Message

From: Environmental Law360 [news-q@law360.com]
Sent: 2/24/2017 8:31:57 AM
To: Bohan, Suzanne [bohan.suzanne@epa.gov]
Subject: GOP Faces Pitched Battle As It Looks To Revise ESA [WARNING: DKIM validation failed]

LAW360 ENVIRONMENTAL
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Friday, February 24, 2017

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TOP NEWS

Analysis
GOP Faces Pitched Battle As It Looks To Revise ESA
Having seized control of the presidency and both houses of Congress, Republicans are seeking to amend the Endangered Species Act after years of complaints that it stymies development and limits land use. But lawmakers should take note of previous failed attempts to alter the law, as supporters will fiercely fight any changes they see as weakening it, experts say.

VW Exec Pleads Not Guilty To Emissions Scandal Charges
A Volkswagen executive — arrested in Miami last month in connection with the automaker's emissions scandal — on Thursday pled not guilty to charges of conspiracy to defraud the United States, alleged violations of the Clean Air Act and wire fraud in Michigan federal court, according to court officials.

ND, Energy Cos. Ask 8th Circ. To OK $1.3M Fee In Minn. Row
North Dakota and a coalition of energy companies told the Eighth Circuit on Wednesday that they should receive $1.3 million in attorneys' fees and costs awarded by a lower court for prevailing in the appeal of a decision invalidating Minnesota's restrictions on out-of-state coal-fired power plants, arguing the figure was justified and mentioning that the other side was sanctioned.

Enviro, Fishing Groups Sue EPA, Pruitt Over River Temps
Environmental and fishing groups accused the U.S. Environmental Protection Agency Thursday of flouting its obligations to create a plan to keep the Columbia and Snake Rivers in Oregon and Washington cool enough for salmon and steelhead, in what they said is the first lawsuit against the newly confirmed head of the agency, Scott Pruitt.

Analysis
Fracking Quakes Could Shake Regulatory Ground In Pa.
The first-of-its-kind link that Pennsylvania environmental regulators recently drew between hydraulic fracturing and a string of minor seismic events detected nearly a year ago could be the first step toward increased monitoring requirements and permitting conditions for drillers.

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Manko Gold
McGuireWoods
Morrison & Foerster

POLICY & REGULATION

Texas Rep Lobbies Pruitt To Permit Mine Near Salmon Fishery

The chairman of the House science committee urged the Environmental Protection Agency on Wednesday to rescind an Obama-era decision that denied permits for the proposed Pebble Mine in Alaska until after the agency assessed the project's environmental impacts on sockeye salmon populations.

Pa. Enviros Denied In 2nd Attempt To Pause Sunoco Pipeline

Three Pennsylvania environmental groups were again foiled in their bid to stop construction on Sunoco Logistics' Mariner East 2 pipeline after the state's Environmental Hearing Board on Thursday declined to reconsider a decision that allowed work on the 350-mile project to begin.

ENFORCEMENT

Wood Group To Pay $9.5M In False Reporting, Explosion Plea

Wood Group PSN Inc. will pay $9.5 million over allegations of falsely reporting safety inspections and violating the Clean Water Act in connection with the November 2012 explosion at the West Delta 32 offshore facility in the Gulf of Mexico, federal prosecutors said Thursday.

LITIGATION

Sierra Club To Sue EPA For Renewable Fuel Report Absence

The Sierra Club issued a notice of intent to sue the U.S. Environmental Protection Agency on Thursday, saying it had ignored its obligations to analyze the Renewable Fuel Standard by failing to publish an evaluation on air quality or communicate with Congress.

Judge Tosses Suit Over Bull Trout Habitat

An Oregon federal judge on Wednesday tossed a suit from an environmental group alleging that 23 dams maintained by U.S. Army Corps of Engineers and other federal government entities may affect the habitat of the bull trout, finding that the case was moot.

Oglala Sioux Seek DC Circ. Review Of Uranium Mine Approval

The Oglala Sioux Tribe has asked the D.C. Circuit to review the environmental assessment and license given to the operators of the Dewey-Burdock In-Situ Uranium Mine in South Dakota, saying that the approval process did not follow the National Environmental Policy Act or a number of other federal laws.

BLM Out Of Enviro Suit Over Idaho Wolf 'Derby'

An Idaho federal court Wednesday cut the Bureau of Land Management from environmental groups' suit over a "predator hunt derby" for wolves, coyotes and other animals in-state, following a settlement where the agency will tell the groups if it receives an application for such a contest.

