26th Fall Conference
San Diego
October 17–20, 2018
Marriott Marquis San Diego Marina

Who We Are
The ABA Section of Environment, Energy, and Resources is the premier forum for environmental, energy, and resources lawyers: a meeting place where practitioners can find the most current and sophisticated analyses of the complicated issues facing their practice.

Fall Conference Experience
Join your colleagues for two days of cutting-edge CLE programming. Session topics include:

- Tech giants’ environmental, energy, and natural resource footprints;
- Non-federal efforts to address climate change;
- The current terrain of public land law;
- Counseling clients before, during, and after natural disasters;
- The long road to Superfund reform;
- Defining the future of offshore energy; and
- Changing regulatory landscapes under the Clean Air Act and Clean Water Act.

Sunny San Diego
Come experience 70 miles of beautiful beaches, swaying palm trees, and a year-round nearly perfect climate. San Diego is a dynamic metropolis, home to world-renowned family attractions, sophisticated arts and dining, exciting nightlife, trendy neighborhoods, unique shopping, and endless outdoor recreational opportunities.

Situated on the waterfront with a 466-slip marina, the Marriott Marquis San Diego Marina is within walking distance of the Gaslamp Quarter and Seaport Village and only a short drive to Balboa Park and the San Diego Zoo.

Get Current Updates!
Visit ambar.org/environfall for the most updated schedule and speaker updates.
2018-2019 Section Chair
Amy L. Edwards, Holland & Knight LLP, Washington, DC

Program Planning Chair
R. Juge Gregg, Washington, DC

Planning Committee
Teresa R. Christopher, National Audubon Society, Washington, DC
Sarah Clark, Pennsylvania Department of Environmental Protection, Natrona Heights, PA
Pamela R. Esterman, Sive, Paget & Riesel, P.C., New York, NY
Shelly Geppert, Fall 2019 Planning Chair, Eimer Stahl LLP, Chicago, IL
Sam Hirsch, Jenner & Block, Washington, DC
R. Juge Gregg, Washington, DC
Christine A. Jochim, Brownstein Hyatt Farber Schreck LLP, Denver, CO
Kyle H. Landis-Marinello, Vermont Public Utility Commission, Montpelier, VT
Tom Lindley, Perkins Coie LLP, Washington, DC
Annise Maguire, United States
Manisha Patel, WSP, St. Louis, MO
Margaret E. Peloso, Vinson & Elkins LLP, Washington, DC
Kelly Poole, Environmental Council of the States, Washington, DC
Jacob Santini, Parsons Behle & Latimer, Salt Lake City, UT
Andrew Schatz, Conservation International, Arlington, VA
Gary E. Steinbauer, Babst, Calland, Clements and Zomnir, P.C., Pittsburgh, PA
Nicholas William Targ, Holland & Knight LLP, San Francisco, CA
Hilary Tompkins, Hogan Lovells, Washington, DC
Timothy K. Webster, Sidley Austin LLP, Washington, DC
Jennifer K. Wills, Washington, DC

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# PROGRAM AGENDA

## Wednesday, October 17, 2018

<table>
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<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>12:00 p.m. — 4:00 p.m.</td>
<td>Public Service Project</td>
</tr>
<tr>
<td>6:00 p.m. — 6:30 p.m.</td>
<td>VIP New Attendee Reception</td>
</tr>
<tr>
<td>6:30 p.m. — 8:00 p.m.</td>
<td>Welcome Reception</td>
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## Thursday, October 18, 2018

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>7:00 a.m. — 8:00 a.m.</td>
<td>Continental Breakfast</td>
</tr>
<tr>
<td>8:00 a.m. — 8:30 a.m.</td>
<td>Welcome and Opening Remarks</td>
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<tr>
<td>8:30 a.m. — 10:00 a.m.</td>
<td>Opening General Session</td>
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<tr>
<td>10:00 a.m. — 10:30 a.m.</td>
<td>Networking Break</td>
</tr>
<tr>
<td>10:30 a.m. — 12:00 p.m.</td>
<td>Concurrent Breakout Sessions</td>
</tr>
<tr>
<td>12:00 p.m. — 1:30 p.m.</td>
<td>Committee Interest Area Luncheon</td>
</tr>
<tr>
<td>1:30 p.m. — 2:00 p.m.</td>
<td>Expert Insight Panels</td>
</tr>
<tr>
<td>2:00 p.m. — 2:15 p.m.</td>
<td>Refresh</td>
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<tr>
<td>2:15 p.m. — 3:45 p.m.</td>
<td>Concurrent Breakout Sessions</td>
</tr>
<tr>
<td>3:45 p.m. — 4:15 p.m.</td>
<td>Networking Break</td>
</tr>
<tr>
<td>4:15 p.m. — 5:45 p.m.</td>
<td>Concurrent Breakout Sessions</td>
</tr>
<tr>
<td>6:30 p.m. — 10:00 p.m.</td>
<td>Cocktail Reception and Dinner</td>
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<tr>
<td>9:30 p.m. — 12:00 a.m.</td>
<td>After-Hours Social Mixer</td>
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<tr>
<td>Time</td>
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<tr>
<td>6:45 a.m. — 7:45 a.m.</td>
<td>#SEERRunClub</td>
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<tr>
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<td>8:30 a.m. — 10:00 a.m.</td>
<td>General Session</td>
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<td>Luncheon</td>
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<tr>
<td>4:15 p.m. — 5:45 p.m.</td>
<td>Ethics Session</td>
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<td>6:30 p.m. — 9:30 p.m.</td>
<td>Taste of SEER (Dine Arounds)</td>
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**Saturday, October 20, 2018 | Leadership Day**

