

EUCI COURSE

ENDANGERED SPECIES ACT, WETLANDS, STORMWATER & FLOODPLAIN REGULATORY COMPLIANCE FOR ENERGY AND UTILITIES

June 12-13, 2017
EUCI Offices
4601 DTC Blvd.
Denver, CO



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

OVERVIEW

Environmental permitting affects many utility projects in the United States. Often, these processes impose delays, constraints and additional costs that are not anticipated by the project team. The goal of this course is to provide attendees with a broad understanding of many of the commonly encountered permitting processes associated with construction, maintenance and operational activities.

This course will strive to inform attendees of when permitting may be necessary and to provide an understanding of the process for navigating these permitting processes. Relying on experience working on hundreds of previous projects on these subjects, course instructors will provide case studies to highlight lessons learned and successful approaches. An additional goal of this course will be to provide attendees with tools to make environmental permitting a more efficient component of their organization's project management.

As practical application of information learned, attendees will participate in a field site visit to Denver area wetland sites.

LEARNING OUTCOMES

Attendees to this course will learn to:

- Identify utility and energy project activities that are likely to “trigger” environmental regulation under Clean Water Act, Endangered Species Act, National Environmental Policy Act, and floodplain law
- Discuss the basis and intent of these regulations
- Develop approaches to minimize regulatory burden through project modification
- Create permitting timelines for projects
- Access resources that can help navigate environmental permitting
- Engage in opportunities to influence regulations and policy
- Manage consultants assisting with regulatory compliance
- Discuss in-depth the following regulations:
 - Clean Water Act (CWA)
 - Endangered Species Act (ESA)
 - Floodplain Regulations
- Review case studies related to Sections 402 and 404 of the Clean Water Act and the ESA
- Apply regulatory knowledge in the field during a site visit

WHO SHOULD ATTEND

- Environmental, health, and safety employees for electrical and water utilities
- Electrical utility project managers with projects in and around wetlands
- Stormwater managers
- SWPPP/SWMP administrators
- Dam operation managers for utilities
- Right-of-way professionals for electrical and water utilities companies
- Anyone interested in learning more about the Clean Water Act
- Anyone interested in learning more about Endangered Species Act
- Anyone interested in learning about stormwater management, floodplain and compliance strategies

COURSE TIMING

MONDAY, JUNE 12, 2017

7:30 - 8:00 am	Registration & Continental Breakfast
8:00 am - 5:00 pm	Course Timing
12:00 - 1:00 pm	Group Luncheon

AGENDA

Clean Water Act

- History of the Federal Clean Water Act
- Jurisdiction: Geographic extent of Waters in the U.S.
 - o 33 CFR 328.3
 - o Types of waters that may be Waters of the U.S.
 - Open waters
 - Wetlands
 - USACE methodology
 - o Migratory Bird Rule
 - o U.S. Supreme Court decisions in Rapanos v. U.S. and SWANCC v. U.S.
 - 2008 USACE and USEPA guidance on jurisdictional extent of Waters of the U.S.
 - o 2015 Clean Water Rule defining the extent of Waters of the U.S.

Section 404 Overview

- Federal agencies administering Section 404 program
 - o U.S. Army Corps of Engineers (USACE)
 - o U.S. Environmental Protection Agency (USEPA)
- Components of a regulated activity
 - o Geographic extent- Waters of the U.S.
 - o Discharge of fill into Waters of the U.S.
- Authorization opportunities
- Discharges triggering Section 404 regulation
 - o Below ordinary high water mark or in wetland area
 - o Excavation-Tulloch Rule
 - o Temporary vs. permanent discharges
 - o Consideration of non-discharge related impacts
- Exempt activities
 - o Agricultural and maintenance



“Provided an in depth look at how environmental permitting is handled internally and the processes and agencies involved.”

Project Manager, H2W, Inc.