Enviros Sue EPA Over Wash. State Water Quality Standards

The U.S Environmental Protection Agency never responded to a petition urging the agency to take action to improve Washington state's quality

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Nokia Corporation
Novartis AG
Promega Corp.
Royal Dutch Shell PLC
Sierra Club
Sprint Nextel Corporation
Sunoco
Universal Health Services Inc.
Volkswagen

standards for the levels of toxins in its bodies of water, an environmental advocacy group has alleged in a suit.

Navistar Can't Get 3rd-Party Docs In EPA Clean Air Row

An Illinois federal judge ruled Wednesday that Navistar Inc. could not get confidential business information from third-party heavy-duty diesel engine manufacturers in its defense against EPA claims that it put diesel engines on the market that were not compliant with the Clean Air Act.

EXPERT ANALYSIS

The Uncertain Future Of PURPA, A Key To Renewable Energy

The Public Utility Regulatory Policies Act was enacted in 1978 to encourage development of alternative energy resources. But PURPA's opponents want to see it amended or repealed. With the law's supporters staying relatively quiet, calls for reform may gain traction with the new Congress and the Trump administration, say attorneys from Crowell & Moring LLP.

The Mistakes Lawyers Make When Copying And Pasting

We all recognize that cutting or copying text from earlier works and pasting it into new documents saves attorneys time. However, with this increase in speed comes an increased risk of making, or not catching, errors, says Robert Lang of D'Amato & Lynch LLP.

LEGAL INDUSTRY

Analysis

5 Rules For RFPs From The People Who Read Them

With the use of RFPs by legal departments at an all-time high, it's crucial that law firms learn how to stand out from the pack and avoid ruffling the feathers of the procurement and legal operations professionals who review the submissions. Here's how they say law firms can make the most of an RFP.

Holland & Knight Protests DQ Bid To Judge's 'Dismay'

A New York federal judge scolded Holland & Knight LLP for a letter it submitted in a case pitting First NBC Bank against ethanol distributor Murex LLC, saying the unsolicited filing contesting a bid to disqualify the firm did not reflect well on it and that its attorneys had "abused the court's courtesy."

Ginsburg Bemoans Loss Of Core Values At Book Launch

America is not going through the best of times, according to Associate Justice Ruth Bader Ginsburg, who said Thursday that the country has started to drift away from some of its core ideals.

High Court Confirmation 'Not The Way It Should Be': Ginsburg

The current U.S. Supreme Court confirmation process has grown too partisan, Justice Ruth Bader Ginsburg said Thursday, as the Senate is gearing up for a fight over President Donald Trump's pick for the high court, Tenth Circuit Judge Neil Gorsuch.

BigLaw Partners Uneasy About Trump Judiciary Comments

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Nuclear Regulatory Commission
Oglala Sioux Tribe
Oklahoma Corporation Commission
U.S. Army
U.S. Attorney's Office
U.S. Department of Defense
U.S. Department of Justice
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. Forest Service
U.S. Supreme Court

Members of the legal community including partners at several BigLaw firms on Thursday expressed concern over statements made by President Donald Trump toward federal judges and courts in the aftermath of an order temporarily blocking his immigration ban from seven Muslim-majority countries, saying the remarks could have "grave consequences."

Law360's Weekly Verdict: Legal Lions & Lambs

Sidley Austin rose to the top of this week's legal lions list with a win at the U.S. Supreme Court that limits the law's reach on overseas patent infringement, while K&L Gates met with a less favorable fate when the justices revived a False Claims Act case against its client, Wells Fargo.

Del. Judicial Political Balance Mandate Unfair, Atty Says

A Delaware attorney is challenging a portion of the state's constitution requiring a balance of representation from "major" political parties in state judicial positions, saying in a lawsuit filed in Delaware federal court that the process is unconstitutional and unfairly excludes members of nonmajority parties and independents.

Ill. Law Firm Ex-Clients Can't Arbitrate Privacy Row As Class

A pair of former clients of Illinois law firm Johnson & Bell Ltd. can't arbitrate their claim the firm put their confidential data at risk on behalf of a putative class of Johnson & Bell clients, an Illinois federal judge said Wednesday.

Trial Consultants Q&A: DOAR's Roy Futterman

You can see an attorney have a sudden realization that we move from trial to trial, that we work on many cases in a year and spend weeks in courtrooms. When attorneys realize all of this, they often move us from the kiddie table to the big boy table. Then we pick up a turkey leg and get to work, says Roy Futterman, director at DOAR Inc.

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