

From: POLITICO Pro Energy
To: megan_bloomgren@ios.doi.gov
Subject: Morning Energy, presented by ExxonMobil: Offshore drilling executive order arrives today — Advisers want a better deal on Paris — Gearing up for this weekend's Peoples Climate March
Date: Friday, April 28, 2017 4:52:01 AM

By Anthony Adragna | 04/28/2017 05:45 AM EDT

With help from Esther Whieldon and Bernie Becker

DRILL BABY DRILL? President Donald Trump today signs yet another executive order to reverse Obama administration policy, this time by calling for opening up Arctic waters for offshore oil and gas drilling, Pro's Ben LeFebvre [reports](#). The document will also ask Interior Secretary Ryan Zinke to review the five-year offshore leasing plan issued by the Obama administration by reexamining federal waters in parts of the Gulf of Mexico and Atlantic Ocean as well as Alaska's Chukchi Sea, Beaufort Sea and Cook Inlet areas. The eastern portion of the Gulf of Mexico, which Floridians have long protected as vital to the state's huge tourist industry, will not be included. And while Pacific waters were not formally excluded from review, Zinke noted Californians had curbed offshore drilling along its coast. Says a source at one major oil company of the Golden State's coast: "I wouldn't say it's sacred ground. It's more like exhaustive ground."

Expect a protracted fight: The order is going to trigger a flurry of lawsuits from the environmental community and the biggest fight might be over any effort to undo Obama's use of a little-known provision in the Outer Continental Shelf Lands Act of 1953 that permanently placed much of the [Chukchi and Beaufort seas](#) north of Alaska and several portions of the [Atlantic coast](#) off limits, Ben [reports](#). But it's not just environmentalists: Resort owners, restaurateurs, fisheries and anyone with an economic interest on keeping the coast clear of oil rigs will likely to oppose those rollbacks as well. "He'll see a big backlash from the business community," Oceana Senior Vice President for U.S. Oceans Jackie Savitz.

NO DECISION ON PARIS: Trump's advisers remained undecided on what to do after a Thursday afternoon meeting on the Paris agreement but there's increasing consensus the U.S. can't stay in the deal unless it negotiates new terms, POLITICO's Andrew Restuccia and Josh Dawsey [report](#), citing two administration officials. "We're trying to decide whether we are going to stay and make changes or leave. But we're not going to just stay," one official said. Those Trump aides are expected to meet again to discuss the issue. ME notes it would be difficult, if not impossible, to renegotiate the Paris deal that won the backing of nearly 200 nations in 2015.

Pruitt open to keeping seat: EPA Administrator Scott Pruitt appeared to voice a willingness to sticking with the broader UN Framework Convention on Climate Change during a [Fox News](#) appearance after the meeting but said the discussion should be "reset" to emphasize Trump's "America first" attitude. "That seat can continue," Pruitt said. "That's something we should do, in fact the Secretary of State [Rex Tillerson] and I have talked about that." He said talks about what to do with regards to Paris continue within the White House.

Some coal state lawmakers open to remaining: Sen. [Shelley Moore Capito](#) told ME she wished the U.S. was not a part of the Paris agreement but thought she thought it could influence it by sticking it out. "We might be able to make a greater impact if we stay in and change the agenda a bit to something that makes a bit more sense," she said.

TGIF EVERYBODY! I'm your host Anthony Adragna, and the Pew Charitable Trust's Kymberly Escobar was first to identify former Rep. Bob Mathias as the 1948 gold medalist turned congressman. For today: What former Pittsburgh Steelers great later ran for the governorship of Pennsylvania as a Republican? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](#), [@Morning_Energy](#), and [@POLITICOPro](#).

New! Day Ahead: POLITICO Pro's comprehensive rundown of the day's congressional schedule, including details on legislation, votes, as well as committee hearings and markups. Day Ahead arrives in your inbox each morning to prepare you for another busy day in Washington. [Sign up to receive Day Ahead](#).

READY, SET, PUNT: House and Senate lawmakers are [expected today to pass a one-week CR](#), staving off a government shutdown and buying congressional leadership more time to iron out remaining differences on how to fund the government.

