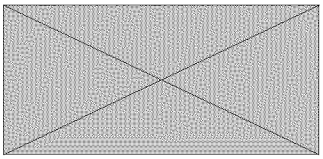
To: Mylott, Richard[Mylott.Richard@epa.gov]
From: Environmental Law360
Sent: Tue 2/28/2017 8:46:20 AM
Subject: FERC Gives Initial Enviro OK To $2.7B Pipeline Expansions [WARNING: DKIM validation failed]



ENVIRONMENTAL

Tuesday, February 28, 2017

TOP NEWS

FERC Gives Initial Enviro OK To $2.7B Pipeline Expansions

Federal Energy Regulatory Commission staff on Monday gave a preliminary environmental thumbs-up to a $2.7 billion pair of natural gas pipeline expansion projects proposed by two TransCanada Corp. units, saying most of the adverse environmental impacts of the projects could be reduced to acceptable levels.

Calif. High Court Says Endangered Fish Could Be Delisted

The California Supreme Court ruled Monday that if a lumber company adequately pled the coho salmon was erroneously placed on the state's endangered species list, the fish could lose its designation, reversing a lower court's ruling that challenges can only argue protected animals and plants have made a comeback.

Senate Advances Interior Pick Zinke Toward Final Vote

The Senate has worked its way closer to a final vote on President Donald Trump's pick for the Department of the Interior, after Rep. Ryan Zinke's nomination passed a key hurdle Monday.

Power Cos. Slam EPA Mercury Rule Cost Analysis In DC Circ.

A coalition of state and power industry players on Friday told the D.C. Circuit the U.S. Environmental Protection Agency has failed to properly analyze the costs associated with a regulation aimed at reducing mercury and other toxic emissions from coal-fired electricity plants.

Builders Urge DC Circ. Not To Expand OSHA Silica Rule

Expanding the Occupational Safety and Hazard Administration's revamped silica exposure rule to require that workers be removed from the job — with pay — under certain circumstances is unnecessary to protect employees and economically infeasible for employers, four business trade groups told the D.C. Circuit on Friday.

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POLICY & REGULATION

EPA Extends Comment Period For Hardrock Mining Rule

The U.S. Environmental Protection Agency on Friday granted Republican congressmen's request to extend the public comment period for a new rule that would require hardrock mining facility operators and owners to prove they can pay for cleanup and reclamation efforts associated with their businesses.

Cities, Enviros Urge FERC To Pull Pipeline Project OK

Several New England municipalities and environmental groups on Friday urged the Federal Energy Regulatory Commission to yank its recent approval of the Atlantic Bridge pipeline project, saying the agency's lack of a quorum will deny them the ability to argue that the project's approval was flawed before construction starts.

BOEM To Offer 1.09M Acres In Alaska Offshore Drilling Sale

The Bureau of Ocean Energy Management on Friday unveiled its plan to offer 1.09 million acres in Cook Inlet off Alaska's south central coast for offshore gas and oil development in a proposed lease sale this coming June.

Pa. DEP Chief Defends Agency's Permitting Of Gas Projects

The acting secretary of Pennsylvania's Department of Environmental Protection told state legislators Monday his agency was equipped to process permits for pipelines and other major shale gas projects promptly amid concerns that the department was understaffed and underfunded.

Retroactive Fix Can't Save $26.4M Easement Deduction: IRS

The IRS asked an Arizona federal judge Friday to dismiss a developer's suit seeking a $26.4 million deduction for an environmental conservation easement, saying the agency isn't obligated to grant a retroactive deduction to an originally flawed transfer.

ENFORCEMENT

Gas Producer WPX Fined $1.2M For Pa. Spill

WPX Energy Appalachia has been fined $1.2 million after wastewater from a western Pennsylvania shale gas well leaked and contaminated residents' water supplies, the state's Department of Environmental Protection announced Monday.

LITIGATION

DC Circ. Won't Revisit EPA Argentine Biofuel Import Row

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The D.C. Circuit on Friday refused to reconsider its ruling that upheld a U.S. Environmental Protection Agency decision approving Argentine biofuel imports, a decision a U.S. biofuel industry group claimed wrongly allows the EPA to disguise a rulemaking as a simple administrative order.

DTE Energy Urges 6th Circ. To End Emissions Case Confusion

DTE Energy Co. asked the Sixth Circuit on Friday to revisit a panel decision that revived lawsuits from the U.S. Environmental Protection Agency and Sierra Club that claim DTE increased air pollution by illegally modifying Michigan's largest coal-fired power plant, arguing that the split ruling was too confusing to leave on the books.

Sioux Tribes Press Religious Claims Against Dakota Access

The Cheyenne River Sioux Tribe pressed a D.C. federal judge Friday to block construction of the Dakota Access pipeline because the project allegedly interferes with the tribe's exercise of religion, saying it preserved that claim by repeatedly raising its religious concerns with the U.S. Army Corps of Engineers.