<table>
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<tr>
<td>9:00 a.m. — 10:30 a.m.</td>
<td>Committee Chairs Meeting</td>
</tr>
<tr>
<td>10:30 a.m. — 11:30 a.m.</td>
<td>Vice Chair Working Groups</td>
</tr>
<tr>
<td>11:45 a.m. — 5:15 p.m.</td>
<td>Council Meeting</td>
</tr>
</tbody>
</table>
PROGRAM SCHEDULE

Wednesday, October 17, 2018
12:00 p.m. – 4:00 p.m.
PUBLIC SERVICE PROJECT
Support the San Diego community by joining fellow conference attendees on our public service project. No prior experience is necessary to participate in this fun networking opportunity. To volunteer for the public service project, please sign up when registering.

6:00 p.m. – 8:00 p.m.
WELCOME RECEPTION
Kick off the conference with food, drinks, and friends old and new. Meeting registration will be open so you can also pick up your name badge and conference materials.

Thursday, October 18, 2018
8:30 a.m. – 10:00 a.m.
THE GREAT ENFORCEMENT DEBATE
Headlines blare that environmental enforcement levels are on a downward trajectory. Yet, some assert that enforcement is not the most effective means of assuring compliance and that resources are best devoted elsewhere. For its part, EPA emphasizes a cooperative federalism agenda as a means of strengthening, not weakening, enforcement and compliance. Environmental practitioners must understand all aspects of the issue to best advise their clients, particularly regulated entities. Join this lively discussion exploring the great enforcement debate, including the current state of civil and criminal environmental enforcement, enforcement trends and initiatives, the efficacy of enforcement versus other approaches to compliance assurance, gap-filling by advocacy groups through citizen suits and by state and local governments, state of the art enforcement tools, and self-disclosure and other voluntary programs.

MODERATOR:
Peter Hsiao, Morrison & Foerster LLP, Los Angeles, CA

SPEAKERS:
Sylvia Quast, Regional Counsel, Region 9, U.S. Environmental Protection Agency, San Francisco, CA
Sambhav Sankar, Executive Director, Environmental Council of the States, Washington, DC
Justin Savage, Sidley Austin LLP, Washington, DC

10:30 a.m. - 12:00 p.m.
CONCURRENT BREAKOUT SESSIONS
WATER INFRASTRUCTURE AND RESOURCE ALLOCATION: LESSONS FROM CALIFORNIA
Throughout the United States, water scarcity and management have become critical issues—nowhere more so than in California. California’s unique position as the leading supplier of agricultural products for the rest of the country and its continued population growth place tremendous demands on water in the West, requiring the construction and management of unprecedented water infrastructure projects. This panel, featuring perspectives from a range of key stakeholders, will examine the lessons that all states can learn from the policies governing, and disputes regarding, California water rights, water quality, and water resource infrastructure and management.

MODERATOR:
Chris Frahm, Brownstein Hyatt Farber Schreck, LLP, San Diego, CA

SPEAKERS:
Tom Birmingham, General Manager, Westlands Water District, Fresno, CA
Mark Hattam, General Counsel, San Diego County Water Authority, San Diego, CA
Eileen Sobeck, Executive Director, State Water Resources Control Board, Sacramento, CA
**CHARGING UP TO DIRECT OUR ENERGY FUTURE: AN EXAMINATION OF STATE AND FEDERAL ROLES**

Just as emerging energy technologies begin to realize their full potential, recent disasters have exposed the vulnerability of an interconnected grid. Recognizing this challenge—and in the face of questions about the fate of federal efforts to promote reliability, resiliency, energy efficiency, and alternative energy—state and local governments are stepping in to fill perceived gaps. States are enacting new energy efficiency standards, setting renewable fuels requirements, and working to meet international climate goals. Join us for an interactive examination of state and federal energy policy, the branch of government that ultimately determines the energy mix, and legal issues such as the Commerce Clause and cooperative federalism that intersect with the foundation of the rates, reliability, and resiliency of our nation’s grid.

