane and 6PPD: What is on the scientific and legal horizons for emerging compounds?

**Sarah Peterman Bell, Esq., Program Co-Chair**  
**Judi L. Durda, Chief Strategy Officer**  
Integral Consulting Inc. ~ Annapolis, MD

**Matt Edling, Esq.**  
Sher Edling ~ San Francisco, CA  
**Thomas K. Mohr, Principal Consultant**  
Mohr HydroGeoScience LLC ~ Salinas, CA

**5:00 Reception for On Site Faculty and Attendees**

Graciously sponsored by the law firms of Farella Braun + Martel and Kelley Drye & Warren

### 9:00 Supreme Court Update

A look back at this term's United States Supreme Court decisions likely to have the biggest impact on environmental law, including the Court's recent pronouncement on Chevron deference

**John C. Cruden, Esq.**  
Beveridge & Diamond ~ Washington, DC  
**Robert Percival, Esq.,**  
*Director, Environmental Law Program*  
University of Maryland School of Law  
College Park, MD

### 10:15 Break

### 10:30 The Latest on the Evolution of PFAS Science, Regulation, and Litigation

Significant scientific and legal developments related to PFAS that have occurred over the last year: the evolving science and understood risks of PFAS leading to increasingly stringent regulatory environment, regulations and standards

**Jamie C. DeWitt, Ph.D.,**  
*Director, Environmental Health Science Center*  
Oregon State University ~ Corvallis, OR

Evolving regulatory environment and technical compliance

**Kristin R. Robrock, Ph.D., P.E.,**  
*Managing Engineer*  
Exponent Inc. ~ Oakland, CA

Status of PFAS litigation across the country including consolidated multi-district AFFF cases

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

Status of the regulatory/superfund/MCL designations

**Christopher I. Rendall-Jackson, Esq.,**  
Farella Braun + Martel ~ San Francisco, CA

### 12:30 Evaluations and Adjourn

#### *Who Should Attend*

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

#### *About the Conference*

We will look back at progress towards fulfillment of Biden Administration's ambitious environmental agenda and ahead to the 2024 election. What can we tell about the future for federal environmental policy priorities? Jordan Diamond, President of the Environmental Law Institute, will open the conference with her insights into what to expect for federal policy moving forward.

As the Supreme Court pulls back on federal jurisdiction and authority, one thing we know for certain is that states will be taking on an increasingly important role in assessing damages and pursuing claims for injury to their natural resources. You will hear from state officials from the East Coast, Desert Southwest, and West Coast on new developments at the state level and their policy priorities.

Tribes also are upping their game as NRD trustees, particularly with respect to Tribal cultural resources and their recoverability as natural resource damages. You will hear analysis of recent cases on, and resolution of, those issues from Tribal, potentially responsible party, and technical perspectives.

The afternoon of the first day flows into a discussion of current issues in assessment of damages including new NRDA methodologies, new DOI regulations, changes in state laws, and the question of whether the NRDA costs are recoverable by trustees in advance of an NRDA.

In a politically charged and increasingly difficult environment, you will hear tips for identifying and managing environmental risks including new SEC reporting requirements, evolving ESG requirements, and "green washing" litigation over misleading environmental or sustainability claims. You also will gain insights into what is on the scientific and legal horizons for emerging compounds such as 1,4 Dioxane and 6PPD.

We are delighted to have John Cruden and Robert Percival open the second day by discussing the Supreme Court's recent term and the decisions likely to have the biggest impact of environmental law including the Court's recent pronouncement on Chevron deference. They will also provide their insights into the cases to watch during the 2024-2025 term and their potential implications.

In April of this year, the EPA designated PFOA and PFOS as hazardous substances under CERCLA and released new national drinking water standards pursuant to the Safe Drinking Water Act. Our last panel will guide you through the evolution of PFAS science, regulation, and litigation with an eye towards the implications for NRD claims and litigation. You will hear an update on the scientific studies behind PFAS and why the risks are going up and the allowable levels have dropped precipitously. The panel will discuss how such findings impact water resources and loss of use valuations. The litigation update will include a landscape view of the over 8,000 PFAS cases already filed and the impact of the waiver of US sovereign immunity on what is anticipated to be a second wave of PFAS litigation and on the all-important question of who pays.

