



Agreement, United States Army Corps of Engineers permitting, the Montana Facility Siting Act licensing, South Dakota PUC environmental filing, and other state and federal permitting.

**3. Please state your professional qualifications and experience with pipeline operations.**

Answer: My professional background is stated in my resume, a copy of which is attached as Exhibit A. My education consists of a bachelor's degree in marine biology, a master's degree in biological sciences, and a Ph.D. in biological sciences. In general, I have extensive experience in environmental management with respect to the pipeline industry, and have permitted over 30,000 miles of pipeline projects in most states in the United States over the last 28 years. I managed the regulatory and permitting tasks associated with the Keystone Pipeline, including associated compliance inspection during construction. I have testified before the Commission in the permit proceedings concerning the Keystone XL Pipeline in Docket HP 09-001.

**4. Are you responsible for portions of the Tracking Table of Changes attached as Appendix C to Keystone's certification petition?**

Answer: Yes. I am individually or jointly responsible for the information provided with respect to Finding Numbers 32, 33, 41, 50, 54, 73, and 80. In general, I can testify to environmental issues other than risk and spill response information; the CMR Plan; the Con/Rec Units and the use of horizontal directional drilling.

**5. Please summarize the updated information regarding Finding No. 32.**

Answer: The environmental impacts discussed in Table 6 of Keystone's permit application still apply. The CMR Plan has been updated. The last version is Rev4, which is attached in redlined form as Attachment A to Appendix C to Keystone's certification petition.

Overall changes to the CMR Plan were made to clarify language, provide additional detail related to construction procedures, and incorporate lessons learned from previous construction, current right-of-way conditions, and project requirements.

**6. Please summarize the updated information regarding Finding No. 33.**

Answer: Keystone previously submitted Exhibit TC-14 in connection with the hearing on its permit application. Exhibit TC-14 includes soil type maps and aerial photograph maps of the route in South Dakota, showing topography, land uses, project mileposts and location descriptors. Exhibit TC-14 is still generally consistent in the description of the current Project route through South Dakota. Keystone has disclosed in discovery maps of minor route variations made at the request of landowners or for engineering reasons. These maps will be marked as an exhibit at the hearing on Keystone's certification petition. In addition, Keystone will submit updated maps prior to the initiation of construction as required by Condition No. 6 of the Amended Final Decision and Order.

**7. Please summarize the updated information regarding Finding No. 41.**

Answer: Since the permit application, Keystone has decided to use horizontal directional drilling ("HDD") to cross the Bad River and Bridger Creek, in addition to the Little Missouri, Cheyenne, and White Rivers. Exhibit C to Keystone's permit application contains a listing of all water body crossings and preliminary site-specific crossing plans for the HDD sites. To supplement Exhibit C in Docket HP09-001, Attachment B to Keystone's Tracking Table of Changes in Docket HP14-001 contains the preliminary site-specific crossing plans for the HDD crossings of the Bad River and Bridger Creek.

**8. Please summarize the updated information regarding Finding No. 50.**

Answer: The total length of the Project pipe with the potential to affect a High Consequence Area (“HCA”) is 14.9 miles. The reference to 19.9 miles in the Tracking Table was a typographical error. Since the Tracking Table was prepared, the Cheyenne River crossing was adjusted because of HDD access issues and for construction and engineering reasons, resulting in a slight increase in total HCA mileage. The current HCA mileage figure is 15.8 miles. The 15.8 miles are ecologically sensitive areas and do not encompass populated areas or drinking water areas.

**9. Please summarize the updated information regarding Finding No. 54.**

Answer: Because of minor route variations, the mileages in South Dakota have changed slightly. The route is approximately 315 miles in South Dakota. All but 27.9 miles of the route are privately owned. 1.7 miles are owned by local governments, and 26.3 miles are state owned and managed. No tribal or federal lands are crossed by the route in South Dakota.

**10. Please summarize the updated information regarding Finding No. 73.**

Answer: Keystone has updated its CMR Plan since the Amended Final Decision and Order. The changes are shown in a redlined version of the CMR Plan, which is Rev4, filed with the Commission as Attachment A to Appendix C to Keystone’s certification petition.

**11. Please summarize the updated information regarding Finding No. 80.**

Answer: Since the Amended Final Decision and Order, Keystone has completed the construction/reclamation unit (“Con/Rec Unit”) mapping in consultation with the National Resource Conservation Service. The Con/Rec Unit mapping is included as Appendix R to the FSEIS.