**MODERATOR:**
Malcom Woolf, Senior Vice President, Policy and Government Affairs, Advanced Energy Economy, Washington, DC

**SPEAKERS:**
- Kyle H. Landsis-Marinello, Vermont Public Utility Commission, Montpelier, VT
- Kathleen Staks, Executive Director, Colorado Energy Office, Denver, CO
- Daniel Simmons, Principal Deputy Assistant Secretary, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, Washington, DC

**FROM PARIS TO PITTSBURGH AND BEYOND: NON-FEDERAL EFFORTS TO ADDRESS CLIMATE CHANGE**

In the wake of President Trump’s announced intention to withdraw from the Paris Agreement, sub-national, regional, and international actors have announced their own legal commitments to combat climate change. Meanwhile, cities and individuals are pursuing legal remedies under novel legal theories for alleged harms caused by major emitters and government failure to reduce greenhouse gas emissions. This panel will explore the status of international climate negotiations and efforts to implement the Paris Agreement; the flurry of new and modified state, local, and regional laws and initiatives to combat climate change; environmental justice impacts; and corporate efforts to integrate climate considerations into their business operations. Panelists will also provide updates on climate litigation, California’s extension of its cap-and-trade program, incorporation of adaptation considerations into state and local planning decisions, and efforts to expand and link regional carbon trading programs with other states and Canada.

**MODERATOR:**
Kevin Poloncarz, Paul Hastings LLP, San Francisco, CA

**SPEAKERS:**
- Vicki Arroyo, Executive Director, Georgetown Climate Center; Assistant Dean for Centers and Institutes; Professor from Practice, Georgetown University Law Center, Washington, DC
- Michael Wara, Senior Research Scholar, Stanford Woods Institute for the Environment; Director of the Climate and Energy Policy Program, Stanford, CA

**SPEAKERS:**
- David Batson, Allocation and Mediation Expert, AlterEcho, Washington, DC
- Patricia Derocher, President, AlterEcho, Chantilly, VA

**GROWING BUSINESS FOR ENVIRONMENTAL LAWYERS**

In response to increased public awareness of and regulatory focus on environmental, social, and governance (ESG) issues, it is increasingly important for the legal community and other stakeholders to understand the relevance, risks, and opportunities related to ESG disclosure. The ongoing shift from voluntary to regulatory disclosure has broad implications for financial (and non-financial) reporting and risk modeling, supply chain due diligence, and peer analysis. The increased scrutiny of ESG performance also means that ESG factors and metrics should be considered as part of environmental due diligence for corporate and commercial transactions. This session will focus on the growing demand for disclosure, how the financial industry is determining materiality and best practices, as well as stakeholder trends driving engagement around this information. It also will explore the issue of data transparency and review the existing standards and reporting frameworks available to practitioners.

**MODERATOR:**
Dylan Bruce, Managing Editor, Bloomberg Environment, Arlington, VA

**SPEAKER:**
Lee O’Dwyer, Global ESG Advocate, Bloomberg LP, San Francisco, CA
THE BUZZ ON ENVIRONMENTAL CONCERNS RELATED TO THE CANNABIS INDUSTRY
GEOSYNTEC CONSULTANTS, INC.

With the approval of the Adult Use of Marijuana Act in 2016 and subsequent legalization on January 1, 2018, cannabis cultivators in California are subject to environmental permit requirements. This presentation will describe environmental compliance challenges in light of the current legalization status of cannabis. Of particular interest is the State Water Resources Control Board’s new Cannabis Cultivation Program, approved in December 2017. This program addresses potential water quality and quantity issues related to cannabis cultivation and requires all cultivators to apply for coverage under the Cannabis Cultivation General Order. Additional interest areas include the requirement of CDFW 1602 permits for facilities not connected to municipal water supplies; compliance with the Stormwater Industrial General Permit; and air permitting related to carbon filtration and odor control. Cannabis is decriminalized in certain states and approved for recreational use, but remains classified by the federal government as Schedule 1 drug. Companies need to be aware of situations where federal regulations trump state programs.

SPEAKER:
Sam Williams, Senior Principal Hydrogeologist, Geosyntec Consultants, Inc., San Diego, CA

2:15 p.m. – 3:45 p.m.

CONCURRENT BREAKOUT SESSIONS

TRaversing the Terrain of Public Land Law

The proper role of the federal government on public land is not only a question of law, but a matter of perspective, from walking the hallowed halls of the U.S. Department of the Interior in Washington, D.C., to fracking a well on a dusty plateau or hiking a majestic, mountainous trail. This panel will examine current, dramatic shifts in public land law and policy, with a special focus on the conflict between development and conservation under the “multiple use” mandate, how discretionary authority can advance a deregulatory agenda, the legal dynamics of major shifts in land management planning, and other hot topics. Leading public land law practitioners will highlight national monuments, the repeal of various energy regulations and the reversals of conservation policies, and the newfound legal limitations on the exercise of agency authority. Bring your water bottle and a backpack—we will be covering a lot of terrain!

