

Professional Legal Services Questionnaire Instructions

- The Professional Legal Services Questionnaire shall be used for outside legal services.
- **The Professional Legal Services Questionnaire should be completely filled out. Complete and attach ALL sections. Insert “N/A” or “None” if a section does not apply or if there is no information to provide.**
- Questionnaire must be dated and signed by an authorized representative of the Firm. Failure to sign the questionnaire shall result in disqualification of proposer pursuant to J.P. Code of Ordinances Sec. 2-928.
- All subcontractors must be listed in the appropriate section of the Questionnaire. Each subcontractor must provide a complete copy of the Professional Legal Services Questionnaire, applicable licenses, and any other information required by the advertisement. Failure to provide the subcontractors' complete questionnaire(s), applicable licenses, and any other information required by the advertisement shall result in disqualification of proposer pursuant to J.P. Code of Ordianances Sec. 2-928.
- If additional pages are needed, attach them to the questionnaire and include all applicable information that is required by the questionnaire.

Professional Legal Services Questionnaire

A. Person or Firm Name & Principal Address:

B. Name, Title, & contact information of Firm Representative, as defined in Section 2-926 of the Jefferson Parish Code of Ordinances, who is licensed to practice law in the State of Louisiana with a minimum of five (5) years' experience:

C. Location of the principal office where work will be performed:

D. Please check the legal field or fields in which Firm is qualified to perform services for Jefferson Parish and include the number of years of experience in that particular field.

<input type="checkbox"/> Bond Services (Years: _____)	<input type="checkbox"/> Science & Technology Law (Years: _____)
<input type="checkbox"/> Elections (Years: _____)	<input type="checkbox"/> State & Local Government Law (Years: _____)
<input type="checkbox"/> Administrative & Regulatory (Years: _____)	<input type="checkbox"/> Taxation (Years: _____)
<input type="checkbox"/> Antitrust Law (Years: _____)	<input type="checkbox"/> Tort Trial & Insurance Practices (Years: _____)
<input type="checkbox"/> Business Law (Years: _____)	<input type="checkbox"/> Complex Litigation (including asbestos litigation) (Years: _____)
<input type="checkbox"/> Criminal Justice (Years: _____)	<input type="checkbox"/> Securities (Years: _____)
<input type="checkbox"/> Dispute Resolution (Years: _____)	<input type="checkbox"/> Ethics Law (Years: _____)
<input type="checkbox"/> Environmental, Energy & Resources (Years: _____)	<input type="checkbox"/> Civil Service Matters (Years: _____)
<input type="checkbox"/> Health Law (Years: _____)	<input type="checkbox"/> Civil Rights & the Constitution (Years: _____)
<input type="checkbox"/> Intellectual Property (Years: _____)	<input type="checkbox"/> Municipal Representation (including liability & intergovernmental conflicts) (Years: _____)
<input type="checkbox"/> International Law (Years: _____)	<input type="checkbox"/> Code Enforcement Matters (Years: _____)
<input type="checkbox"/> Labor & Employment Law (Years: _____)	
<input type="checkbox"/> Public Contract Law (Years: _____)	

Professional Legal Services Questionnaire

__ Public Utilities Law (Years: _____) __ Communications Law (Years: _____) __ Transportation Law (Years: _____) __ Property (Years: _____) __ Trust & Estate Law (Years: _____) __ Other/specific project as required by the advertisement (Years: _____)	__ Oil Spill Litigation (Years: _____) __ Public Finance (Years: _____) __ Land Use, Planning & Zoning Law (Years: _____) __ Economic Development (Years: _____) __ Construction Law (Years: _____)
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E. List all subcontractors anticipated for this Project. Please note that all subcontractors must submit a fully completed copy of this questionnaire, applicable licenses, and any other information required by the advertisement. See Jefferson Parish Code of Ordinances, Sec. 2-928(a)(3). Please attach additional pages if necessary.

Name & Address:	Specialty:	Worked with Firm Before (Yes or No):
1.		
2.		
3.		
4.		

Professional Legal Services Questionnaire

F. Professional Training and experience in relation to the type of work required for the outside legal services.



G. Size of Firm and capacity for timely completion of newly assigned work considering the number of professional and support personnel required to perform the type of outside legal services tasks and the Firm's current unfinished workload.

Professional Legal Services Questionnaire

i. Please specify the total number of support staff that may assist in the completion of a matter for each area of the law selected above: _____

ii. List any attorneys that may assist in the completion of a matter for each area of the law selected above. If necessary, please attach additional documentation that demonstrates the employment history and experience of the Firm's attorneys that may assist in the completion of this Project (i.e. resume). Please attach additional pages if necessary.

Name:	Legal Field:	Years of Experience in Legal Field:
1.		
2.		
3.		
4.		
5.		

Professional Legal Services Questionnaire

H. Past performance by person or Firm on Parish contracts. Please attach additional pages if necessary.

I. Adversarial legal proceedings between the Parish and the person or Firm performing professional services, in which the Parish prevailed, and excluding those instances or cases where the person or Firm was added as an indispensable party, or where the person or Firm participated in or assisted the public entity in prosecution of its claim. In the event that the person or Firm fails to provide accurate and detailed information regarding legal proceedings with the Parish, including the absence of legal proceedings, the person or firm shall be deemed unresponsive with regard to this category, and zero (0) points shall be awarded. Please attach additional pages if necessary.

Professional Legal Services Questionnaire

J. Prior successful completion of projects of the type and nature of legal services, as defined, for which Firm has provided verifiable references. (List no more than 10 projects.)

1.

2.

3.

4.

5.



Professional Legal Services Questionnaire

6.

7.

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9.

10.



