

From: POLITICO Pro Energy
To: megan_bloomgren@ios.doi.gov
Subject: Morning Energy, presented by Trout Unlimited: Senate inching toward methane vote Wednesday — White House Paris meeting postponed — Two FERC nominees formally announced
Date: Tuesday, May 09, 2017 4:46:58 AM

By Anthony Adragna | 05/09/2017 05:41 AM EDT

With help from Esther Whieldon and Alex Guillén

INCHING TOWARD METHANE VOTE: The Senate is closing in on a vote to nullify an Obama-era BLM rule targeting methane emissions from oil and gas operations on public lands Wednesday, but Republicans have not yet reached agreement on how best to mollify a small bloc inside their own caucus pushing for a waiver to sell 15 percent ethanol fuel year-round. "We're still discussing and having a good give and take," Sen. [John Thune](#), one of the holdouts, told ME. "We're just trying to get a pathway forward to deal with this issue at some point. We're making headway. The conversations have been productive." Sen. [John Cornyn](#) told reporters that leadership was still figuring out "how we can demonstrate good faith" to the members that the issue would be resolved, but four senior Republicans — Thune, [John Barrasso](#), [Jim Inhofe](#) and [John Hoeven](#) — all told ME to expect a final vote Wednesday.

One obstacle resolved: Backers of the Congressional Review Act resolution got a big boost late Monday when Sen. [Rob Portman](#) — a much-watched undecided member — announced he would support axing the regulation after receiving assurances from Interior Secretary Ryan Zinke that he will address the emissions. As Pro's Nick Juliano [reports](#), Zinke committed in [a letter](#) to review venting and flaring requirements for oil and gas operations, among other steps. Chris Saeger, director of the Western Values Project, condemned Portman's decision as "a shameless attempt to repay the oil and gas companies that funded his political career," claiming the Ohio Republican took \$670,802 from oil and gas interests in 2016.

Several other holdouts remained publicly coy about their intentions on Monday, but ME will be on the lookout for additional clarity on their positions following party lunches today. Among those still to watch are Sens. [Cory Gardner](#), [Dean Heller](#), [Heidi Heitkamp](#) and [Joe Manchin](#).

PARIS HUDDLE PUT OFF: A scheduled meeting today between senior advisers to President Donald Trump about the Paris climate agreement has been postponed, Pro's Andrew Restuccia [reports](#). What to do about the pact to curb emissions between 195 nations has deeply divided the Trump administration. Even with today's delayed confab, a decision on whether to stick it out or withdraw from deal is expected before Trump travels to the G-7 summit in Sicily at the end of the month. A White House spokeswoman confirmed that the meeting is being rescheduled.

Upping the international pressure: French President-elect Emmanuel Macron vowed to protect the Paris agreement in his first phone call with Trump Monday, his spokeswoman said [on CNN](#). "He told him he's going to try to protect what was made in Paris," Laurence Haim said "He is going to protect the climate agreement." But, ICYMI, POLITICO Europe's Kalina Oroschakoff and Sara Stefanini [report](#) the rest of the world is already preparing to forge ahead without U.S. leadership in the international climate space.

Schumer fears 'historic misstep': Senate Minority Leader [Chuck Schumer](#) warned the

Trump administration Tuesday not to make the U.S. an "international pariah" by withdrawing from the Paris agreement and joining Syria and Nicaragua as the only countries not part of the pact. "It would damage our standing on the world stage and allow China to take the high moral high ground — and the economic upper hand — in combating climate change," he said on the Senate floor.

Meanwhile, top Obama-era environmental officials even made the unusual case that the agreement allowed the U.S. to weaken its emissions reduction pledges and that it didn't affect domestic policies in an effort to sway the the Trump team to stick with it, Pro's Eric Wolff [reports](#). "Does the Paris agreement constrain the party from revising downward? There the answer is no," Sue Biniaz, a former top State Department lawyer, said. "The second issue is does the Paris agreement constrain the ability of a party with respect to its domestic measures? ... There again the answer is no."

WELCOME TO TUESDAY! I'm your host Anthony Adragna, and Sanderson Strategies Group's Molly Moore correctly identified the oldest living former congressman, James D. Martin, as having served Alabama. For today: How many incumbent senators were born outside the U.S.? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](#), [@Morning_Energy](#), and [@POLITICOPro](#).