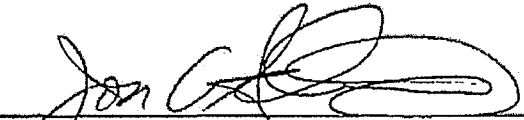
**12. Are you aware of any reason that Keystone cannot continue to meet the conditions on which the Permit was granted by the Commission?**

Answer: No. I have reviewed the conditions contained in the Amended Final Decision and Order dated June 29, 2010. The changes discussed in Finding Nos. 32, 33, 41, 50, 54, 73, and 80 do not affect Keystone's ability to meet the conditions on which the Permit was granted.

**13. Does this conclude your prepared direct testimony?**

Answer: Yes.

Dated this 30<sup>th</sup> day of March, 2015.

  
\_\_\_\_\_  
Jon Schmidt

### CERTIFICATE OF SERVICE

I hereby certify that on the 2<sup>nd</sup> day of April, 2015, I sent by United States first-class mail, postage prepaid, or e-mail transmission, a true and correct copy of the foregoing Direct Testimony of Jon Schmidt, to the following:

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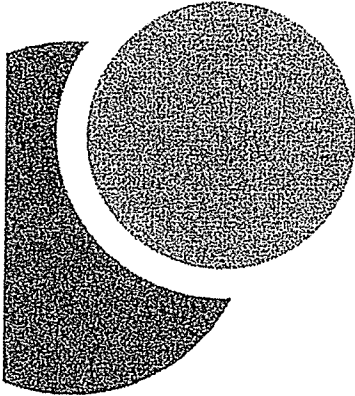
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## Jon Schmidt, PhD

Vice President, Environmental & Regulatory

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### Overview

Jon A. Schmidt is currently the Vice President, Environmental & Regulatory Services in the Tallahassee office of exp Energy Services Inc. He joined exp in May of 2009.

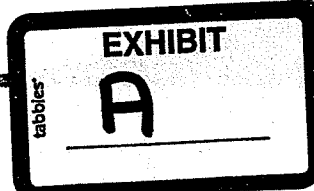
Mr. Schmidt has extensive experience in environmental management, particularly with respect to the pipeline industry including: environmental regulatory strategy development and project planning, project management, environmental surveys, permitting, and environmental inspection. In over 25 years, he has permitted over 30,000 miles of pipeline projects in most states in the US for mid-stream pipeline companies, gas distributors, and producers. He has also permitted LNG facilities, refined products, natural gas, and crude oil pipelines and terminals throughout the US. This included the management of the regulatory and permitting tasks associated with the 7-state, 1,385 mile Keystone pipeline and associated compliance inspection during construction.

Currently, Jon is the regulatory and permitting manager for work for the 6-state, 1,300 mile Keystone XL Pipeline Project, including the coordination of the Department of State EIS, DEIS, SEIS, FEIS and now SFEIS, the Section 9 Biological Opinion, NHPA Section 106 Programmatic Agreement with over 60 parties, USACE permitting across 7 USACE Districts, Montana Facility Siting Act licensing, South Dakota Public Utilities Commission certification and other state and federal permitting. Jon is also working with the Alaska Pipeline Project in developing the FERC filing strategy and overall environmental program for the re-designed pipeline and LNG project.

Prior to joining exp, Mr. Schmidt had a wide variety of experience in the midstream energy industry, including work on international pipeline projects.

### Education & Training

- PhD, Biological Sciences, Florida State University
- M.S., Biological Sciences, University of Bridgeport
- B.S., Marine Biology, University of Massachusetts - Dartmouth



**Jon Schmidt, PhD**– *Continued***Vice President, Environmental & Regulatory**

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**Project Experience**

- **TransCanada/ExxonMobil Development Company as Alaska Pipeline Project (APP), 754 mile, Alaska Pipeline Project, Alaska.**  
**Employment: 2010-2012**

Jon served as a member of the company Environment, Regulatory, and Land (ERL) management team for TransCanada and ExxonMobil to direct consulting firms conducting the environmental field surveys, agency consultations, and development of the FERC application for the proposed APP. His role focused on developing and implementing a regulatory strategy lined up with the commercial realities of the project. Jon directed consultants on the scope and efforts required for field surveys, the Resource Reports, and agency meetings and pre-filing activities. He wrote an overarching permitting roadmap and strategy, individual agency permitting plans, and helped implement through agency meetings and workshops to address and resolve timing and level of detail issues with the Alaskan agencies.