Vermonters Say Saint-Gobain Must Face Contamination Suit

Vermont residents asked a federal court on Friday to deny Saint-Gobain Performance Plastics Corp.'s bid to throw out their putative class action alleging the company contaminated their private drinking water wells with a hazardous chemical, saying state law supported their property right claims.

Homeowners Fight For Remand In Johnson Controls Case

Indiana residents suing Johnson Controls Inc. over alleged groundwater pollution fought back Friday against the company's bid to keep the proposed class action in federal court, saying they've got the evidence to prove their case belongs in state court.

Power Groups Want To Move Issues To Clean Power Plan Suit

Power industry groups want the D.C. Circuit to consolidate a request for the court to review the U.S. Environmental Protection Agency's denial of administrative petitions to reconsider or delay the Clean Power Plan, which aims to regulate carbon dioxide emissions from existing power plants, with the main suit challenging the rule's overall legality.

Ex-Execs Hit SunEdison Yieldcos With Whistleblower Suits

A pair of former SunEdison Inc. vice presidents and executives at TerraForm Power Inc. and TerraForm Global Inc. have filed whistleblower complaints in Maryland federal court, accusing the TerraForm entities and various SunEdison officers and directors of conspiring to cover up financial mismanagement that led to SunEdison's bankruptcy.

Canada Can Advance Appeal Over Nova Scotia Quarry Row

The Federal Court of Canada has refused to pause the country's challenge to a Delaware mining company's arbitral win finding the Canadian government liable under the North American Free Trade Agreement for improperly rejecting a Nova Scotia quarry project on

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PEOPLE

Law360 Environmental Editorial Advisory Board

Law360 is pleased to announce the formation of its 2017 Environmental editorial advisory board.

EXPERT ANALYSIS

Opinion

Indian Country And Climate Change After DAPL

Considering the Trump administration's support for the Dakota Access and Keystone XL pipelines, Native Americans are at the vanguard of challenging government and business acts that worsen climate change. One wonders if it is only a matter of time before Native Americans and their resources are in the administration's crosshairs, says Matthew Fletcher of Michigan State University College of Law.

FERC's Pipeline Review Process Is Working As Intended

Outgoing Commissioner Norman Bay surprised the natural gas industry on his last day at the Federal Energy Regulatory Commission earlier this month, advocating a more cautious approach to pipeline approvals in light of environmental controversies. But FERC is fulfilling all its pipeline review responsibilities under the law, and has no authority to make the changes Bay suggests, says James Coston of Dentons US LLP.

LEGAL INDUSTRY

Gorsuch? Garland? Why Not Confirm Both, Dem Suggests

Democratic Sen. Tom Udall hatched an elaborate political scheme Monday to place Merrick Garland on the Supreme Court alongside current nominee Neil Gorsuch, signs that liberals won't soon forget the GOP's record blockade of the D.C. Circuit chief judge in the last year of the Obama presidency.

Legal Tech Download: Irish Innovation Center And Cloud M&A

The world of legal technology is quickly evolving, with new products aimed at aiding lawyers coming to market in rapid succession. Here, Law360 takes a look at seven major recent developments in legal tech.

Looming Chinese Data Law A Blind Spot For Legal Tech Pros

China's new cybersecurity law is set to take effect June 1, but according to a survey, 75 percent of legal tech professionals aren't familiar with it, and few are concerned about it.

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Dewey Cooperator's Sweetened Deal Prompts Subpoena Fight

Attorneys for two former top executives of Dewey & LeBoeuf LLP and prosecutors for the Manhattan district attorney's office traded barbs over the weekend about a defense subpoena for information regarding a sweetened deal for the key cooperator in the ongoing criminal saga.

Law360 Legal Industry Editorial Advisory Board

Law360 is pleased to announce the formation of its 2017 Legal Industry editorial advisory board.

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TransCa Corpora

WPX Energy Inc.

Westar Energy, Inc.

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Bureau of Indian Affairs

Bureau of Land Manage

Bureau of

Ocean Energy Manage

Cheyenr River Sioux Tribe

Federal Energy Regulat Commis

Internal Revenue Service

NAFTA

National Marine Fisherie Service

National Park Service

New York Attorney General' Office

North Dakota Public Service Commis

Occupat Safety and Health Administ

Oglala Sioux Tribe

Perman Court of

Arbitratic

Standing Rock Sioux Tribe

U.S. Army

U.S. Departm of Health and Human Services

U.S. Departm of Justice

U.S. Departm of the Interior

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GOVERNMENT AGENCIES
U.S. Environmental Protection Agency

U.S. Department of Justice

Federal Energy Regulatory Commission

U.S. Supreme Court

Cheyenne River Sioux Tribe

Standing Rock Sioux Tribe

U.S. Army

U.S. Department of the Interior

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Bureau of Ocean Energy Management

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NAFTA

National Marine Fisheries Service

National Park Service

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Vermont Department of Environmental Conservation

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