MODERATOR:
David Hayes, Executive Director, State Energy & Environmental Impact Center, Washington, DC

*SPEAKERS:
Janice Schneider, Global Vice Chair, Environment, Land and Resources Department, Latham & Watkins LLP, Washington, DC
Sandra Snodgrass, Holland & Hart LLP, Denver, CO

THE LONG ROAD TO SUPERFUND REFORM

The current administration is pushing forward with a multipronged effort to reform EPA’s Superfund program, through its Superfund Task Force, top-down leadership, and various policy changes. But in nearly 40 years, the program has proven resistant to significant change, despite efforts by the regulated community, congressional initiatives, and litigation by the environmental bar. This session will provide attendees insight into EPA’s reform activities, including the status of action on the strategic goals announced by the Superfund Task Force. It will also cover other newsworthy Superfund legal developments, including the administration’s infrastructure proposal.

MODERATOR:
Michael Kavanaugh, Senior Principal Environmental Engineer, Geosyntec Consultants, Oakland, CA

SPEAKERS:
Steven Cook, Deputy Assistant Administrator, Office of Land and Emergency Management, U.S. Environmental Protection Agency, Washington, DC
Todd Davis, Chief Executive Officer, Hemisphere, Bedford, OH
Jessica Merrigan, Lathrop Gage LLP, Kansas City, MO

SEEKING CERT(AINTY): RECENT SUPREME COURT DECISIONS ON ENVIRONMENTAL, ENERGY, AND RESOURCES LAW

The U.S. Supreme Court is determining the ultimate fates of key environmental, energy, and resources initiatives of the Obama and Trump administrations. The Court is also weighing in on the constitutionality of state and tribal initiatives to fill the gaps in environmental, energy, and resources regulation created by changing priorities at the federal level. Even decisions on seemingly unrelated matters can have massive impacts on the authority of sovereign entities, non-profit groups, and individuals to protect the environment. A panel of leading Supreme Court scholars and practitioners will provide an in-depth review of recent decisions and upcoming cases, highlighting how actions by the nation’s highest court might impact your practice. In addition to analyzing cases that have already reached the Court, the panel members will offer their thoughts on cert-worthy cases waiting in the wings.

MODERATOR:
Mary Ann Grena Manley, Deputy Editorial Director, Bloomberg Environment, Arlington, VA

SPEAKERS:
Richard Faulk, Davis Wright Tremaine LLP, Washington, DC
Alice Kaswan, Professor and Dean’s Circle Scholar, University of San Francisco School of Law, San Francisco, CA
James May, Distinguished Professor of Law, Widener University Delaware Law School, Wilmington, DE
4:15 p.m. – 5:45 p.m.

**CONCURRENT BREAKOUT SESSIONS**

**REVERSING COURSE: ADMINISTRATIVE LAW IN A TIME OF CHANGE**

President Trump was elected on a platform that called for rolling back many Obama-era environmental, energy, and resources policies and regulations. As EPA, the U.S. Department of the Interior, and other federal agencies have attempted to make good on that promise, they have faced a torrent of litigation, which in turn has triggered important developments in administrative law. This panel will present a pragmatic, nuts-and-bolts discussion about how an agency can eliminate or alter a final regulation that was itself based on a massive administrative record—and what your clients can do to support, or oppose, such a regulatory change. Examples will be drawn not only from our energy, environment, and resources practices, but also from other hot areas of law, such as immigration.

**MODERATOR:**

Andy Mergen, Deputy Section Chief, Appellate Section, Environment and Natural Resources Division, U.S. Department of Justice, Washington, DC

**SPEAKERS:**

Amanda Leiter, Professor of Law, Washington College of Law, American University, Washington, DC
Matthew Leopold, General Counsel, U.S. Environmental Protection Agency, Washington, DC (invited)
Brenda Mallory, Executive Director and Senior Counsel, Conservation Litigation Project, Washington, DC

**WHEN IT’S "KIND OF A BIG DEAL": ASSESSING AND RESPONDING TO ISSUES THAT THREATEN A DEAL OR PROJECT**

While some environmental, health, and safety (EHS) risks frequently arise in brownfields redevelopments, M&A transactions, and in related compliance matters, there are lurking, less predictable “big deal” issues that can arise and throw a major wrench into your deal or project. Attendees participating in this interactive workshop will learn how to approach complex transactional issues that cannot be easily negotiated in a purchase agreement or resolved with an indemnity, insurance policy, escrow, or purchase price reduction; a slight modification to development plans/schedule; or notice to regulators. Attendees will engage in a cooperative competition, confronting real-world scenarios assessing EHS, climate change, disclosures, and compliance matters.

