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The Seventh Annual Advanced Conference on

Natural Resource Damages

Once again, in-house, private, and government attorneys, trustees, industry executives, risk managers, and consultants will gather in D.C. to discuss best strategies for your NRD case

Live webcast and replays available!

March 1 & 2, 2018

Washington, District of Columbia

Arnold & Porter Kaye Scholer LLP Conference Center

Credits: 10.50 WA CLE credits | 12.00 NJ CLE credits (call about others)
Quick when/where: 8:30 a.m., 601 Massachusetts Avenue, NW

Natural Resource Damages Conference
March 1 & 2, 2018 | Washington, District of Columbia
Arnold & Porter Kaye Scholer LLP Conference Center



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

- Live Homestudy Webcast
- Homestudy Replay
- Course Materials

18NRDDC WS



- 8:00 Registration Opens
- 8:30 Introduction & Overview
 - Brian D. Israel, Esq., Program Co-Chair**
Arnold & Porter Kaye Scholer LLP ~ Washington, DC
 - Ira M. Gottlieb, Esq., Program Co-Chair**
McCarter & English LLP ~ Newark, NJ
- 8:45 Special Opening Address: Policy Priorities at the DOJ’s Environment and Natural Resources Division (ENRD)

How the Department will be approaching NRD claims, investigations, and litigation

Jeffrey H. Wood, Esq.
Acting Special Assistant Attorney General for ENRD
U.S. Department of Justice ~ Washington, DC
- 9:15 The Future of NRD: Federal Trustee Perspectives

How the trustees see the current challenges and opportunities

Chauncey Kelly, Esq., Chief, Natural Resources Section
National Oceanic and Atmospheric Administration
Silver Spring, MD

John Rudolph, Esq., Attorney-Advisor
U. S. Department of the Interior ~ Washington, DC
- 10:15 Break
- 10:30 Portland Harbor: Strategic Insights from One of the Nation’s Largest On-Going NRD Assessments (NRDA)

Strategic questions related to cooperative assessments, restoration and remedial planning, overlapping trusteeship and other issues

Loren R. Dunn, Esq.
Beveridge & Diamond PC ~ Seattle, WA

Joan P. Snyder, Esq.
Stoel Rives LLP ~ Portland, OR
- 11:30 The Baseline Imperative: From Regulations to State of the Practice

Why it is critical to assess both regulatory and scientific aspects?
Why is it often overlooked? What is the role of climate change?

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

Denise Kay, Ph.D.
Principal Lead, Natural Resource Technology
University of Wisconsin ~ Milwaukee, WI

- How do increased data accessibility and ‘big data’ affect our ability to characterize baseline?

Ann Michelle Morrison, Ph.D., Senior Managing Scientist
Exponent, Inc. ~ Maynard, MA
- 12:15 Lunch (on your own)
- 1:30 In-House Perspectives on Strategies to Make NRD More Efficient

Thomas Byrne, Esq., Chief Environmental Counsel
Honeywell International Inc. ~ Morristown, NJ

Peter C. Wright, Esq., Managing Counsel
The Dow Chemical Company ~ Saginaw, MI
- 2:45 State and Tribal Perspectives on Pursuing NRD Claims

Will state and Tribal trustees be more inclined, and have the resources, to take the lead in pursuing claims? Are there potential conflicts with federal trustees and how may they be addressed?

David F. Askman, Esq.
The Askman Law Firm LLC ~ Denver, CO

Hilary C. Tompkins, Esq.
Hogan Lovells US LLP ~ Washington, DC
- 3:45 Break
- 4:00 Leading Government Officials and In-House Counsel Discuss NRD Regulatory Reform

An idea whose time has come?

John Carlucci, Esq., Assistant Solicitor
U. S. Department of the Interior ~ Washington, DC

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

Craig R. O’Connor, Esq.
Section Chief and Special Counsel for Natural Resources
National Oceanic and Atmospheric Administration
Seattle, WA
- 5:30 Continue the Exchange of Ideas: Dinner & Reception for Attendees and Faculty

Sponsored by Arnold & Porter LLP and McCarter & English LLP



About the Conference

LAW SEMINARS INTERNATIONAL

What previous attendees have said:

- “Great speakers, maybe the best I have seen in years!”
- “Excellent balance between government and responsible party perspectives”
- “All excellent speakers and materials.”
- “Thank you for great hospitality, excellent presentations!”

