

7TH ANNUAL IMPROVING RIGHT OF WAY PROCESSES FOR ELECTRIC TRANSMISSION PROJECTS

September 18-19, 2017
Hyatt Regency Mission Bay Spa and Marina
San Diego, CA

POST-CONFERENCE WORKSHOP
**The Right of Way Process and
the Project Lifecycle - From
Siting to Energization**

TUESDAY, SEPTEMBER 19, 2017



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OVERVIEW

Managing new and upgraded transmission projects in the public right of way (ROW) is an increasingly complex and challenging process. Electric utilities and transmission developers must balance the competing interests of all stakeholders. Special attention is required at every stage of the process to ensure that reliability and capacity objectives are met while also serving the best interests of landowners, government officials, and customers. The stakes are high – the success of the project and the reputation of your organization are on the line.

At the 7th Annual Improving Right of Way for Electric Transmission Projects conference, you will hear leading ROW experts discuss proven strategies and best practices to efficiently and effectively navigate the right of way process. You will receive updates on evolving right of way trends impacting the planning, design, acquisition, valuation, and management of electricity transmission projects.

LEARNING OUTCOMES

- Examine the most current strategies and practices in successful land rights and ROW projects
- Discuss how to effectively manage ROW challenges, expectations, and opposition
- Identify deficiencies in current land rights and develop measures to cure
- Create a preventative plan to protect critical power infrastructure assets from wildfire risks
- Evaluate how to draft a fair and balanced easement agreement that is a win-win for all parties
- Develop a vegetation management program that minimizes impact and reduce costs
- Analyze FERC 1000 and how to successfully deliver projects from a Land Rights and Right of Way perspective
- Assess how to mitigate public opposition to new ROW projects by utilizing proactive stakeholder engagement strategies
- Use appraisal best practices for linear right of way projects
- Discuss lessons learned in a successful case study of acquisition, build out and reclamation
- Analyze corridor factors in the examination of Corridor Valuation Methodology
- Examine the critical steps developers must undertake before exercising their condemnation power

WHO SHOULD ATTEND

- Transmission planners and developers
- Right of way (ROW) agents and managers
- Utility real estate specialists and managers
- Renewable project developers
- Transmission contractors and construction managers
- Attorneys and counsel representing utilities and landowners
- Landmen and ROW specialists

AGENDA

MONDAY, SEPTEMBER 18, 2017

8:00 – 8:30 am

Registration and Continental Breakfast

8:30 – 9:15 am

Acquisition, Build Out and Reclamation - Lessons Learned

Join us for a discussion on various “lessons learned” from the acquisition of Rights of Way for a 345kV transmission line system and new substations to the final reclamation and turn-over to the owner. This fun and engaging look at success and issues that had to be resolved will touch on various topics, such as:

- Picking the right property for a substation (helping engineers with humanity)
- Routing and re-routing a transmission line - expense vs. issues vs. success
 - o Environmental and right of way acquisition
 - o Future use issues vs. current use
 - o Landowner discussion tactics used - the art of persuasive techniques
- The construction process - Should you have an agent available? Pros and cons
- Reclamation - understand, communicate and identify specific areas and issues up front, leads to competent and successful reclamation - stories of both nightmare and textbook maneuvers.
- Project sign off, a.k.a. “will we ever be done?”

Sauna Laber, Senior Property and ROW Specialist, Basin Electric Power Coop

9:15 – 10:00 am

Protection through Perfection – Efforts to Identify Deficiencies in Land Rights and Measures to Cure

In many instances, transmission operators may find that changes to system facilities, changes to local land use, and development may spur the need to evaluate their current rights and prompt steps to cure any deficiencies that may place new or imminent risk to operations, goodwill in the community, and future costs in time and money. In law, perfection relates to the additional steps required in relation to an interest in order to make it effective against third parties or to retain its effectiveness in the event of a default.