- **Keystone XL Pipeline, Montana, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.**  
**Employment: 2010**

For the expansion of the Keystone pipeline, Jon served as the overall environmental manager reporting directly to TransCanada. Keystone XL is a 36-inch 1,375 mile crude oil pipeline to the Gulf Coast of the US. Jon's role was similar to that on the Keystone project, but with overall responsibility for environmental compliance. He managed several firms that carried out the field surveys, report writing, and permit application preparation.

- **Keystone Pipeline, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Missouri, and Illinois.**  
**Employment: 2006-2012**

Was overall account manager and project director for AECOM as they served as environmental management contractor for Trow Engineering Consultants, owner's engineer for the TransCanada Keystone Project. Keystone is an approximate 1,300 mile crude oil pipeline. Jon was responsible for the overall environmental regulatory strategy for the Department of State Presidential Permit application and EIS process. This effort entailed the coordination with the USACE across multiple districts, multiple USFWS field offices, the NRCS, the South Dakota PUC, North Dakota PSC, and multiple state agencies in each state. Jon's role also included senior review on the multiple filings that were made to the agencies, consultation coordination and meetings, and negotiation of permit conditions, and a Conservation Agreement with the USFWS for Migratory Bird Treaty Act mitigation. Jon was also pivotal in negotiating the USACE permitting to be a NWP for all states crossed and mitigation projects to cover compensation in all states crossed.

- **ConocoPhillips Company, Environmental Services for Licensing of Proposed Beacon Port Liquid Natural Gas Facility, Gulf of Mexico.**  
**Employment: 2004**

- Project Director, ConocoPhillips Company contracted ENSR to assist with the licensing of its proposed Beacon Port liquid natural gas facility in the northern Gulf of Mexico. ENSR's services included: 1) developing the environmental report for the deepwater port (DWP) license application to the Maritime Administration (MARAD) and the U.S. Coast Guard (USCG), and 2) managing the development of the entire DWP license application per the DWP Act of 1974, as amended.



## **Jon Schmidt, PhD** – *Continued*

### **Vice President, Environmental & Regulatory**

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- Related services included: 1) regulatory outreach, 2) biological impact assessment, 3) water discharge modeling, 4) air emissions modeling, 5) Environmental Protection Agency permitting (air and water discharges), U.S. Army Corps of Engineers permitting, 5) wetland surveys, 6) threatened and endangered species surveys, and 7) development and coordination of a biological sampling plan, among other services. ENSR continues to support ConocoPhillips Company in its efforts to develop Beacon Port.
- **AES Ocean Express Pipeline Third Party Environmental Impact Statement.**  
**Employment: 2004**  
Served as Project Director for the Environmental Impact Statement (EIS) prepared for the AES Ocean Express pipeline project from the Economic Exclusion Zone (EEZ) to Broward County, Florida. This project ties into a pipeline and LNG facility to be built in the Bahamas. ENSR's role is to serve as the Federal Energy Regulatory Commission's (FERC's) extended staff in preparing the EIS. To date, a PDEIS has been drafted for regulatory review by the MMS, NMFS, FERC, and the USACE.
- **Ingleside Energy Center and San Patricio Pipeline, Oxy Energy Ventures, Corpus Christi, Texas.**  
**Employment: 2003-2005**  
Jon served as the Project Manager overseeing the preparation of the FERC filing for a new LNG regas facility collocated with Occidental's chemical plant and power plant near Corpus Christi, Texas. Jon coordinated the field surveys required for the facility location, the marine studies to accommodate the dredging of a new berth and pier, as well as studies along the 80+ mile pipeline from the facility to the interstate pipeline grid. Jon worked with Oxy's energy services staff to utilize waste heat from the power plant for regasification, air modeling and coordination with the plant's existing air permits, and coordination of the NHPA 106 and Section 7 ESA consultation required for the FERC application.
- **Bayou Casotte Energy LLC, Casotte Landing Natural Gas Import Terminal, Pascagoula, Mississippi.**  
**Employment: 2003-2005**  
Jon acted as Project Director for the FERC licensing and permitting of a liquefied natural gas import terminal adjacent to Chevron's Pascagoula refinery at Moss Point, Mississippi. The FERC filing covered the regasification facilities, air modeling and permitting, USACE permitting and dredge disposal studies, and the water use permitting for hydrotesting the LNG storage tanks. Because the site location and required dredging impacted the Gulf Sturgeon, a Section 7 ESA consultation was required to complete the EIS.
- **Cypress Pipeline Project, 166 mile Natural Gas Pipeline, Coastal Georgia and Florida**  
**Employment: 2002-2004**  
Project Director for permitting the Cypress Project, which included route analysis, agency consultation, FERC Environmental Report preparation, wetland delineation report to USACE and FERC, Environmental Resource Permit application to the state of Florida, and specialized field surveys for Gopher Tortoises.