**MODERATOR:**

Alexandra Farmer, Kirkland & Ellis LLP, Washington, DC

**SPEAKERS:**

Deidre Sanders, Ph.D., Director of Government and Community Affairs, East Bay Community Energy, Oakland, CA
Deborah Harris, Section Chief, Environmental Crimes Section, Environment and Natural Resources Division, U.S. Department of Justice, Washington, DC

7:00 p.m. – 9:30 p.m.

**COCKTAIL RECEPTION AND DINNER**

Join us for a fun-filled evening under the stars and adjacent to the beautiful San Diego Marina. The Section Dinner is always one of the outstanding networking events of the conference and the reception and dinner are included in your registration fee; additional guest tickets can be purchased.

9:30 p.m. – 12:00 a.m.

**AFTER-HOURS SOCIAL MIXER**

The party is not over yet! Join our informal, after-hours mixer event to kick-back and hobnob with your fellow attendees. All are welcome!
Friday, October 19, 2018

6:45 a.m. – 7:45 a.m.
#SEERRUNCLUB – SPONSORED BY EIMER STAHL LLP
Join your colleagues and make new friends on a casual fun run/walk. As a bonus, you will receive a commemorative tee shirt to remember the occasion. All are welcome for this fun networking event. Start your day off right with a run or walk outdoors near the bay. Be sure to sign up when you register.

8:30 a.m. – 10:00 a.m.
THE FOOTPRINTS THAT TECH GIANTS ARE LEAVING ON THE ENVIRONMENTAL, ENERGY, AND NATURAL RESOURCE LANDSCAPE
Technology company environmental footprints and operations are expanding and they are seeing increased energy use and environmental risks. As this industry dominates the global marketplace, it has become more sensitive to environmental issues and in-house environmental, health, and safety groups are becoming commonplace. Leading environmental in-house counsel from this important sector will walk you through the full suite of issues, such as energy, water, power supply, supply chain, the circular economy, hazardous waste, automated vehicles, drones, data centers, property acquisitions, and clean transportation. Understanding these concerns will help you better counsel your clients.

MODERATOR:
Roger Martella, General Counsel, General Electric, Boston, MA

*SPEAKERS:
Paul Hemmersbaugh, Chief Counsel and Public Policy Director, General Motors, Washington, DC
Steven Sarno, Corporate Counsel, Environmental Compliance, Amazon, Seattle, WA (invited)

10:30 a.m. – 12:00 p.m.
CONCURRENT BREAKOUT SESSIONS
STAYING AFLOAT IN THE DELUGE OF CLEAN WATER ACT DEVELOPMENTS
This year began with significant court decisions and unprecedented agency actions covering the most important and controversial regulatory programs under the Clean Water Act. While new theories on liability, like the “groundwater conduit” theory, flow through the federal courts, a torrent of other issues related to the development and implementation of multi-state Total Maximum Daily Loads and the application of the EPA’s water transfers rule are coming to a head nationwide. All of this is occurring along with the administration’s deregulatory efforts, which include rescinding and potentially redefining “waters of the United States.” Join this group of leading Clean Water Act authorities as they share their insights on the current state of the legal landscape, changes on the horizon, and solutions for clients during this era of increasing change.

MODERATOR:
Kristy Niehaus Bulleit, Hunton Andrews Kurth LLP, Washington, DC

*SPEAKERS:
Steve Fleischli, Senior Attorney & Senior Director for Water Initiatives, Natural Resources Defense Council, Santa Monica, CA
David Ross, Assistant Administrator, Office of Water, U.S. Environmental Protection Agency, Washington, DC
Brooks Smith, Troutman Sanders LLP, Richmond, VA

FASTER, CHEAPER, BETTER: THE MODERN APPROACH TO ENVIRONMENTAL REVIEWS AND PERMITTING
As politicians call for modernizing our nation’s crumbling infrastructure, the common refrain is that delays and litigation resulting from the environmental review and permitting process impede projects to improve our transportation network, energy grid, and water and sewer systems. The challenge is to accelerate the environmental review and permitting process, without compromising our valuable natural resources or individual community initiatives. Provisions of the Fixing America’s Surface Transportation (FAST) Act require federal agencies to improve the process under the National Environmental Policy Act (NEPA) and other statutes. President Trump has issued a broad infrastructure plan, including legislative proposals that build on his executive orders directing agencies to expedite environmental reviews and to deliver projects with “One Federal Decision.” This panel will discuss NEPA implementation through the lens of the FAST Act, mitigation, public-private partnerships, tribal perspectives, and litigation. Join a lively exchange as these thought-leaders and practitioners discuss how we may strike a balance between protection and progress.

