Message

From: Environmental Law360 [news-q@law360.com]
Sent: 11/3/2016 8:20:33 AM
To: Smidinger, Betsy [Smidinger.Betsy@epa.gov]
Subject: 9th Circ. Nixes Sierra Club Suit Against Tahoe Development

ENVIRONMENTAL

LAW360

Law360's Election 2016 Hub

Check out our complete coverage of the runup and fallout of the 2016 election

Thursday, November 3, 2016

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TOP NEWS

9th Circ. Nixes Sierra Club Suit Against Tahoe Development

The Sierra Club lost its bid to prevent future development on more than 300 acres of land near Lake Tahoe at the Ninth Circuit on Wednesday when a panel found that the Tahoe Regional Planning Agency's environmental impact statement complied with relevant law.

No Lynx Review, No Logging, 9th Circ. Tells Forest Service

The Ninth Circuit on Tuesday affirmed a Montana federal judge's order blocking two logging projects in the Gallatin National Forest until the U.S. Forest Service redoes consultation for the threatened Canada lynx under the Endangered Species Act.

Covington Admonished, Beats DQ Bid In Worker Coal Ash Suit

Covington & Burling LLP escaped a disqualification bid Tuesday in litigation over Jacobs Engineering Group's alleged failure to protect workers from coal ash exposure, but was admonished by a Tennessee federal judge over its dual representation of the company and non-party witnesses.

Clean Water Rule Not Strong Enough, Enviros Tell 6th Circ.

Waterkeeper Alliance, the Sierra Club and other environmental groups urged the Sixth Circuit on Tuesday to make the U.S. Environmental Protection Agency and U.S. Army Corps Engineers fortify the Clean Water Rule, a controversial regulation also under attack from states, municipalities and industry groups.

Sioux, Sanders Praise Obama Comments On Pipeline Rethink

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Ice Miller
Kazmarek Mowrey
Mayer Brown
Parker Waichman
Reminger Co.
Remy Moose
Richards Layton
Seyfarth Shaw

Sen. Bernie Sanders, I-Vt., and the tribe leading protests against the Dakota Access pipeline lauded President Barack Obama on Wednesday for his comments the previous day indicating that the U.S. Army Corps of Engineers will weigh how the pipeline's path might be shifted in response to tribal concerns over the coming weeks.

POLICY & REGULATION

New Miami Nuke Reactors Clear NRC Enviro Review

Nuclear Regulatory Commission staff have determined that no environmental impacts stand in the way of issuing licenses to Florida Power & Light Co. to build and operate two new reactors at the existing Turkey Point nuclear power plant south of Miami, the agency said Wednesday.

EPA Reaffirms Decision On Dow Weed Killer Use

The U.S. Environmental Protection Agency announced on Tuesday it reapproved the use of a Dow AgroSciences LLC weed killer after reviewing the effects of combining two of the ingredients in the herbicide's formula.

FERC Won't Revisit Approval Of Pipeline Under Rio Grande

The Federal Energy Regulatory Commission on Tuesday stuck by its approval of the construction of a stretch of Energy Transfer Partners' proposed 148-mile Trans-Pecos gas pipeline that crosses the border between Texas and Mexico, saying the rest of the pipeline isn't subject to its jurisdiction.

Auto Cos. Upping Efficiency And Boosting Sales, EPA Says

The U.S. Environmental Protection Agency said Wednesday that model year 2015 passenger vehicles hit record fuel economy and exceeded standards for greenhouse gas emissions for the year, despite the agency getting ever stricter on both fronts.

ENFORCEMENT

NJ Agency Defeats Contract Claims Over Enviro Settlements

Cumberland Farms Inc. on Wednesday lost its bid to compel the New Jersey Department of Environmental Protection to finalize a settlement addressing contamination from its gas stations, with an appeals court ruling the convenience retailer couldn't prove the existence of enforceable agreements.

LITIGATION

Enviros Urge 9th Circ. To Protect Seals From Climate Change

The Center for Biological Diversity on Tuesday urged the Ninth Circuit to override an Alaska federal judge and reinstate the Arctic ringed seal as "threatened" under the Endangered Species Act, saying the appeals court need look no further than its recent ruling on the Pacific bearded seal for the reasons to do so.

Glencore Asks Del. High Court To Revisit $21M Cleanup Tab

An attorney for global resource company Glencore Ltd. told Delaware's Supreme Court Wednesday that a lower court ignored key indemnification triggers when it tossed a suit seeking a $21 million payment to a third party for cleanup at a Virgin Islands plant once owned by a Glencore affiliate.