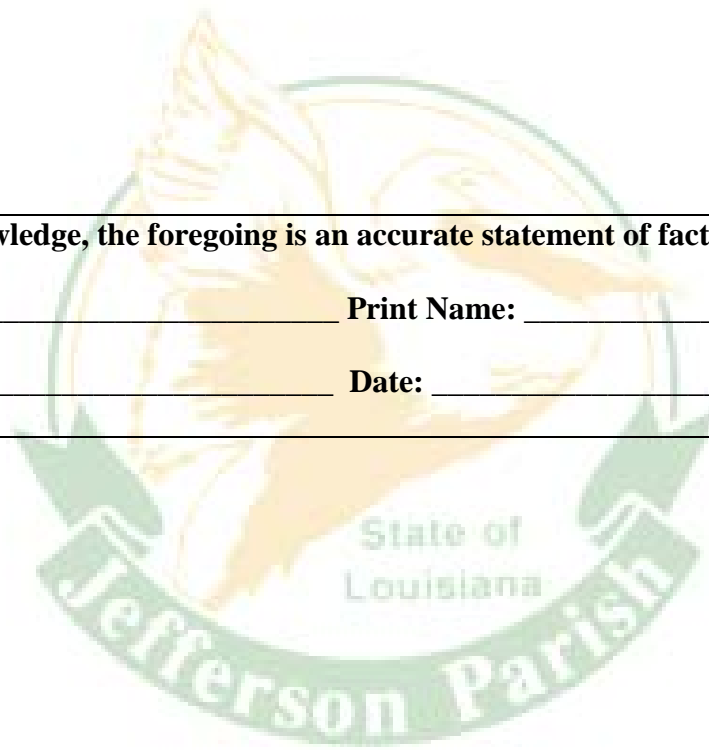
Professional Legal Services Questionnaire

K. Use this space to provide any additional information or description of resources supporting Firm's qualifications for the proposed project.

L. To the best of my knowledge, the foregoing is an accurate statement of facts.

Signature: _____ **Print Name:** _____

Title: _____ **Date:** _____





**Professional Legal Services Questionnaire Supplemental Responses and
Additional Information**

A. Person or Firm Name & Principal Address:

See Responses to Professional Legal Services Questionnaire

B. Name, Title, & contact information of Firm Representative, as defined in Section 2-296 of the Jefferson Parish Code of Ordinances, who is licensed to practice law in the State of Louisiana with a minimum of five (5) years' experience:

Megan K. Terrell
Partner
1110 River Road S., Suite 200
Office Phone: (225) 256-0649
Cell Phone: (206) 295-1934
Email: megan@plauchecarr.com

C. Location of the principal office where work will be performed:

See Responses to Professional Legal Services Questionnaire

D. Please check the legal field or fields in which Firm is qualified to perform services for Jefferson Parish and include the number of years of experience in that particular field.

- **Administrative & Regulatory (Years: 41 Combined)**
Megan K. Terrell (Years: 16)
Samuel W. (Billy) Plauché (Years: 25)
- **Environmental, Energy & Resources (Years: 46 Combined)**
Megan K. Terrell (Years: 16)

Samuel W. (Billy) Plauché (Years: 30)

- **State & Local Government Law (Years: 41 Combined)**

Megan K. Terrell (Years: 16)

Samuel W. (Billy) Plauché (Years: 25)

- **Municipal Representation (Years: 14)**

Samuel W. (Billy) Plauché (Years: 14)

- **Oil Spill Litigation (Years: 22 Combined)**

Megan K. Terrell (Years: 11)

Samuel W. (Billy) Plauché (Years: 11)

- **Land Use, Planning & Zoning Law (Years: 41 Combined)**

Megan K. Terrell (Years: 11)

Samuel W. (Billy) Plauché (Years: 25)

- E. **List all subcontractors anticipated for this Project. Please note that all subcontractors must submit a fully completed copy of this questionnaire, applicable licenses, and any other information required by the advertisement. See Jefferson Parish Code of Ordinances, Sec. 2-928(a)(3). Please attach additional pages if necessary.**

See Responses to Professional Legal Services Questionnaire

- F. **Professional Training and experience in relation to the type of work required for the outside legal services.**

See Responses to Professional Legal Services Questionnaire, including Section J
See also attached resumé

- G. **Size of Firm and capacity for timely completion of newly assigned work considering the number of professional and support personnel required to perform the type of outside legal services tasks and the Firm's current unfinished workload.**

See Responses to Professional Legal Services Questionnaire
See also attached resumé

- H. **Past performance by person or Firm on Parish contracts. Please attach additional pages if necessary.**

See Responses to Professional Legal Services Questionnaire

- I. **Adversarial legal proceedings between the Parish and that person or Firm performing professional services, in which the Parish prevailed, and excluding those instances or cases where the person or Firm was added as an indispensable party, or where the person or Firm participated in or assisted the public entity in prosecution of its claims. In the event that the person or Firm fails to provide accurate and detailed information regarding legal proceedings with the Parish, including the absence of legal proceedings, the person or firm shall be deemed unresponsive with regard to this category, and zero (0) points shall be awarded. Please attach additional pages if necessary.**

See Responses to Professional Legal Services Questionnaire

- J. **Prior successful completion of projects of the type and nature of legal services, as defined, for which Firm has provided verifiable references. (List no more than 10 projects).**

1. Representation of State Agencies, Boards, and Commissions.

Megan K. Terrell. Megan represented Louisiana state agencies, boards, and commissions throughout her public service for the State of Louisiana. This representation included a range of issues, primarily environmental and natural resources, state and local governmental law, contract law, and constitutional law. She performed a variety of tasks for the state, including litigation – motion, trial, and appellate practice, writing Attorney General opinions, drafting legislation and promulgating regulations, advising state agencies and boards, acting as contract manager for outside counsel to the Attorney General’s office and consultants for the Louisiana Governor’s Office of Coastal Activities, and managing a staff of approximately 20 attorneys as Deputy Director of the Civil Division of the Attorney General’s office. She advised and helped create rules and operating procedures for the Southeast Louisiana Flood Protection Authority Nominating Committee when it was created in 2006 and later represented the Southeast Louisiana Flood Protection Authority – West for several years. Megan also represented the Capital Area Groundwater Conservation Commission for over 10 years. Megan advises public clients on all matters related to governmental services, including public bid law, open meetings and public records law, Louisiana ethics rules, and dual officeholding