In this case study, you will learn how the Sacramento Municipal Utility District (SMUD) began to take notice of various issues in existing land rights within electric transmission corridors’ where new development was occurring. It became apparent there were opportunities to be proactive and mitigate future disputes and issues that may arise in an evolving landscape. We will discuss:

- Ensuring the integrity of the system
- Determining the circumstances – Land use changes, development,
- Discovery of insufficient rights
- Entitlement review for projects
- Field discovery
- Alta survey requests from lenders
- Development of a GIS tool to map all transmission R/W into geo-located data which is then layered with LiDAR data analysis is conducted to determine deficiencies in rights in order meet regulatory compliance and safety
- Risk analysis
- Curative actions

Blandon Granger, SR/WA, Supervisor, Real Estate Services, Sacramento Municipal Utility District

10:00 – 10:30 am

Networking Break

10:30 – 11:15 am

Managing Project Challenges, Expectations, and Opposition

Tripp Roy, Land Manager, Clean Line Energy Partners

AGENDA

MONDAY, SEPTEMBER 18, 2017 (CONTINUED)

11:15 am – 12:00 pm Utility Wildfire Risk Assessment

The potential of damages to critical power infrastructure is a major concern to many utilities and transmission companies. Right of way services often support both emergency and long-term corridor and access changes due to wildfire risks. This presentation will provide insight into an effective process to assess critical power infrastructure assets and develop a preventative plan to better protect those assets from wildfire risks.

As part of developing short term operation and maintenance plans as well as broader long-term planning efforts, utilities can evaluate the risk to infrastructure and the potential for performance failure to their power transmission system due to wildfire within their operating region(s). It is the primary intent of this presentation to provide utilities with a framework and risk visualization tool to support decision making necessary to develop strategic and cost-effective plans to reduce or minimize service failures as result of wildfire, and, therefore, produce a system that exhibits long-term resilience to this threat.

Barry Moyes, Transmission Project Manager, HDR

12:00 – 1:00 pm Group Luncheon

1:00 – 1:45 pm FERC 1000 – Strategies for Successful Right of Way Project Delivery

FERC 1000 removed regional constraints and opened the door to development by utilities outside regional service areas through Non-Incumbent Developer Reforms. This allows public utility transmission providers in a transmission planning region to use competitive bidding to solicit transmission projects or project developers. This session will explore how the FERC 1000 competitive bidding process is currently being applied in the different regions and provide insight into successfully winning and delivering projects from a Land Rights and Right of Way perspective.

Ali Amirali, Senior Vice President, Starwood Energy

1:45 – 2:30 pm TEP Vegetation Management on the Pinal Central to Tortolita 500 kV Transmission Line Project

Tucson Electric Power (TEP) recently completed construction of a 500kV transmission line in Southern Arizona. We employed three strategies to protect native plant resources during the project: a “minimal footprint” approach, employment of LiDAR and GIS to model saguaro cacti growth for planned vegetation maintenance and a plant salvage effort. With advanced planning and coordination among land resources, engineering, and construction departments, TEP kept the project footprint to approximately 18% of the right of way. This included avoiding the removal of more than 600 saguaro, and salvaging over 650 cacti and native trees. This approach saved millions of dollars in stumpage fees and grading costs. The company’s overall vegetation management of transmission line rights of ways will be briefly discussed.

Leslie Carpenter, Environmental and Land Use Planner, Tucson Electric Power and UniSource Energy Services

2:30 – 3:00 pm Networking Break

AGENDA

MONDAY, SEPTEMBER 18, 2017 (CONTINUED)

3:00 – 3:45 pm

Corridor Factors in the Examination of Corridor Valuation Methodology

This session will begin with a brief review of the valuation premise of Across-the-Fence (ATF) methodology with undisclosed extraordinary assumptions and hypothetical conditions exposed. We'll then examine the second part of corridor valuation practice, Corridor Factors (CF). The common underlying assumption is that a CF measures real property value over ATF value, or assemblage premiums. A close examination of the value premise behind CF suggests that CF may measure both real property value and non-real property value. Thus, if the appraiser's job is to measure market value of real property, the CF mislabels value components resulting in misleading market value opinions of real property. Topics to be covered include:

- Hostage value
- Investment value
- Project costs
- Assembling a new corridor verses occupying excess space on an existing corridor

John Schmick, Vice President, Director of Special Projects, Shenehon Business & Real Estate Valuations

3:45 – 4:45 pm

Utilizing the Condemnation Process for Energy Projects

It is often not easy for a developer of a new energy project to acquire the real property rights necessary for the project. Landowners generally are unwilling to accommodate development on their property, and those who are willing to negotiate might pursue above-market demands. If the effort to acquire necessary rights through good-faith negotiation is unsuccessful, private energy developers can obtain those rights through condemnation. Federal and state statutes grant to private energy developers the ability to condemn necessary property rights when private negotiations fail.

