WATER LAW CONFERENCE
MARCH 29-30, 2016
HYATT REGENCY • AUSTIN, TX
WWW.SHOPABA.ORG/ENVIRONWL
Please join us for the ABA Section of Environment, Energy, and Resources, 34th Water Law Conference in Austin, Texas. We are bringing together the very best water lawyers from across the country to address practical topics and new legal developments that impact your practice. The conference provides a great opportunity for lawyers and other water professionals to hear from and network with speakers from private, government, in-house counsel, and academia. As water resource and quality issues become more complicated, this conference will explore innovative solutions to dealing with the challenge of scarcity, the impact of shortages on long-term water supply planning, and the impact of water resources on different sectors of the economy. Programming will also include panel discussions and debate on recent changes in the law, hot topics, water quality issues, and much more.

The live music, restaurants, and shopping that surround the conference location in downtown Austin enhance the unparalleled learning and networking experience offered at the 2016 Water Law Conference. The conference begins on Tuesday, March 29 with a full day of CLE sessions followed by a networking reception, and continues on Wednesday, March 30 with a morning of CLE sessions, including ethics. The conference concludes Wednesday afternoon with a joint public service project with attendees from the Section’s 45th Spring Conference. We hope to see you in Austin for learning, networking, music, and great food!
SECTION CHAIR
Pamela E. Barker
Lewis Rice, LLC, St. Louis, MO

PROGRAM PLANNING CHAIR
Susan M. Ryan
Ryley Carlock & Applewhite, Denver, CO

PLANNING COMMITTEE
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Jonathan S. Wolff
Armstrong Teasdale, LP, St. Louis, MO
Andrea Wortzel
Troutman Sanders LLP, Richmond, VA

2016 ANNUAL SPONSORS
MONDAY, MARCH 28, 2016

7:00 P.M.
Taste of SEER (Dine Aroun ds)
On Monday evening, you are invited to participate in a Dutch-treat dinner (each person pays for his or her own meal). Dinner reservations have been made at several restaurants in Austin near the conference hotel. Each dinner will have a conversation theme selected by the organizer. This is a great opportunity to meet new people, eat amazing food, and have lively discussions. Additional information about how to sign-up will be coming soon!

TUESDAY, MARCH 29, 2016

7:30 A.M. – 8:30 A.M.
Breakfast

8:15 A.M. – 9:30 A.M.
Allocating Increasingly Scarce Water Resources—Is it Time for a Change?
This panel explores whether water rights regulation under “reasonable use” riparian regimes in eastern states and “first in time, first in right” prior appropriation systems in western states continues to be appropriate. The point/counterpoint discussion focuses on the pros and cons of: (1) more widespread application of the public trust doctrine in the west to protect surface and groundwater resources and more definitive water rights in the east to improve planning and economic stability; (2) adoption of water codes by individual states and use of compact commissions to improve existing water allocation laws; (3) use of watershed management strategies to protect and improve quantity and quality of existing water supplies; and (4) relaxing strict application of existing allocation doctrines to reduce economic inefficiencies, increasing water demands and environmental concerns.

Speakers:
Robert Abrams, Professor of Law, Florida A&M University College of Law, Orlando, FL
A. Dan Tarlock, Professor of Law, Chicago-Kent College of Law, Chicago, IL

9:30 A.M. – 9:45 A.M.
Networking Break

9:45 A.M. – 11:00 A.M.
Water Conservation and Its Impact on Water Supply, Financing, and Infrastructure
Historically viewed as a short-term fix for responding to the occasional water shortage, water conservation stands firmly within the mainstream. Water efficient fixtures and appliances are widely available. Farmers and other irrigators use irrigation moisture sensors, and a conservation ethic is on the rise among consumers. What are the impacts of increased conservation on water utilities and providers? This panel explores the impacts of conservation on water supply, on water utility and provider finance, and on water-related infrastructure and system planning.