MODERATOR:
William Malley, Perkins Coie LLP, Washington, DC

*SPEAKERS:
Michael Drummond, Deputy Associate Director for The National Environmental Policy Act, White House Council on Environmental Quality, Washington, DC
Pilar Thomas, Lewis Roca Rothgerber Christie LLP, Tucson, AZ
EXPECT THE UNEXPECTED: COUNSELING CLIENTS BEFORE, DURING, AND AFTER NATURAL DISASTERS

Last year marked the most expensive year on record for disasters in the United States. Hurricanes Harvey, Irma, and Maria combined with devastating Western wildfires and other natural catastrophes resulted in wide-spread power outages, flooding, devastated infrastructure, and displaced communities. This panel will examine the role of lawyers in disaster prevention, emergency response, and long-term recovery. You will learn about current and emerging issues in disaster preparedness and recovery and how you can best advise your clients before, during, and after a disaster event. Topics to be addressed include challenges facing Superfund and waste cleanup efforts, grid resilience, facility and operations planning, federal and state government obligations and assistance, and employer obligations.

MODERATOR:
Lois Schiffer, Former General Counsel, National Oceanic and Atmospheric Administration, Washington, DC

*SPEAKERS:
Tracy Hester, Professor, University of Houston Law Center, Houston, TX
Robert R.M. Verchick, Gauthier-St. Martin Eminent Scholar and Chair in Environmental Law, Loyola University New Orleans College of Law Senior Fellow, Disaster Resilience Leadership Academy, Tulane University, New Orleans, LA

2:15 p.m. – 3:45 p.m.

CONCURRENT BREAKOUT SESSIONS

ECOSYSTEM MARKETS: WHAT THEY ARE AND HOW TO MAKE THEM WORK FOR YOUR CLIENTS

Environmental law began with command and control; now market mechanisms are being added to more easily or efficiently achieve desired goals. Economic demand and supply makes markets, but laws and regulations can direct economic demand and supply. Panelists will explain the laws and regulations that drive those economic levers across the Clean Water Act, the Endangered Species Act, CERCLA and natural resource damages, and more. These markets are rapidly developing in the United States, European Union, and around the world. Panelists will describe common legal issues that arise when utilizing these markets, the most common types of market mechanisms, and how to make these markets effective so that your clients achieve both compliance and environmental benefits.

MODERATOR:
Tom Lindley, Perkins Coie LLP, Washington, DC

SPEAKERS:
Julie Mentzer, Director of Environmental Operations, Wildlands PNW, Portland, OR
Erika K. Powers, Chair, Environmental Department, Barnes & Thornburg LLP, Chicago, IL

DEFINING THE FUTURE OF OFFSHORE ENERGY

The current administration has announced plans to open large sections of the United States Outer Continental Shelf to offshore oil drilling for the first time in decades. California, Florida, and other states have already expressed strong opposition to any new exploration and production activities off their coasts, raising important questions about the states’ ability to influence drilling activity on federal lands. At the same time, many states are looking offshore for sources of renewable energy. This panel will explore the vast potential of the Outer Continental Shelf as part of our energy future. Attendees will learn about the federal and state regimes that control offshore energy development and how competing energy uses on the Outer Continental Shelf can be managed.

MODERATOR:
Paul Heberling, Consultant, WSP Inc., Washington, DC

*SPEAKERS:
Joan Barminski, Pacific Region Director, Bureau of Ocean Energy Management, Camarillo, CA
Randall Luthi, President, National Ocean Industries Association, Washington, DC

DEREGULATION IN FOCUS: THE CLEAN AIR ACT AND STATES

The administration’s executive orders, regulation changes, and other deregulatory efforts are reshaping the Clean Air Act landscape. We have seen an effort to repeal and replace the Clean Power Plan as well as a reexamination of many major regulations associated with the act. Moreover, EPA has set out to recalibrate the state and federal relationship with greater deference to state administrators implementing the Clean Air Act. The intensity of this deregulation discussion is no more apparent than in California, where the state environmental agency leads with some of the most protective environmental laws in the nation, including its authority through a special waiver to set California-specific motor vehicles emission standards. Join us for a discussion of the changing (or in some cases, unchanged) regulatory landscape under the act and learn how states have responded to recent and potential changes.

MODERATOR:
Shannon Broome, Hunton Andrews Kurth LLP, San Francisco, CA

*SPEAKERS:
David Pettit, Senior Attorney, Natural Resources Defense Council, Santa Monica, CA
Clint Woods, Deputy Assistant Administrator, Office of Air and Radiation, U.S. Environmental Protection Agency, Washington, DC
Saturday, October 20, 2018

LEADERSHIP DAY

Whether you hold a Section leadership position or not, everyone is welcome to attend Leadership Day events. Attending any of the meetings is the best way to learn about the Section, its committees, and opportunities for involvement.