laws, as well as specific matters including but not limited to legislative drafting and review, contract drafting and review, and taxes and millages. When requested, she also provided counsel to numerous other boards, including the Oil Spill Interagency Council, the Water Resources Commission, and the State Emergency Operations Center. During her 16 years with the State of Louisiana, Megan represented the Louisiana Departments of Environmental Quality, Natural Resources, Wildlife and Fisheries, and Culture, Recreation and Tourism; the Louisiana Oil Spill Coordinator's Office; the Governor's Office of Coastal Activities; and the Coastal Protection and Restoration Authority and Authority Board. At Plauché & Carr LLP, Megan continues to practice in many of the same fields as she did in public practice, representing public and private entities in areas of environmental, natural resources, coastal, and climate change law. She works on local, state, and federal permitting matters, litigation, contract drafting and review, and environmental banking and ecosystem services matters.

- *References:* Rick McGimsey
Executive Counsel, Louisiana Division of Administration
(Former Director, Civil Division, Louisiana Attorney
General's Office)
Tel: (225) 342-7000
- Ryan M. Seidemann
Chief, Natural Resources Section, Louisiana Attorney
General's Office
Tel: (225) 326-6085
- Blake Canfield
Executive Counsel, Louisiana Department of Natural
Resources
Tel: (225) 342-2710

Samuel W. (Billy) Plauché. Billy has represented the State of Louisiana, through the Governor's Office and the Coastal Protection and Restoration Authority, on a number of matters, including the *Deepwater Horizon* Natural Resource Damages claims, early restoration agreement, and subsequent settlement (see also response to item number 2 below), programmatic permitting for coastal restoration projects, and the environmental review and compliance for the

Mid-Barataria Sediment Diversion Project (see also response to item number 4 below).

➤ *References:* Kyle Graham
Former Executive Director – CPRA
Tel: (828) 243-2674

Congressman Garret Graves
Former Chair – CPRA
Tel: (225) 678-0056

Chip Kline
Executive Director – CPRA
Tel: (225) 342-7669

2. *Deepwater Horizon* Oil Spill and Natural Resource Damage Assessment

Megan K. Terrell. Megan served as lead in-house counsel for the Louisiana Attorney General's office, representing the State of Louisiana in the response, subsequent complex litigation, and natural resource damage assessment. She coordinated with over 12 state agencies and boards to assess the State's natural resource and economic damages resulting from the disaster. Megan participated in negotiations that led to an \$8 billion recovery of natural resource damages, Clean Water Act penalties and fines, and economic damages for the State of Louisiana.

➤ *References:* Former Attorney General Buddy Caldwell
Former First Assistant Attorney General Trey Phillips
(currently Partner, Marten Law LLP)
(Contact information available upon request)

Samuel W. (Billy) Plauché. Billy served as one of two representatives of the State of Louisiana on the Executive Committee of the *Deepwater Horizon* Natural Resource Damages Trustee Council from the Committee's formation in 2011 through the Committee's dissolution as part of a 2016 settlement agreement. From 2013-2014, Billy chaired a working group made up of the five Gulf States (Louisiana, Mississippi, Alabama, Florida and Texas) and four federal agencies (NOAA, Department of the Interior, U.S. Department of Agriculture and U.S. Environmental Protection Agency) responsible for developing strategies for negotiating agreements amongst the governmental

entities, and between the collective governmental entities and British Petroleum, for the expenditure of \$1 billion in early restoration funding. From 2014-2015, Billy served as Chair of the DWH Trustee Council Executive Committee. Billy's chairmanship of the Trustee Council Executive Committee included the Committee's successful negotiations with British Petroleum a final settlement resolving the DWH Natural Resource Damages claims for \$8 billion (the Country's largest Natural Resource Damages settlement to date), to allocate that \$8 billion among the 5 Gulf States and 4 Federal Trustee agencies, and to create a governance structure for a restoration program across the Northern Gulf of Mexico to manage the expenditure of that funding.

➤ *References:* Kyle Graham
Former Executive Director – CPRA
Tel: (828) 243-2674

Congressman Garret Graves
Former Chair – CPRA
Tel: (225) 678-0056

3. State of Louisiana Natural Resource Damages Restoration Banking Legislation and Regulations.

Megan K. Terrell. Megan worked with a team of CPRA and Plauché and Carr LLP attorneys to develop legislation to implement a first-of-its-kind restoration banking program under the Oil Pollution Act for oil spills in Louisiana's coastal area. She assisted in the development and successful passage of implementing legislation (Act 362 of the 2016 Regular Session of the Louisiana Legislature) and promulgation of regulations (LAC 43:XXXI.Chapter 1). Louisiana's program contemplates the use of multi-purpose banks certified to provide credits under multiple regulatory frameworks, including the Oil Pollution Act and the Clean Water Act. The development of this program included co-trustee coordination among five Louisiana state agencies and two federal agencies (the National Oceanic and Atmospheric Administration and the Department of Interior), as well as stakeholder coordination with the mitigation banking industry, the oil and gas industry, and the general public.

➤ *References:* Chip Kline
Executive Director – Office of the Governor, Coastal Activities
Tel: (225) 342-7669

4. State of Louisiana, Mid-Barataria Sediment Diversion Project Team

Megan K. Terrell. From 2017-2019, Megan was the permitting and environmental compliance project manager for the Coastal Protection and Restoration Authority's ("CPRA") Mid-Barataria Sediment Diversion, a \$1 billion coastal restoration project that involves constructing a controlled breach of the Mississippi River to reintroduce Mississippi River sediment flows into the Barataria Basin, a coastal estuary suffering dramatic coastal land loss. In addition to collaborating with the U.S. Army Corps of Engineers, the lead federal agency, Megan also worked with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service, cooperating federal agencies. The Diversion project is also on the Federal Permitting Dashboard, which required close coordination with the Federal Permitting Improvement Steering Council.