Coal miner benefit fight: There are conflicting signals being sent about whether leaders have reached an agreement on a health care benefits fix for retired miners who worked for bankrupt coal companies. Capito credited Majority Leader [Mitch McConnell](#) for pushing a "really good" solution and said it was ready to go in the longer-term spending package: "We will have a permanent fix and I'm just thrilled about it," she told ME. But a last-minute wrinkle has emerged in the form of Consol Energy, which wants its retirees included in the fix, even though the company is still solvent and its retirees already have health coverage, Pro's Budget & Appropriations Brief [reports](#). Speaker [Paul Ryan](#), who's been mostly silent on the issue, said Thursday he thinks the health benefits " [should be extended](#)."

IF AT FIRST YOU DON'T SUCCEED ... : Remember those temporary green energy tax incentives that a bipartisan group of lawmakers have been trying to extend for months now? The ones that supporters say were inadvertently left out of a big 2015 fiscal package? Well, now supporters are shooting to get those tax breaks into an omnibus spending bill that lawmakers are negotiating. The green energy incentives apply to technologies like fuel cells, small wind projects and geothermal heat pumps. And backers believe they've found a good marriage partner in a nuclear production tax credit that has big support among Republican lawmakers in South Carolina and Georgia and effectively lifts the 2020 in-service date requirement for nuclear projects in those states.

"We're pulling out all the stops to get this done," Sen. [Ron Wyden](#) of Oregon, the top Democrat on the Finance Committee, told reporters on Thursday. "It is urgently needed and we're pushing very hard on both the House side and the Senate side." Wyden said he's been in regular contact with Sen. [Chuck Schumer](#) about the issue. But while all sorts of people on the Hill say the nuclear and green energy credits are in the mix, Rep. [Tom Reed](#), who has a bill seeking to extend the green energy credits, said he wasn't confident that the tax breaks would make it into the spending bill. "The omni is going to be difficult. Just being realistic, because once you open this up to other issues, you run the risk of opening up to thousands of issues," said Reed, adding that he is "very interested in keeping the government up and open." But Reed said he thinks the current effort will lay the groundwork for the tax breaks to make it into a future fiscal package.

READY TO HIT THE STREETS! After a week of events leading up to it, tens of thousands of people are expected to hit the streets of Washington Saturday for the [Peoples Climate](#)

[March](#) to demonstrate resistance to Trump's environmental policies. Participants plan to gather at the Capitol Building at 11 a.m. on Trump's 100th day in office and ultimately encircle the White House around 2 p.m. in what organizers are calling a "powerful collective action to honor the lives at stake and make a loud sound demanding climate justice." That'll be followed by a rally and concert in front of the Washington Monument.

Organizers are hoping to establish a broader progressive coalition in support of the clean energy economy, including everyone from the NAACP to major labor unions like SEIU to the Sierra Club, rather than relying solely on environmentalists. They expect people to arrive by bus from as far away as North Dakota and Louisiana. Expected attendees: Sens. [Jeff Merkley](#), [Sheldon Whitehouse](#) and [Ed Markey](#), Massachusetts Attorney General Maura Healey, actress Rachel Bloom, billionaire environmentalist Tom Steyer, Bill McKibben and Richard Branson, among others. As with last week's events, please send ME your favorite signs, quotes and other pictures!

**** Presented by ExxonMobil:** Natural gas is fueling a resurgence in American manufacturing. We're playing our part. Our new projects along the Gulf Coast are expected to create more than 45,000 jobs right here at home. These are jobs natural gas is helping make happen, all while reducing America's emissions. Learn more at: [ExxonMobil.com](#) **

MATS ARGUMENTS CANCELLED: The D.C. Circuit [granted](#) a [request](#) from EPA Thursday and cancelled oral arguments slated for May 18 over the agency's justification for the Mercury and Air Toxics Standard, Pro's Eric Wolff [reports](#). The federal appeals court was to consider challenges to EPA's 2016 supplemental MATS finding that it was "appropriate and necessary" to regulate mercury emissions from power plants.

SEEN ON THE HILL: Pruitt met with House Republicans Thursday as part of the House Republican Conference's "Meet the Cabinet" series. Tweets about the meeting came from [Steve King](#), [Morgan Griffith](#), [Evan Jenkins](#), [Brian Babin](#) and [Doug Lamborn](#), among others. The Republican Conference did not respond to multiple requests for comment about the meeting, but a source said approximately 40 lawmakers each got to ask questions to Pruitt.