Attendees of this presentation will learn about:

- A general outline of the condemnation process
- The critical steps developers must undertake before they can exercise their condemnation power
- Common (and not so common) appraisal issues and the importance of engaging a qualified appraiser
- When to assert the right of condemnation: last resort or early in the process
- Traps for the unwary in the negotiation process
- Techniques for handling linear projects involving multiple landowners
- Unique issues applicable to interstate projects and federal and state lands

Isaac Sutphin, Partner, Holland & Hart

4:45 – 5:00 pm

Day One Wrap Up and Q&A

5:00 – 6:00 pm

Networking Reception sponsored by HDR

AGENDA

TUESDAY, SEPTEMBER 19, 2017

- 8:00 – 8:30 am** **Continental Breakfast**
- 8:30 – 9:15 am** **Case Study: Effective Stakeholder Engagement in the ROW Process**
Xcel Energy will provide a case study highlighting efforts to mitigate public opposition to new electric substation and electric transmission projects by utilizing proactive stakeholder engagement strategies.
Susan Innis, Manager, Siting & Land Rights, Xcel Energy
- 9:15 – 10:00 am** **Drafting Fair and Balanced Easements**
Drafting a fair and balanced easement may well be one of the most important tools in the right of way acquisition toolbox. Avoiding the inclination to memorialize easement terms that are skewed to the benefit of the preparer may help facilitate the right of way acquisition process, lead to negotiated easements and reduce the likelihood of condemnation. This discussion will focus on fair easement terms that accommodate the interests of the party seeking to acquire right of way as well as the landowner in areas such as construction, notice of entry, access to the easement, abandonment, and indemnity.
Alaina King Benford, Partner, Norton, Fulbright & Jarwoski
- 10:00 – 10:30 am** **Networking Break**
- 10:30 – 11:15 am** **Appraisal Best Practices for Linear Right of Way Projects**
Appraisal plays an integral part of virtually every right of way project. In the past, appraisers were usually consulted only when an eminent domain action was initiated. However, with increased emphasis on limiting the impact of linear projects, the need to reduce the time required to complete a project, and increased landowner resistance to right of way projects, appraisers are often engaged at the onset of a project. This presentation will illustrate how the role of the appraiser, beyond the typical appraisal, can be expanded to provide added value in the areas route selection, negotiation, and potential litigation.
Carlo S. Forni, MAI, Partner, Allen, Williford & Seal
- 11:15 am – 12:00 pm** **The Challenges of Vegetation Management: From Reclamation to Long Term Maintenance**
In today's political, environmental, and customer climates, large established tree removal over underground facilities can be extremely difficult. The Community Pipeline Safety Initiative (CPSI) is in the fifth year of a five year program to increase safe access and emergency response to PG&E's gas transmission pipelines. This session will focus on the development and implementation of a vegetation management reclamation program over 6,700 miles of natural gas transmission pipeline and transferring a reclamation program into a long term maintenance program. The application of capturing tree inventory spatially, vetting the scope of work with internal stakeholders, presentation to city/county representatives, to final implementation and assessment of tree risk to the pipe will be reviewed.
Ryan Willis, Supervisor, Gas Transmission Vegetation Management, Pacific Gas & Electric Co.
- 12:00 pm** **Conference Adjourns**

POST-CONFERENCE WORKSHOP

The Right of Way Process and the Project Lifecycle - From Siting to Energization

TUESDAY, SEPTEMBER 19, 2017

12:30 – 1:00 pm **Registration**

1:00 – 5:00 pm **Workshop Timing**

OVERVIEW

Right of Way is the common thread that binds successful projects together through establishing and maintaining landowner relations from the first line on the map to poles in the ground. This workshop will explore proven methods of keeping your transmission projects on schedule through appropriate integration of right of way services into the overall project team structure and explore working relations with environmental, public involvement, engineering and construction services. The development of appropriate team structures and procedures will be explored along with a multi scenario interactive schedule building exercise to help participants gain a better understanding of how right of way services fits into the overall development cycle on successful projects. Examples of how landowner relations can be improved through early assimilation of right of way services into your team that can be translated into public opinion, schedule and cost benefits will be discussed along with how this is carried through project construction with a sound construction liaison and damage settlement plan. We will also examine the acute importance of the Project Owner and Consultants working together to assist the Agencies in understanding the schedule complexities and importance of meeting energization and financial targets for these highly competitive projects.