➤ *References:* Chip Kline
Executive Director – Office of the Governor, Coastal Activities
Tel: (225) 342-7669

Bren Haase
Executive Director – CPRA
Tel: (225) 342-2179

Samuel W. (Billy) Plauché. Billy is a member of a team of attorneys and consultants working to secure the funding and regulatory approvals for the Mid-Barataria Sediment Diversion. Billy serves in a collaborative/facilitative role on the project team, working with 4 Louisiana Trustee agencies (the CPRA, Department of Natural Resources, Department of Environmental Quality and Department of Wildlife and Fisheries) and 4 Federal Trustee Agencies (NOAA, Department of the Interior, U.S. Department of Agriculture and U.S. Environmental Protection Agency) to decide whether to fund the Diversion project with settlement funds from the *Deepwater Horizon* Natural Resource Damages settlement. In addition, Billy represents the State of Louisiana in a collaborative effort with several federal regulatory agencies (the U.S. Army Corps of Engineers, the National Marine Fisheries Service, the U.S. Fish and Wildlife Service) on the Diversion's regulatory review, which includes working with the State of Louisiana and various potentially impacted user groups to develop adaptation and mitigation strategies to address environmental changes resulting from project implementation.

➤ *References:* Chip Kline
Executive Director – Office of the Governor, Coastal Activities
Tel: (225) 342-7669

Bren Haase
Executive Director – CPRA
Tel: (225) 342-2179

5. Facilitation of the Legislative and Administrative Rulemaking Processes.

Megan K. Terrell. Megan has advised and facilitated public entities through the legislative process, including drafting and reviewing legislation, testifying on legislative bills and actions that affect her client agencies, boards, or entities, promulgating regulations, and drafting agency reports in response to Senate or House Concurrent Resolutions. A representative list of projects, bills, and reports in which she was substantially involved follows.

- Act 362 of the 2016 Regular Session of the Louisiana Legislature (Authorizing CPRA to develop a natural resource damage restoration banking program) and subsequent promulgation of implementing regulations (LAC 43:XXXI.Chapter 1)
- Louisiana CPRA Findings and Recommendations Regarding Multi-Jurisdictional Cost-Share Funding of Flood Protection Projects Pursuant to House Resolution No. 197 (2016)
- Act 356 of the 2017 Regular Session of the Louisiana Legislature (Authorizing the use of outcome-based performance contracts by CPRA)
- Act No. 357 of the 2017 Regular Session of the Louisiana Legislature (Authorizing the bonding of certain *Deepwater Horizon* natural resource damage and Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act (RESTORE Act) payments by the Louisiana Coastal Protection and Restoration Financing Corporation)
- Louisiana CPRA Findings and Recommendations Regarding Multi-Jurisdictional Cost-Share Funding of Flood Protection Projects Pursuant to House Resolution No. 203 (2017) (2017 update on HR No. 197 report)

- 2018 United States Senate Committee on Homeland Security and Governmental Affairs: ROUNDTABLE – FAST-41 and the Federal Permitting Improvement Steering Council: Progress and Next Steps (Testified on behalf of CPRA)

➤ *References:* Johnny Bradberry
Former Executive Director, Office of the Governor, Coastal Activities (currently President of G.E.C. Inc.)
(Contact information available upon request)

Chip Kline
Executive Director – Office of the Governor, Coastal Activities
Tel: (225) 342-7669

6. Municipal Representation

Samuel W. (Billy) Plauché. Billy has represented a number of county and city governments with regard to a variety of environmental and land use/zoning matters in Washington State. Billy represented the City of Snoqualmie with regard to a large, controversial proposed residential development to be located in a natural area within the City limits. He also represented the Town of Cle Elum with regard to a 3,000+ acre Master Planned Resort located partly within, and adjacent to, the City. In that capacity, Billy negotiated agreements for construction of a new regional sewer treatment plant and a new regional water treatment plant that serves both the City and the resort and represented the City regarding the funding and permitting of those infrastructure upgrades.

➤ *References:* Erin Anderson, Partner
Van Ness Feldman (Former Cle Elum City attorney)
Tel: (206) 829-1805

7. Land use, Planning & Zoning

Samuel W. (Billy) Plauché. Billy successfully defended Kitsap County and Chelan County in Washington State in challenges to the Counties' comprehensive land use plans and development regulations (zoning codes) under the Washington State Growth Management Act. He also represented the Town of Friday Harbor and the City of Shoreline in challenges by developers

and neighboring jurisdictions to specific zoning actions undertaken by the municipalities.

- *References:* Shelley Kneip
Kitsap County Deputy Prosecutor (retired)
Tel: (360) 972-9982

8. Little Lake Oil Spill and Settlement

Megan K. Terrell. As an Assistant Attorney General, Megan represented the Louisiana State Trustees – the Louisiana Oil Spill Coordinator’s Office, the Department of Wildlife and Fisheries, the Department of Natural Resources, and the Department of Environmental Quality – in the recovery of natural resource damage claims under the Oil Pollution Act, 33 U.S.C. §§ 2701 *et seq.*, and the Oil Spill Prevention and Response Act, La. R.S. 30:2451 *et seq.*, resulting from an unauthorized discharge of crude oil from a pipeline owned and operated by BP Oil Spill Pipeline Company into the surrounding brackish/intermediate marsh and coastal waters in Lafourche Parish. The parties successfully negotiated their claims and entered into a settlement agreement – Little Lake Settlement Agreement for NRDA Case File #LA2002_0406_1000 (Little Lake 2002).

- *References:* Former Attorney General Buddy Caldwell
Former First Assistant Attorney General Trey Phillips
(currently Partner, Marten Law LLP)
(Contact information available upon request)

9. *Atchafalaya Basinkeeper v. Chustz*, 682 F.3d 356 (5th Cir. 2012)

Megan K. Terrell. Megan successfully represented the Louisiana Department of Natural Resources and Stephen Chustz, in his official capacity as Acting Director of the Atchafalaya Basin Program, in a suit filed by environmental organizations alleging that the Program violated the conditions of a permit issued to it by the Army Corps of Engineers under the Clean Water Act (“CWA”), 33 U.S.C. § 1344. The district court dismissed the case after determining that the CWA does not allow citizen suits to enforce the conditions of a 404 permit. The matter was appealed to the Fifth Circuit, which affirmed that decision.