ZINKE TALKS BEARS EARS: Zinke met with the entire Utah congressional delegation (OK, except the [injured](#) Rep. [Jason Chaffetz](#)) Thursday to discuss the review process surrounding Bears Ears National Monument. Sen. [Orrin Hatch](#), who hosted the meeting, told ME in a statement: "I'm grateful that the president listened and that he even took time after the signing ceremony to meet privately with me and the vice president to discuss next steps on Bears Ears. ... I hosted a meeting this morning with Secretary Zinke and members of the Utah congressional delegation to discuss how best to implement the review process so we can work quickly to help the people of San Juan County." Zinke also [met with](#) the Congressional Western Caucus.

More pushback: The National Audubon Society's David Yarnold [writes](#) in POLITICO Magazine that rescinding any national monuments would be "devastating attack on our national heritage" and destroy "more than a century of tradition of bipartisan conservation."

COOL RECEPTION TOWARD TRUMP'S VACANCY APPROACH: Count Senate Republicans as distinctly not on board with [Trump's plan](#) to keep vacancies in federal agencies unfilled indefinitely. "I would highly recommend that he fill the positions," Capito told ME. "It's not just helpful for us as policymakers but for constituent service around the country [and] implementing the agenda." Nearly half a dozen lawmakers told ME that while they supported

the idea of more efficient governance, leaving the spots open could hamstring the administration's ability to implement its agenda. "I think there's some pretty key ones that need to be appointed," [John Thune](#) said, adding he'd heard anecdotal complaints from Cabinet secretaries about the vacancies gathering cobwebs.

GROUP SUES OVER ENERGY STAR RECORDS: The Center for Biological Diversity filed FOIA requests seeking records from [OMB](#), [EPA](#) and the [Energy Department](#) about the Trump administration's plan to ax all funding for the popular Energy Star program. "We hope public records reveal the real motive behind Trump's bizarre proposal to gut the Energy Star program," Greer Ryan, sustainability research associate with the group, said in a statement.

CLIMATE ADVOCATE CHALLENGES LAMAR SMITH: It'll be a steep uphill climb to win a district that voted for Trump by ten percentage points, but climate justice advocate Derrick Crowe is challenging House Science Chairman [Lamar Smith](#) for his San Antonio-based seat. "I've felt increasing alarm at how the escalating warnings from climate scientists about how bad the indicators are for our planet have been met with escalating denialism from people like Trump and Lamar Smith," Crowe wrote on [Medium](#). "I can't watch anymore. I have to do something." He formally kicks off his campaign today.

THIS PROTEST MAKES ME HUNGRY: Farmers and property owners from eastern North Carolina in the path of the proposed Atlantic Coast Pipeline are hauling one half ton of local sweet potatoes to FERC this morning to highlight how they say the pipeline's construction would harm local agricultural interests. They'll be handing over free bags of sweet potatoes (and slices of sweet potato pie!) to FERC employees and other passersby from 8-10 a.m.

SPOTTED: At a private BBQ reception hosted by sportsman group Theodore Roosevelt Conservation Partnership at REI's flagship store in DC last night: Zinke and his wife Lola, Land Tawney of the Backcountry Hunters and Anglers, Alex Boian of the Outdoor Industry Association, George Cooper formerly of the TRCP and currently a public lands lobbyist at Forbes Tate Partners and Kathy Benedetto of Trump's landing team at the Bureau of Land Management. ME also heard Wyoming Governor Matt Mead attended.

MAIL CALL! INVESTIGATE MARCH FOR SCIENCE INCIDENT: The Sierra Club's D.C. chapter sent [a letter](#) to Mayor Muriel Bowser seeking an investigation into the alleged assault of Hip Hop Caucus president Rev. Lennox Yearwood at last week's March for Science. "We write to ask for an immediate investigation and review of police interactions with demonstrators, especially participants of color," Mark Rodeffer, the group's chairman, wrote.

TROLL SO HARD! Sen. [Chris Coons](#), not known normally for his snarky tweets, blasted one out in response to Trump's [tweet](#) dubiously warning parents preparing for "summer vacations" (too soon!) should blame Democrats for shutting down national parks. "As families prepare for summer vacations in our Natl Parks- Trump budget cuts \$1.5 BILLION from @Interior. Terrible!" the Delaware Democrat [said](#).