Among the results of the 2016 presidential election were shifts in federal environmental policy and resulting shifts in state and Tribal environmental policy that will influence trustee approaches towards assessment and recovery of natural resource damages. This year’s Advanced NRD Conference in D.C. will examine the existing and potential changes, and provide critical information so that NRD stakeholders may be better able to adapt. We’ll look at these issues from the perspectives of federal trustees, state and Tribal trustees, responsible parties, and others affected by natural resource damages cases.

At this moment of transition, the D.C. Advanced NRD Conference will also provide a forum to explore the past successes, challenges and opportunities of the NRD legal regime, including ideas for making the NRD practice more efficient and effective.

The Conference will also address the critical strategic and tactical aspects of NRD litigation. We’ll have a case study of the Portland Harbor site, which is a large on-going NRDA with some innovative approaches being tried. Baseline is often overlooked, but there are some very interesting developments now that we’re in an era of big data and climate change-related claims. There also are new developments in the integration of science and economics to reduce uncertainty in evaluating NRD claims. In terms of putting the pieces together, we’ll have an engaging presentation from two accomplished trial attorneys on how to prepare an NRD case for trial by putting a good story together.

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 the program and a special dinner with our nationally renowned faculty on Thursday evening to continue the conversation and meet others in the field.

Register soon to reserve your place.

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



Portland, Oregon Waterfront Before Harbor Wall

8:30 Introduction to Day 2

Brian D. Israel, Esq., Program Co-Chair
Ira M. Gottlieb, Esq., Program Co-Chair

8:45 Science and Economics: A New, Integrated Approach to NRDA

Changing paradigms: Integrating science and economics to find better ways of dealing with uncertainty in resolving NRDA claims and moving the case towards resolution in what is necessarily a public process

Robert Haddad, Ph.D.
Group VP - Environmental & Earth Sciences
Exponent, Inc. ~ Menlo Park, CA

Adam Domanski, Ph.D., Economist
ECONorthwest ~ Seattle, WA

Theodore Tomasi, Ph.D.
Vice President and Director of National Practices
Cardno, Inc. ~ Newark, DE

10:15 Break

10:30 Practical Tips from Top Environmental Litigators for Preparing for an NRD Trial

Creating an NRD narrative through tools for gathering evidence and persuading the jury; this interactive panel will present some of the latest learnings from recent NRD and other environmental trials

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

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

12:00 Special Closing Address: The Past, Present & Future of NRD

A view from the former Special Assistant Attorney General for the Department of Justice's Environment and Natural Resources Division

John C. Cruden, Esq., President
American College of Environmental Lawyers ~ Washington, DC

12:30 Evaluations and Adjourn

Related Seminars & Webcast Replays:

Environmental Trials	October 16-17, 2017	Washington, DC
Tribal NRD Assessments	December 4, 2017	Seattle, WA
SEPA & NEPA	January 10, 2018	Seattle, WA
Citizen Suits	February 2, 2018	Seattle, WA

See more at www.lawseminars.com



Registration & Other Conference Information

To Register:

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 \$895 each for two or more registrants from the same firm. For government employees and Trial members, we offer a special rate of \$745. 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, February 23, 2018. 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 Kaye Scholer LLP Conference Center at 601 Massachusetts Avenue, NW in Washington, DC 20001-3743. There are a number of nearby hotels, so it's best to use your favorite

hotel-booking site to pick the one that's right for you at a good price.

Continuing Education Credits: Live credits: This program qualifies for 12.00 New Jersey and 10.50 Washington 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 \$995. 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.

Faculty: Natural Resource Damages Conference

Ira M. Gottlieb, *Program Co-Chair*, is a partner at McCarter & English LLP where he leads the Environment & Energy Practice Group. His work includes large multi-party superfund sites around the country including the Berry's Creek Study Area and Portland Harbor.

