To: Bohan, Suzanne[bohan.suzanne@epa.gov]
From: Environmental Law360
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Subject: Trump's Interior Pick Says Climate Change 'Undisputable'

ENVIRONMENTAL

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Wednesday, January 18, 2017

TOP NEWS

Trump's Interior Pick Says Climate Change 'Undisputable'

Rep. Ryan Zinke, R-Mont., Donald Trump's nominee for interior secretary, parted ways with earlier comments by the president-elect by saying during Senate confirmation hearings on Tuesday that he doesn't believe climate change is a hoax, but suggested that there is still a place for fossil fuel drilling on federal lands.

EPA Says It Can't Pay For Gold King Mine Spill Claims

The U.S. Environmental Protection Agency on Friday said that it can't pay for any tort claims against it for its role in triggering the 2015 Gold King Mine disaster, despite the agency's long-standing assertion that it would take full responsibility for handling the spill.

BLM Venting Rules Take Effect As Court Case Continues

Three Western states and industry groups lost a bid Monday to block a Bureau of Land Management rule aimed at limiting methane releases from drilling operations on federal and Native American lands from taking effect Tuesday while a Wyoming federal judge hears the merits of the case.

Judge Grants Stay In BLM Utah Land Row

A U.S. district judge on Tuesday agreed to stay proceedings in a long-standing legal challenge to land use and travel management plans on about 10 million acres in Utah administered by the Bureau of Land Management, after the parties told the court last week that they had reached a settlement agreement in the suit.

Dakota Access Urges Judge To Halt New Enviro Review

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Developers of the controversial Dakota Access pipeline on Monday urged a D.C. federal judge to block a more stringent federal environmental review until he rules on its claim that it has already received the necessary permission to complete construction under Lake Oahe in North Dakota.

POLICY & REGULATION

Acquisition Council Issues Proposed Sustainability Rule

The Federal Acquisition Regulatory Council issued a proposed rule Tuesday to implement a presidential sustainability directive, saying the proposal will improve federal agencies' environmental performance and reduce greenhouse gas emissions by changing their purchasing habits.

ENFORCEMENT

Texas City Agrees To Overhaul Sewer System To End EPA Suit

The city of Tyler, Texas, agreed on Tuesday to pay a $563,000 civil penalty and implement major upgrades to its sewer system to settle allegations brought in federal court by the state and the Environmental Protection Agency that it violated the Clean Water Act by allowing raw sewage to flow into two nearby creeks.

ComEd Can't Escape Pollution Suit Over Shuttered Plant

An Illinois federal judge Tuesday kept intact the bulk of a lawsuit alleging a defunct plant managed by Commonwealth Edison and Nicor Gas is leaking hazardous waste into the groundwater of a Chicago suburb, ruling that the town should be allowed to further dig into the contamination claims.

LITIGATION

Pipeline Co. Investors Sue Over $257M-Plus Calif. Spill

Plains All American Pipeline LP investors sued its general partner's top officers and directors in Delaware on Tuesday, seeking tens of millions of dollars in damages for repair and recovery costs and other losses associated with a $257 million and counting spill in California in May 2015.

9th Circ. Won't Halt Ariz. Highway Project Near Tribal Land

The Ninth Circuit has rejected a bid from the Gila River Indian Community to halt work on a Phoenix-area highway project as it appeals a district court ruling that federal and state agencies took no shortcuts on environmental reviews when giving the project the go-ahead, while also consolidating the appeal with a similar one.

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Enviros Urge Justices To Pass On Polar Bear Habitat Appeal

The Center for Biological Diversity is urging the U.S. Supreme Court not to upend a Ninth Circuit decision backing the U.S. Fish and Wildlife Service's critical habitat designation for the polar bear, saying the state of Alaska and other challengers have made too big of a deal out of the size of the habitat designation.

EPA Wants To Revise Haze Rules Over Texas' Objection

The U.S. Environmental Protection Agency and environmental groups have asked the Fifth Circuit to deny Texas' bid to throw out part of the federal government's regional haze plan, arguing that instead the EPA should be allowed to revise the plan on remand.

Fla. Counties Fight Dismissal Bid In Rail Bond Challenge

Two Florida counties on Monday shot back at bids to dismiss their suits challenging the U.S. Department of Transportation's approval of $1.75 billion in tax-exempt bonds for a Miami-to-Orlando passenger railroad, saying the suits aren't mooted just because the approval of those bonds was replaced by another approval.

Australian Solar Co., US Agent Can't Dodge $1.3M Award

The U.S. arm of a Chinese solar power equipment supplier got its $1.3 million arbitration award against an Australian solar installer and its U.S. purchasing agent confirmed in New York federal court Tuesday, with the judge saying mere "grumbles" about process don't rise to the level of bad faith or incompetence required to strike down an award.