We hope you will join us, either in person or remotely, for what promises to be an exceptionally interesting and informative day and a half in Santa Fe!

For those attending in person, plan to stay for the reception at the end of the first day. La Fonda is holding a block of rooms for our participants. Register for the conference and make your hotel reservation soon to take advantage of La Fonda's special conference rate.

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

### *Registration & Other Conference Information*

**Tuition:** Regular tuition for this program is \$1095 with a group rate of \$985 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$820. For public interest NGO's, students, and people in their job for less than a year, our rate is \$547.50. All rates include admission to all program sessions, food and beverages at breaks, and course materials.

Make checks payable to Law Seminars International.

As a value-added bonus, you will 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 Friday, September 13, 2024. 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: This program qualifies for 9.00 NM MCLE, 9.25 CA MCLE, 9.00 TX MCLE, 9.00 WA MCLE, and 9.00 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 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. Flash drive 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 \$100.

### *Faculty*

**Sarah Peterman Bell**, *Program Co-Chair*, is a partner at Farella Braun + Martel focusing on environmental and natural resources litigation in state and federal courts. Her practice includes environmental enforcement actions, cost recovery, citizen suits, water quality, and complex toxic tort matters.

**William J. Jackson**, *Program Co-Chair*, is co-chair of the National Environmental Law practice group at Kelley Drye & Warren. He is currently serving as counsel for a dozen states and territories, in addition to private-sector clients, in significant remediation and natural resource damages across the country.

**Ann L. Al-Bahish** is Senior Corporate Counsel for Health, Safety, and Environmental at CITGO Petroleum. She is the company's lead for environmental and general civil litigation, incident response, environmental stewardship, environmental change management, waste reduction and the circular economy, and natural resource damages.

**John C. Cruden** is a principal at Beveridge & Diamond. For more than two decades, He served as a senior leader on environment and natural resource matters at the United States Department of Justice (DOJ), where he supervised some of the department's most significant litigation, including the Exxon Valdez oil spill, Love Canal, and Bunker Hill litigation.

**Jamie C. DeWitt** is Director of the Environmental Health Science Center in the College of Agricultural Sciences at Oregon State University. She formerly was a professor in the Department of Pharmacology & Toxicology at the Brody School of Medicine at East Carolina University where she led ground-breaking research funded by the Department of Defense, the NIEHS, and the U.S. Environmental Protection Agency, along with numerous state and philanthropic organizations to advance research in immunotoxicology, neurotoxicology, and neuroimmunotoxicology.

**Jordan Diamond** is President of the Environmental Law Institute. She previously served as Executive Director of UC Berkeley's Center for Law, Energy & the Environment and co-directed the Law of the Sea Institute at UC Berkeley. From 2018-2023 she served on the California Ocean Protection Council.

**Judi L. Durda** is Chief Strategy Officer for Integral Consulting Inc. She has extensive experience with emerging and yet to be regulated chemicals including per- and polyfluoroalkyl substances (PFAS). In addition, she has extensive experience in the evaluation of ecological risks and natural resource damages potentially associated with chemical release or disposal.

**Matt Edling**, Sher Edling, represents public entities in large individual actions, as well as plaintiffs in complex litigation. He currently serves as counsel for several states, counties and cities in litigation related to climate damages, water and land contamination, and natural resources damages involving myriad petrochemical, agrichemical, and other man-made chemicals. He previously served as trial counsel for California's Department of Toxic Substances Control arising out of its largest-ever contaminated site cleanup.

**William G. Grantham** is an Assistant Attorney General assigned to the New Mexico Environment Department. He represents the Department in a wide variety of environmental policy and compliance matters including resolution of natural resource damages claims.

**Daniel S. Hirschman** is a Senior Deputy Attorney General and Environmental Division practice group head at the North Carolina Department of Justice. His specialties include environmental law, natural resources law, energy law, Indian Law, administrative law and litigation. In that role, he serves as the primary legal contact for the Secretary and senior management of the NC Department of Environmental Quality on all litigation and administrative legal matters.