THANKS! The National Association of Manufacturers is launching a "six-figure" print and digital [ad campaign](#) thanking Trump for his efforts at reducing regulations during his first 100 days.

QUICK HITS

— Democrat Jon Tester, a top GOP target, to appear with Mitt Romney. [McClatchy DC](#).

- Mexico's Pemex approves new deep water Gulf joint venture. [Reuters](#).
- West Virginia's biggest utility just told the governor burning more coal is "not going to happen". [Quartz](#).
- The fight against climate change in California gains an unlikely ally: Republicans. [Los Angeles Times](#).
- Buffett, Guinness-Records Mogul Get Caught in Canada-U.S. Coal Fight. [Bloomberg](#).
- The company behind the Dakota Access pipeline is in another controversy. [Washington Post](#).

HAPPENING TODAY

10:30 a.m. — Sen. Markey hosts a public forum to discuss the science and impacts of climate change, 485 Russell

12:00 p.m. — Press conference call with environmental and climate justice leaders on May Day statement, Registration [here](#)

9:00 p.m. — "[The Politics of Climate Change](#)," Intercultural Center Auditorium, Georgetown University, 37th and O Streets NW

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To view online:

<https://www.politicopro.com/tipsheets/morning-energy/2017/04/offshore-drilling-executive-order-arrives-today-022575>

Stories from POLITICO Pro

Trump to press for Arctic offshore oil opening [Back](#)

By Ben Lefebvre | 04/27/2017 09:00 PM EDT

President Donald Trump will seek to open the Arctic waters for offshore oil and gas drilling, reversing President Barack Obama's policy that prevented exploration in a region that environmental groups warn is too sensitive to risk an ecological catastrophe.

The move is Trump's latest attempt to jettison Obama-era environmental policies and help open the spigot for U.S. oil and natural gas production, but is certain to draw legal challenges from environmental groups.

Trump will sign an executive order Friday that also orders his Department of Interior to review the five-year offshore leasing plan issued by the Obama administration, Interior

Secretary Zinke told reporters. The study could take two years to conduct, and will look at the federal waters in parts of the Gulf of Mexico and Atlantic Ocean as well as Alaska's Chukchi Sea, Beaufort Sea and Cook Inlet areas.

But it won't examine the eastern portion of the Gulf of Mexico, keeping the oil industry out of the waters that Floridians have long protected as vital to the state's huge tourist industry.

Trump's executive order will also direct the Commerce Department to review all marine sanctuaries created or expanded in the past 10 years and report back to the White House in three months.

The first 100 days of the Trump administration have seen a flurry of activity on energy and environmental issues, with Trump issuing orders to roll back climate change regulations on power plants, fuel efficiency rules for vehicles and pollution limits for coal mining. The move to begin looking at expanding access to offshore areas helps fulfill his campaign promises to boost domestic energy production.

Democrats and environmental groups vowed to fight the order even before its details were released.

Allowing oil companies to expand offshore operations "would put coastal economies and ways of life at risk of a devastating oil spill, while worsening the consequences of climate change," League of Conservation Voters President Gene Karpinski said in a statement.

Trump's order did not specifically place Pacific waters outside review, but Zinke noted that Californians had curbed offshore drilling along its coast, although leases in federal water there could also be used to establish wind farms.

"We're going to give local communities a voice," Zinke said. "I'm optimistic about the wind opportunities."

California Gov. Jerry Brown, had pressed Obama to permanently ban drilling off the state's coast, and any rush to start drilling in the Pacific would also meet resistance from restaurant owners, fisheries, resort operators and a host of other businesses that depend on the coast staying clear of oil rigs.

"I wouldn't say it's sacred ground. It's more like exhaustive ground," a source at one major oil company said about the potential for drilling in California.

Sens. Ed Markey (D-Mass), Bob Menendez (D-N.J.) and 25 other senators sent a letter to Zinke demanding that no changes be made to the Obama administration's five-year lease plan unveiled in November and which runs until 2022, the lawmakers said Thursday. The senators also submitted a bill calling for the plan to be kept intact.

"Our immediate goal is for them to leave the five-year plan alone," Menendez told reporters. "At the end of five years, a future administration could think about what it wants to put in its five-year plan."

Even with crude at a modest \$50 a barrel, the oil industry is intensely interested in getting access to the waters to the west and north of Alaska. The U.S. government estimates the Arctic circle could yield 90 billion barrels of oil, about a third of that in the area around Alaska alone.