- *References:* Blake Canfield
Executive Counsel, Louisiana Department of Natural
Resources
Tel: (225) 342-2710

10. MOEX Consent Decree and Supplemental Environmental Project

Megan K. Terrell. The State of Louisiana, through the Attorney General, filed a Complaint on March 3, 2011, asserting claims against MOEX Offshore 2007 LLC, MOEX USA Corporation, Mitsui Oil Exploration Co., Ltd. (“MOEX”) for civil penalties and costs under the Louisiana Environmental Quality Act, La. R.S. 30:3001 *et seq*, for the unauthorized discharge of oil, gas, and other pollutants that entered the waters of the State and adjoining coastline as a result of the *Deepwater Horizon* disaster and resulting Gulf Oil Spill. Megan represented the State of Louisiana in that matter and helped negotiate the subsequent settlement of these claims. As part of the Consent Decree, MOEX agreed to pay civil penalties in the amount of \$6,750,000 to the State of Louisiana and to implement Supplemental Environmental Projects (“SEPs”) in Louisiana. The final SEP included the implementation of a \$6,750,000 land acquisition and habitat protection project in Louisiana designed to conserve in perpetuity and/or protect water quality in the Gulf of Mexico region. Megan participated and advised the Louisiana Department of Environmental Quality and the Coastal Protection and Restoration Authority regarding the SEP, including the land acquisition, due diligence process and drafting the purchase agreement, the conservation and management plan for the property, and the mineral restrictions.

Resumés

MEGAN K. TERRELL

megan@plauchecarr.com

225.256.0649 (office)

206-295-1934 (cell)

Professional Experience

Plauché & Carr LLP, Baton Rouge, LA

January 2020 to present.

Partner. Provide counsel on issues regarding environmental, natural resources and coastal law, as well as administrative, governmental, and constitutional law; represent clients on matters related to regulatory and enforcement issues, federal and state project permitting, natural resource damage assessments, coastal restoration and protection, land use, federal and state legislative matters, and general governmental matters.

Governor's Office of Coastal Activities, Baton Rouge, LA

January 2019 – December 2019.

Deputy Director and Legal Advisor to Governor Edwards, Coastal Activities, Environment, and Natural Resources. Assisting and advised in the development, review, and implementation of policies for the Office of Coastal Activities and the Coastal Protection and Restoration Authority.

- Coordinated and provided counsel on projects and funding associated with the State's \$8 billion recovery of damages pursuant to the *Deepwater Horizon* Consent Decree and other associated civil and criminal penalties and fines.
- Assisted with the creation of the State of Louisiana's Natural Resource Damages Restoration Banking Program, including the development and successful passage of implementing legislation and promulgation of rules and regulations.
- Lead permitting and environmental compliance project manager for the Coastal Protection and Restoration Authority's \$1 billion Mid-Barataria Sediment Diversion Project.
- Coordinated with federal, state, and local officials and stakeholders with respect to the funding and implementation of integrated coastal protection projects.
- Coordinated with the Federal Permitting Improvement Steering Council and the Council for Environmental Quality, lead federal agencies and federal cooperating agencies, including the U.S. Army Corps of Engineers, the National Oceanic and Atmospheric Association, and the Department of Interior for Louisiana coastal restoration projects on the Federal Permitting Dashboard.
- Coordinated the review and drafting of legislation affecting coastal policies and funding, including the drafting and successful passage of legislation to authorize the financing, purchasing, owning, and management of payments from the *Deepwater Horizon* natural resources damage settlement and the Restore and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act (Act 357 of the 2017 Regular Session).
- Coordinated with the federal congressional delegation regarding bills and policies impacting integrated coastal protection, including the Gulf of Mexico Energy Security Act ("GOMESA") and the Fixing America's Surface Transportation Act ("FAST-41").

Louisiana Department of Justice, Baton Rouge, LA

November 2004-January 2016.

Deputy Director, Civil Division

2013-2016.

Section Chief, Environment

2009-2013.

Assistant Attorney General

2004-2009.

Supervised a staff of 20 attorneys and oversaw all litigation and board and commission work in the Civil Division, which includes the following sections: Governmental Litigation, Education, Environmental, Lands & Natural Resources, and Public Finance and Contracts

- Represented the State, State agencies, boards, and commissions, including the Louisiana Departments of Environmental Quality; Natural Resources; Wildlife and Fisheries; and Culture, Recreation, and Tourism; the Louisiana Oil Spill Coordinator's Office; the Coastal Protection and Restoration Authority and Authority Board; Capital Area Groundwater Conservation Commission; and the Southeast Louisiana Flood Protection Authority Board – West.
- Lead in-house counsel for the *Deepwater Horizon* disaster, response, and subsequent complex litigation (*In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, MDL No. 2179) and natural resources damage assessment. Coordinated with over 12 state agencies and boards to assess the State's natural resource and economic damages resulting from the disaster and participated in negotiations that led to an \$8 billion recovery of natural resource damages, Clean Water Act penalties and fines, and economic damages for the State of Louisiana.
- Litigated matters in multiple federal and state district and appellate courts; lead complex electronic discovery and motion practice; appeared at hearings and performed trial work and appellate practice, as well as administrative and regulatory practice.
- Drafted numerous Attorney General Opinions and, as Deputy Director of the Civil Division, reviewed and approved all Attorney General Opinions issued by that Division.
- Reviewed and drafted State legislation, appeared and testified before legislative committees, reviewed and prepared public comments on federal legislation, rules and regulations.

Education

Louisiana State University School of Law, Baton Rouge, La

Juris Doctor, 2004

Bachelor of Civil Law, 2004

Member of Environmental Law Moot Court Team, 2003 & 2004 (Captain)

Louisiana State University, Baton Rouge, La

Bachelor of Science, Business Administration, 2001

Selected Reported Cases

- *In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, MDL 2179 (E.D. La.)