8:00 a.m. – 9:00 a.m.
CONTINENTAL BREAKFAST

9:00 a.m. – 10:30 a.m.
COMMITTEE CHAIRS MEETING
Committee chairs will join Section leadership and Council liaisons to discuss strategies for the year. This is an excellent opportunity to meet chairs of other Section committees and plan cooperative initiatives.

10:30 a.m. – 11:30 a.m.
VICE CHAIR WORKING GROUPS
Committee vice chairs will meet with their peers in the same committee leadership role: committee newsletters, marketing and communications, membership, programs, social media, and The Year in Review. Leadership responsibilities will be outlined and there will be time for questions and group discussion.

11:45 a.m. – 5:15 p.m.
COUNCIL MEETING
Everyone is welcome to attend.

4:15 p.m. - 5:45 p.m.
ETHICS: THAT’S ALL THE NEWS FOR TODAY—STAY ETHICAL, SAN DIEGO
Using factual scenarios ripped from the headlines, a distinguished panel will dissect ethical and professional responsibility issues related to real life practice missteps that have gotten lawyers in trouble in recent years. Among the issues that will be discussed are conflicts of interest, confidentiality, use of social media, responsibility for non-lawyers, and the use of inadvertently sent emails. The panel will take attendees through the applicable ABA Model Rules that are implicated in these examples including Rules 1.6, 1.7, 5.3, and 7.1 and provide practical guidance for avoiding any ethical pitfalls.

*SPEAKERS:
Dayna Underhill, Holland & Knight LLP, Portland, OR
Irma Russell, Professor, University of Missouri School of Law, Kansas City, MO

*additional speakers to be confirmed, speakers subject to change
CONFERENCE HOTEL HIGHLIGHTS

- Spacious accommodations offer either scenic city or waterfront views
- Take a dip in one of two freeform swimming pools
- Indulge in an onsite spa treatment or keep your workout routine in the fitness center
- Enjoy award-winning cuisine at Marina Kitchen Restaurant & Bar or sample inventive Asian-fusion at Roy’s

A block of rooms has been reserved at the Marriott Marquis San Diego Marina at the discounted rate of $299 plus tax for single/double rooms. A limited number of government rate rooms are also available for $140 plus tax (or the current government rate). A valid government ID will be required upon check in.

The deadline for room reservations at the discounted rate is Tuesday, September 25, 2018 at 5:00 p.m. (CST). To book our contracted rate, call reservations at (800) 228-9290 or the hotel directly at (619) 234-1500 or reserve online at https://bit.ly/2LbYAhI. Be sure to mention the ABA Section of Environment, Energy, and Resources 2018 Fall Conference.

ROOM SHARE PROGRAM

Are you interested in sharing a room at the Marriott Marquis? Head to the travel and lodging page at ambar.org/environfall to learn more and fill out our room share questionnaire.
REGISTRATION INFORMATION

26th Fall Conference
San Diego
October 17–20, 2018
Marriott Marquis San Diego Marina

REGISTRATION RATES

<table>
<thead>
<tr>
<th>Category</th>
<th>Early Bird</th>
<th>After 9/7/18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section Member</td>
<td>$745</td>
<td>$795</td>
</tr>
<tr>
<td>ABA Member</td>
<td>$820</td>
<td>$870</td>
</tr>
<tr>
<td>General Attendee</td>
<td>$895</td>
<td>$945</td>
</tr>
<tr>
<td>Section Member Gov’t, Public Interest, Academic</td>
<td>$625</td>
<td>$675</td>
</tr>
<tr>
<td>Gov’t, Public Interest, Academic</td>
<td>$675</td>
<td>$725</td>
</tr>
<tr>
<td>Young Lawyer *</td>
<td>$675</td>
<td>$725</td>
</tr>
<tr>
<td>Speaker and Moderator</td>
<td>$450</td>
<td>$450</td>
</tr>
<tr>
<td>Law Student</td>
<td>$50</td>
<td>$50</td>
</tr>
</tbody>
</table>

The registration fee includes tuition and online course materials developed especially for this conference. In addition, your fee covers Wednesday’s public service project, and reception, Thursday’s continental breakfast, breaks, lunch, reception and dinner; and Friday’s continental breakfast, breaks, and lunch. The registration fee also covers breakfast and lunch during Saturday’s Leadership Day.

* Qualifying young lawyers are under 36 years old or admitted to practice for five years or less.

MORE WAYS TO SAVE

Group Discount
Organizations registering three or more attendees are eligible for a group discount of 20% off each attendee’s registration. Please email environ@americanbar.org for more information.

California Bar Discount
We are offering members of the State Bar of California and the California Lawyers Association $50 off their registration rate. To redeem, enter the coupon code SEERCA18 when registering.

Day Rates
Day rates are available for $450 each day. This rate does not include Thursday’s dinner.

