# Tribal NRD Assessments Seminar

**The Fifth Annual Comprehensive Seminar on**

**Tribal NRD Assessments**

Current best strategies and tactics for conducting Tribal NRD Assessments

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### 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)

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**Name:** ________________________________

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What type of credits do you need? ________________________________

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

- [ ] Audio Replay
- [ ] Video Replay
- [ ] Course Materials
Monday, December 16, 2019

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

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

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

About the Seminar

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”
Monday, December 16, 2019

**Tribal NRD Assessments Seminar**

**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 DOI’s Environment and Natural Resources Division for Superfund cost recovery.

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**Registration & Other Seminar Information**

**To Register:**
*Call us at: 206-567-4490*
*Fax the registration form to us at: 206-567-5058*
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*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 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

Law Seminars International News:

 aggravating the issue of NL, we can see that the target activity is not appropriate. However, this does not mean that the problem is inherently

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