“This course was the deep dive I needed. Typically, I rely on consultants for this type of wetland and species analysis and diligence. I now have a better understanding of the underlying laws and protocols for analysis. It was great!”

Project Developer, AES
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.

LEARNING OUTCOMES

- 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
- Discuss how to 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

“Pertinent, pragmatic, and practical!”
Environmental Scientist, Duke Energy

REGISTER TODAY! CALL 303-770-8800 OR VISIT WWW.EUCI.COM
AGENDA

THURSDAY, JANUARY 23, 2020

7:30 - 8:00 am  Registration & Continental Breakfast

8:00 am - 5:00 pm  Course Timing

12:00 - 1:00 pm  Group Luncheon

Clean Water Act
- History of the Federal Clean Water Act
- Jurisdiction: Geographic extent of Waters in the U.S.
  - 33 CFR 328.3
  - Types of waters that may be Waters of the U.S.
    - Open waters
    - Wetlands
      - USACE methodology
  - Migratory Bird Rule
  - 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.
  - 2015 Clean Water Rule defining the extent of Waters of the U.S.

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

Authorization Opportunities for Regulated Activities
- Nationwide permits (NWPs)
  - NWPs used by utility fields
  - Special considerations for linear projects
  - General conditions
    - Endangered Species Act
    - National Historic Preservation Act
  - Pre-construction notification
  - Regional conditions
AGENDA

THURSDAY, JANUARY 23, 2020 (CONTINUED)

Authorization Opportunities for Regulated Activities (continued)
- Individual permits
  - Application process
  - Review process
  - National Environmental Protection Act compliance
  - Public and interagency comment period
  - Alternatives assessment
- Mitigation of impacts
  - Onsite
  - Offsite
  - Mitigation bank

Violations, Non-Compliance and Enforcement Actions

Endangered Species Act
- Federal agencies administering ESA
  - U.S. Fish & Wildlife Service (USFWS)
  - National Oceanic and Atmospheric Administration (NOAA)
- What it protects
  - Threatened species
  - Endangered species
- Activities it regulates
  - Prohibits “take” of listed species
  - Harass
  - Harm
  - Pursue
  - Hunt/shoot/wound/kill/trap
  - Habitat modification
  - 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

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

THURSDAY, JANUARY 23, 2020 (CONTINUED)

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

FRIDAY, JANUARY 24, 2020

7:30 - 8:00 am  Continental Breakfast
8:00 am - 12:30 pm  Course Timing

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

“One of the best programs I have attended. The level of expertise and knowledge of presenters was instrumental in making this a great learning opportunity.”
Environmental Specialist, Hoosier Energy REC

“Well worth the price! Very knowledgeable.”
Health & Safety Specialist, Texas United Management

“This course was a perfect 'permitting 101' class. It covers the main permitting processes/needs and agencies we run into. Overall really informative, great experience.”
Permitting Analyst, Recurrent Energy

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AGENDA
FRIDAY, JANUARY 24, 2020 (CONTINUED)

Clean Water Act—Sections 303 and 402 (continued)
- Industrial Site Stormwater Permitting
  - Permitting options and requirements
- Municipal Separate Storm Sewer System (MS4) Permitting
  - Types of MS4s
    - Cities/town
    - Transportation right-of-ways
    - Non-standard MS4s
  - Components and requirements
- Dewatering permitting
  - Groundwater
    - When required
    - Permitting process and monitoring requirements
  - Construction
    - Temporary in nature
    - Permitting process

Floodplain Regulations

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

Managing Risk- Environmental Avoidance and Response
- Developing Internal Desktop Assessments
  - Wetlands
    - National Wetland Inventory
    - USGS topographic mapping
    - NRCS soils
  - Section 303(d)
    - EPA’s watershed tool
  - Drainage and floodplain regulations
    - FEMA mapping
    - USGS StreamStats
    - Model resources
  - Stormwater permitting resources
    - Site characterization
    - Template appendices
    - “Umbrella” approaches
    - “Typical” details
  - Endangered Species Act
    - USFWS Project planning website

