



# Strategic Planning Conference on Land Access and Environmental Issues

## SPEAKER BIOS

### Panel 1: A Look Behind the Curtain at the Transition of Presidential Administrations



#### MARK BARRON

Named a Law360 Energy MVP in 2016, Mark Barron enjoys a reputation as one of the most influential energy lawyers in the country. Mark has guided some of the country's largest producers of oil and gas through high-profile litigation and is a "go to" author for energy companies and trade associations developing technical comments responsive to regulatory initiatives. Mark routinely assists clients in the administrative rulemaking process, interacting with government decision makers, developing strategic policy initiatives and litigating disputes.

A prolific author and speaker on topics affecting energy producers, Mark has been featured or quoted in dozens of industry and mainstream media outlets on topics related to energy policy, hydraulic fracturing and commercial development on public lands. In 2015, Law 360 named Mark one of five national "Rising Stars" in Energy – a designation given to the best attorneys in America under 40 years of age.



#### LUKE JOHNSON

With an extensive background in legislative and regulatory strategy and planning, Luke Johnson provides sophisticated analysis of energy, natural resource and environmental issues. In working with industry clients, Luke utilizes his background as a trade association leader and government affairs consultant along with senior level experience with the Bureau of Land Management (BLM), the US Senate, and the US House Natural Resources Committee.

Luke is a former Deputy Director of Policy and Programs at the BLM within the Department of the Interior. He previously served as the Chief of Staff to the BLM Director and the Chief of Congressional and Legislative Affairs for the Bureau of Reclamation. During his tenure at BLM, Luke played an instrumental role in the implementation of numerous provisions of the Energy Policy Act of 2005, including oil and natural gas permit streamlining, the formulation of the oil shale rule, and other provisions relating

to permitting traditional and renewable forms of energy. Luke also provided executive management and oversight in the formulation and revision of numerous other BLM energy and public land policies, resource management plans, programmatic agreements between federal and state agencies, NEPA documents, rights of way and transmission corridor actions. He oversaw the agency's congressional and public affairs efforts and served as a witness representing the administration in testimony before the Senate Energy and Natural Resources Committee and the House Natural Resources Committee.

His experience also includes service as a Senior Policy Advisor to former Senator Robert F. Bennett (R-UT) where he handled comprehensive energy and environmental issues, including his role as a senior member of the Senate Appropriations Committee and Senate Energy and Natural Resources Committee. During his time in the Senate, Luke oversaw the successful passage of numerous public land bills, including a successful effort to authorize and appropriate funds for a multi-state endangered species recovery program. Prior to this work in the Senate, Luke served as Legislative Assistant for then Rep. James V. Hansen (R-UT) and as Professional Staff on the House Natural Resources Committee



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where he was the primary staff member for 19 bills that became public law.

In addition to his tenure in government, Luke also recently served as Vice President of Policy and Government Affairs for the National Ocean Industries Association (NOIA), a national offshore energy trade association. There he led NOIA's efforts in developing and implementing the organization's policy and political affairs engagement strategies. In addition to maintaining key relationships at the federal, state and local levels, he also worked with like-minded organizations to build coalitions in support of the association's objectives. Luke was also previously a Founding Partner in EnergyNorthAmerica, LLC, a full service energy consulting firm.

## Panel 2: Pipeline Safety



### DEWITT BURDEAUX

DeWitt Burdeaux is a Regulatory Subject Matter Expert (SME) for G2 Integrated Solutions, where he brings a 35-plus year career in the energy industry, including compliance oversight, training and research for state and federal agencies, as well as engineering, operations, and compliance consulting.

DeWitt most recently worked as a Regulatory Compliance Advisor for FlexSteel Pipeline Technologies, where he advised and assisted internal and external stakeholders in the applicability of federal and state pipeline safety regulations. He also represented the company on consensus standards committees and served as a liaison with state and federal agencies on regulatory activities having potential business impact.