AGENDA

MONDAY, JUNE 12, 2017 (CONTINUED)

Authorization Opportunities for Regulated Activities

- Nationwide permits (NWPs)
 - o NWPs used by utility fields
 - o Special considerations for linear projects
 - o General conditions
 - Endangered Species Act
 - National Historic Preservation Act
 - o Pre-construction notification
 - o Regional conditions
- Individual permits
 - o Application process
 - o Review process
 - o National Environmental Protection Act compliance
 - o Public and interagency comment period
 - o Alternatives assessment
- Mitigation of impacts
 - o Onsite
 - o Offsite
 - o Mitigation bank

Violations, Non-Compliance and Enforcement Actions

Endangered Species Act

- Federal agencies administering ESA
 - o U.S. Fish & Wildlife Service (USFWS)
 - o National Oceanic and Atmospheric Administration (NOAA)
- What it protects
 - o Threatened species
 - o Endangered species
- Activities it regulates
 - o Prohibits “take” of listed species
 - o Harass
 - o Harm
 - o Pursue
 - o Hunt/shoot/wound/kill/trap
 - o Habitat modification
 - o Habitat degradation
- Projects with other Federal agency action- section 7 of the ESA
- Projects without other Federal agency action- Sections 9 and 10 of the ESA
- Penalties for non-compliance



“EUCI classes have consistently provided me with the technical information that is more interesting and on-point than its competition.”

Project Engineer, Vanderpool Pipeline Engineers, Inc.

AGENDA

MONDAY, JUNE 12, 2017 (CONTINUED)

Threatened and Endangered Species

- Process for listing
 - o Species of animals (including invertebrates) and plants
 - o Threatened vs. endangered
 - Habitat loss
 - Overutilization
 - Disease or predation
 - Inadequacy of existing regulations
 - Natural or manmade factors affecting survival
 - o U.S. vs. international species
 - o Petition vs. candidate assessment process
- Critical Habitat Designation
 - o Based on scientific information
 - o Accounts for economic impacts
- Reoccurring review
 - o Change in listing status
 - Up-listing
 - Down-listing
 - Delisting
 - o Change in identified critical habitat

Project ESA Compliance

- Identifying when ESA compliance may be a consideration
 - o USFWS maintained species lists by county
 - o Understanding habitat types used by listed species
 - o Awareness of USFWS species profiles/guidelines for species that identify when project owners should coordinate with the USFWS



“Very helpful in advancing my understanding.”

Regulatory Biologist, SandRidge Energy



“Well worth the price! Very knowledgeable.”

Health & Safety Specialist, Texas United Management

COURSE TIMING

TUESDAY, JUNE 13, 2017

7:30 - 8:00 am **Continental Breakfast**

8:00 am - 5:00 pm **Course Timing**

12:30 - 1:30 pm **Group Luncheon**

AGENDA

8:00 - 12:30 pm

FIELD SITE VISIT TO BEAR CREEK PARK

We will review site characteristics to develop an understanding of:

- Field wetland and other water delineations
- Endangered Species Act habitat considerations
- Permitting considerations regarding potential projects that could occur at the site

Attendees will develop skills to identify when an area may be considered a wetland/other water by the USACE

1:30 - 5:00 pm

LECTURE & CASE STUDIES

Clean Water Act—Sections 303 and 402

- Section 303d (Total Maximum Daily Loads)
 - o Typically administered by States
 - Water Quality Standards based on designated uses
 - 303d List of Impaired Waters
 - Total Maximum Daily Loads (TMDL)
 - o Section 402 (National Pollution Discharge Elimination System {NPDES})
 - Typically administered by States
 - Construction Stormwater Permitting
 - o When required
 - o General vs. Individual Permit
 - o Inspection, monitoring and documentation
 - o Termination
 - Industrial Site Stormwater Permitting
 - o Permitting options and requirements
 - Municipal Separate Storm Sewer System (MS4) Permitting
 - o Types of MS4s
 - Cities/town
 - Transportation right-of-ways
 - Non-standard MS4s
 - o Components and requirements
 - o Dewatering permitting
 - Groundwater
 - When required
 - Permitting process and monitoring requirements
 - Construction
 - Temporary in nature
 - Permitting process