Moderator:
David T. McGimpsey, Lewis Roca Rothgerber, LLP, Denver, CO

Speakers:
Patricia Mulroy, Senior Fellow, William S. Boyd School of Law, UNLV
Climate Adaptation and Environmental Policy, Brookings Institute, Las Vegas, NV
Robert R. Puente, President/CEO, San Antonio Water System, San Antonio, TX
Vail T. Thorne, Senior Environmental, Health & Safety Counsel, The Coca-Cola Company, Atlanta, GA
11:00 A.M. – 11:15 A.M.  
Networking Break

11:15 A.M. – 12:30 P.M.  
Water Quality in Indian Country
As sovereign nations, tribes have significant responsibilities for the management of water quality, as well as the opportunity to establish innovative water quality programs and practices. However, substantial variations among tribal governance, geography, and available resources affect tribal capacity to manage and address water quality challenges. Federal Indian policies have created a further complication by facilitating significant non-Indian ownership of lands within tribal reservations, which has created conflict and uncertainty over the extent of tribal water quality authority. At the same time, while most states have delegated authority to implement key Clean Water Act programs, very few tribes have obtained such authority, which has resulted in regulatory gaps throughout Indian Country. This panel will discuss these issues, with a focus on innovative and emerging efforts to address water quality challenges in Indian Country.

Moderator:  
Michelle Bushman, Legal Counsel, Western States Water Council, Murray, UT

Speakers:  
Todd Bolster, Policy Analyst, Northwest Indian Fisheries Commission, Olympia, WA
Stephen A. Walker, Lewis, Longman & Walker, P.A., West Palm Beach, FL
Felicia Wright, National Tribal Program Coordinator, U.S. Environmental Protection Agency, Office of Water, Washington, DC

12:30 P.M. – 1:00 P.M.  
Luncheon

1:00 P.M. – 1:45 P.M.  
Keynote Address

Speaker:  
Carlos Rubinstein, Principal, RSAH2O, LLC, Austin, TX, Former Chairman of the Texas Water Development Board and Former Commission on Environmental Quality

1:45 P.M. – 2:00 P.M.  
Networking Break

2:00 P.M. – 3:15 P.M.  
One Year Later: The Waters of the United States (WOTUS) Rule as Applied
EPA and the Army Corps of Engineers issued the final “Waters of the United States” rule on May 27, 2015, which immediately gave rise to a firestorm of controversy. This panel will survey the landscape as the smoke clears following the first year of the rule’s implementation. The panel will present data showing how the rule is actually being applied in jurisdictional determinations across the country; explore remaining ambiguities and controversies; and discuss the state-of-play in pending legal challenges.

Moderator:  
Kathy Robb, Hunton & Williams LLP, New York, NY

Speakers:  
Karen Aldridge Crawford, Nelson Mullins Riley & Scarborough LLP, Columbia, SC
Martha Rudolph, Director of Environmental Programs, Colorado Department of Public Health and Environment, Denver, CO
David L. Sunding, The Brattle Group and Professor, University of California, Berkeley, San Francisco, CA
3:15 P.M. – 3:45 P.M.
Networking Break

3:45 P.M. – 5:00 P.M.
**Interstate Water Management of a “Hidden” Resource**

As water wars are waged across the country, the management and allocation of groundwater is becoming more critical, particularly between states. Due to dwindling surface water resources and increased demand, reliance on groundwater is increasing. While groundwater is generally not considered a “flowing” system, it does flow in the direction of the local gradient. The struggle to manage groundwater resources among states has recently been seen in the Ogallala, Snake Valley, and the Sparta-Memphis Aquifers. This panel will provide an overview of the relevant basics of groundwater hydrology and, using U.S. Supreme Court and other case studies, discuss the implications of that hydrology and the Endangered Species Act for the management and allocation of groundwater affecting interstate relations.