Join this interactive workshop to learn how best to leverage right of way services on your project team to keep property acquisitions off the critical path and minimize landowner project opposition and routing changes. In this workshop, you will gain a holistic understanding of how right of way services fits into your project team and the project lifecycle and how successful implementation of this approach will build and maintain landowner relations while keeping your project on schedule and on the right side of public opinion.

AGENDA/LEARNING OUTCOMES

- Assess right of way services, its importance to project goals and how it relates to other critical project team disciplines
- Examine typical team organizational charts and cross discipline procedure with recommendations for alternate approaches and improvements through implementation of an integrated project team.
- Discuss how best to leverage right of way services to improve landowner outreach and identify and mitigate landowner concerns early in the project lifecycle
- Participate in a team building exercise where groups work jointly to develop a right of way schedule for several different project scenarios followed by a group discussion.
- Evaluate the important role of a right of way liaison during project construction to control costs and delays and in maintaining landowner trust

WORKSHOP INSTRUCTORS

Blandon Granger

SR/WA, Supervisor, Real Estate Services, Sacramento Municipal Utility District (SMUD)

At SMUD, Blandon Granger is responsible for all technical and managerial operations of the Real Estate Services unit. His group is responsible for acquisition, management and disposition of all land rights necessary to operate an electrical utility with generation, transmission, distribution, retail, and administrative facilities. Blandon held similar responsibilities at the City of Sacramento and Sacramento Regional Transit District. Prior to entering the right of way profession, Blandon worked in the Silicon Valley in the Environmental reporting and Fiber optic networking industries.

James Prossick

Vice President, Real Estate Services, HDR Engineering

Jim Prossick has over 35 years in the ROW field, with the last thirteen spent as a Section and WA Area Manager for HDR working on a wide variety of projects throughout the United States. He is a senior project manager and licensed appraiser who has collaborated with engineering, environmental, and permitting disciplines to site numerous linear projects by providing detailed ROW analysis, landowner and title research, ROW cost estimates, and customized ROW work plans and schedules. In addition to planning services, Jim also assembles successful ROW teams delivering title research, valuation, acquisition, and closing services for linear projects in WA and throughout the US.

Robert Woodard

Senior ROW Agent, Project Manager, HDR

Robert Woodard has over 20 years of experience in the electrical utility and construction industries and has participated in several large scale projects throughout his career. He has held positions ranging from Project Management to Senior Management at NV Energy, Southern California Edison and Tishman Construction. During his time in the electrical utility industry, he supported the acquisition of land rights and permits needed for the construction of major transmission lines in southern Nevada and southern California. He also participated in the initial Master Agreement between NV Energy and the Bureau of Land Management which now serves as a way for other utilities to expedite federal land permits. Some more notable projects he has participated in include the CityCenter and Echelon casino projects in Las Vegas and more recently the 500kv underground project in Chino Hills, CA



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INSTRUCTIONAL METHODS

Case studies, PowerPoint presentations and group discussion will be used in this event.

REQUIREMENTS FOR SUCCESSFUL COMPLETION

Participants must sign in/out each day and be in attendance for a minimum of four hours to be eligible for any continuing education credit.

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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IRWA CREDITS



As part of the Association's strategic initiatives to create a right of way community and facilitate collaboration, IRWA has established a partnership with foundations, consulting companies, public agencies, sponsors, other associations and affiliates.

EUCI is authorized by IRWA to offer 9.5 credits for the conference and 4.0 for the workshop

EVENT LOCATION

A room block has been reserved at the Hyatt Regency Mission Bay Spa and Marina, 1441 Quivira Rd, San Diego, CA 92109, for the nights of September 17-18, 2017. Room rates are \$175 USD plus \$15 resort fee and applicable tax. Call **1-619-224-1234** for reservations and mention the EUCI event to get the group rate. The cutoff date to receive the group rate is August 17, 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.***

REGISTER 3, SEND THE 4TH FREE

Any organization wishing to send multiple attendees to this event may send 1 FREE for every 3 delegates registered. Please note that all registrations must be made at the same time to qualify.

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PLEASE REGISTER

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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 August 18, 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.