DeWitt also worked 18 years for the US Department of Transportation's (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA), where he was responsible for training federal, state, and industry personnel on pipeline safety compliance issues. He was instrumental in the implementation of PHMSA's Integrity Management for hazardous liquid pipelines regulations and was project manager for rulemaking regarding onshore natural gas gathering lines, hazardous liquids gathering lines, and low-stress liquids pipelines. While with PHMSA, DeWitt wrote the agency's Final Rule for regulating onshore natural gas gathering lines as well as the Notice of Proposed Rulemaking for crude oil gathering lines and other low stress lines transporting petroleum products. From its inception, he was a member of the team that performed all of the background research and development of the PHMSA Distribution Integrity Management (DIMP) rule. DeWitt frequently interacted with other federal agencies, including DOE, SBA, and OMB and worked closely with national industry trade associations like AGA, APGA, and GPA.

Prior to joining PHMSA, DeWitt was responsible for oversight of district compliance activities for a transmission and distribution company in Louisiana. After which he served as an enforcement officer for the Louisiana Department of Natural Resources' Pipeline Safety Enforcement Group for 6 years.

DeWitt is a three-time recipient of DOT's Superior Achievement Award and has also received the Administrator's Eagle Award and the Federal Excellence in Action Award. He has served as a consultant on a multitude of industry consensus standards as well as being a committee member of PHMSA's Pipeline and Informed Planning Alliance (PIPA) report.



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### GREGORY D. RUSSELL

Greg is a partner in the Columbus office and leads the firm's energy group, which is one of the largest and most experienced energy practices in the Midwest. For more than 20 years, he has been advising producers and pipeline operators in Ohio on business and regulatory matters, ranging from asset transactions, to unit operations and development, to leasehold and royalty disputes. Greg's practice frequently involves appearing before state and federal regulatory agencies, such as state oil and gas and public utility commissions as well as U.S. EPA, the U.S. Department of Transportation and the Federal Energy Regulatory Commission.

He is an adjunct professor at The Ohio State University Moritz College of Law, teaching a course on oil and gas law. Greg is also a frequent speaker on a broad range of topics impacting the natural gas industry, including oil and gas leasing and contract matters, regulatory (e.g., pooling and unitization), environmental and natural gas market issues.

Recently, he served as the chair of the Energy & Mineral Law Foundation's Special Institute on Title and Development Issues in the Utica Shale (2013).

Greg is the editor of the Vorys Energy & Environment blog. The blog highlights news and breaking legal developments involving the crude oil and natural gas industries, alternative and renewable energy resources and the latest environmental issues. Greg serves as the general counsel of the Ohio Oil and Gas Association, and is a member of the Ohio State Bar Association, the Energy and Mineral Law Foundation, the Rocky Mountain Mineral Law Foundation, and the Marcellus Shale Coalition.

Greg received his J.D. from Harvard Law School and his B.A. summa cum laude from Washington and Lee University. He received a Fulbright Grant to study mathematics at the TH Darmstadt in West Germany in 1988-1989.

## Panel 3: Air



### JAMES D. ELLIOTT

Mr. Elliott's primary areas of practice are civil and criminal environmental law with experience in appellate and district litigation, agency rulemaking, compliance counseling, and administrative adjudication with special emphasis on Clean Air Act matters.

#### Representative Experience

- ◆ Representing coalitions of federal and state oil and natural gas associations in Clean Air Act rulemaking and appellate litigation, including a challenge to EPA's Subpart OOOO NSPS/NESHAP for the oil and natural gas source sector
- ◆ Representing electric utilities, pulp and paper, chemical manufacturers, and pipeline companies in EPA's New Source Review enforcement initiatives against these industry sectors
- ◆ Representing electric utilities, chemical manufacturers and meat processors in investigations involving possible criminal enforcement of alleged environmental crimes
- ◆ Representing and counseling of chemical manufacturers on RCRA compliance,

including environmental audits and defense of enforcement actions and administrative matters

- ◆ Representing a wide variety of PRPs (from Fortune 500 to trustees) in CERCLA remedial actions as well as in the





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defense of contribution and cost recovery claims for site cleanup costs

