

NEPA ENVIRONMENTAL IMPACT ASSESSMENT WITH FEDERAL/ STATE PERMITS

July 25, 2017
Royal Sonesta Houston
Houston, TX



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, JULY 25, 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, JULY 25, 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, JULY 25, 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



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

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

A room block has been reserved at the Royal Sonesta Houston, 2222 West Loop S, Houston, TX 77027, for the nights of July 23- 26, 2017. Room rates are \$139 plus applicable tax. Call **1-713-627-7600** for reservations and mention the EUCI event to get the group rate. The cutoff date to receive the group rate is June 23, 2017 but as there are a limited number of rooms available at this rate, the room block may close sooner. ***Please make your reservations early.***

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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REGISTRATION
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PLEASE REGISTER

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

JULY 25, 2017: US \$995,

Early bird on or before July 7, 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?

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City

State/Province

Zip/Postal Code

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List any dietary or accessibility needs here

CREDIT CARD INFORMATION

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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 June 23, 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.