**Jon Schmidt, PhD**— *Continued***Vice President, Environmental & Regulatory**

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- **ConocoPhillips Company, Environmental Services for Licensing of Proposed Compass Port Natural Gas Facility, Gulf of Mexico.**  
**Employment: 2002-2004**

Project Manager, ConocoPhillips Company contracted ENSR to assist with the licensing of its proposed Compass Port liquid natural gas facility in the northern Gulf of Mexico. ENSR's services included: 1) developing the environmental report for the deepwater port (DWP) license application to the Maritime Administration (MARAD) and the U.S. Coast Guard (USCG), 2) developing the environmental report for the Certificate of Public Convenience and Necessity with the Federal Energy Regulatory Commission (FERC), and 3) managing the development of the entire DWP license application in accordance with the DWP Act of 1974, as amended. Related services included: 1) management of the regulatory Team Permitting process, 2) biological impact assessment, 3) water discharge modeling, 4) air emissions modeling, 5) Environmental Protection Agency permitting (air and water discharges), U.S. Army Corps of Engineers permitting, 6) wetland surveys, 7) threatened and endangered species surveys, and 8) development and coordination of a biological sampling plan, among other services. ENSR continues to support ConocoPhillips Company in its efforts to develop Compass Port.

- **Elba Island LNG Import Terminal Reactivation, Southern LNG Inc.—An El Paso Company, Georgia.**  
**Employment: 1999-2001**

Project Director for the successful 1999–2000 certification for reactivation of the Elba Island Import Terminal.

- **Gulfstream Natural Gas System, Environmental Management of Pipeline Construction Project, Gulf of Mexico, Mississippi, Alabama, Florida.**  
**Employment: 1998-2001**

Project Director for siting, routing, field surveys, and permitting for 775-mile pipeline construction project. To-date, the project has involved the coordination of over 100 regulatory agencies, and over 15 public meetings with landowners, the general public and over 30 environmental groups. Led the Team Permitting (Florida) and FERC coordination aspects on behalf of the client. Included assessing project impacts to live bottom (reefs) in the Gulf of Mexico and impacts to threaten and endangered marine turtles and mammals.

- **Destin Pipeline Company, LLC (Southern Natural Gas Affiliate), Destin Pipeline Project - Construction of Natural Gas Pipeline, Gulf of Mexico to Clarke County, Mississippi.**  
**Employment: 1996-1998**

Project Manager for environmental aspects of construction project which included the installation of 206 miles of 36-in outside-diameter (OD) and 30-in OD pipeline, installation of 2.4 miles of 16-in OD pipeline in Mississippi, installation of four meter stations, construction of a platform in the Gulf of Mexico, and construction of two new compressor stations in Mississippi. Tasks included Alternatives Analysis for selection of a preferred route, environmental surveys, permitting, and on-site environmental inspection.



**Jon Schmidt, PhD**– *Continued*

**Vice President, Environmental & Regulatory**

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- **Blue Atlantic Transmission System, Environmental Management of Pipeline Project, Nova Scotia Canada to New York.**

**Employment: 1996**

Project Director for the siting, routing, field surveys, regulatory permitting and meetings, and FERC filing for a 850+ mile large diameter pipeline from Nova Scotia into the New York marketplace. The project has involved meeting with all the New England state regulatory bodies, the FERC, NMFS, USACE, MMS, and NOAA to discuss routing and field survey requirements. Most of the offshore field surveys have been completed to date.