- ◆ Representing corporate witnesses and other subjects of criminal investigations, and assisted in responding to grand jury subpoenas
- ◆ Counseling a variety of interests associated with processing property through West Virginia's Voluntary Remediation Program
- ◆ Counseling lenders and purchasers regarding environmental issues and due diligence associated with commercial and real estate transactions
- ◆ Representing electric utilities, chemical manufacturers and other industrial companies in a variety of enforcement actions, investigations, rulemakings and other proceedings
- ◆ Serving as Chair, Citizens Advisory Committee to Executive Council of the Chesapeake Bay Program, working closely with members of the Principal Staff Committee, which is composed of the top environmental regulators in the Bay states, and providing input on matters related to promulgation of the Chesapeake Bay TMDL



### TOM WILLIAMS

Tom Williams became President of RPSEA August 1, 2016. RPSEA is a not for profit oil and gas research organization with over 100 members, located in Houston, Texas. Tom has been in the energy business for over 35 years as an operator and later in his career in the management and commercialization of new energy technologies. He held senior executive positions at the U.S. Departments of Energy and Department of Interior. He also serves as Senior Advisor to the Environmentally Friendly Drilling (EFD) Program, an organization he co-founded in 2005 while working as a Vice President of Technology at Noble Corporation. He has authored numerous energy publications, presentations and articles and has served on several energy organizations, associations, public and privately held corporations including current chairman of the Interstate Oil and Gas Compact Commission Energy, Environment, Research and Technology Committee and the IADC Drilling Engineering Association Board.

## Panel 4: Habitat Conservation Plans



### ELLEN MILLEE

Ellen Miille is a Principal based in the Denver, Colorado office of ICF, a professional consulting and technology firm. She is a senior leader for one of her company's Environmental & Planning Division groups that stretches from the Mountain West to the East Coast. Her primary area of expertise is in managing energy and infrastructure projects for compliance with NEPA, CEQA, ESA, CAA and CWA. She has led environmental review and analysis for numerous upstream, midstream and enhanced oil recovery projects for agencies including the BLM and FERC, and is currently leading a large multi-state oil and gas HCP EIS for USFWS.



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### W. PARKER MOORE

Parker dedicates his practice to successful project development. He helps clients nationwide from every economic sector navigate issues arising under the Clean Water Act (CWA), the Endangered Species Act (ESA), the National Environmental Policy Act (NEPA), the Migratory Bird Treaty Act (MBTA) and related environmental laws. He also defends clients against agency enforcement actions and citizen suits, applying his substantive knowledge of natural resources law and project development to craft creative, sound and successful legal strategies. He co-chairs B&D's Environmental Practice Group and its NEPA, Wetlands, and ESA Section.

Parker's experience includes:

- ◆ Defending one of North America's largest railroad companies against CWA citizen suits alleging unpermitted discharges of coal from railcars to waterbodies and wetlands throughout Washington State.
- ◆ Representing members of the oil and gas industry in the development of one of the first ever general conservation plans under the ESA to authorize incidental take of listed species.

- ◆ As an appointed special Attorney General, helping state Departments of Transportation build administrative records to support their highway projects and defending them against citizen suits under NEPA.
- ◆ Developing unique protocols for oil and gas companies to advance projects without first obtaining incidental take permits under the ESA.
- ◆ Negotiating on behalf of a Fortune 200 company the largest CWA settlement in Virginia history.
- ◆ Defending a \$250 million Kansas intermodal facility and its wetlands permit against a citizen suit challenge under the CWA and NEPA.
- ◆ Defending an international wireless telecommunications company against federal criminal investigations for alleged violations of the ESA, MBTA and Bald and Golden Eagle Protection Act.
- ◆ Defending a Maryland homebuilder against state enforcement for unpermitted disturbance of wetlands and floodplain.
- ◆ Authoring a pivotal amicus brief cited by the U.S. Supreme Court in the controversial wetlands regulation case, *Rapanos v. United States*.
- ◆ Assisting federal lawmakers draft legislation to streamline project development under NEPA and expedite the CWA permitting process.

Before joining Beveridge & Diamond, Parker clerked at the White House Council on Environmental Quality. He also is a professionally-trained wetlands ecologist and has years of experience identifying wetlands, obtaining jurisdictional determinations from the U.S. Army Corps of Engineers, surveying for endangered species and drafting NEPA documents. He holds a B.S. in Natural Resources (Geology and Forestry) from the University of the South, and he graduated magna cum laude from Vermont Law School.