HOUSTON, WE HAVE SOME FERC PICKS: After months of waiting, Trump announced the nominations of Neil Chatterjee and Robert Powelson to slots on FERC ([as long expected](#) by ME readers). Chatterjee is Senate Majority Leader [Mitch McConnell](#)'s energy policy adviser, where he's played a crucial role in shepherding major energy, highway, and farm legislation through Congress. Powelson, who has been a Pennsylvania utility regulator since 2009, became the president of the National Association of Regulatory Utility Commissioners last fall. FERC has, of course, been without a quorum since February, hindering its ability to enact final orders dealing with interstate natural gas pipeline projects and contested electricity rate plans. Look for Sen. [Lisa Murkowski](#) to move quickly on these nominations In the Energy and Natural Resources Committee. Pro's Darius Dixon has more [here](#).

Scott Segal, director of the Electric Reliability Coordinating Council, added: "It is essential for FERC to regain its quorum, particularly in light of the President's twin objectives in building infrastructure and stimulating gas production and use. The two nominees announced tonight are ideal in many ways." But praise for the picks was not universal: Tyson Slocum, director of Public Citizen's energy program, told ME in a statement: "Despite industry pleas to quickly return the Commission to quorum, the Senate must accordingly not sacrifice deliberation and diligence for expediency."

**** A message from Trout Unlimited:** For over 50 years, Trout Unlimited has been dedicated to conserving, protecting and restoring North America's coldwater fisheries and watersheds on behalf of today's anglers and coming generations of sportsmen and women. Join us as we support America's public lands and national monuments: <http://bit.ly/2paVoYB> **

ANOTHER BUSY DAY IN UTAH: Interior Secretary Ryan Zinke took [an aerial tour](#) of the Bears Ears National Monument Monday morning and followed up with [an afternoon hike](#) through the contested monument. He later tweeted "[there's more than two sides](#)" to the debate. And he [told local reporters](#): "Of course what I've seen should be preserved. The issue is whether the monument is the right vehicle. Whether it's not the right vehicle, it's public land." Good local coverage of his visit [here](#), [here](#) and [here](#).

As Zinke kicked off his listening tour, Oregon Sens. [Jeff Merkley](#) and [Ron Wyden](#) sent a [letter](#) to him detailing the public input process that led to the designation of the Cascade-Siskiyou National Monument and urging a similar process as Interior reviews that decision.

CALIFORNIA PUSHES BACK ON EPA REQUEST TO DELAY WAIVER CASE:

California Monday night [urged](#) a federal court not to put off oral arguments slated for May 18 over a Clean Air Act waiver that allows the state to go beyond the federal rules in regulating diesel engines on industrial vehicles like tractors and bulldozers. EPA on Monday [asked](#) to put off the case so it could review and potentially "reconsider" the waiver, which was granted in 2013. In a response filing, an alarmed California Air Resources Board said delaying the case would hurt the state "by perpetuating indefinitely the cloud of uncertainty this appeal has cast over its regulatory program since 2013." CARB said the court could potentially come to a decision without holding any oral arguments.

The bigger picture: This case could prove important if the Trump administration ever tries to go after a separate waiver giving California the authority to enact auto emissions limits that are stronger than the federal standards. The state says EPA doesn't have the authority to revoke a waiver once granted, particularly years after the fact.

JOHNSON SEEKS GAO INVESTIGATION OF ARPA-E FREEZE: Top House Science Democrat [Eddie Bernice Johnson](#) sent a [letter](#) Monday to GAO to probe whether the Energy Department is illegally withholding funding for projects under the agency's ARPA-E program, Pro's Darius Dixon [reports](#). "I have serious concerns that the actions which have been reported to me at ARPA-E may constitute violations of the Impoundment Control Act," she wrote. "I would ask that you look into these allegations with all due haste, and take any actions you feel are necessary to ensure Executive compliance with Congressional direction."

CONCERN OVER SCIENCE ADVISER CUTS: A chorus of voices condemned EPA Administrator Scott Pruitt's [decision not to bring back](#) approximately a dozen people to an agency scientific advisory panel. "Without independence and sound peer review of the science conducted by the Agency, it will be impossible to distinguish between good science and bad science at the US EPA," John O'Grady, president of EPA's top union, said in a statement. American Association for the Advancement of Science CEO (and former New Jersey Democratic congressman) Rush Holt urged Pruitt to reconsider the decision and asked for a meeting with him to discuss their concerns. "Academic scientists play a critical role in informing policy with scientific research results at every level, including the federal government," Holt said.