**Moderator:**
John B. Draper, Draper & Draper LLC, Santa Fe, NM

**Speakers:**
Paul Barlow, Hydrologist, U.S. Geological Survey, Northborough, MA
Burke Griggs, Office of the Kansas Attorney General/Stanford University, Topeka, KS
Robert Gulley, Director of Economic Growth & Endangered Species Management, Texas Comptroller of Public Accounts, Austin, TX

5:00 P.M. – 6:15 P.M.
Reception (cash bar)

**WEDNESDAY, MARCH 30, 2016**

7:30 A.M. – 8:30 A.M.
Breakfast

8:15 A.M. – 9:45 A.M.
**Managing Conflicts in a Way That Gets “In” with In-House Counsel**

In-house lawyers will lead a panel discussion on best practices of outside counsel when communicating conflict issues and maintaining confidences. The panelists will also discuss the differences between ethical conflicts and business conflicts and how best to work with outside counsel to resolve both. Conflicts issues that arise when lawyers transition between jobs, including from a government position to private practice, will also be addressed. Two hypothetical fact patterns will be used to explore this topic, and the Rules of Professional Responsibility will be discussed.

**Moderator:**
Thomas H. Watkins, Husch Blackwell LLP, Austin, TX

**Speaker:**
Tom Bohl, General Counsel, Guadalupe-Blanco River Authority, Seguin, TX
Jason Ryan, Associate General Counsel, Center Point Energy, Houston, TX

9:45 A.M. – 10:00 A.M.
Networking Break
10:00 A.M. – 10:45 A.M.
**Keynote Address: Ground and Surface Water Wars Waged in the U.S. Supreme Court**

An unprecedented number of states recently have brought surface and groundwater disputes to the United States Supreme Court, including *Texas v. New Mexico*, *Mississippi v. Tennessee*, *Kansas v. Nebraska*, and *Florida v. Georgia*. In addition, the Court is considering cases impacting private parties’ water rights, including *American Farm Bureau Federation v. United States EPA*. Our keynote speaker will give an overview of these key water disputes, the substantive and procedural issues presented to the Court, and the practical impacts of the Court’s decisions, including whether and to what extent interstate river compacts address groundwater; equitable apportionment of groundwater; and EPA jurisdiction over water quality.

**Speaker:**
John C. Cruden, Assistant Attorney General, U.S. Department of Justice, Washington, DC

10:45 A.M. – 12:00 P.M.
**Strategic Messaging – a Pivotal Part of Water-Related Mediations and Transactions**

Legal conflicts over water may directly engage just a few of the large and diverse user groups ultimately affected. Thus, outreach and communication can be vital pieces of a legal strategy and absolutely critical to achieving lasting solutions in an adjudication. Trust and buy-in from stakeholders with varying levels of technical knowledge and political power and with passionately felt beliefs or fears around water supply may also be vital to transactions involving the acquisition or development of water infrastructure. This panel will consider the communications challenges faced by lawyer-mediators and water managers in disputes and transactions, respectively, involving water.

**Speakers:**
Ryan Margaret Golten, Program Manager, Collaborative Decision Resources (CDR) Associates, Boulder, CO
J. Michael Hartry, Kearns & West, Inc., Davis, CA
Eric Hecox, Executive Director, South Metro Water Supply Authority, Greenwood Village, CO

1:00 P.M. – 4:00 P.M.
**Public Service Project: Lady Bird Lake**

We are excited to announce that this year’s public service project will be a joint effort between participants in the 34th Water Law Conference and the 45th Spring Conference. Taking advantage of the conference’s location along the shores of Lady Bird Lake, we are partnering with Keep Austin Beautiful for shore clean up and habitat restoration work. Participants will walk out the back door of the Hyatt Regency (our conference hotel) and will have the option to conduct clean up along the shore or jump in a kayak and grab trash and other items from the lake! There will also be an opportunity to conduct restoration work near the confluence of Shoal Creek and Lady Bird Lake. Restoration will include planting native plant species as well as removal of invasive species. We hope to see you at the project. To volunteer for this project, sign up while registering. If you have any questions, please contact Julie McCullough at Julie.McCullough@americanbar.org or at (312) 988-5724.

