

# Conference on Natural Resource Damages

CERCLA ~ CWA ~ OPA ~ NRDA ~ ERA

Assessment & Restoration

Liability, Insurance, Contribution

Litigation v. Settlement

NRDA & Remediation

Ecological Risk Assessment

CWA Section 404 Permitting & Mitigation

Portland Harbor Settlements & Restoration Projects

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**March 3, 2016**

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World Trade Center Two

Portland, Oregon

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**8:30-9:00 ~ Registration and Continental Breakfast**

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## **BIG PICTURE**

**9:00-9:45 ~ Lessons Learned - Thirty Years of NRDA Practice under CERCLA, OPA & the Clean Water Act**

- The Trustees' Perspective - Trusteeship, Multiple Trustees, Funding
- Strongest Defenses to a NRDA Claim
- Contribution, Insurance, Litigation v. Settlement Options
- National Case Studies: Deepwater Horizon, Exxon Valdez, Coeur d'Alene Basin, Fox and Kalamazoo Rivers

**Bradley M. Marten** - Marten Law

**9:45-10:15 ~ Tools & Techniques for Conducting NRDA**

- Approaches to Resolving NRDA Claims
- Nexus between Natural Resource Damage Assessment & Ecological Risk Assessment
- Liability Management Related to NRD, ERA and Contaminated Sediments

**Lisa Bauer Saban** - Windward Environmental LLC

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**10:15-10:30 ~ Break**

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## **ECOLOGICAL RISK ASSESSMENTS**

### **10:30-11:00 ~ Updating Oregon's Approach to Ecological Risk Assessment**

- Report from Ecological Risk Assessment Workgroup
- Determining Cleanup Levels Using ERA
- What's next? What about standards for contaminated sediment?

**Bruce Gilles**, Environmental Cleanup Manager  
Oregon Department of Environmental Quality

### **11:00-11:30 ~ Improving Oregon's Ecological Risk Assessment Framework**

- Big concepts that can lead to changes in Oregon's Ecological Risk Assessment Framework
- Using ERA as a tool to inform environmental decision-making

**John Toll**, PhD – Windward Environmental LLC  
Member, Oregon's Environmental Risk Assessment Technical Workgroup

## **CLEAN WATER ACT**

### **11:30-12:00 ~ Integrating CWA Section 404 Permitting with other Restoration Work**

- Mitigation Requirements under 404 Permitting
- Approaches to Mitigation and other Restoration Work

Á **Valerie Oster** - Anchor QEA

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### **12:00-1:00 ~ LUNCH (Provided)**

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## **NATURAL RESOURCE DAMAGES**

### **1:00-1:30 ~ NRD Legal Principles and Mechanics**

- CERCLA & NRD Differences & Overlap
- NRD Liability and Defenses
- Portland Harbor NRDA Generally

**Diane Lloyd** – Oregon Department of Justice

## **PORTLAND HARBOR**

### **1:30-2:00 ~ Natural Resource Damage Assessment in the Portland Harbor**

- Cooperative Natural Resource Damage Assessment and Restoration

**Julie Weis** – Haglund Kelley LLP  
Chair, Portland Harbor Natural Resource Trustee Council

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### **2:00-2:30 ~ BREAK**

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## **PORTLAND HARBOR – IMPLEMENTING SETTLEMENTS & RESTORATION**

### **2:30-4:00 ~ NRD Settlements & Restoration Projects in the Portland Harbor**

- Preparing to Legally Implement NRD Settlements  
**Joan Snyder** – Stoel Rives LLP
- Overview of Prospective Restoration Projects for Portland Harbor NRD  
**Megan Callahan Grant** – NOAA Fisheries - Restoration Center
- Alder Creek Restoration Project  
**Julie Mentzer** – Director of Environmental Operations for the PNW  
Wildlands, Inc.