

American Bar Association
Standing Committee on Environmental Law
740 15th Street, NW
Washington, DC 20005-1022

ECOSYSTEMS, INFRASTRUCTURE AND THE ENVIRONMENT: RECONCILING LAW, POLICY AND NATURE

34th NATIONAL SPRING CONFERENCE ON THE ENVIRONMENT

June 9, 2006

at the University of Maryland School of Law, Baltimore, Maryland

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ECOSYSTEMS, INFRASTRUCTURE AND THE ENVIRONMENT: RECONCILING LAW, POLICY AND NATURE

We learned during the 2005 hurricane season that much of our nation's infrastructure is remarkably fragile. One hurricane can wipe out the electric service to an entire region, shut down drinking water systems and overwhelm sewer treatment capability. It can virtually destroy a major coastal city. One storm can knock out a vital oil pipeline from the Gulf Coast states to the eastern U.S., and can severely diminish our oil refining capacity. A single hurricane can destroy or put out of service an entire region of off-shore oil drilling platforms, thereby reducing the gap between world supply and world demand of oil to the thinnest of margins.

Could our nation's security and well-being be better served by laws that more coherently integrate environmental protection, economic development, and equity? To the extent that our laws fail to account for the societal benefits of ecosystem services, the true costs of ecosystem-destructive development are understated. For nearly two decades, much of the public debate has revolved around whether environmental rules and regulations unduly burden the marketplace. However, market imperfections misallocate resources. Do our laws adequately protect the public interests with respect to our vital energy, water, and sewerage infrastructures and adequately recognize the public services that ecosystems provide?

This conference, *Ecosystems and Infrastructure: Reconciling Law, Policy and Nature*, seeks to use the intersection of the 2005 hurricane disasters and the nation's enormous infrastructure needs (energy, water, rebuilding, and more) as the focal point of serious discussion of what a new generation of environmental law should look like. It is our hope that the 2006 conference will generate new ideas to integrate ecosystem and infrastructure policies and planning. We hope that the conference will serve as a springboard to a new generation of environmental law that coherently advances both ecosystems values and infrastructure needs.

PROGRAM

Special Feature: Bruce Babbitt will be available to sign copies of his book, *Cities in the Wilderness* (Island Press).

- 8:00 a.m. **Registration and Coffee**
- 8:30 a.m. **Welcome and Introduction to Conference Goals/Introduction of Keynote Speaker: R. Kinnan Golemon**, Brown McCarroll, L.L.P., Austin, TX; **Professor Robert V. Percival**, Director, Environmental Law Program, University of Maryland School of Law, Baltimore, MD; **David R. Hodas**, Professor of Law, Widener University School of Law, Wilmington, DE
- 8:45 - 9:30 a.m. **Opening Keynote Address**
Envisioning Land Use Policy: In Harmony or Conflict with the Laws of Nature, Bruce Babbitt, Former Secretary of the Interior, Washington, DC
- 9:30 - 11:00 a.m. **Disasters, Ecosystems & Infrastructure: Hurricane Season 2005**
What went wrong along the Gulf Coast and why – policy, natural resources impacts, political inputs. What is the role of wetlands in infrastructure preservation? Which laws influenced the outcomes of the hurricanes? Which laws will channel decisions for reconstruction?
- Moderator: Denise E. Antolini*, Associate Professor of Law and Director, Environmental Law Program, William S. Richardson School of Law, University of Hawai'i at Manoa, Honolulu, HI
- Speakers: Cynthia A. Drew*, Associate Professor of Law, University of Miami School of Law, Coral Gables, FL; **Monique M. Edwards**, Executive Counsel to the Secretary, Louisiana Department of Natural Resources, Baton Rouge, LA; **Leslie Carothers**, President, Environmental Law Institute, Washington, DC
- 11:00 - 11:15 a.m. *Networking Break*
- 11:15 a.m. - 12:45 p.m. **Energy Infrastructure: Do We Have a Viable National Game Plan?**
Is the heavy concentration of critical infrastructure along the Gulf Coast an asset or an intolerable vulnerability? Do the environmental laws (CAA, CWA, CZMA, ESA, NEPA, etc.) provide the necessary environmental and ecosystem protection as well as a framework for an efficient and sensible energy infrastructure? What are the achievable and effective legal strategies that need to be employed to enhance the Nation's energy infrastructure; and what role will ecosystem services, including renewable sources, play in the implementation of such strategies?
- Moderator: R. Kinnan Golemon*, Brown McCarroll, L.L.P., Austin, TX
- Speakers: Robert G. Slaughter*, President, National Petrochemical and Refiners Association, Washington, DC; **Dr. Susan F. Tierney**, Managing Principal, Analysis Group, Inc., Boston, MA; **Lawrence C. Kumins**, Specialist in Energy Policy, Congressional Research Service-Resources, Science, and Industry Division, Library of Congress, Washington, DC

12:45 - 2:00 p.m.

Lunch

Luncheon Keynote Address

Hon. Claudia A. McMurray, Assistant Secretary of State, Bureau of Oceans and International Environmental and Scientific Affairs, U.S. Department of State, Washington, DC

2:00 - 3:30 p.m.