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International Business Machines Corporation
Jacobs Engineering Group Inc.
Lubrizol Corporation
McKesson Corporation
Monsanto Company
NANA Regional Corporation
National Association of Home Builders
National Association of Realtors
National Cattlemen's Beef Association
National Corn Growers Association
National Mining Association

Insurer Blasts Lubrizol's 6th Circ. Appeal In Superfund Suit

Arrowood Indemnity urged the Sixth Circuit on Tuesday to uphold several determinations in a dispute with chemical company Lubrizol over the insurer's coverage denial for cleanup of a Texas Superfund site, contending a lower court didn't err in concluding that a settlement agreement foreclosed the claim, nor in making related rulings.

TRO Sought to Stop Construction of Illinois Parkway

An Illinois environment consultant asked a federal judge on Tuesday for a temporary restraining order and preliminary injunction to stop construction of a 5.6-mile road in suburban Kane County, which he says will have a devastating impact on the environment.

Ecuadoreans' Battery Claims Tossed In DynCorp Spray Suit

A Washington, D.C., federal court has further pared down claims from Ecuadorean nationals who say DynCorp battered them with herbicide during a drug eradication program, granting in part the company's motion for summary judgment.

Fla. High Court Asked To Reconsider Solar Ballot Measure

Opponents of a utility-backed solar power ballot measure took their fight back to the Florida Supreme Court Wednesday, asking the justices to void votes on the proposed state constitutional amendment in light of a leaked tape confirming that the initiative uses pro-solar language that is actually intended to thwart consumer-owned solar power devices.

Q&A

Rainmaker Q&A: Fox Rothschild's David Potter

Make sure the client feels that they are walking away with something extra, something special, that only you can offer to them. That's what is ultimately going to close deals for you, says David Potter, partner at Fox Rothschild LLP.

EXPERT ANALYSIS

Trying The Environmental Coverage Case In 2017

Insurance trial lawyers can easily grow complacent when arguing over ancient asbestos and pollution liabilities, but facing each new case with energy and vigor is critical. Jim Murray and Omid Safa of Blank Rome LLP offer tips on staple themes to pay attention to in environmental coverage disputes.

4 Ways To Get Associates Trial-Ready

For young trial associates who want to evolve into young trial lawyers, getting the necessary experience is increasingly challenging. The only surefire way associates can become first chair advocates is through effective mentoring, and the best way to achieve effective mentoring is to incorporate it in your approach to cases, say Stephen Crain and Drew Taggart of Bracewell LLP.

Adapt Or Die: Law Firms In Tomorrow's Economy

Compensation isn't what it used to be — and never will be again, says Jill Dessalines, founder of Strategic Advice for Successful Lawyers and former assistant general counsel of McKesson Corp.

National Stone, Sand and Gravel Association

National Wildlife Federation

Natural Resources Defense Council

NextEra Energy Inc.

Pacific Legal Foundation

Sierra Club

Southern Environmental Law Center

GOVERNMENT AGENCIES

Army Corps of Engineers

Department of Commerce

Federal Energy Regulatory Commission

Federal Highway Administration

Illinois Department of Natural Resources

Illinois Department of Transportation

Inupiat Community of the Arctic Slope

National Marine Fisheries Service

National Park Service

New Jersey Department of Environmental Protection

Nuclear Regulatory Commission

Standing Rock Sioux Tribe

Tennessee Valley Authority

U.S. Army

U.S. Attorney's Office

U.S. Department of Justice

U.S. Department of State

U.S. Department of Transportation

U.S. Department of the Interior

U.S. Environmental Protection Agency

U.S. Forest Service

U.S. Supreme Court

LEGAL INDUSTRY

Artificial Intelligence Has BigLaw Rethinking Associate Hiring

There may be a new breed of associate that inhabits the law firm of the future. Here, legal technology experts offer their take on how artificial intelligence will transform law firms and lawyers' jobs.

High Court Will Benefit From More Thomas Talk, Scholars Say

U.S. Supreme Court Justice Clarence Thomas is notoriously quiet during oral arguments, with a decadelong absence of questions being broken just this year during a case relating to gun rights, but two legal scholars in Utah say they hope he will continue to speak up.

Rainmaker Q&A: Sullivan & Worcester's John Balboni

When I meet a new contact, I make it very clear that such person has the benefit of my entire network at their disposal. Making your network available for the benefit of others will always return a tenfold benefit to you, says John Balboni, head of the real estate group at Sullivan & Worcester.

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