



Ecological Restoration Business Association

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Policy Conference 2019 – Draft Agenda

Dress Code: Business

March 5th, Tuesday – Capitol Hill

4:00PM-6:00PM

Congressional Reception on Capitol Hill

Dress Code: Business Casual

March 6th, Wednesday – The National Press Club

8:45AM-9:30AM (East Room Ballroom)

ERBA Membership Meeting

8:30AM-9:30AM (Holeman Lounge and West Room Ballroom)

Networking Breakfast

9:30AM-9:40AM (Ballroom)

Opening Remarks

- Travis Hemmen, President, Ecological Restoration Business Association
- Sara Johnson, Executive Director, Ecological Restoration Business Association

9:45AM-10:45AM (Ballroom)

A Decade Later, the Compensatory Mitigation Rule Revisited – the Public Sector Perspective

Notable components of the White House Infrastructure Plan imply revisions to the 2008 Compensatory Mitigation Rule. For many in the industry, opening up the Rule is a controversial topic. Join us for opening remarks from senior agency officials who have engaged with stakeholders and are navigating the path to a potential rule-making.

- Mr. Ryan A. Fisher, Principal Deputy Assistant Secretary of the Army (Civil Works)
- Mr. Lee Forsgren, Deputy Assistant Administrator, Office of Water, EPA
- Moderator: George Kelly, Chief Markets Officer, Resource Environmental Solutions

10:45AM-11:40AM

In-Lieu Fee Program Challenges, Policy Solutions, and Best Practices

Join us for a moderated discussion on an important tool in the mitigation toolbox for permittees and regulators - in-lieu fee programs. Following a multi-year study on the topic by the Environmental Law Institute and on the cusp of a potential Compensatory Mitigation Rule-making, this discussion is particularly timely for policy makers and the industry to consider shared recommendations to improve program implementation and performance. Two of the challenges we expect to review include the ILF project approval process and questions around long term management requirements and providers.

- Moderator: James McElfish, Senior Attorney, Environmental Law Institute

- Tim Baumgartner, Director, North Carolina Dept. of Environmental Quality, Division of Mitigation Services
- Karen Johnson, Director, Virginia Aquatic Resources Trust Fund
- Greg Kernohan, Conservation Director, Ecosystem Services, Ducks Unlimited

11:40AM-12:00PM (Holeman Lounge)

Networking Break

Enjoy light snacks and refreshments while networking with attendees and exploring the exhibit hall.

12:00PM-12:30PM (Ballroom)

Advance Mitigation and Beyond: Addressing Uncertainty in Mitigation

This talk will address policy opportunities for handling uncertainty in mitigation provision and success. We will discuss a number of creative techniques for incentivizing advance mitigation, including more sophisticated uses of mitigation ratios and potential changes to the timing and structure of credit transactions.

- Professor Todd BenDor, Department of City and Regional Planning, University of North Carolina at Chapel Hill

12:30PM-1:00PM (Ballroom)

Priorities for Corps Regulatory Reform

- Ms. Tammy Turley, Acting Chief of Regulatory, U.S. Army Corps of Engineers

1:00PM-2:15PM (Holeman Lounge and West Room Ballroom)

Networking Lunch

Enjoy a hot lunch buffet while networking with attendees and exploring the exhibit hall.

2:15PM-2:45PM (Ballroom)

Emerging Agency Partner: NOAA

- Dr. Stuart Levenbach, NOAA, Chief of Staff

2:45PM-3:30PM (Ballroom)

The Evolving Restoration Marketplace

The mitigation banking industry opened the door for governments and companies to look to the private sector for innovative ways to meet their environmental goals and requirements. This segment will review existing law and pending legislation outside the scope of traditional CWA § 404 projects, including new opportunities for the industry to address the pressing challenges facing our coastal communities.

- Matthew Fuchs, Flood Prepared Communities, The Pew Charitable Trusts

3:30PM-4:30PM (Ballroom)

An Innovative Approach to Stormwater Challenges – Opportunities for Permittees and Providers

Local governments are increasingly looking to private sector providers for creative ways to use their funding to meet or exceed their stormwater goals. This segment will focus in on the lessons learned from case studies and the key policy and business take-aways for private restoration companies looking to enter or expand their portfolio of stormwater projects. We'll also explore policies and practices of municipality stormwater projects that could be employed in other regions and on larger geographic scales.

- Timothy Male, Executive Director, Environmental Policy Innovation Center
- Erik Michelsen, Administrator, Watershed Protection and Restoration Program, Anne Arundel County

4:30PM – 6:00PM (Holeman Lounge and West Room Ballroom)

Networking Reception

Dress Code: Business Casual

March 7th, Thursday

8:00AM-9:00AM (Holeman Lounge and West Room Ballroom)

Networking Breakfast

9:00AM-9:40AM (Ballroom)

Keynote Speaker: *Ranking Member Westerman, House Water Resources and Environment Subcommittee*

9:40AM-10:40AM (Ballroom)

Understanding the Client: the Need for Creative and Flexible Mitigation Delivery

Project developers face a maze of regulations and they turn to third party mitigation providers to help them efficiently resolve their wetlands and species impacts. ERBA has engaged with industry groups over the past year to better understand their challenges and opportunities for members to work together. Join us for a discussion between industry representatives and counsel that will cover their perspectives on upcoming mitigation policy changes and general recommendations for regulatory reform under multiple federal programs.

- Deidre Duncan, Counsel, Waters Advocacy Coalition
- Nick Goldstein, Vice President, Regulatory & Legal Issues, American Road & Transportation Builders Association
- Pamela Lacy, Chief Regulatory Counsel, American Gas Association
- Melinda Tomaino, Director, Environmental Services, Associated General Contractors

10:40AM-11:00AM (Holeman Lounge)

Networking Break

Enjoy light snacks and refreshments while networking with attendees and exploring the exhibit hall.

11:00AM-11:45AM (Ballroom)

Navigating WOTUS Step Two

This segment will offer a balanced legal analysis of the case law surrounding Justice Kennedy’s “significant nexus” jurisdictional test and the recently proposed WOTUS rule-making’s treatment of the CWA legal authorities. We will also review outstanding relevant legal questions and policy implications of the rule-making.

- Larry Liebesman, Esq., Senior Advisor, Dawson & Associates

11:45AM-12:15PM (Ballroom)

Mitigating Impacts and Delays – Considerations for a Practical NEPA

How can we make the NEPA review process symbiotic with the environmental benefits restoration projects provide? Hear the case for a better federal NEPA review process for mitigation projects.

- Raya Treiser, Environmental Counsel, WilmerHale

12:15PM-12:45PM (Ballroom)

A View from the Hill

In this closing session, hear insightful remarks from long-time policy experts and advisors regarding upcoming opportunities for engagement with important committees, including Senate Environment & Public Works, Senate Energy and Natural Resources, House Natural Resources, and House Transportation and Infrastructure Committees.

- Michael Powelson, Natural Resource Results
- Ted Illston, Water and Natural Resource Strategies

12:45PM (West Room Ballroom)

Boxed Lunches Available

Grab a boxed lunch on your way up to the Hill!

1:00PM-5:00PM

Individually-Scheduled Hill Visits

ERBA encourages all conference attendees to take advantage of their time in Washington and arrange for meetings with the Offices of their Congressmen. ERBA is happy to help attendees identify the scheduler for your Congressional Office and provide some industry talking points.

*Please note that this agenda is still subject to change, pending policy developments and confirmation from invited speakers.