

# NEPA ENVIRONMENTAL IMPACT ASSESSMENT WITH FEDERAL/ STATE PERMITS

March 28, 2017  
EUCI Offices  
4601 DTC Blvd., Suite 800  
Denver, CO



EUCI is authorized  
by IACET to offer  
0.7 CEUs for the  
course

## OVERVIEW

---

Many proposed new natural gas and oil pipelines, LNG terminals, storage facilities, and cross border facilities are facing increased regulatory delays and costs not only at FERC, but by other federal and state agencies. In addition, national and local environmental groups and landowners are routinely appealing and litigating federal and state permits to stop projects. These delays cost money, and in some cases may threaten whether a proposed oil or natural gas project can be built at all. More often than not, the energy project team and management don't anticipate the delays and are not aware of what they can do about it. The goal of this course is to provide attendees with a solid understanding of NEPA, Little NEPAs and how to use it to facilitate and expedite timely project reviews and issuance of permits pursuant to the Clean Water Act (CWA), Clean Air Act (CAA), Coastal Zone Management Act (CZMA) and other laws. The course will conclude with a discussion regarding the possible and probable changes during the new administration.

## LEARNING OUTCOMES

---

- Discuss the National Environmental Policy Act of 1969 (NEPA), President's Counsel for Environmental Quality (CEQ), Little NEPAs and Federal/State permits associated with siting proposed oil and natural gas pipelines, LNG terminals, storage facilities, and related facilities
- Describe how the NEPA process is used in siting FERC regulated natural gas and liquid petroleum pipelines, as well as in cross border projects requiring approval by FERC, DOE, and/or the State Department
- Explain how to leverage the NEPA process to include timely reviews and development of terms and conditions for FERC and required federal/state permits
- Review NEPA's relationship to federal and state permits and requirements of the sections 401 and 404 of the CWA, CZMA, and CAA related to siting natural gas and liquid pipelines and related facilities
- Describe how the new Trump administration and Congress will affect NEPA implementation and the CWA, CAA, Clean Power Plan, and CZMA, as well as the proposed North American Energy Security and Infrastructure Act of 2016 (S. 2012 and H.R. 8) in Congress

## INSTRUCTOR

---



### Tom Russo

**Principal, Russo on Energy LLC**

Tom Russo is an Energy and Environmental expert with unique regulatory skills in siting energy infrastructure, markets and physical/cybersecurity.

Prior to founding Russo on Energy LLC in May 2015, Mr. Russo worked for over 30 years as a Manager and Sr. Energy Industry Analyst at the Federal Energy Regulatory Commission (FERC). During that time he amassed experience in hydropower licensing, NEPA environmental impact assessment of energy projects, business process reengineering, and natural gas and crude oil market oversight. Mr. Russo thoroughly understands the Natural Gas Act, Natural Gas Policy Act, Federal Power Act and Energy Policy Act as they apply to natural gas and hydroelectric projects. He also assisted FERC's new Energy Infrastructure Security Office with understanding physical and cybersecurity threats and vulnerabilities to natural gas, oil and gas-fired power projects and physical natural gas and related futures and swaps.

In FERC's Office of Enforcement, he managed and led efforts on the development and implementation of FERC Order 704 and FERC's Form 552 Annual Natural Gas Transaction Report program from 2008 to 2015. He also has helped numerous energy companies address FERC compliance issues in the natural gas, LNG, and hydropower area, as well as natural gas market participants in achieving compliance with transactional issues related to natural gas indices and index formation.

Mr. Russo is a native of Brooklyn, New York. He earned a credential as a Certified Information Systems Security Professional (CISSP) in 2010. He also graduated with a MBA in Finance from the George Washington University and a MS in Biology from the University of Alabama.