“Great course!!”
Environmental Representative, Chesapeake Energy

“Very helpful in advancing my understanding.”
Regulatory Biologist, SandRidge Energy
INSTRUCTORS

Noah Greenberg
Natural Resources Project Manager/Aquatic Resources Scientist, SWCA Environmental Consultants

Noah Greenberg is an aquatic resources scientist and Clean Water Act regulatory specialist with over 15 years of experience working in the environmental science field. He conducts Clean Water Act compliance services, including Waters of the U.S. delineations, Section 404 permitting, water quality assessments, and waterbody assessments for clients throughout the country.

Amanda Aurora
Senior Scientist/Project Manager, SWCA Environmental Consultants

Ms. Aurora is a Regional Scientist and Regulatory Specialist for SWCA providing strategic permitting and compliance services related to federal, state and local environmental regulations. Based in the SWCA Austin office, Amanda has 20 years of consulting experience, with an emphasis on Endangered Species Act compliance and the intersections of the Endangered Species Act with other regulatory programs. Amanda has a wealth of experience pertaining to endangered species issues, including research, permitting, consultations, and conservation planning. Amanda is skilled with regional and multi-species Habitat Conservation Plans, Candidate Conservation Agreements, and Conservation Banks. Her experience with the ESA includes consultations and permitting under both Section 7 and Section 10 that have involved negotiating compliance solutions for critically imperiled species facing potential determinations of jeopardy or adverse modification of designated critical habitats.

Alen Glen
Partner, Smith Robertson Attorneys at Law

Alan Glen has widely-recognized expertise in various areas of federal environmental law, including the Endangered Species Act (ESA), the Migratory Bird Treaty Act (MBTA), the Bald and Golden Eagle Protection Act (BGEPA), the Clean Water Act (CWA), the National Environmental Policy Act (NEPA), and the National Historic Preservation Act (NHPA). He also has extensive experience in Texas environmental and land use laws. Mr. Glen represents both public and private entities across the country and has successfully handled dozens of permits and consultations under the ESA and other laws.

Mr. Glen has experience with environmental issues affecting transportation, traditional and renewable energy industries, real estate development, water resources, regional planning, agriculture, and mining. Much of Mr. Glen’s practice relates to rare and endangered species. Mr. Glen has testified before the U.S. Senate Subcommittee on Fisheries, Wildlife and Water regarding the ESA’s interagency consultation process. He works on numerous endangered species plans and other processes from the scale of individual projects to programmatic plans spanning multiple states. Mr. Glen also handles litigation matters under the ESA and other Federal Environmental laws. Mr. Glen regularly works on conservation banking matters and assisted in establishing the first species conservation bank in the southwestern region of the U.S. Fish and Wildlife Service.
INSTRUCTIONAL METHODS

PowerPoint presentations will be used in this program.

REQUIREMENTS FOR SUCCESSFUL COMPLETION

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

EVENT LOCATION

A room block has been reserved at the Hilton Garden Inn Houston Galleria Area, 3201 Sage Road, Houston, TX 77056, for the nights of January 22-23, 2020. Room rates are $159 plus applicable tax. Call 1-713-629-0101 or visit the website for reservations and mention the EUCI group code EUCI2. The cutoff date to receive the group rate is January 2, 2020 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.

EUCI is authorized by IACET to offer 1.2 CEUs for the course.

REGISTER 3, SEND THE 4TH FREE

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

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

Project Engineer, Vanderpool Pipeline Engineers, Inc.
Please select:

O ENDEANGERED SPECIES ACT, WETLANDS, STORMWATER & FLOODPLAIN REGULATORY COMPLIANCE FOR ENERGY AND UTILITIES COURSE
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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 December 20, 2019 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 303-770-8800. EUCI reserves the right to alter this program without prior notice.