Exxon Mobil, Shell, Chevron and other oil companies have lobbied to expand Alaskan drilling even as they focus for now on tapping into the vast resources the fracking technology has opened up in Texas and North Dakota in recent years.

Even companies that a year ago relinquished their old Arctic leases in favor of focusing on shale plays have recently become more excited about Alaskan prospects.

Eventually the world's energy appetite will force oil companies to explore new areas, and energy experts see some of the best prospects in areas former President Barack Obama placed off limits with his executive power in December.

"It's important for us to see new areas available for leasing," said Andy Radford, the American Petroleum Institute's senior policy adviser for offshore energy. "It's a long-term view of things. We're going to need oil and gas well into the future. The supply we have now is depleting. You're constantly trying to restock the cupboard."

Environmentalists said they will fight any attempt to bring more rigs into the Arctic. The region's extreme weather make drilling in the area prone to accidents, which could prove impossible to clean up, they argue.

Roiling seas and rough winds helped push oil giant Shell from the Chukchi Sea off the northeast shore of Alaska. Shell spent \$9 billion to explore there in 2012, but a series of setbacks, including a drilling rig that came untethered and ran aground, and disappointing drilling results, led the company to abandon its leases.

Pumping oil hasn't been much easier in the relatively calm shallower waters. Oil company Hilcorp in February reported a leak in a natural gas pipeline it operates in the Cook Inlet but wasn't able to stop it until mid-April because cold and ice prevented divers from approaching the pipeline, according to the company.

The federal regulator, the Pipeline and Hazardous Material Safety Administration, forced Hilcorp, the biggest operator in the Cook Inlet, to shut down its oil pipeline earlier this month after it started leaking.

"An oil company can't fix a leak in Cook Inlet," said Center for Biological Diversity attorney Kristen Monsell. "How are they going to be able to deal with an oil spill or gas leak in the much more difficult Arctic?"

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Lawyers may control fate of Trump offshore drilling order [Back](#)

By Ben Lefebvre | 04/27/2017 03:29 PM EDT

President Donald Trump is set to order a review of the nation's offshore drilling program, a move that's expected to gut the Obama-era restrictions on exploring the waters in the Arctic and the Atlantic — so long as it can navigate an armada of lawsuits.

The Trump executive order that is expected on Friday is likely to order the Department of the Interior to study which federally controlled waters can be leased for oil and gas drilling, starting a process to rejigger the five-year plan the Obama administration released last year that dashed the energy industry's hopes of exploring off the coast of the Southeast U.S. and the

Arctic waters off northern Alaska.

While opening up those areas now would certainly draw legal challenges from environmental groups, the biggest fight would likely come over former President Barack Obama's use of a little-known provision in the Outer Continental Shelf Lands Act of 1953 that permanently placed much of the [Chukchi and Beaufort seas](#) north of Alaska and several portions of the [Atlantic coast](#) off limits.

The exact language of Trump's expected order is still unclear. But environmental groups have already vowed to take any new drilling plans to court, and lawyers who have studied the specific provision Obama used to set aside federal waters said a lawsuit could in fact set precedent.

"Regardless of what the Trump administration tries to do, it is likely there will be a lawsuit involved no matter what," said Alaska Oil and Gas Association Chief Executive Kara Moriarty.

The 12(a) section of the OCSLA that Obama used contains clear language on the subject: "The President of the United States may, from time to time, withdraw from disposition any of the unleased lands of the outer Continental Shelf."

But the legal question about the time frame of any withdrawal is likely to trigger a long legal fight. Obama's [memo issued in December](#) said the withdrawal should last "indefinitely," which itself can mean "unlimited" or merely "unspecified."

"There's no history to show that it allows permanent withdrawal," Jacob Dweck, an energy lawyer at the firm Eversheds Sutherland, said of the provision in Obama's order. "You will have serious litigation that will have to go to the Supreme Court, or at least circuit court."

Dwight Eisenhower in 1960 used the same 12(a) provision of the law as Obama to [ban federal leasing](#) of waters off Key Largo, Fla. And Richard Nixon in 1969 [also used 12\(a\)](#) to set aside waters off the coast of Santa Barbara, Calif., after an oil spill there that still ranks as the third-largest in the country.