AGENDA

TUESDAY, JUNE 13, 2017 (CONTINUED)

Floodplain Regulations

National Environmental Policy (NEPA)

- Regulated activities
 - o Projects requiring federal action
- What are the requirements
 - o Environmental Assessment (EA)
 - Finding of No Significant Impact (FONSI)
 - o Environmental Impact Statement (EIS)

Managing Risk- Environmental Avoidance and Response

- Developing internal desktop assessments
 - o Wetlands
 - National Wetland Inventory
 - USGS topographic mapping
 - NRCS soils
 - o Section 303(d)
 - EPA's watershed tool
 - o Drainage and floodplain regulations
 - FEMA mapping
 - USGS StreamStats
 - Model resources
 - o Stormwater permitting resources
 - Site characterization
 - Template appendices
 - "Umbrella" approaches
 - "Typical" details
 - o Endangered Species Act
 - USFWS Project planning website

Impact of New Administration on ESA, Wetlands, Stormwater & Floodplain Regulations

REGISTRATION
to register [CLICK HERE](#) or

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

COURSE INSTRUCTORS

Noah Greenberg

Aquatic Resource Specialist, Wright Water Engineers, Inc.

Noah Greenberg is an aquatic resource specialist with over 15 years of experience working in the environmental science field. He conducts Clean Water Act permitting for oil and gas clients throughout the U.S. West as well as for the utility projects throughout the Denver Metropolitan area. Prior to joining Wright Water Engineers, Noah worked with the USEPA Region 8 Headquarters' Wetlands group.

Eric Waeckerlin, Esq.

Partner, Davis Graham & Stubbs, LLP

Eric Waeckerlin is a partner in the Natural Resources, Environmental Law, Energy, and Cleantech & Climate Law Groups of Davis Graham & Stubbs LLP. Mr. Waeckerlin counsels clients throughout the country on a number of complex environmental matters under the Clean Air Act, the Clean Water Act, CERCLA, NEPA, RCRA, and the Safe Drinking Water Act, as well as their state equivalents.

Mave Gasaway, Esq.

Associate, Davis Graham & Stubbs, LLP

Mave Gasaway is an associate in the Environmental and Natural Resources Groups of Davis Graham & Stubbs LLP. Her practice focuses on regulatory and litigation counseling in the fields of environmental, natural resources, energy, and oil and gas law for clients in a variety of industries, including oil and gas, manufacturing, renewable energy (wind, solar, and biofuels), mining, railroads, and non-profits.

Chad Baker

Natural Resources Program Director, SWCA Environmental Consultants

Chad Baker is the natural resources program director for SWCA's Denver office. Since joining SWCA in 2006, he has managed a variety of projects as a staff biologist, team lead and client manager, working primarily in large-scale energy development and transmission projects.

Julia Traylor

Engineer, Wright Water Engineers, Inc.

Julia Traylor is a water resources engineer with experience in general design work and engineering reports. Skills include navigating permitting compliance for stormwater, dewatering and wetland regulations.

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

PowerPoint presentations will be used in this program.

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 ANSI/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 ANSI/IACET Standard.

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EVENT LOCATION

EUCI Offices

4601 DTC Blvd.
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

Hilton Garden Inn Denver Tech Center

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

Denver Marriott Tech Center

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

Hyatt Place Denver Tech Center

8300 E. Crescent Parkway
Greenwood Village, CO 80111
Phone: 303-804-0700
0.9 miles away

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

Please make checks payable to: "PMA"

EVENT LOCATION

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See nearby hotels on page 9

PLEASE REGISTER

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 COMPLIANCE FOR ENERGY AND UTILITIES
 COURSE:**

June 12-13, 2017 | Denver, CO: US \$1495,
 Early bird on or before May 26, 2017: US \$1295

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 May 12, 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, contact our offices at (201) 871-0474.