6:30 P.M. – 8:00 P.M.
**Reception**

The 34th Water Law Conference and 45th Spring Conference attendees are encouraged to attend! Join us to catch up with old friends, become acquainted with new ones, and meet Section leadership.
REGISTRATION INFORMATION

Location and Lodging
The 34th Water Law Conference will take place at the Hyatt Regency, 208 Barton Springs, Austin, Texas, USA 78704. A block of rooms has been reserved at the discounted rate of $239 plus tax for single/double rooms. A limited number of government rate rooms are also available for $126 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 Monday, March 7, 2016. For reservations, please visit www.shopaba.org/EnvironWL to book at our contracted rate or call reservations directly at (888) 421-1442 or the hotel directly at (512) 480-1234. Be sure to mention the ABA SEER Water Law Conference to receive these discounts.

If you have any further issues with reservations, please contact Fawzia Bajwa at Fawzia.Bajwa@americanbar.org or (312) 988-5791.

Advance Registration
We encourage you to register online at www.shopaba.org/EnvironWL. If you want to register by mail, visit www.shopaba.org/EnvironWL 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. 16, Chicago, IL 60654 or to our secure fax number: (312) 988-5850. All attendees must be registered for this conference to participate. The deadline to receive the early-bird registration rate for the 34th Water Law Conference is Monday, February 8, 2016.

All registrations postmarked after Monday, February 8, 2016, must include an additional $50 for processing. The final cutoff date for advance registrations is Monday, March 14, 2016. After this date, registrations will need to include an additional $25 for processing.

Attention ABA Members!
If you are an ABA member but not a member of the Section of Environment, Energy, and Resources, please note that your conference registration fee ($650 before February 8, 2016 or $700 after February 8, 2016) now includes Section membership, a $75 value! You will be automatically enrolled in the Section of Environment, Energy, and Resources. ABA Membership is a prerequisite of Section membership. If you are not already an ABA member, please call (800) 285-2221. Please note: Free membership only applies to individuals who have not been a member of the Section during the past two years.

Registration Fee Information
The registration fee for the 34th Water Law Conference includes tuition and online course materials developed especially for this conference. In addition, your fee covers Tuesday’s breakfast, breaks, lunch, and reception, and Wednesday’s breakfast, break, and public service project.

Registration Rates

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<th>On or Before 2/8/16</th>
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<tr>
<td>Section Member</td>
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* Qualifying young lawyers are under 36 years old or admitted to practice for five years or less.
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 Monday, March 14, 2016. Cancellations may be e-mailed to Julie.McCullough@americanbar.org or faxed to (312) 988-5572, attn.: Program Assistant. No refunds will be granted after Monday, March 14, 2016. 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 or discounts are available. Preference will be given to government employees, public interest lawyers employed with nonprofit organizations, academics, solo or small firm practitioners of limited means, and unemployed lawyers. To apply, complete the online application by visiting www.shopaba.org/EnvironWL and clicking Registration by Monday, February 15, 2016. For questions, contact Julie.McCullough@americanbar.org.

Law Student Scholarship Opportunity
A limited number of scholarships are available to law students interested in attending the entire conference. To be considered, you must be a member of the ABA Section of Environment, Energy, and Resources. Visit www.ambar.org/EnvironLawStudents to submit an application. Please note that the application requires a resume to be submitted. Applications and resumes must be submitted by Monday, February 15, 2016, to be considered. This scholarship does not include lodging or transportation. For questions, contact John Sturk, at John.Sturk@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 laptop, netbook, or tablet 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, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, MN, MS, MO, MT, NH, NM, NV, NY, NC, ND, OH, OK, OR, PA, PR, SC, TN, TX, UT, VT, VA, VI, WA, WI, 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, visit or contact Julie McCullough at Julie.McCullough@americanbar.org or (312) 988-5724.

Dress and Weather
Section meetings are business casual. Suggested dress includes slacks, skirts, polo-type shirts or blouses, sweaters, and comfortable shoes. The hotel will be cooler, so please pack a jacket or sweater. The average temperature in Austin in March ranges from a high of 72 degrees to a low of 51 degrees.

Dietary Restrictions
If you have any dietary restrictions, please so indicate on the attached registration form or by e-mail to Julie McCullough at Julie.McCullough@americanbar.org by Monday, March 14, 2016, so that your needs are noted.

Americans with Disabilities Act
If any special arrangements are required for a disabled individual to attend this program, please call Julie McCullough at (312) 988-5724 by Monday, March 14, 2016.