# AGENDA

---

TUESDAY, MARCH 28, 2017

**8:00 – 8:30 am**            **Registration and Continental Breakfast**

**8:30 am – 4:00 pm**        **Course Timing**

**12:00 – 1:00 pm**         **Group Luncheon**

**What NEPA Has Accomplished**

- Policies and goals
- Creation of Counsel for Environmental Quality
- Who was behind it, why it passed so easily
- Impacts on federal agencies and the growth of lawsuits

**How Companies, Federal Agencies, NGOs, and Courts Perceive NEPA**

- Procedural view
- Substantive view
- Pragmatic view
- The eye of the beholder
- How the courts view NEPA compliance

**NEPA Myths**

- Regulators
- Developers
- Environmental groups
- Optimists
- Politicians
- Council on Environmental Quality

**Big Picture Issues Associated with NEPA and Decision Making**

- Regulatory structure
- Environmental and mitigation/enhancement analysis
- Implementation and compliance
- Project proposal definition
- Abandonment and decommissioning

**Critical NEPA Issues that Cause Delays and Can Kill Projects**

- Scoping and level of the environmental analysis
- Alternative analysis and other pending projects
- Cumulative impacts- direct and indirect effects of project and similar projects
- Climate change and CEQ guidance
- Lead agency regulatory paralysis or impatience

**Section 401 of the Clean Water Act**

- Background
- Who's involved
- Key elements
- Implications

# AGENDA

---

TUESDAY, MARCH 28, 2017 (CONTINUED)

## **Section 404 of the Clean Water Act**

- Background
- Who's involved
- Key elements
- Implications

## **Coastal Zone Management Act**

- Background
- Who's involved
- Key elements
- Implications

## **Clean Water Act, Clean Air Act and Coastal Zone Management Act**

- Common elements
- Appealing Federal and State conditions on projects
- Dealing with agency expertise issues
- Why all federal and state permits are negotiable

## **Little NEPAs- State Equivalents to the National Environmental Policy Act**

- Why have state-established Little NEPAs
- States with Little NEPAs
- CEQ and states' views regarding NEPA as an Umbrella Statute
- CEQ and Cooperating Agency Status on NEPA Document Preparation

## **Environmental Impact Assessment Approaches**

- Traditional approach
- Avoidance approach
- Mitigation approach
- Collaborative Environmental Impact Assessment approach

## **Agency Turf Wars and NEPA Compliance- How to Avoid Issues**

- New legislation & MOUs
- More science & engineering- less policy
- Settlements- Save face and avoid agency turf wars and litigation
- Dispute resolution
- Cooperating agency status and other federal and state agencies
- Addressing upstream and cumulative effects and climate change issues
- How much analysis is enough

## **Dealing with Clean Water Act Section 401 and 404 Issues & Pipeline Integrity**

- Pipeline Crossing Scour Analysis example
- Examples in other sectors

## **Oil and Natural Gas Safety & Health Concerns**

- Aging infrastructure
- Falling public confidence in companies or government
- Incidence of pipeline leaks, explosions and accidents
- Examples

# AGENDA

---

TUESDAY, MARCH 28, 2017 (CONTINUED)

**Working with NGOs, Landowners and Citizens Groups**

- Facilitating a collaborative approach
- Typical and non-typical concerns
- Determining what stakeholders and communities need
- Compliance, surveillance and enforcement

**Common Mistakes Made in Siting Oil and Natural Gas Infrastructure**

- FERC pre-filing procedure not used effectively
- Failure to focus on alternative routes
- Over-emphasizing FERC process and under-emphasizing state permits
- Company's past performance

**Trump Administration and Congress**

- North American Energy Security and Infrastructure Act of 2016 (S. 2012 and H.R. 8)
- New FERC, CEQ, EPA appointees
- Federal government hiring freeze
- Refocusing on efficiency and public service



A registration information box with a green border. At the top, it says "REGISTRATION" in bold, followed by "to register *CLICK HERE* or" in a smaller font. Below this, it lists contact information: "Call: 201 871 0474", "fax: 253 663 7224", "email: [register@pmaconference.com/](mailto:register@pmaconference.com)", "web: <http://pmaconference.com/>", and "Mail: POB 2303 Falls Church Va 22042".