HOT DOC: A [memo](#) obtained by ME from acting EPA Chief Financial Officer David Bloom walking through the agency's budget and budget riders in the fiscal 2017 omnibus bill.

MORE CRITICISM OF PERRY'S GRID STUDY: Six environmental groups sent a [letter](#) Monday to Energy Secretary Rick Perry challenging his ongoing study of the electric grid's resilience for ignoring subsidies fossil fuel companies have received for years. "Instead of ordering the Department of Energy to produce arguments against clean energy, we ask you to commission a study into how polluter welfare continues to bias our grid in favor of dirty energy," they wrote.

GAO FINDS BLM SHOULD IMPROVE OIL AND GAS PERMIT OVERSIGHT: A GAO [report](#) out today recommends BLM improve the way its field office staff track and report their gas leasing and drilling permit site inspections, and that the agency should let the

public know when they grant exceptions, like giving a developer a couple of additional days to drill. House Natural Resources Committee ranking Democrat [Raul Grijalva](#) of Arizona requested the GAO review the issue. BLM Acting Director Mike Nedd in a letter attached to the report said the agency plans to improve the tracking and data gathering process and he promised to make public any approved exceptions. But Nedd added that doing so will take time and the public will not be able to weigh in on such decisions as that would require changing the agency's regulations.

PAGING WHITEHOUSE: Hundreds of protesters will descend on the Trump Hotel this morning urging the administration to "wake up" — to borrow a phrase from Sen. [Sheldon Whitehouse](#)'s famous floor chart — to the need for action to address climate change. Organizers plan to ring a "startlingly loud alarm clock" to awaken hotel guests.

MANCHIN GETS AN OPPONENT: Clips from Sen. [Joe Manchin](#)'s infamous [2010 ad](#) shooting the cap and trade bill played in the background as Rep. [Evan Jenkins](#) announced his bid to unseat the Democratic incumbent. But there's hardly any discussion of EPA or coal issues in his [announcement video](#). "[W]ith Donald Trump in the White House we've got a real chance to turn things around. He needs our help and I need your help. West Virginia needs your help," Jenkins says. But he may not have the Republican field to himself: Attorney General Patrick Morrisey, known for his aggressive lawsuits fighting EPA regulations, is also mulling a bid.

TIME TO LEAD: A bipartisan group of senior retired military officers and national security officials sent letters Monday to Defense Secretary [James Mattis](#) and Secretary of State [Rex Tillerson](#) urging them to lead on addressing the security implications of climate change.

GREEN GROUP ENDORSES IN VIRGINIA GUBERNATORIAL: Food & Water Action Fund endorsed Tom Perriello in the Virginia governor's race Monday. "Perriello's bold stance against two fracked natural gas pipelines, the Atlantic Coast Pipeline and the Mountain Valley Pipeline, shows he will be ready to stand up against the oil and gas industry's stranglehold on the state," the group said in a statement.

EARTHJUSTICE HIRES LUNA+EISENLA: Earthjustice, the environmental law nonprofit, has hired LUNA+EISENLA media to do media outreach work on its efforts to combat the Trump administration's environmental and climate policies. "We are employing aggressive media relations and engaging with national political media to ensure President Trump's executive orders attacking access to clean air and water while denying climate change don't go unchecked," the firm said in a statement (h/t POLITICO Influence).

HAPPY BIRTHDAY: Pruitt turns 49 today. EPA didn't respond to requests for how he's celebrating.

MOVER, SHAKER: Michael Walz has joined POET, the country's top ethanol producer, as director of public affairs and state government relations in Washington; he was previously vice president of public affairs for Captra Capital LLC and director of public affairs for InfraREIT Capital Partners LLC.

QUICK HITS

— Rep. Lamar Smith laid groundwork for Trump EPA science advisers ouster. [Austin American-Statesman](#).