- **Etowah LNG Company, LLC, Etowah LNG Peakshaving Facility and Pipeline Construction Project, Polk County, Georgia.**

**Employment: 1995**

Project Director for all environmental aspects of project related to construction of a new 2.5-billion cubic ft. liquefied natural gas peakshaving facility and 12.49 miles of 12.75-in OD natural gas pipeline. Directed team responsible for: preparation of FERC 7(c) filing and Biological Survey Report; conducting biological field surveys of the jurisdiction and non- jurisdictional facilities (including wetlands, species of concern, and surveys for construction constraints); assisting in the siting of the Etowah Pipeline; preparing Land Disturbing Activity; permitting for the construction of the jurisdictional facilities; preparing the application to the USACE for Section 404 permit; coordinating with surveyors to quickly complete field surveys; and performing agency consultations and negotiations.

- **TransCanada/ANR partnership, 800+ mile SunShine Pipeline Project, Florida, and Alabama.**

**Employment: 1994**

Technical Project Manager. Managed the technical team to put together the state of Florida Siting Application as well as directed the effort for the FERC ER. Managed the technical efforts and data analysis for the cultural resource and biological surveys using GPS/GIS. Participated in the 36 public meetings and coordinated with 80 regulatory agencies from local, regional, state and federal agencies to coordinate comments and simplify licensing/permitting conditions. Put together a regulatory and technical Mitigation Task Force to constructively deal with the impact to over 1,000 wetland crossings.

- **TransContinental Pipe Line Company, Southeast Mainline Looping Project, Alabama, Georgia, and North Carolina.**

**Employment: 1994**

Directed the biological field survey efforts, FERC ER preparation, and provided support to TransContinental for FERC interrogatories.

- **Viking Voyageur Pipeline Company, Viking Voyageur Pipeline Project, Minnesota, Wisconsin, and Illinois.**

**Employment: 1993**

Project Director for 800+-mile project which included providing siting, biological and cultural resource field surveys, FERC ER preparation, and permitting support and coordination for the joint TransCanada and NSP Power project.



**Jon Schmidt, PhD**– *Continued*

**Vice President, Environmental & Regulatory**

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- **ANR, LSP Power Project, Mississippi.**  
**Employment: 1992**  
Project includes the field surveys, permitting and FERC ER preparation for the 12-mile lateral.
- **Southern Natural Gas Company, Southern Natural Zone III Expansion Project, Alabama, and Georgia**  
**Employment: 1991-1994**  
Project director for the Southern Natural Zone III Expansion Project (27 miles looping in 3 states with compression), FERC Section 7(c) Environmental Report (ER), field Surveys, permitting, and environmental inspector's manual preparation.
- **Florida Power Corporation, Environmental Master Services Agreement, Florida.**  
**Employment: 1991-1993**  
Projects included jurisdictional wetland delineations at the Higgins Power Plant, waste water monitoring at the Montincello facility.
- **ANR Pipeline Company, Patterson Looping Project, Gulf of Mexico, and Louisiana.**  
**Employment: 1991**  
Project director for 37-mile project which included FERC ER preparation, federal and state permitting, and agency negotiation.
- **Southern Natural Gas Company, Approximately Fifteen 7(c) Projects Totaling 600 Linear Miles, LA, MI, AL, GA, TN, SC, NC, FL, and Gulf of Mexico.**  
**Employment: 1990-1992**  
Project Manager and Director providing air permitting, contamination assessment, audit and environmental inspection services for regulated facilities.
- **US Navy, Environmental Assessments, Puerto Rico, Florida, and Atlantic Seaboard.**  
**Employment: 1990**  
Project manager for several US Navy EAs which were completed for proposed facilities or Navy actions. Projects included the Camp Pendleton Warfare Training facilities, the Naval Warfare Training Facilities on Isla Pincros, Puerto Rico, and the ecological risk assessment at the Naval Air Training Center in Pensacola, Florida. Managed the efforts to conduct a siting alternatives analysis study along the Atlantic seaboard for the shock testing for the new class of submarine, the Sea Wolf. Project utilized satellite imagery to create databases and a GIS to manage the information. Required to assess impacts of underwater detonation of explosives to marine mammals and endangered species.