Parker has been selected for inclusion in Super Lawyers Editions 2013-2016 as a "Rising Star."



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### **PANEL 4** *continued*



#### **ANDREW MORRISON**

Andrew Morrison, Managing Counsel at MarkWest Energy/Marathon Petroleum, is the Founder and Chair of the Oil & Gas ESA Coalition working on the large scale bat HCP in the Northeast. He has extensive experience on ESA matters with particular focus on bats, beetles, bees and birds. He and his team in Denver, Colorado, have broad legal support responsibilities within MarkWest, including ESA, FERC, OSHA, FRA, labor/employment, corporate compliance, and litigation. Prior to working at MarkWest, Andrew was a Municipal Court Judge and an in-house lawyer for Shell Oil Company in Houston, Texas.



#### **DAVID YOUNG**

David Young is the COO and a Senior Wildlife Biologist with Western EcoSystems Technology, Inc. based out of Cheyenne, Wyoming. In addition to managing operations at WEST, his primary focus area is Endangered Species Act compliance projects and has extensive experience working on projects under Section 7 and Section 10 of ESA. He has conducted numerous threatened and endangered species surveys and monitoring projects and has written HCPs and Biological Assessments for numerous energy developments throughout the U.S. He currently serves as the Project Manager for the technical team developing the Oil & Gas ESA Coalition Programmatic HCP for bats species in the Northeast.

### **Panel 5: Consumer Voices**



#### **BRENT GREENFIELD**

Brent Greenfield is Vice President at Consumer Energy Alliance, providing research, policy analysis, guidance, and communications support on a range of energy issues spanning regions including the Gulf of Mexico, Atlantic, Arctic, and U.S. onshore. Brent's previous experience in regulatory policy, executive branch matters, and national political campaigns includes positions with the Office of Federal Communications Commission Chairman Kevin J. Martin, White House Office of Counsel to the President, and the Bush for President 2000 campaign. Brent is a licensed member of the State Bar of Texas and received his Doctor of Jurisprudence from South Texas College of Law and Bachelor of Arts from The University of Texas at Austin.





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### **RACHEL JONES**

Rachel Jones is Director of Energy and Resources Policy for the National Association of Manufacturers (NAM). Jones oversees the NAM's energy policy work and has expertise on issues ranging from energy production and infrastructure, water quality, land use, chemical regulation, and the legislative and rulemaking processes. The NAM is the powerful national voice of the diverse manufacturing community and the leading advocate for a policy agenda that helps manufacturers compete in the global economy and create jobs across the United States.

Before joining the NAM, Jones was the Environment and Energy Counsel for the U.S. House of Representatives Committee on Science, Space, and Technology where she advised the Committee on EPA, DOE, DOI, NOAA, NASA, and the White House Office of Science and Technology activities. She has served as legal fellow for the U.S. Senate Committee on Environment and Public Works and as Executive Notes and Comments

Editor for the Energy Law Journal.



### **COURTNEY K. LOPER**

Courtney Loper is a senior director supporting the Energy & Natural Resources team in the FTI Consulting Strategic Communications segment. Based in Denver, Colo., Ms. Loper works with clients in the oil and natural gas industry to provide strategic communications support and to build and lead employee engagement and advocacy programs. Ms. Loper also handles crisis communications cases and leads media training sessions for corporate executives and spokesmen. In 2016, Ms. Loper was named one of the Denver Business Journal's 'Top Women in Energy.'

Before joining FTI Consulting, Ms. Loper worked in Washington, D.C. as the Deputy Press Secretary for former U.S House Speaker John Boehner, with additional responsibilities for media booking, event coordination and advance work.

Prior to joining the Speaker's office, Ms. Loper was the Radio and Television booker for the House Republican Conference, which is the organizing body for all House Republicans. As such, she was responsible for securing interviews, press event execution, and preparing Members of Congress for national media appearances. She was later promoted to Deputy Press Secretary and served as an on-the-record spokeswoman for the House Republican Conference and its Chairman.

Ms. Loper has a B.A. in Political Science from the University of Iowa.