



Conference on
Natural Resource Damages
Assessment & Restoration

Legal & Technical Issues & Strategies

Remediation & Restoration

Contaminated Sediment Sites

Liability, Apportionment & Defenses

Case Studies:

Lower Duwamish

Puget Sound

Portland Harbor

And more

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June 6, 2016

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Washington Convention Center
Seattle Washington

8:30-9:00 ~ REGISTRATION AND CONTINENTAL BREAKFAST

9:00 – Welcome, Introductions and Conference Kick-off

Holly Duncan

Environmental Law Education Center

NATURAL RESOURCE DAMAGES – LEGAL AND TECHNICAL PRINCIPLES AND MECHANICS

9:00-9:30 ~ Goals and Objectives of Natural Resource Damages Assessment and Restoration

- Priorities of NOAA's Damage Assessment Remediation and Restoration Program
- Case Studies and Success Stories

Craig O'Connor, Section Chief and Special Counsel for Natural Resources
National Oceanic and Atmospheric Administration

9:30-10:00 ~ Big Picture: NRDA Practice under CERCLA, OPA & the Clean Water Act

- A Short History of NRD Claims
- The Trustees' Perspective - Trusteeship, Multiple Trustees, Funding
- Contribution, Insurance, Litigation v. Settlement Options

Bradley M. Marten
Marten Law

10:00-10:30 ~ BREAK

10:30-11:00 ~ Tools and Techniques for Conducting NRDA

- Approaches to Resolving NRDA Claims
- Liability Management Related to NRD and Contaminated Sediments

Michael Johns, PhD
Windward Environmental LLC

11:00-11:30 ~ Tribes as Trustees

- NRD Claims on Behalf of Tribes
- Tribe as Trustee: Special Issues for Tribes Participating in NRD Process

Connie Sue Martin
Schwabe Williamson & Wyatt

11:30-12:00 ~ Technical Strategies for Defense

- Divisibility and Liability Apportionment
- Source Identification and Strategies to Limit Liability
- Defining Baseline/Background

Walter J. Shields, PhD
Exponent

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

1:00-2:00 ~ PANEL DISCUSSION – Responses and Defenses to NRD Claims

- How to approach NRD claims
- What to do when you or your client receives a Notice of Intent from NOAA
- Negotiating with State and Federal Agencies

Bradley M. Marten, Marten Law, Moderator

Michael Johns, PhD, Woodward Environmental

Connie Sue Marten, Schwabe, Williamson & Wyatt

Walter Shields, PhD, Exponent

Ted Yackulic, Assistant Regional Counsel, US EPA Region 10

2:00-2:15 ~ BREAK

REMEDIATION AND RESTORATION PROJECTS IN THE NORTHWEST

2:15-3:00 ~ Elliott Bay Trustee Council – Restoration Goals

- Update on Lower Duwamish Waterway
- How did we get here? Where do we go from here?
- Questions and Discussion

Rebecca Hoff

Office of Response & Restoration

National Oceanic and Atmospheric Administration

3:00-3:30 ~ Puget Sound

- How much NRD restoration has been done in the Puget Sound area?

Donna Podger

State NRDA Trustee

WA Department of Ecology

3:30-4:00 ~ Lower Duwamish Waterway

- Bluefield Site Restoration Project
- Producing NRD Credits

Shawn R.T. Severn PhD, President

Bill Granger, Sr. Project Manager

Bluefield Holdings

4:00-4:30 ~ Portland Harbor

- Alder Creek Restoration Project

Julie Mentzer

Wildlands, PNW