

**Featuring Speakers From:**

- Abt Associates
- Confederated Tribes of the Umatilla Indian Reservation
- EcoPlan International
- HansonRM
- Industrial Economics, Incorporated
- Law Offices of Thomas Zeilman
- National Oceanic and Atmospheric Administration
- Nez Perce Tribe
- Schwabe Williamson & Wyatt
- The Cleary Law Group PC
- US Department of the Interior

**Who Should Attend:**

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

*The Third Annual Comprehensive Seminar on*

# Tribal Natural Resource Damages Assessments

Best strategies and tactics to handle complex Tribal NRD cases



**December 4, 2017**

**Seattle, Washington**

**Washington State Convention Center**

**Credits:** 6.50 WA CLE | 6.50 ID CLE pending (call about others)  
**Quick when/where:** 8:30 a.m., 800 Convention Place

**Tribal NRD Assessments Seminar**  
December 4, 2017 | Seattle, Washington  
Washington State Convention Center

**Yes! Please register me:**

**Name:** \_\_\_\_\_

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For which state(s)? \_\_\_\_\_

**Register my colleague:**

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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

Jack Bell, Program Co-Chair, NRDA Coordinator  
Nez Perce Tribe ~ Lapwai, ID

Connie Sue M. Martin, Esq., Program Co-Chair  
Schwabe Williamson & Wyatt ~ Seattle, WA

8:45 What to Expect for Federal Natural Resource Damage Recovery Under the Trump Administration

How deregulatory initiatives by the Trump Administration and Congress will impact environmental protection and governance; implications of withdrawal from the Paris Agreement; what we should expect from federal trustees in the coming years

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

Deirdre Donahue, Esq., Attorney Advisor  
US Department of the Interior ~ Portland, OR

10:30 Break

10:45 Case Law Update: Lessons from Recent Trials, Settlements, and Decisions of Particular Interest to Tribes

Legal and economic perspectives on key developments and the implications for NRD strategy development

Thomas A. Zeilman, Esq.  
Law Offices of Thomas Zeilman ~ Yakima, WA

Robert E. Unsworth, Principal and Director  
Industrial Economics, Incorporated ~ Cambridge, MA

12:00 Lunch (on your own)



1:15 Assessing Cultural Service Losses

New developments in techniques and tools for conducting cultural service loss studies: How to establish baseline; issues around restoration, including how to restore something that is lost; treaty rights aspects; advantages of using NRDA as a vehicle

Anthony Smith, Environmental Specialist  
Nez Perce Tribe ~ Lapwai, ID

An interactive discussion of practical strategies for applying the techniques and tools

Jack Bell, Program Co-Chair, Moderator

Nadia Martin, Senior Associate  
Industrial Economics, Incorporated ~ Cambridge, MA

Matthew W. Johnson, Esq.,  
Energy and Environmental Sciences Program Manager (inv)  
Confederated Tribes of the Umatilla Indian Reservation  
Pendleton, OR

2:45 Break

3:00 Incorporating Cultural Values into Restoration Activities

Case study of a framework developed in British Columbia for including cultural values in the management, restoration, and/or mitigation of water and natural resources based on traditional economic methods; how to integrate the method into NRDA analysis

David A. Hanson, Principal  
HansonRM ~ Blaine, WA

William Truesdale, AICP, President  
EcoPlan International ~ Vancouver, BC Canada

3:45 Damages Recovery: Case Study of the Tar Creek Superfund Site and Lessons from the Peabody Bankruptcy

How the technical and legal team developed and executed their approach to tribal bankruptcy claims to achieve successful outcome for the tribes

Brian J. Cleary, Esq.  
The Cleary Law Group PC ~ Hayden, ID

Kaylene Ritter, Ph.D., Senior Associate  
Abt Associates ~ Boulder, CO

5:00 Evaluations and Adjourn



About the Seminar



What previous attendees have said:

“A good information-packed seminar. The speakers-particularly those addressing tribal interests - did an excellent job conveying tribal perspective.”

“Overall, a good program. Nice opportunity to network and brainstorm.”

“Great to hear about other NRDA cases that do involve tribes”

Tribal Natural Resource Damage (NRD) assessment and restoration remains one of the most fascinating, and still underdeveloped, areas of environmental law. The legal and technical issues where contaminated sites impact Tribal resources and treaty rights are complex, and the time investment and costs of assessment and restoration can be enormous.

Although developing caselaw continues to demonstrate that Indian Tribes are on equal footing with state and federal natural resource trustees under CERCLA, responsible parties continue to resist Tribal participation and oversight, and Tribal trustees may lack the funding, experience, and expertise necessary for full participation in NRD assessment and restoration. In addition, quantifying injury to natural resources in the framework of Tribal spiritual and cultural connections to natural resources is challenging to assess and restore under the CERCLA statutory framework. Finally, changes in policy, priorities, and funding under the new administration may significantly impact sites where Tribes work with federal trustee partners, possibly leaving Tribes to lead assessment and restoration activities that otherwise would be led by federal trustees, or to go it alone.

This seminar will allow you to hear from lawyers, policy makers, and technical experts who are involved in Tribal natural resource and restoration sites and the cases that are driving the development of Tribal NRD law.

This seminar is the third to focus exclusively on Tribal NRDA's, offering the latest thinking in NRD law and science. Participate in our discussions, interact with the faculty in questions after each presentation and at breaks --and enjoy the truly extraordinary city that is Seattle.