HOW TO REGISTER
We encourage you to register online at www.ambar.org/environfall. If you want to register by mail visit www.ambar.org/environfall to download a registration form. Please mail the form with your check (payable to the American Bar Association) or credit card information to: American Bar Association, Attn: Service Center—Meeting/Event Registrations Department, 321 N. Clark St., Fl. 19, Chicago, IL 60654 or to our secure fax number: (312) 988-5850. All attendees must be preregistered for this conference to participate.

ATTENTION ABA MEMBERS!
If you are an ABA member but not a member of the Section of Environment, Energy, and Resources, your conference registration fee now includes Section membership, a $75 value! You will be automatically enrolled in the Section. ABA membership is a prerequisite of Section membership. If you are not already an ABA member, please call (800) 285-2221. Free membership only applies to individuals who have not been a member of the Section during the past two years.

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ACHIEVING CARBON NEUTRALITY

Calculated with great care, the Section estimates that the average 26th Fall Conference attendee’s participation will generate approximately one metric ton of carbon emissions. Help offset your carbon footprint by adding the cost of a one-ton carbon credit from a verified offset project that will reduce greenhouse gases. Contributions to The Fund for Justice and Education (FJE) are tax deductible to the full extent allowed by law. Purchase your carbon offset when you register.

CONFERENCE SPEAKER SUPPORT

The Section strives to provide programming representing a unique depth of perspectives on all issues. We consistently work to include speakers on panels that represent tribal interests, NGO’s, and academics. To assist these speakers with the expense of attending conferences the Section offers a limited number of travel reimbursements. To assure that the Section can continue to offer travel assistance to such speakers please consider donating to our Program Support Fund. Donations are tax deductible to the full extent allowed by law. Make your donation of $25 (or more) when you register.

EARLY BIRD DEADLINE

The deadline to receive the early bird registration rate for the 26th Fall Conference is Friday, September 7, 2018. The final cutoff date for advance registration is Wednesday, October 3, 2018. After this date, registrations must include an additional $25 for processing.

CANCELLATION POLICY

Registrants who are unable to attend the conference will receive a refund less a $50 administrative fee if written notice of cancellation is received by Wednesday, October 3, 2018. No refunds will be granted after this date. Cancellations may be e-mailed to environ@americanbar.org or faxed to (312) 988-5572, attn.: Associate Director. Registration fees are not transferable to other Section or ABA programs. Substitutions for the program are acceptable. The ABA reserves the right to cancel any program and assumes no responsibility for personal expense.

TUITION ASSISTANCE

A limited number of registration fee waivers are available for government employees, public interest lawyers employed with nonprofit organizations, and academics. For programs with tuition costs over $500, qualifying lawyers will receive at least a 50% reduction in the course fee(s). This does not include any reduction in meals, lodging, or travel costs associated with the course. To apply, complete the online application by visiting www.ambar.org/environfall and clicking Registration by Wednesday, September 5, 2018.

LAW STUDENT SCHOLARSHIP OPPORTUNITY

A limited number of scholarships are available to law students interested in attending the entire conference and helping ensure our conference runs smoothly. To be considered, you must be a member of the ABA Section of Environment, Energy, and Resources. Your application and resume must be submitted by Friday, September 14, 2018 to be considered. This scholarship does not include lodging or transportation.

Visit www.ambar.org/environfall for additional meeting information. Questions? Contact environ@americanbar.org.

CONFERENCE COURSE MATERIALS

Course materials and related background information will be provided to attendees online prior to the conference. You may wish to bring a device to view the materials on-site; complimentary Wi-Fi access will be available.

CLE CREDIT

The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, CT, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, ME, MN, MS, MO, MP, MT, NH, NJ, NM, NV, NY, NC, ND, OH, OK, OR, PA, SC, TN, TX, UT, VT, VA, WI, WA, and WV. These states sometimes do not approve a program for credit before the program occurs. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, contact Allison Read at allison.read@americanbar.org or (312) 988-5641.

DRESS

Section conferences are business casual. Suggested dress includes slacks, skirts, polo-type shirts or blouses, sweaters, and comfortable shoes. The hotel will be cool, so please pack a jacket or sweater.

DIETARY RESTRICTIONS

If you have any dietary restrictions, please indicate so during registration or by email environ@americanbar.org by Wednesday, October 3, 2018, so that your needs are noted.

AMERICANS WITH DISABILITIES ACT

If any special arrangements are required for a person with a disability to attend this conference, please call Allison Read at (312) 988-5641 by Wednesday, October 3, 2018. Questions? Contact environ@americanbar.org with all program related questions.
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EARLY BIRD REGISTRATION DEADLINE
Friday, September 7, 2018

HOUSING DEADLINE:
Tuesday, September 25, 2018

DOWNLOAD OUR EVENT APP!
Visit http://ambar.org/environapp or search for SEER ABA in the App Store or Google Play
Manage your schedule. Engage with other attendees. Grow your network.