But in neither case did those presidents designate a time limit on their actions. And neither of those presidents' actions triggered any significant legal action to test them, lawyers said.

Former President George H.W. Bush in 1990 placed much of the West Coast off limits for new lease sales until after 2000, but those waters were put back on the table by his son President George W. Bush.

"There's a precedent for both, ones hinged to certain dates as well as ones for indefinite periods of time," said Kevin Leske, an associate professor at Barry University who has written on the subject. "But clearly there's nothing in the statute that says a president can restore the land to the federal leasing inventory."

Opening up offshore fields along the Pacific and Atlantic coasts might prove as difficult as navigating choppy waters off Alaska, and not just because of opposition from some East Coast lawmakers and California Gov. Jerry Brown, who had pressed Obama to permanently ban drilling of the state's coast.

Trump's [reported](#) inclusion of Pacific oil leases would face a huge legal backlash from not

only environmentalists, but also resort owners, restaurateurs, fisheries and anyone else who has an economic interest on keeping the coast clear of oil rigs, said Oceana Senior Vice President for U.S. Oceans Jackie Savitz.

"He'll see a big backlash from the business community," Savitz said. "It's not just enviros versus the oil industry. It's ironic that Trump is a resort owner and interesting to see his allegiance to the offshore oil industry and how it stacks up against his own industry."

Not everyone is sure that Trump's order would touch upon the 12(a) actions specifically, and the White House may prefer to do nothing more than direct Interior Secretary Ryan Zinke to review what acreage could be included in a new five-year lease. But even that would likely result in lawsuits, said Sen. [Ed Markey](#) (D-Mass.).

Markey, along with 26 other senators, sent a letter to the White House demanding that no review of the previous five-year plan take place. But the Massachusetts Democrat, who also plans to submit a bill that would keep the previous plan intact, acknowledged that courtrooms may be where most of the opposition plays out.

"There is going to be an army of environmental lawyers who will take the Trump decision to court," Markey said at a press conference.

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Trump advisers want a better deal on Paris [Back](#)

By Andrew Restuccia and Josh Dawsey | 04/27/2017 07:34 PM EDT

President Donald Trump's senior advisers were unable to agree on whether the United States should remain in the Paris climate change pact during a meeting Thursday afternoon at the White House, two administration officials told POLITICO.

But those who attended the meeting said there is a growing consensus among the advisers that the United States can't stay in the deal unless it negotiates new terms.

While it would be difficult, if not impossible, to renegotiate the Paris deal that won the backing of nearly 200 nations in 2015, Trump administration officials are increasingly discussing leveraging the uncertainty over the U.S. position to boost the White House's policy priorities in future discussions.

If the administration can't extract new benefits for the U.S., Trump is willing to pull out of the deal altogether, officials said.

"We're trying to decide whether we are going to stay and make changes or leave. But we're not going to just stay," one official said.

The officials who attended Thursday's meeting did not reach a consensus recommendation to deliver to Trump, but they're expected to meet again to discuss the issue.

Trump's advisers are divided over what to do about the agreement that was a major policy priority for former President Barack Obama. Chief strategist Steve Bannon and EPA Administrator Scott Pruitt are in favor of withdrawing. Others, like senior adviser Jared Kushner, support staying in the deal.

Those who support staying have quietly been trying to win backing from energy companies, arguing that the industry will have a better chance of drawing international support to develop technology to reduce emissions from the use of coal. And the officials have said they plan to weaken Obama's emissions reduction target.

A meeting of G-7 energy ministers — including Energy Secretary Rick Perry — in Rome earlier this month erupted in a dispute when Trump administration officials pushed to include stronger pro-coal, pro-nuclear language in a proposed joint statement on energy policy and declined to include references to the Paris climate agreement.

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One-week stopgap spending bill slated for House vote Friday [Back](#)

By Sarah Ferris and Jennifer Scholtes | 04/27/2017 03:33 PM EDT

A House vote is expected Friday on a one-week stopgap spending bill, according to a House GOP appropriations aide.

The House Rules Committee plans to meet Thursday afternoon to approve parameters for debate on the bill House Appropriations Chairman Rodney Frelinghuysen rolled out [Wednesday night](#).

Republican leaders have voiced confidence that the short-term measure will pass the lower chamber despite Democratic [threats](#) to oppose the legislation if Republicans pursue a repeal of Obamacare.