Achieving Carbon Neutrality
Calculated with great care, the Section estimates that the average 34th Water Law 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
The Section's 45th Spring Conference will be taking place in Austin on March 30–April 1, 2016, at the Hyatt Regency right after the Water Law Conference this year. The Spring Conference will inform you about the latest environmental cases before the U.S. Supreme Court; recent developments in air, water, waste and government enforcement; and “hot topics” in environmental, energy, and resource law. For more information about the schedule and speakers, visit www.shopaba.org/EnvironSpring. The Section anticipates that attendees will be eligible to receive up to 21.75 CLE credits, including 3 ethics credits, if they attend both conferences. So take advantage of the best of both conferences by registering at the joint registration rate. Several different options are available:

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<thead>
<tr>
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<th>All of Water Law + One day at Spring</th>
<th>All of Water Law + All of Spring</th>
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<tr>
<td>Section Member</td>
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<td>Young Lawyer*</td>
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<td>Speaker and Moderator</td>
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# 45th Spring Conference Schedule

## At-a-Glance

<table>
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<tr>
<th>Time</th>
<th>Thursday, March 31</th>
<th>Friday, April 1</th>
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<tr>
<td>8:05 a.m. – 8:30 a.m.</td>
<td>Keynote Address</td>
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<td>8:30 a.m. – 10:00 a.m.</td>
<td>General Counsels’ Roundtable: A View from</td>
<td>Supreme Court Roundup: Air, Water, Land,</td>
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<td>the Agencies’ Top Lawyers</td>
<td>and Electricity</td>
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<td>10:30 a.m. – 12:00 p.m.</td>
<td>Hot Topics in Enforcement</td>
<td><strong>Concurrent Breakouts</strong></td>
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<td>★ State 111(d) Compliance Plans: Balancing</td>
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<td>Environmental Regulation with Economic</td>
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<td>and Reliability Concerns</td>
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<td>★ Focus on the Third Sovereign: American</td>
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<td>Indian Tribes</td>
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<td>★ Managing Environmental Risks in Spin-offs-</td>
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<td>and Other Complex Transactions</td>
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<td>1:30 p.m. – 2:00 p.m.</td>
<td>Expert Insight Panels (non-CLE)</td>
<td>Expert Insight Panels (non-CLE)</td>
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<td>2:15 p.m. – 3:45 p.m.</td>
<td><strong>Concurrent Breakouts</strong></td>
<td><strong>Concurrent Breakouts</strong></td>
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<td>★ Achieving the New Ozone NAAQS—The Search</td>
<td>★ Obama’s Legacy on Climate Change</td>
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<td>for Solutions</td>
<td>★ EPA’s Clean Water Rule (f/k/a WOTUS)</td>
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<td>★ What Can Be Done About Species on the</td>
<td>and Water Apportionment Case Update</td>
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<td>Edge? ESA Section 6 and the Alternatives</td>
<td>★ From Shale to Sail: Production,</td>
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<td>★ Practical Considerations Before and After</td>
<td>Transportation, and Export of U.S. Oil</td>
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<td>a Terrorist Attack</td>
<td>&amp; Gas</td>
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<td>4:00 p.m. – 5:30 p.m.</td>
<td><strong>Concurrent Breakouts</strong></td>
<td>Keeping It Real—and Ethical—in Today’s</td>
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<td>★ Game Changers - RCRA/CERCLA</td>
<td>Law Practice</td>
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<td>★ Drought, Agricultural Management, and Food</td>
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<td>Security: Things Everyone Should Know</td>
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<td>★ Region 6: Permitting, Compliance,</td>
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<td>Enforcement —Is it Three’s Company or</td>
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<td>Three’s a Crowd?</td>
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<tr>
<td>5:30 p.m. – 6:30 p.m.</td>
<td>Reception</td>
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<td>6:30 p.m. – 9:30 p.m.</td>
<td>Section Dinner</td>
<td>Taste of SEER (Dine Arounods)</td>
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Early bird registration deadline: Monday, February 8, 2016
Housing deadline: Monday, March 7, 2016