- *In re Manson Const. Co.*, 544 Fed.Appx. 412 (5th Cir. 2013)
- *In re Manson Const. Co.*, 883 F.Supp.2d 659 (E.D. La. 2012)
- *Tarrant Regional Water District v. Hermann*, 133 S.Ct. 2120 (2013)
- *Atchafalaya Basinkeeper v. Chustz*, 682 F.3d 356 (5th Cir. 2012)
- *M.J. Farms, Ltd. v. ExxonMobil*, 2007-2371 (La. 7/1/08), 998 So.2d 16
- *State of Louisiana v. All Property and Casualty Insurers*, 2006-2030 (La. 8/25/06), 937 So.2d 313
- *Blanco v. Burton*, 2006 WL 2366046 (E.D. La. 2006)

Selected Publications and Presentations

- *Panelist*. FAST-41: Your Tailored Roadmap for Infrastructure Project Permitting, First Annual Stakeholder Engagement Forum, *Project Proponent and Agency Talk on FAST-41 Benefits & FAST-41 Q&A* (2019)
- *Faculty*. The Seminar Group, Coastal Law in Louisiana, *Coastal Project Development – Public and Private* (2019)
- *Invited Participant*. Testified before the Permanent Subcommittee on Investigation of the Committee on Homeland Security and Governmental Affairs, United States Senate, One Hundred Fifteenth Congress, June 27, 2018, *FAST-41 and the Federal Permitting Improvement Steering Council: Progress to Date and Next Steps*
- *Faculty*. The Seminar Group, Coastal Law in Louisiana, *Private Investment in Coastal Restoration* (2018)
- *Presenter*. Louisiana State Bar Association, Environmental Law Section Annual Seminar, *Coastal Restoration and Streamlining the Federal Permitting Process* (2018)
- *Panelist*. Restore America's Estuaries 8th National Summit on Coastal and Estuarine Restoration and 25th Biennial Meeting of the Coastal Society, *Financing the Future: Identifying Funding Options for Coastal Restoration and Adaptation Plans* (2016)
- *Guest Faculty*. Seton Hall Law School, New Orleans Winter Study Session, BP Oil Spill Program (2012 and 2013)
- *Panelist*. ABA Section of Litigation and Criminal Justice, *Litigation in the Gulf: Enforcement Update* (2011)
- *Panelist*. ABA Toxic Torts and Environmental Law, *Gulf Oil Spill Litigation* (2011)
- *Lingering Relevance of the Coastal Zone Management Act to Energy Development in our Nation's Coastal Waters*. 24 TUL. ENVTL. L.J. 73 (Kalen, Seidemann, Wilkins, Terrell) (2010)

- *How Do We Deal With This Mess? A Primer for State and Local Governments on Navigating the Legal Complexities of Debris Issues Following Mass Disasters*, 61(4) UNIVERSITY OF MIAMI LAW REVIEW 1135 (2007) (Seidemann, Terrell, and Matchett)
- *Presenter*. 12th Annual Environmental Conference on Law, Science and the Public Interest, Tulane University School of Law, Natural Resource Damages: The State and NOAA Step Forward (2007)

Selected Professional Organizations and Honors

- Louisiana Bar Association (Bar Roll No. 29443)
 - o Member of Environmental Section
- Baton Rouge Bar Association
- American Bar Association
 - o Member of Environment, Energy, & Resources Section
- Baton Rouge Area Chamber
- Environmental Law Institute Member
- Coalition to Restore Coastal Louisiana Coastal Stewardship Award (2018)

SAMUEL W. PLAUCHÉ

billy@plauchecarr.com
206.588-4186

Professional Experience

Plauché & Carr LLP, Seattle, WA

2009 to present

Founding Partner. Established a successful law practice focused on natural resources, land use and environmental regulations, with an emphasis on resolving complex natural resource-based disputes, from the restoration of damaged natural resources to resolving regulatory challenges facing natural resource-based industries.

Representative experience:

- Legal Advisor, State of Louisiana Mid-Barataria Sediment Diversion Project Team. Facilitate development of an overall regulatory and funding approach, and assist in development of ongoing stakeholder outreach efforts, related to permitting, funding and, ultimately, construction of the Mid-Barataria Sediment Diversion, a \$1 billion coastal restoration project that involves constructing a controlled breach of the Mississippi River to reintroduce Mississippi River sediment flows into the Barataria Basin, a coastal estuary suffering dramatic coastal land loss.
- Legal advisor, State of Louisiana Coastal Restoration permitting team. Lead a team of attorneys and consultants working collaboratively with federal regulatory agencies to develop a regulatory strategy for programmatic review of coastal restoration projects in Louisiana.
- Chair, *Deepwater Horizon* Trustee Council Executive Committee. Chair of the DWH Trustee Council Executive Committee during successful negotiations with British Petroleum of a final settlement resolving the DWH Natural Resource Damages claims for \$8 billion (the Country's largest Natural Resource Damages settlement to date).
- Lead Facilitator for Pacific Coast Shellfish Growers Association ("PCSGA") for development and implementation of Nationwide Permit 48. Lead, on behalf of the PCSGA, a collaborative effort with various federal regulatory agencies and shellfish growers' associations from across the country to develop a Nationwide Permit (Nationwide Permit 48) covering shellfish farming activities nationally, and to implement that permit in Washington State.
- Legal Advisor, Commonwealth of Puerto Rico, Natural Resource Damages. Assist the Commonwealth of Puerto Rico in assessing potential Natural Resource Damages claims arising out of U.S. Navy activities on Vieques and Culebra Islands.
- Lead Counsel, Coast Seafoods Company, Quilcene Bay Salmon Enhancement negotiations. Represent Coast Seafoods Company in negotiations with Hood Canal Salmon Enhancement Group and Washington Department of Fish and Wildlife to ensure dike removal associated with salmon enhancement efforts did not damage Coast Seafoods' Quilcene Bay hatchery, the largest shellfish hatchery in the United States.