- Rep. Debbie Dingell: Trump's EPA cuts a 'short-sighted' step backward. [Crain's Detroit Business](#).
- Murray Energy Lodges Defamation Suit Over NY Times Op-Ed. [Law360](#).
- U.S. vows commitment to Arctic climate change research. [Reuters](#).
- Pipeline spill by Dakota Access company could have a 'deadly effect'. [Washington Post](#).
- Board Member's Donation Shows Power Of Oil And Gas Industry. [International Business Times](#).

HAPPENING TODAY

9:30 a.m. — [Energy Efficiency Global Forum](#), Alliance to Save Energy, Walter E. Washington Convention Center, 801 Mount Vernon Place NW

1:00 p.m. — "[The Upcoming Aramco IPO: Strategy, Investment, Politics](#)," The Atlantic Council, 1030 15th ST NW, 12th Floor

2:00 p.m. — "[Water and Security in South and Southeast Asia](#)," Woodrow Wilson Center's Environmental Change and Security Program, Ronald Reagan Building, 1300 Pennsylvania Avenue NW, Sixth Floor

2:30 p.m. — "[Water Resources: The Role of the Public and Private Sectors](#)," Senate Environment and Public Works Committee, 406 Dirksen

THAT'S ALL FOR ME!

**** A message from Trout Unlimited:** For over 100 years the Antiquities Act has been a bipartisan tool for conserving America's public lands and our outdoor heritage. Since the time President Theodore Roosevelt signed the Act into law, the Antiquities Act has provided for the long-term conservation of some of the best fish and wildlife habitat and hunting and angling opportunities in the country, spurring local economies. In these places, locally driven conservation efforts need to be preserved and celebrated. Currently, the Department of the Interior is reviewing national monuments designations. Secretary Zinke has strongly supported keeping America's public lands in public hands. Join us in showing him that we support upholding our national monuments: <http://bit.ly/2paVoYB> **

To view online:

<https://www.politicopro.com/tipsheets/morning-energy/2017/05/senate-inching-toward-methane-cra-vote-wednesday-022735>

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Portman to back resolution overturning BLM methane rule [Back](#)

By Nick Juliano | 05/08/2017 06:24 PM EDT

Sen. [Rob Portman](#) says he will vote to block a BLM rule limiting methane emissions from oil and gas drilling after receiving assurances from Interior Secretary Ryan Zinke that he will address the issue.

Portman was among the most-watched Republicans who had remained undecided on the Congressional Review Act resolution. Republicans must vote on the resolution this week if they are to avoid a Democratic filibuster. Sens. [John Hoeven](#) and [Jim Inhofe](#), key backers of the resolution, said a vote is set for Wednesday.

"I believe that the Interior Department should do more to prevent methane venting and flaring on federal lands. The Secretary of the Interior has made clear in a letter to me that the Department is committed to acting on this important issue going forward, and he has outlined specific actions it would take to do that," Portman said in a statement today.

Portman [wrote](#) to Zinke last week asking what the department could do to address wasted methane from oil and gas operations. Zinke [responded](#) a few days later and committed to review venting and flaring requirements, among other steps.

While Portman's support gets Republicans closer to the 50 votes they need to overturn the methane rule, a few corn-state senators said they are still hoping to secure concessions that would make it easier to sell 15 percent ethanol blends before they agree to support the methane resolution. "Nothing more has happened" on that front, Sen. [Chuck Grassley](#) said today.

Anthony Adragna contributed to this report.

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White House advisers postpone Paris climate deal meeting [Back](#)

By Andrew Restuccia | 05/08/2017 10:32 PM EDT

A key meeting of White House advisers to discuss the Paris climate change agreement won't happen Tuesday as planned.

A source familiar with the issue told POLITICO late Monday night that the meeting has been postponed. A White House spokeswoman confirmed that the meeting is being rescheduled.

It's unclear when that will occur.

It is the [second time](#) that a key meeting to discuss the Paris agreement has been delayed.

Trump's advisers remain divided over the accord, which won the backing of 195 nations in 2015. The president is expected to make a final decision on whether to withdraw sometime this month, perhaps as soon as this week.

European countries and other U.S. allies are [strongly encouraging](#) the U.S. to remain in the agreement, and Trump's daughter Ivanka Trump is also said to support staying, along with others such as Secretary of State Rex Tillerson. But senior White House adviser Steve Bannon and Environmental Protection Agency chief Scott Pruitt have called for the U.S. to withdraw, as Trump had promised during the presidential campaign.