PEOPLE

Environmental Group Of The Year: Hunton & Williams

Hunton & Williams LLP has proved itself as an environmental law powerhouse once again in 2016, representing power industry groups in legal battles over the Obama administration's greenhouse gas regulations and taking strides to expand its acclaimed practice, earning its place among Law360's Environmental Practice Groups of the Year.

Holland & Hart Adds Alaska Office To Boost Enviro Practice

Holland & Hart announced on Tuesday that it has launched an office in Anchorage, Alaska, and has snagged two partners, three other lawyers and a policy expert from Crowell & Moring LLP, in an effort to strengthen its environmental and natural resources practice.

EXPERT ANALYSIS

Tribal Treaty Rights And Public Interest: Showdown In ND

Following the Obama administration's refusal to issue a required permit for the Dakota Access pipeline, the matter is far from resolved. However, regardless of the ultimate

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outcome, the world is now better educated about Native American issues, and the government has shown a willingness to fulfill its legal obligations, says Lael Echo-Hawk of Hobbs Straus Dean & Walker LLP.

Evidence Substantiation Burden May Soon Shift To FTC

To date, questions about how the Trump administration will impact the Federal Trade Commission have focused primarily on antitrust issues, but clues to how the new administration will affect consumer protection issues might be found by examining the record of former Commissioner Joshua Wright, whom Trump has named to lead the FTC transition efforts, say attorneys at Skadden Arps Slate Meagher & Flom LLP.

Amended Rule 37(e): 1 Year Later

After a full year in effect, the amended Federal Rule of Civil Procedure 37(e) has been tested in a variety of district courts. A sampling of these decisions reveals that courts seem to be adhering closely to the amended rule and ordering adverse inference instructions only where there was intent to deprive another party of access to relevant information, say Carrie Amezcua and Samantha Southall of Buchanan Ingersoll & Rooney PC.

LEGAL INDUSTRY

How To De-Stress And Find Balance As A Busy Lawyer

Tackling stress as an attorney may feel like a losing proposition given the profession's high-pressure work and long hours, but experts say even the most tightly wound lawyers can reduce stress and find balance. Here are five ways.

Elite Firms Aren't Safe From Industry Upheaval, Report Says

The future of the legal sector is currently marked by uncertainty and volatility, with major changes on the horizon that will likely impact even elite law firms' compensation systems and cultures, according to a report out Tuesday by Major Lindsey & Africa.

Cadwalader Closing Houston Office

Cadwalader Wickersham & Taft LLP said on Tuesday that it will close its Houston office as part of the firm's decision to consolidate around its core client base of large corporations and the financial sector, including banks and hedge funds.

Cuomo Taps Cravath Partner For Seat On NY High Court

New York Gov. Andrew Cuomo on Monday selected Cravath Swaine & Moore LLP's longtime complex litigation partner Rowan D. Wilson to become an associate judge on the state's Court of Appeals, taking the place of recently retired Associate Judge Eugene F. Pigott.

Dewey Execs Blast DA's Bid To Limit Star Witness Questions

Two former Dewey & LeBoeuf LLP executives have shot back at a bid by the Manhattan district attorney's office to limit cross-examination of a cooperating witness in the upcoming

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retrial over alleged accounting fraud, saying they have a right to explore whether the witness is “shading his testimony to curry favor.”

KWM Appoints Administrators Amid Financial Woes

Cash-strapped global law firm King & Wood Mallesons LLP filed for administration with a U.K. court on Tuesday and selected an independent agency to handle its financial future, a representative for the firm confirmed.

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Bureau of Land Manage

Cheyen River Sioux Tribe

Delawar Court of Chance

Federal Acquisit Regulat

Council

Federal Bureau of Investig

Federal Highwa Adminis

Federal Trade Commis

Fish and Wildlife Service

Gila River Indian Commu

Illinois Environ Protecti Agency

National Aeronau and Space Adminis

National Park Service

Navajo Nation

Oglala Sioux Tribe

San Francisc Bay Area Rapid Transit

District
(BART)

Standing
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Sioux
Tribe

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U.S. Department of the Interior

Army Corps of Engineers

Fish and Wildlife Service

Standing Rock Sioux Tribe

U.S. Army

Alaska Department of Law

Arizona Department of Transportation

Bureau of Indian Affairs

Cheyenne River Sioux Tribe

Delaware Court of Chancery

Federal Acquisition Regulatory Council

Federal Bureau of Investigation

Federal Highway Administration

Federal Trade Commission

Gila River Indian Community

Illinois Environmental Protection Agency

National Aeronautics and Space Administration

National Park Service

Navajo Nation

Oglala Sioux Tribe

San Francisco Bay Area Rapid Transit District (BART)

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