~ 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 NRDA Coordinator for The Nez Perce Tribe. Previously he has worked as a Wildlife Biologist and spent 15 years as Land Services Director.

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

**Brian J. Cleary**, The Cleary Law Group PC, focuses on complex litigation including appellate experience involving natural resource damages, water rights, water quality regulations, ownership of submerged lands, taxation, hydropower licensing and land use.

**Deirdre Donahue** is an Attorney Advisor with the Department of the Interior, Office of the Solicitor stationed in Portland, Oregon. She works for the Division of Parks and Wildlife, Branch of Environmental Restoration, and provides legal representation for the Department on various natural resource damage assessment and restoration matters.

**David A. Hanson** is the Principal of HansonRM. His national consulting practice focuses on the integration of science, economic, and cultural inputs and interests to address complex water and natural resource projects. He has provided the technical and management leadership for multiple national IDIQ NRDA contracts for the Department of Interior, NOAA, and other Trustee agencies.

**Matthew W. Johnson** is the Energy and Environmental Sciences Program Manager for the Confederated Tribes of the Umatilla Indian Reservation. He the Primary trustee for the Umatilla on the Hanford Natural Resource Trustee Council.

**Nadia Martin** is a Senior Associate with Industrial Economics, Incorporated. She specializes in assessing the ecological impacts of physical and chemical stressors to natural resources, including radioactive contaminants. This includes work on the Hanford Reservation in Washington and the Los Alamos National Laboratory in New Mexico.

**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.

**Kaylene Ritter** is Senior Associate at Abt Associates. She specializes in transport and impacts of contaminants in the environment at mining, industrial, and oil spill sites; Natural resource damage assessment (NRDA); Restoration of natural resources; Climate change impacts, vulnerability assessment and climate change resiliency/adaptation.

**Toyaaxnin (Anthony Smith)** is an Environmental Specialist for the Nez Perce Tribe and works with the Tribe's NRDA Program in response to the Hanford Nuclear Site. His focus is currently on a Tribal Cultural Service Loss Study in which to understand impacts to the Nez Perce Tribe as a result of a release of contamination at Hanford. He also serves as the Alternate Technical Representative on the Hanford Natural Resource Trustee Council (HNRTC). He has worked 15 years for the Nez Perce Tribe under the Environmental Restoration and Waste Management Program and Cultural Resources Program.

**William Trousdale** is a certified professional planner and decision analyst. His work focuses on applying insights from strategic planning, structured decision support, behavioral decision theory and negotiation science to a range of complex problems and opportunities. His interest is in integrating analytical methods with a range of multi-stakeholder and public engagement approaches.

**Robert E. Unsworth** is Principal and Director at Industrial Economics, Incorporated. His practice focuses on applied natural resource and environmental economics. He provides expert support in the assessment of economic damages resulting from adverse changes in the environment, economic benefits associated with improvements in environmental conditions, and the costs and benefits associated with environmental regulation.

**Thomas A. Zeilman** has a solo law office and has represented the Yakama Nation for over eighteen years, both as an in-house attorney and in private practice. He has worked in many areas of tribal natural and cultural resources law, including treaty fishing and hunting rights, Columbia River fisheries management and enforcement, environmental cleanup and hazardous waste management, and tribal water rights.



## Registration & Other Seminar Information

### To Register:

Call us at: 206-567-4490

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Email us at: registrar@lawseminars.com

Online: www.lawseminars.com

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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 \$695 with a group rate of \$520 each for two or more registrants from the same firm. For government employees and Tribal members, we offer a special rate of \$465. 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 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 Tuesday, November 28, 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 seminar will be held at the Washington State Convention Center at 800 Convention Place in Seattle, WA 98101. Use your favorite booking site to select from the several hotels within a short walk to the Convention Center.

### Continuing Education Credits:

Live credits: This program qualifies for 6.50 Washington MCLE credits and we have applied for 6.50 Idaho CLE credits. 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 \$695. The course materials alone are available for \$100. Replays will be available within three business days after the seminar or from the date we receive payment.

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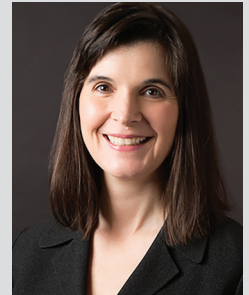
**December 4, 2017**  
 Seattle, Washington

Washington State Convention Center  
 800 Convention Place  
 (206) 694-5000

**Our Co-Chairs:**



**Jack Bell**  
 Nez Perce Tribe



**Connie Sue M. Martin, Esq.**  
 Schwabe Williamson & Wyatt

**General Webcast Info**

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

**Live Webcasts**

- 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
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- The Vodcast option allows you to make effective use of in-flight plane time

**Audio Podcasts**

- Perfect for making more effective use of the time you spend commuting

## Law Seminars International News:

**Related Seminars & Webcast Replays:**

|                                       |                     |                   |
|---------------------------------------|---------------------|-------------------|
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| Clean Water and Stormwater            | June 22-23, 2017    | Seattle, WA       |
| Natural Resource Damages              | July 18-19, 2017    | Seattle, WA       |
| Water Law in Washington               | July 25-26, 2017    | Seattle, WA       |
| Model Toxics Control Act              | September 28, 2017  | Seattle, WA       |
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