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Obama team makes last ditch Paris climate deal plea [Back](#)

By Eric Wolff | 05/08/2017 04:19 PM EDT

Former President Barack Obama's top environmental advisers John Podesta and Brian Deese issued a plea today to the Trump administration to not withdraw the U.S. from the Paris climate agreement.

Podesta and Deese, were joined by Sue Biniarz, a former top State Department lawyer, and Mindy Lubber, president of Ceres, a sustainability nonprofit group, in arguing that leaving the Paris agreement would hurt the U.S. economy.

"Right now across the globe, the race is on for which countries are going to be the 21st century clean energy super powers, and the question is whether the U.S. will continue to play in that race or step off the field," Deese said on the call with reporters.

Biniarz also challenged the concerns of White House counsel Don McGahn and EPA Administrator Scott Pruitt that remaining in the Paris agreement could create a legal problem for Trump's plans to repeal the Clean Power Plan. And sources have said that [McGahn also argued](#) that the 2015 agreement may not allow the U.S. to reduce its international carbon reduction pledge.

"Does the Paris agreement constrain the party from revising downward? There the answer is no," Biniarz said. "The second issue is does the Paris agreement constrain the ability of a party with respect to its domestic measures? ... There again the answer is no."

WHAT'S NEXT: Trump's top advisers are expected to meet tomorrow to discuss whether the U.S. should remain in the pact.

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Trump expected to tap Pennsylvania regulator for third FERC seat [Back](#)

By Darius Dixon | 03/09/2017 01:52 PM EDT

President Donald Trump is expected to pick Robert Powelson, a Pennsylvania utility regulator, for the third Republican seat at FERC, according a source familiar with the discussions.

Powelson has been on the state's utility commission since 2009 and served four years as its chairman. He has stayed at the agency as a commissioner, and became the president of the National Association of Regulatory Utility Commissioners last fall.

Powelson would be joining two other Republican nominees [that sources say](#) the White House intends to nominate soon: Kevin McIntyre, who co-leads Jones Day's energy practice, and Neil Chatterjee, a senior energy adviser to Senate Majority Leader [Mitch McConnell](#).

The new members would, if confirmed by the Senate, reestablish the GOP's majority on the commission and restore the agency's quorum.

There had been conflicting information about whether the spot was expected to go for Powelson or Wisconsin regulator Ellen Nowak, who was seen as getting support from White House Chief of Staff Reince Priebus. A senior Senate aide separately said today that Nowak would not be the FERC pick.

FERC leadership has been operating with just two sitting members for more than a month since Norman Bay resigned the chairmanship after Trump elevated Cheryl LaFleur to that position.

The White House did not immediately respond to a request for comment.

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Trump picks 2 for Federal Energy Regulatory Commission [Back](#)

By Darius Dixon | 05/08/2017 10:11 PM EDT

President Donald Trump on Monday announced he planned to appoint Neil Chatterjee and Rob Powelson to fill two of the three vacancies in the FERC leadership, according to an official White House statement.

Chatterjee, a senior energy adviser to Senate Majority Leader Mitch McConnell, and Powelson, a Pennsylvania regulator, would take positions that expire in 2021 and 2020, respectively. POLITICO [has reported](#) that both were expected to be tapped for the Federal Energy Regulatory Commission.

The new Republican members would, if confirmed by the Senate, restore the agency's quorum.

FERC has been operating with just two sitting commissioners for more than two months, since Norman Bay resigned the chairmanship after Trump elevated Cheryl LaFleur to that position. While staff can address most of the agency's business, the absence of a quorum hinders FERC's ability to enact final orders dealing with interstate natural gas pipeline projects and contested electricity rate plans.

POLITICO has also reported that Kevin McIntyre, who co-leads Jones Day's global energy practice, is expected to fill the third FERC vacancy. Some sources have suggested that he may be in line for the chairmanship.

In recent months, [members](#) of [Congress](#) and more than a [dozen industry groups](#) have pressed the administration to appoint new members.

Senate Energy and Natural Resources Chairwoman Lisa Murkowski has vowed to prioritize moving new FERC nominees through her committee, although the full confirmation process could easily take several weeks to complete.