**Jon Schmidt, PhD**– *Continued*

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- **Chandeleur Pipeline Company, Chandeleur Destin Extension Project and Chandeleur Expansion Project, Mississippi, and Gulf of Mexico, and Louisiana.**

**Employment: 1990**

Project director for Chandeleur Destin Extension project (4 miles) and Chandeleur Expansion project (30 miles). ENSR provided field survey, FERC ER preparation and permitting support until the project was removed from consideration by Chandeleur.

- **Discovery Pipeline Company LLC, Discovery Pipeline Project, Gulf of Mexico, and Louisiana.**

**Employment: 1990**

Project manager for 80-mile project where ENSR was asked to provide a fast track ER for filing with the FERC and support to Discovery through the FERC review and certification process.

- **Southern Natural Gas Company, Southern Natural East Tennessee Expansion Project, Alabama, Georgia, and Tennessee.**

**Employment: 1989-1991**

Project Director for the project. On a fast track basis, ENSR conducted biological field surveys, completed the FERC ER and survey reports, agency consultation for filing with the FERC and state and federal agencies in 45 days. Completed all permitting and construction implementation plans. Provided EIS and managed environmental inspection.

- **Southern Natural Gas Company, North Alabama Pipeline Project, Alabama.**

**Employment: 1989**

Project Manager for Southern Natural's 122-mile North Alabama pipeline project in Tuscaloosa, Fayette, Walker, Cullman, Morgan, and Madison counties, Alabama. Project involves route alternatives analysis, FERC 7(c) ER, field surveys using GPS/GIS, and public meeting/FERC support through the EIS process, permitting, and agency negotiation. Currently providing EIS and inspection services.

- **Tenneco, Tenneco West-East Pipeline Project, Louisiana, and Mississippi.**

**Employment: 1989**

Project management involved preparation of the ER for a 225-mile project, management of the biological and cultural resource surveys in Tennessee's Vicksburg field office, and coordination with state and federal agencies and FERC.



**Jon Schmidt, PhD– Continued**  
**Vice President, Environmental & Regulatory**

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**International**

• **TransCanada Pipelines, Colombia.**  
**Employment: 1997**

For TransCanada's first pipeline project in Colombia, Jon served as the technical reviewer and in-country consultant coordinator between the local environmental consulting firms and TCPL's project staff. He helped the locals develop the scope of work for the EIA with the regulators, oversaw implementation, and assisted in impact assessment development to ensure permitting conditions could be implemented in the field by TCPL.

• **ENSR (now AECOM) – Senior Vice President**  
**Employment: 1996 – 2009**

Responsibilities included: Part of senior management team at ENSR/AECOM that oversaw all of the company's consulting services related to pipelines and LNG facilities. This included ensuring that staff resources were available across the country and around the world to support key clients on all pipeline and LNG projects. Jon was also account manager for TransCanada, El Paso, and ConocoPhillips while overseeing the company's mid-stream services line.

• **PDVSA, eastern Venezuela.**  
**Employment: 1996**

Working with Willbros Engineers, Jon served as the project manager for a routing and feasibility study for the Caripito-Guiria oil pipeline project in the Orinoco River basin. This project involved siting a new oil pipeline from interior E & P locations, across virgin tropical wetland forests, to the coast for PDVSA to build a new oil refinery and shipping facilities to export this new source of crude. Working with local environmental and engineering firms, Jon oversaw the route development, aerial reconnaissance, and report preparation. He participated with Willbros in presenting the study's results to the PDVSA management.

• **Endesa, Chile.**  
**Employment: 1993**

For two separate projects on the Bio-Bio River, Jon served first as a task leader for an Environmental Impact Assessment (EIA) to the International Finance Corporation (IFC) for a hydro-electric dam, the first in a series of 5 to be built on this Clase VI river. This project was the first Category A EIA to be reviewed and approved by the IFC. On a subsequent project, Jon was the project manager for a downstream impact and flow study related to the EIA. Issues and concerns related to the operations of the dam resulted in this additional study where Jon had to coordinate and manage local University professors specializing in endemic fish species, hydrologists, modelers, and riverine ecologists coupled with E & E's ecological and modeling staff. He managed his work efforts from Santiago Chile and served as the principal negotiator between Endesa and the IFC on flow conditions for dam operations.

• **Ecology and Environment Inc. – Senior Environmental Scientist.**  
**Employment: 1987 – 1996**

Responsibilities included: Served as project manager and project director on energy related projects throughout the US and overseas. Specialties included marine impact assessments and NEPA document preparation for energy projects.