## REQUIREMENTS FOR SUCCESSFUL COMPLETION OF PROGRAM

---

Participants must sign in/out each day and be in attendance for the entirety of the course to be eligible for continuing education credit.

## INSTRUCTIONAL METHODS

---

Case studies, PowerPoint presentations, classroom exercises.

## PROCEEDINGS

---

The proceedings of the course will be published, and one copy will be distributed to each registrant at the course.

## EVENT LOCATION

---

### **EUCI Offices**

4601 DTC Blvd. Suite 800  
Denver, CO 80237

## NEARBY HOTELS

---

### **Hyatt Regency Denver Tech Center**

7800 E. Tufts Ave  
Denver, CO 80237  
Phone: 303-779-1234  
0.3 miles away

### **Hampton Inn & Suites**

5001 S Ulster Street  
Denver, CO 80237  
Phone: 303-804-9900  
0.5 miles away

### **Denver Marriott Tech Center**

4900 S. Syracuse St  
Denver, CO 80237  
Phone: 303-779-1100  
0.7 miles away

### **Hilton Garden Inn Denver Tech Center**

7675 E. Union Ave  
Denver, CO 80237  
Phone: 303-770-4200  
0.7 miles away

## IACET CREDITS

---



EUCI has been accredited as an Authorized Provider by the International Association for Continuing Education and Training (IACET). In obtaining this accreditation, EUCI has demonstrated that it complies with the AN-SI/IACET Standard which is recognized internationally as a standard of good practice. As a result of their Authorized Provider status, EUCI is authorized to offer IACET CEUs for its programs that qualify under the AN-SI/IACET Standard.

**EUCI is authorized by IACET to offer 0.7 CEUs for the course.**



Please make checks payable to: "PMA"

**REGISTRATION**  
*to register [CLICK HERE](#) or*

**Call: 201 871 0474**  
**fax: 253 663 7224**  
**email: [register@pmaconference.com/](mailto:register@pmaconference.com)**  
**web: <http://pmaconference.com/>**  
**Mail: POB 2303 Falls Church Va 22042**

## EVENT LOCATION

### EUCI Offices

4601 DTC Blvd. Suite 800  
Denver, CO 80237

**View nearby hotels on page 6.**

## PLEASE REGISTER

### NEPA ENVIRONMENTAL IMPACT ASSESSMENT WITH FEDERAL/STATE PERMITS COURSE:

MARCH 28, 2017: US \$995,  
Early bird on or before March 10, 2017: US \$895

How did you hear about this event? (direct e-mail, colleague, speaker(s), etc.)

Print Name Job Title

Company

What name do you prefer on your name badge?

Address

City State/Province Zip/Postal Code Country

Phone Email

List any dietary or accessibility needs here

### CREDIT CARD INFORMATION

Name on Card Account Number

Billing Address Billing City Billing State

Billing Zip Code/Postal Code Exp. Date Security Code (last 3 digits on the back of Visa and MC or 4 digits on front of AmEx)

**OR** Enclosed is a check for \$ \_\_\_\_\_ to cover \_\_\_\_\_ registrations.

### Substitutions & Cancellations

Your registration may be transferred to a member of your organization up to 24 hours in advance of the event. Cancellations must be received on or before February 24, 2017 in order to be refunded and will be subject to a US \$195.00 processing fee per registrant. No refunds will be made after this date. Cancellations received after this date will create a credit of the tuition (less processing fee) good toward any other EUCI event. This credit will be good for six months from the cancellation date. In the event of non-attendance, all registration fees will be forfeited. In case of course cancellation, EUCI's liability is limited to refund of the event registration fee only. For more information regarding administrative policies, such as complaints and refunds, please contact our offices at (201) 871-0474.