Ecosystems, Infrastructure, and Risk

How is risk evaluated, accounted for, and allocated? Who bears the risk, who enjoys the benefits, and are these commensurate? Who evaluates, and how? Does the law put its thumb on the scale via subsidies and regulatory barriers? What are the proper roles of private market insurance, public insurance subsidies, and tax policy? How does this panoply affect transactional and investment decisions?

Moderator: **Robert L. Brubaker**, Porter Wright Morris & Arthur LLP, Columbus, OH

Speakers: **Peter R. Steenland**, Counsel, Sidley Austin Brown & Wood LLP, Washington, DC; **Nicholas Targ**, Associate Director for Environmental Justice Integration, U.S. Environmental Protection Agency, Washington, DC; **David Conrad**, Senior Water Resources Policy Specialist, National Wildlife Federation, Washington, DC

3:30 - 3:45 p.m.

Networking Break

3:45 - 5:00 p.m.

Thinking Outside the Box: Strengthening our Infrastructure by Enhancing and Using Ecosystems Services

Can environmental law protect and enhance our ecosystems and enable us to benefit from the services that ecosystems provide? Incorporating ideas from earlier panels on disaster, risk, infrastructure and ecosystems, the speakers will explore new ways of thinking in economic, legal, and financial terms about integrating ecosystems, their services, and infrastructure imperatives.

Moderator: **David R. Hodas**, Professor, Widener University School of Law, Wilmington, DE

Speakers: **Dr. Robert Costanza**, Director, Gund Institute of Ecological Economics, School of Natural Resources, University of Vermont, Burlington, VT; **Daniel A. Farber**, Sho Sato Professor of Law and Director, Environmental Law Program, University of California School of Law, Berkeley, CA; **Motoko Aizawa**, Corporate Policy Advisor and Program Manager, International Finance Corporation, Environment and Social Development Department, Washington, DC

5:00 p.m.

Closing Remarks

5:30 p.m.

Conference Reception

**Financial support for this Program
is generously provided by:**

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THE CONFERENCE HOST AND SITE

This conference is hosted by the University of Maryland School of Law and takes place in the Ceremonial Moot Court Room at the Nathan Patz Law Center, 500 W. Baltimore St., Baltimore, Maryland.

Traveling to the Conference Site

> *By car:* From I-95 take route 395 (“Downtown Baltimore”) and exit onto Martin Luther King, Jr. Blvd. Turn right at fourth traffic light onto Baltimore Street. Turn left at second traffic light onto Paca Street. Go ¼ block and turn right into the Baltimore Grand Garage. Lexington Market garages also are available on Paca Street. Parking fees must be paid by participants. The Law School is directly across the street from the Garage.

> *By plane:* Conference participants can use any of three regional airports. The closest and most convenient is Baltimore-Washington International (BWI). If you prefer to fly into the Washington, DC area, use Reagan National Airport or Washington Dulles International Airport. Shuttle and light rail are available when flying into BWI, and rental car transportation is available at all three airports.

> *By Train:* Baltimore’s Penn Station is on main Amtrak routes and close to the School of Law. More information can be found at <http://www.amtrak.com/stations/bal.html>. Amtrak and MARC trains also run from Union Station in Washington, DC to Camden Yards and Penn Station in Baltimore (Note: MARC runs only Monday-Friday).

Special Needs

Any person with disabilities who would like to attend the program and who has special needs should contact Laura Mrozek at the Law School at least 72 hours in advance at 410/706-8157.

Accommodations

A block of rooms has been held at the Wyndham Baltimore, 101 West Fayette Street, Baltimore, MD 21201. This is just a few blocks from the law school. To receive our special rate of \$109 + tax, advise the hotel that you are with the “ABA Division for Public Services Standing Committee on Environmental Law Spring Conference” group. Call 1-800-WYNDHAM or 410/752-1100. Hotel reservations should be made by telephone using our group designation, and not on-line.

CONFERENCE REGISTRATION FORM

Register using this form or on our web site at

<http://www.abanet.org/publicserv/environmental/>

YES, I will attend. Reserve a space for me at the fee circled below. I enclose a check or credit card authorization payable to American Bar Association (government employees may enclose an authorized purchase order).

CONFERENCE FEE * (circle one)

Early Bird, by May 26:

ABA Member \$275 General Attendance \$350 Academic/NGO/Gvt. \$125 F/T Student \$50

After May 26:

ABA Member \$325 General Attendance \$400 Academic/NGO/Gvt. \$150 F/T Student \$75

GROUP FUNCTION ATTENDANCE

I will attend Lunch I will attend Reception

Please reserve space for (print or type):

Name _____

Title _____

Firm/Affiliation _____

Address _____

Telephone _____ Fax _____ E-mail: _____

If using a credit card, check one:

Visa MasterCard _____

Card Number

Expiration Date

*Your conference fee covers admission to all sessions, course materials, breaks, Lunch and Reception.

This program is accredited for Continuing Legal Education (CLE) credits.

CLE forms and course materials will be available on-site.

CANCELLATION POLICY: Full refunds of registration fees, less a non-refundable administrative charge of \$50, will be given for cancellations received by May 30, 2006. Cancellations received after that date will not be refunded, but substitute registrants may be designated with advance notification to our office. We are not responsible for sleeping room, meal, or other charges or fees arising from cancellations or changes and will bill registrants for any costs we incur in such instances.

> Questions? Contact us at <scel@abanet.org> or 202/662-1694.

If mailing form, please make check payable to "American Bar Association" and mail to:

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