- Lead Counsel, Penn Cove Shellfish, *Deep Sea* oil spill. Represent Penn Cove Shellfish Company in claim against the Oil Spill Liability Trust Fund to compensate for damages cause to Penn Cove's muscle operation associated with release of oil from the fishing vessel *Deep Sea* when it sank in Penn Cove.
- Lead Counsel, Coast Seafoods Company, Humboldt Bay Permit. Develop and implement a strategy for permitting, and then expanding, the largest shellfish farming operation in the State of California through a collaborative regulatory process with a number of federal and state regulatory agencies.
- Lead Counsel for Taylor Shellfish Habitat Conservation Plan: Serve as policy lead for a team of lawyers and consultants to develop a long-term management plan and strategy for protection of Endangered Species on shellfish farming lands owned and operated by Washington's largest shellfish growing company.
- Lead counsel in administrative and judicial litigation, including:
 - o Defending federal regulatory decisions in federal District Courts in Washington State and the U.S. Court of Appeals for the Ninth Circuit.
 - o Defending state and local permits and regulatory policy decisions in Washington State Superior Courts and the Washington Courts of Appeal
 - o Defending Shoreline permitting decisions in multiple Washington Shoreline Hearings Board proceedings.
 - o Defending and challenging local government land use policy documents in multiple Washington Growth Management Hearings Board decisions.
 - o Defending and challenging local government permitting decisions before County Hearing Examiners.

GordonDerr, Seattle, WA

1995 to 2009

Partner. Represented a variety of private and location government clients on environmental and land use issues, including issues arising under the Washington Shoreline Management Act, the Washington Growth Management Act, the State Environmental Policy Act, the federal Clean Water Act, the federal Endangered Species Act and the federal Magnuson-Stevens Act.

Representative experience:

- City of Cle Elum. Federal, State and Local Land Use and Environmental Review of Major Master Planned Resort Development. Representation included land use and environmental permitting for residential and commercial developments and water and wastewater treatment facilities. Negotiated complex, multi-party funding agreements for sewer and

water facilities and provided counsel on alternative public procurement processes that allowed formation of a public-private partnership for infrastructure improvements.

- Kitsap County. Drafting and Adoption of Various Land Use Regulatory Adoptions Required by the Washington Growth Management Hearings Board. Defended adoptions before the Central Puget Sound Growth Management Hearings Board, the Kitsap County Superior Court and the Washington Court of Appeals. See *Manke Lumber Company v. Central Puget Sound Growth Management Hearings Board*, 113 Wn. App. 615, 53 P.3d 1011 (2002).
- Trillium Corporation. Defense of Whatcom County's Land Use Designations on Trillium's Property Holdings in the Cherry Point area of Whatcom County. Represented Trillium Corporation in negotiations with Whatcom County, and co-defended Whatcom County before the Western Washington Growth Management Hearings Board, the Whatcom County Superior Court and the Washington Court of Appeals. See *Wells v. Western Washington Growth Management Hearings Board*, 100 Wn. App. 657, 997 P.2d 405 (2000).
- Pacific Coast Shellfish Growers Association. Legal Counsel on Various Issues Arising Under the Federal Clean Water Act, Rivers and Harbors Act, Endangered Species Act and Magnuson-Stevens Fisheries Protection Act. Served as land use/environmental counsel and represented the association in regulatory negotiations with the regional and headquarters (Washington, D.C.) offices of the U.S. Army Corps of Engineers, the Environmental Protection Agency, the National Marine Fisheries Service and the U.S. Fish & Wildlife Services. Also represented the association regarding various state and local environmental and land use issues, including issues arising under the Hydraulics Code, the Shoreline Management Act, the Growth Management Act and the State Environmental Policy Act.
- Coast Seafoods Company. General Counsel. Provided legal advice on issues arising out of numerous land use, environmental, public health and fisheries regulatory controls in various states, including Washington, California and Virginia. Represented the client in negotiations before a variety of regulatory agencies, including the U.S. Army Corps of Engineers, the National Marine Fisheries Service, the U.S. Fish & Wildlife Service, the California Department of Fish and Game, the California Coastal Commission, the California Regional Water Quality Control Board, the California Department of Health, the Washington State Department of Ecology, and the Washington Department of Fish & Wildlife.

U.S. Dept. of Justice, Env. And Natural Resources Division

1991 to 1995

Mr. Plauché served as a trial attorney with the Environmental Defense Section, Environment and Natural Resources Division, U.S. Department of Justice. In that position, he represented various federal agencies in court cases around the country involving federal environmental statutes, including: the Clean Water Act, the Clean Air Act, CERCLA, RCRA and EPCRA.

Representative Cases:

- *United States v. Brace*, C.A. No. 90-229 (W.D. Pa. Dec. 16, 1993), rev'd, 41 F.3d 117 (3rd Cir. 1994), cert. denied, 515 U.S. 1158 (1995). Action by the U.S. alleging a farming corporation

violated the Clean Water Act by failing to obtain a permit for discharge of dredged or fill materials into waters of the United States

- *U.S. v. Sargent Cty. Water Res. Dist.*, 876 F. Supp. 1081 (D.N.D. 1992), *dismissed*, 876 F. Supp. 1090 (D.N.D. 1994). Action by the U.S. alleging a county resource district, state, and engineer violated the Clean Water Act by significantly increasing the size of a drainage ditch and draining several thousand acres of wetlands.
- *Kaw Valley, Inc. v. EPA*, 844 F. Supp. 705 (D. Kan. 1994). Plaintiff brought action challenging EPA's assessment of civil penalties against for violation of reporting requirements of the Emergency Planning and Community Right-to-Know Act.