**Brian D. Israel** is chair of Arnold & Porter's Environmental Practice Group and co-lead of the firm's Environmental, Social, and Corporate Governance (ESG) working group. Since 2010, 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. He is a principal author of "Natural Resource Damages: A Guide to Litigating and Resolving NRD Cases", the definitive treatise on NRD claims.

**Scott E. Kauff**, Law Offices of John K. Dema, established the firm's Washington, DC regional office. He concentrates on environmental and toxic torts litigation, with most of his practice focusing on NRD litigation on behalf of public clients. He also has acted as special environmental counsel to the State of New Jersey, the State of Maryland, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands in their assertion of substantial NRD claims.

**Sabrina M. Mizrachi** is Vice President for Litigation & Global Product Regulatory at Estee Lauder with experience in the consumer goods, chemicals, and mining industries. She previously was Chief Litigation Counsel for Colgate-Palmolive and Vice President and Associate General Counsel for Republic Services.

**Thomas K. Mohr**, Mohr HydroGeoScience, focuses on water utility groundwater contamination cases, including chlorinated solvents, 1,4-dioxane, 1,2,3-trichloropropane, and perfluoroalkyl substances. He conducts water supply assessments, well interference analysis, groundwater recharge evaluation, and contaminated property purchase assessments.

**Robert Percival** is the Director of the Environmental Law Program at the University of Maryland School of Law. He joined the faculty after serving as a senior attorney for the Environmental Defense Fund. Since 1992 he has been the principal author of the most widely used casebook on environmental law in the United States.

**Sheila H. Potter** is Chief Trial Counsel at the Oregon Department of Justice. She oversees the Department's Civil Litigation, Special Litigation, Criminal, and Collateral Remedies Sections.

**Christopher I. Rendall-Jackson**, Special Counsel at Farella Braun + Martel, is an environmental litigation, land use, and regulatory lawyer. His environmental litigation experience includes high-profile Superfund (CERCLA) litigation and California Environmental Quality Act (CEQA) writ litigation. He also provides product counseling and litigates product claims, including Proposition 65 and federal and state PFAS standards and reporting requirements.

**Kaylene Ritter**, President of Natural Nexus, is an environmental chemist. She has worked at Superfund and other contaminated sites across the country, including mine-impacted sites contaminated with metals and radionuclides, industrial sites contaminated with dioxins, polychlorinated biphenyls (PCBs) and other organo-chlorine compounds, and oil spill sites contaminated with polycyclic aromatic hydrocarbons (PAHs).

**Kristin R. Robrock** is a Managing Engineer for Environmental and Earth Sciences at Exponent Inc. She specializes in biodegradation and the fate and transport of chemicals in the environment and has expertise in emerging contaminants, including brominated flame retardants, such as PBDEs, and PFAS, as well as conventional contaminants such as chlorinated solvents, specifically PCE and TCE, perchlorate, metals, PCBs, and petroleum hydrocarbons in soil and groundwater.

**Lana Rowenko** is a partner at Kelley Drye & Warren. Her environmental practice includes representing states and sovereigns in complex environmental litigation involving natural resource damages, recovery under federal environmental statutes, and economic damages arising under state tort law. She also has experience representing companies before state administrative bodies related to environmental permitting.

**Ryan Stifter** is Principal, Economics & Complex Analytics at Roux Associates. He leads quantitative economic research and analysis into issues arising in litigation, insurance claims, environmental regulation and enforcement, natural resource management, and business decisions affected by contingent liabilities.

**Robert E. Unsworth**, Principal and former President of Industrial Economics, Inc. (IEc), is an economist specializing in the valuation of adverse changes in the environment and natural resources. His work includes monetization of a broad range of harms due to wildland fire, groundwater contamination, and international military conflicts, as well as impacts to indigenous communities from the release of hazardous contaminants.

**David R. Yepa** is a partner at VanAmberg Rogers Yepa Abeita Gomez & Wilkinson. His practice includes representation of Tribes on environmental matters.