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

Jeffrey H. Wood, *Special Address*, is the Acting Special Assistant Attorney General for the Environment and Natural Resources Division (ENRD) at the U.S. Department of Justice. Previously, he served as the Republican staff director for the U.S. Senate sub-committee on clean air, nuclear safety, water and wildlife. He also was environmental counsel for senator Jeff Sessions.

David F. Askman is the founder of The Askman Law Firm LLC. He specializes in environmental law and representation of indigenous peoples. Previously, he was Senior Counsel for the Environmental Enforcement Section at the United States Department of Justice.

Paul D. Boehm, Ph.D., is Corporate Vice President & Principal Scientist at Exponent, Inc. He is a leading recognized expert in the fields of natural resource damage assessments (NRDA) for oil spills and contaminated sites involving organic chemicals.

James A. Bruen, partner at Farella Braun + Martel LLP, is immediate past President of the American College of Environmental Lawyers. He is listed as one of the top environmental experts in California by Chambers and designated as one of the nation's 16 "Distinguished Environmental Advocates" by the ABA.

Thomas Byrne is Chief Environmental Counsel at Honeywell International Inc.

John Carlucci is the Assistant Solicitor for Office of the Solicitor, Environmental Restoration Branch at the U.S. Department of the Interior. He represents the Department in CERCLA, OPA and CWA NRD assessment and restoration claims.

John C. Cruden is President of the American College of Environmental Lawyers. Previously, he was an Assistant Attorney General in the U.S. Department of Justice's Environment and Natural Resources Division, and President of the Environmental Law Institute.

Adam Domanski, Ph.D. is an economist with ECONorthwest. Previously he worked in NOAA's Assessment and Restoration Division and focuses on natural resource damage assessment, restoration scaling, and ecosystem service valuation.

Loren R. Dunn is a principal at Beveridge and Diamond PC. His environmental projects have involved hazardous waste and large multi-party toxics cleanup sites, including marine and fresh water sediment sites, landfills, and natural resource damages claims.

Robert Haddad, Ph.D., is the Group Vice President & Principal Scientist - Environmental & Earth Sciences for Exponent, Inc. He served for 8 years, as head of NOAA's Assessment & Restoration Division (ARD) and as one of three leads for NOAA's Damage Assessment, Remediation, Restoration Program (DARRP).

Allan Kanner, Kanner & Whiteley LLC, represents the State of New Jersey against ExxonMobil in a major natural resource damages case. In addition, he represented the State of Louisiana in the Deepwater Horizon oil spill litigation.

Denise Kay, Ph.D., is the Principal Lead for Natural Resource Technology at the University of Wisconsin. She is the author of more than 30 peer-reviewed published journal articles on topics of wildlife chemical exposure, food-chain transfer, environmental toxicology, contaminant absorption, and bioavailability.

Chauncey Kelly is Section Chief in the Natural Resources Section for NOAA's Office of General Counsel.

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

Ann Michelle Morrison, Ph.D., is Senior Managing Scientist at Exponent, Inc.. She has over 20 years of experience evaluating the relationship between anthropogenic contamination and health effects to aquatic life and humans.

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.

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.

Joan P. Snyder is a partner at Stoel Rives LLP. She advises clients on all aspects of state and federal cleanups, including the defense of natural resource damages claims and has been involved in the Portland Harbor NRDA.

Theodore Tomasi, Ph.D. is Vice President and Director of National Practices at Cardno, Inc. Before beginning his consulting career, he served on the faculties of the University of Minnesota, University of Michigan, and Michigan State University teaching and doing research on methods for valuing natural capital.

Hilary C. Tompkins has expansive experience representing chief executives in the public sector at the tribal, state, and federal level. From 2009 to 2017, she served in the presidentially appointed, Senate-confirmed position of Solicitor for the U.S. Department of the Interior (DOI) - the agency responsible for the management and conservation of public lands, natural and wildlife resource programs, and the trustee for Native American tribes.

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

March 1 & 2, 2018

Washington, District of Columbia

Arnold & Porter Kaye Scholer 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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