House Democratic appropriations spokesman Matt Dennis declined to predict whether Democrats would vote for the one-week patch, given uncertainty about how much progress will be made on negotiating the full-year package before the short-term measure is taken up.

But Rep. Rosa DeLauro said she assumes most Democrats will vote for the short-term legislation.

"I'm assuming we've got a clean CR that's just to get us to finish up," said DeLauro, ranking Democrat on the appropriations subcommittee that handles funding for the departments of Labor, and Health and Human Services.

Reps. Charlie Dent and Tom Cole, both appropriators, have said GOP leaders could probably pass the short-term continuing resolution without Democratic votes, if necessary.

AshLee Strong, spokeswoman for House Speaker Paul Ryan, said she doubts Democrats would hold up the short-term bill on Friday.

"We do not believe they will shut the government down over a one-week CR," Strong said.

In the Senate, leaders have started the "hotline" process for the one-week patch, giving senators a chance to object before leaders in the upper chamber pursue swift passage of the measure.

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EPA asks court to delay arguments in mercury challenge [Back](#)

By Alex Guillén | 04/18/2017 06:40 PM EDT

EPA today [asked](#) the D.C. Circuit Court of Appeals to postpone next month's oral arguments over a key part of the Obama administration's power plant mercury rule.

If the court grants the request, it would open an easier path for the Trump administration to review and potentially revise or repeal the regulation.

The court is due to consider challenges to EPA's 2016 supplemental finding that it was, in fact, "appropriate and necessary" to regulate mercury emissions from power plants. The new finding was designed to address the flaw identified by the Supreme Court in 2015, and had the practical effect of keeping the mercury rule in place.

Arguments are scheduled for May 18 before Judges Janice Rogers Brown and Thomas B. Griffith, both George W. Bush appointees, and Sri Srinivasan, an Obama appointee.

Environmental groups plan to oppose EPA's request.

A major part of critics' case against the supplemental finding was EPA's use of co-benefits derived from incidental reductions in particulate matter pollution, which provided tens of billions of dollars' in benefits. Direct, quantifiable benefits from the mercury reductions yielded just a few million dollars, significantly less than the costs to industry.

All coal-fired power plants have been in compliance with the rule since last year, though the challengers argue overturning the mercury rule could allow utilities to save millions by turning off those pollution controls.

The D.C. Circuit previously granted similar requests from EPA to delay arguments in lawsuits over its [carbon rule](#) for future power plants and the 2015 [ozone standard](#). EPA earlier today [asked](#) to delay arguments in another Clean Air Act case.

WHAT'S NEXT: The court must decide whether to delay arguments and give EPA a path to tweak or repeal the mercury rule.

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D.C. Circuit cancels oral arguments in mercury case [Back](#)

By Eric Wolff | 04/27/2017 04:36 PM EDT

The D.C. Circuit today [granted](#) a [request](#) from EPA to delay a lawsuit challenging the agency's justification for the Mercury and Air Toxics Standard and canceled oral arguments in the case.

The court was to consider challenges to EPA's 2016 supplemental MATS finding that it was "appropriate and necessary" to regulate mercury emissions from power plants. That finding was designed to address the flaw identified by the Supreme Court in 2015, which said EPA had erred in crafting the rule, but left it in place.

A major part of critics' case against the supplemental finding was EPA's use of co-benefits derived from incidental reductions in particulate matter pollution, which provided tens of

billions of dollars in benefits. Direct, quantifiable benefits from the mercury reductions yielded just a few million dollars, significantly less than the costs to power producers.

Arguments had been scheduled for May 18 before Judges Janice Rogers Brown, Thomas B. Griffith and Sri Srinivasan.

The D.C. Circuit previously granted similar requests from EPA to delay arguments in lawsuits over its [carbon rule](#) for future power plants and the 2015 [ozone standard](#). EPA earlier today [asked](#) to delay arguments in another Clean Air Act case.

WHAT'S NEXT: EPA will review the supplemental finding and must regularly update the court on its progress.

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Teddy Roosevelt Is Rolling Over in His Grave [Back](#)

By David Yarnold | 04/27/2017 11:19 AM EDT

For more than a century, U.S. presidents—both Republican and Democrat—have respected the authority of the presidents before them to protect the nation's most treasured natural and historical places for future generations. No president has ever reversed another president's designation of an American national monument. Now, however, President Donald Trump is threatening to do just that, blowing up more than 100 years of bipartisan tradition and robbing future generations of their natural legacy.