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EPA seeks delay of California waiver suit [Back](#)

By Alex Guillén | 05/08/2017 11:44 AM EDT

The Trump administration has asked a federal court to postpone arguments in a case over EPA's 2013 approval of a Clean Air Act waiver allowing California to set stricter emissions limits for diesel engines.

In its [filing](#) in the 9th Circuit Court of Appeals Friday, EPA says the new Trump administration needs more time to review the waiver and "determine whether it will be reconsidered."

If EPA does reconsider and revoke that waiver, it could lead to a challenge of the agency's authority on that issue. California receives special treatment under the Clean Air Act to set stricter limits because of its history of high pollution levels, if EPA grants a waiver. However, the state and environmental groups argue the law does not specify that EPA has the authority to revoke a waiver once granted.

The lawsuit playing out in the 9th Circuit is over a waiver to set stricter particulate matter and oxides of nitrogen limits for "non-road" diesel engines on vehicles like forklifts and bulldozers. Various challengers, represented by the Texas Public Policy Foundation, say the limits aren't needed on a statewide level and should have been approved on a more local basis.

The Trump administration has also [indicated](#) it may decide to go after a similar waiver granted during the Obama administration to California to enforce stricter auto emissions standards than the federal limits.

EPA said the California Air Resources Board, which got involved to help defend the waiver, opposes delaying arguments.

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House Democrat asks GAO to probe DOE's ARPA-E funding [Back](#)

By Darius Dixon | 05/08/2017 05:44 PM EDT

The top Democrat on the House Science Committee today asked the GAO to probe whether the Energy Department is illegally withholding funding for projects under the agency's ARPA-

E program.

"I have serious concerns that the actions which have been reported to me at ARPA-E may constitute violations of the Impoundment Control Act," Rep. [Eddie Bernice Johnson](#) said in a [letter](#) to GAO Director Gene Dodaro. "I would ask that you look into these allegations with all due haste, and take any actions you feel are necessary to ensure Executive compliance with Congressional direction."

Sources told POLITICO [last month](#) that the agency was withholding money on grants already approved under ARPA-E, which selects technology projects and awards funding as those ventures meet development milestones. But those sources said even projects that received initial ARPA-E backing were having their money withheld regardless of whether they met their milestones because of a "procurement hold" or "no contract action."

Johnson said more than \$100 million in fiscal 2017 funds have been appropriated to ARPA-E. The spending bill that averted a government shutdown last week also included a budget increase for ARPA-E through the remainder of 2017.

"[T]he courts have declared that agencies may not attempt to thwart the intent of Congress by withholding or impounding funds intended for a specific purpose. If the Department of Energy has subjected ARPA-E to a 'no contract action' which has this effect, the Department could be in violation of the law," Johnson wrote.

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Pruitt to seek new EPA scientific advisers [Back](#)

By Annie Snider | 05/04/2017 04:32 PM EDT

EPA Administrator Scott Pruitt is reopening the nomination process for outside scientific counselors to advise the agency on research and development, according to internal agency emails obtained by POLITICO.

In an email to staffers yesterday, Office of Policy chief Samantha Dravis said Pruitt would not be moving forward at this time with the reappointment of nine members of the [Board of Scientific Counselors](#) whose terms expired last week, and that political leaders "would like to re-open the nominations process." The board is a federal advisory committee currently made up of 18 members that provides advice and recommendations to EPA's Office of Research and Development. It has tackled issues ranging from methods for evaluating lead exposure to wildfire smoke risks in recent years.

The move comes as congressional Republicans have been pushing to alter the process by which science is overseen and used to inform regulations at EPA — changes that GOP lawmakers say would promote fairness and transparency, but that environmental groups argue would give more influence to industry.






EPA political leaders also opted to withdraw the agency program from consideration for a Harvard University Kennedy School of Government award. According to the emails, the

[Federal Community of Practice on Crowdsourcing and Citizen Science](#), a program co-chaired by EPA to help government agencies with citizen science initiatives, is a finalist for the Innovations in American Government Awards. Pruitt needed to sign a form in order for the program to move forward in the competition, but Dravis informed staffers yesterday that "the Administrator will not be moving forward at this time" with the award.

Last week, EPA said it [removed](#) "outdated language" referring to Obama-era programs that President Donald Trump has targeted for elimination, including virtually all mentions of climate change.

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