Education

Law Clerk, Honorable Frank J. Polozola, U.S. District Court

Middle District of Louisiana, 1990-1991

Louisiana State University, Paul M. Hebert Law School, Baton Rouge, LA

Juris Doctorate, 1990

Order of the Coif

Louisiana Law Review, 1989-1990

Editor in Chief, Volume 50, 1990

Louisiana State University, Baton Rouge, LA

Bachelor of Arts, 1987

Selected Presentations

- Federal Shoreline Permitting, Speaker, Shoreline Development & Permitting, Co-Chair, The Seminar Group, Seattle, WA June 6-7, 2019.
- Deepwater Horizon Updates, Speaker, 2nd Annual Coastal law in Louisiana: Deepwater Horizon Updates, Speaker, The Seminar Group, New Orleans, LA, March 14-15, 2019.
- Deepwater Horizon Settlement panelist, Health and Environmental Settlement Projects Workshop, State Energy and Environmental Impact Center, New York University School of Law, New York, NY, March 12, 2019.
- Litigation Update: Regulation of Discharges of Pollutants Under Section 402, Speaker, Clean Water and Stormwater, Law Seminars International, August 16-17, 2018.
- Deepwater Horizon Update, Speaker, Coastal Law in Louisiana, The Seminar Group, New Orleans, LA, March 1-2, 2018.
- Shoreline Regulation in Washington State: Marine Shorelines, Rivers and Lakes, Co-Chair, The Seminar Group, Seattle WA, June 1-2, 2017.
- Case Studies: Update on Status and Implementation Challenges for Several Large NRD Matters, Speaker, Natural Resources Damages, Seminars International, Washington, DC, March 23-24, 2017.
- The Deepwater Horizon Case: Lessons Learned for the Future of NRD, Speaker, Natural Resources Damages, Law Seminars International, Washington, DC, March 10-11, 2016.

- Shoreline Regulation in Washington State: Marine Shorelines, Rivers and Lakes, Co-Chair, The Seminar Group, Seattle, WA, May 1, 2015.
- NRD Litigation: Lessons from Recent Cases, Speaker, Fourth Annual Advanced Conference on Natural Resource Damages, Law Seminars International, Washington, DC, March 12-13, 2015.
- The Gulf Oil Spill: State Law Preemption and Implications for Washington, Speaker, 2014 KCBA Environmental & Land Use Law Section Meeting, Seattle, WA, May 21, 2014.
- State Trustees: Current NRD Issues and Trends at the State Level, Speaker, Third Annual Advanced Conference on Natural Resource Damages, Law Seminars International, Washington, DC, February 6 – 7, 2014.
- Ecosystem Services: Using Public/Private Partnerships to Stimulate Market Development, Speaker, 67th Annual Shellfish Conference and Tradeshow, Pacific Coast Shellfish Growers Association (PCSGA) and National Shellfisheries Association (NSA) – Pacific Coast Section, Sunriver, OR, September 30 – October 3, 2013.
- Water Quality and Salmon: Pesticides, Fertilizers, Heat and Finding Balance, Speaker, Seminar on Resolving Conflicts Between Agriculture and Fish, Law Seminars International, Yakima, WA, April 15, 2013.
- Deepwater Horizon: Assessment Status and Lessons Learned (So Far), Speaker, Conference on Natural Resource Damages, Law Seminars International, Washington, DC, January 26 – 27, 2012.
- The Gulf Oil Spill: Implications for the Puget Sound, Speaker, 2011 Environmental and Land Use Law Section Midyear Meeting and Seminar, Union, WA, April 28 – 30, 2011.
- Navigating the Regulatory Maze: Regulatory Processes Facing Shellfish Growers, Speaker, 63rd Annual Shellfish Conference, Pacific Coast Shellfish Growers Association and National Shellfisheries Association – Pacific Coast Section, Chelan, WA, September 29-October 1, 2009.
- Permitting Marine Aquaculture Projects and Nuts and Bolts of Permitting a Marine Shoreline Project, Speaker, Marine Shoreline Development and Permitting, Co-Chair, Law Seminars International, Seattle, WA, February 4, 2009.
- Update on New Permits, Regulations, Legal Issues, Speaker, 62nd Annual Shellfish Conference, Pacific Coast Shellfish Growers Association and National Shellfisheries Association – Pacific Coast Section, Chelan, WA, September – October 3, 2008.
- Marine Shoreline Development and Permitting, Co-Chair, Law Seminars International, Seattle, WA, February 1, 2008.
- Law, Science, and Politics: Staying Alive in the Regulatory Labyrinth, Speaker, 61st Annual Membership Meeting and Shellfish Growers Conference, Pacific Coast Shellfish Growers Association/National Shellfisheries Association, Portland, OR, October 2007.
- National Trends in Shellfish Aquaculture Productions, Policy, and Regulation – Planning and Regulatory Tools for Coastal Planners, Speaker, NOAA, Coastal Zone 2007, Portland, OR, July 25, 2007.
- Legislation and Regulation for Marine Aquaculture, Speaker, NOAA, National Marine Aquaculture Summit: Aquaculture 2007 – Making It Work for America, Washington D.C., June 26 – 27, 2007.

- Marine Aquaculture: A Growing Business, Speaker, Environmental Law Institute, Washington D.C., February 6, 2007.
- Corps Permitting for the Shellfish Industry, Speaker, Wetlands in Washington, Law Seminars International, Seattle, WA, October 24 – 25, 2005, and October 25 – 26, 2004.
- Urban Growth Area Battles – Déjà vu All Over Again, Speaker, Growth Management in Washington, Law Seminars International, Seattle, WA, November 15 – 16, 2004.
- Growth Management Act Requirements Regarding Siting/Operation of Essential Public Facilities, Speaker, Regulatory Requirements and Permitting of Essential Public Facilities, The Seminar Group, Seattle, WA, November 9, 2004.

Selected Activities and Honors

Best Lawyer

Seattle's Best Lawyers and the Best Lawyers in America, 2010-2020

Super Lawyer

Super Lawyers Magazine, 2010-2019

Board Member

Puget Sound Restoration Fund (2008-present)

Publications

- Road Map to the Revolution: A Practical Guide to Procedural Issues Before the Growth Management Hearings Boards, Author, 23 Seattle University Law Review 71, 1999.