On Wednesday, the president issued an executive order demanding a review of as many as 30 national monuments established over the past two decades, with the potential for rescinding some of those designations. These more recently established national monuments range from Utah's Grand Staircase-Escalante National Monument that President Bill Clinton protected in 1996 to the Northeast Canyons and Seamounts Marine National Monument President Barack Obama preserved in the Atlantic Ocean off the coast of Massachusetts.

Many experts believe—based on legal precedent—that reversing those presidential protections would be illegal. Interior Secretary Ryan Zinke, who is in charge of making the recommendations, conceded as much when he said the administration is "not scared of getting sued."

But more than potentially violating the law, any such reversal would be a devastating attack on our national heritage.

More than 100 years ago, a Republican president worried that America wasn't doing enough to protect its most treasured wild and sacred places from overdevelopment, mining and drilling. So Congress passed and President Teddy Roosevelt signed the Antiquities Act of 1906, giving presidents the authority to preserve imperiled mountains, forests, cultural treasures and other public lands. Roosevelt condemned the "land grabbers" and "great special interests" who threatened the national lands he protected. "The rights of the public to the [nation's] natural resources outweigh private rights and must be given its first consideration," Roosevelt proclaimed. "Our people should see to it that they are preserved for their children and their children's children forever."

Today, another Republican president is indicating he is ready to give in to the pressures of

corporations and complicit state officials urging the administration to open these protected public lands to mining, drilling and other commercial exploitation. That would deprive future generations of Americans of irreplaceable treasures, both in the beauty of the landscapes that would be scarred and the birds and other wildlife that depend on those protected places for survival.

For Audubon, this issue is personal. In the early years of the last century, the newly formed National Audubon Society worked closely with Roosevelt to establish the nation's first federal bird and wildlife refuges. At that time, the biggest threats to birds were overhunting and the plume trade, which slaughtered millions of birds so women could wear feathers in their hats.

Today, birds face more threats. They are experiencing the [devastating impacts of climate change](#), and this danger will only grow over time. [Audubon's Birds and Climate Change Report](#), published in September 2014, found that 314 North American bird species could lose more than half of their current ranges by 2080 because of rising temperatures.

That is why it is so critical we help birds survive. This is not a red state or a blue state issue. It is a bird issue.

High on the administration's potential hit list is Bears Ears National Monument, designated by Obama in 2016, and the only national monument specifically named in Trump's executive order yesterday. Bears Ears covers breathtaking desert landscapes in Utah. Reducing the protections for this national monument could jeopardize thousands of birds—such as the majestic [Golden Eagle](#), [Pinyon Jay](#), [Hairy Woodpecker](#) and [Mountain Bluebird](#)—and other wildlife that depend on their wild spaces to survive expanding development and the impact of climate change. As birds are pushed out of their habitats by climate that gets too hot, too cold, too wet or too dry, we have to protect places birds need today as well as new areas they will need to colonize in the future.

Bears Ears also is revered by Native Americans whose ancestors lived on the lands thousands of years ago and who still consider them sacred to their culture and traditions today. An extraordinary coalition of Native American tribes, hunters, anglers, outdoor enthusiasts, birders, archaeologists and conservationists supported the request that Obama designate the Bears Ears National Monument.

If Trump goes forward, he'll be out of step with his constituents, many of whom cherish our public lands and natural wonders, as well as the wildlife they support. According to the annual Conservation in the West poll released by Colorado College earlier this year, a strong majority of Utah's residents want their monuments to remain just as they are. [Sixty percent of those surveyed](#) said national monument designation should remain in place. And according to a national poll last year by the think tank Center for American Progress, 86 percent of Americans surveyed said they supported establishing new national monuments and wildlife refuges to protect special places and at-risk wildlife.

But instead of listening to these Americans, Trump is heeding the plea from corporations and state officials who want to open our national treasures to oil and gas drilling and other potentially damaging activities. In doing so, not only is he destroying more than a century of tradition of bipartisan conservation, but he's also depriving our children and grandchildren of the most special places on earth and the extraordinary wildlife those places support. It's downright shameful.

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