



Top Stories

5/28/2015—The Department of Interior (DOI) [released](#) a final land use strategy to help conserve greater sage grouse habitat across 10 states in the west. The plan includes capping energy development on certain priority habitat areas, though DOI notes that those lands have little oil and gas development potential. The sage grouse population is currently under review by the U.S. Fish and Wildlife Service (FWS) for possible protection under the Endangered Species Act (ESA). FWS faces a Sept. 30 deadline to determine if it will protect the grouse or not under ESA, and what level of protections it will be given.

5/27/2015—The U.S. Environmental Protection Agency (EPA) along with the U.S. Army Corps of Engineers released its [final rule](#) to clarify which water bodies in the United States are subject to the Clean Water Act (CWA) permitting requirements. The Clean Water Rule: Definition of Waters of the U.S., was [originally proposed](#) in March 2014. One of the more controversial issues of the proposal was whether or not ditches would be considered “water bodies” and therefore would require a CWA permit. EPA Administrator Gina McCarthy noted that determination of ditches will need to be made on a case-by-case basis, but any ditch not defined as a tributary would not be covered by the CWA. For more details see [NCSL's Info Alert](#).

5/15/2015—NCSL, along with the Environmental Council of the States (ECOS), sent a [letter](#) to the U.S. Senate Environment and Public Works Committee on legislation (S.697) to reform the Toxic Substances Control Act. NCSL and ECOS noted interest in passing the legislation if it ensures that states and their citizens are protected from harmful chemicals. The letter also underscores concern with ambiguous language in the bill, particularly in the section that outlines allowing states to apply

for waivers to regulate chemicals if the federal government has already pre-empted the state regulations. NCSL and ECOS are currently working with Senate staff to provide better language for certain sections of the bill. The Senate will likely vote on the bill before the August recess.

From the 114th Congress

5/14/2015—U.S. Senator Shelley Moore Capito (R-W.V.) [introduced](#) the Affordable Reliable Energy Now Act, a bill that that would alter EPA regulations related to greenhouse gas emissions in a number of ways. The legislation would extend the compliance date for EPA's Clean Power Plan pending judicial review. It would also bar the EPA from setting a technology-based standard for new power plants until the standard has been in working order at separate power facilities for at least one year. Additionally, the bill would prevent EPA from using any federally funded projects from being used to set the standard.

From the Administration



5/21/2015—The Office of Management and Budget (OMB) released the spring 2015 regulatory agendas for all federal agencies. The [regulatory agenda](#)

for EPA lists August as the tentative date for the final greenhouse gas emissions regulations for power plants. EPA's agenda also notes a June 1 deadline for the Renewable Fuels Standards volumes for 2014, 2015 and 2016. The Department of Interior's (DOI) regulatory [agenda](#) lists June as the release

date for the proposed rewrite of the stream buffer zone protection rule.

5/20/2015—The White House issued a [Statement of Administration Policy](#), threatening to veto the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act. The bill would loosen restrictions on catch limits, give fisheries more time to rebuild their stocks and would exempt their operations from environmental analysis requirements. Due to the fact that the bill provides more power for states to decide catch limits for certain fish, the White House stated that the bill would create an “untenable situation” where recreational and commercial fisherman would be subject to different regulatory regimes in the same waters.

5/20/2015—The White House [released](#) a report outlining the implications of climate change on national security, and the protocol it’s implementing to combat these effects. The report compiles information from the National Climate Assessment, the Department of Defense’s 2014 Quadrennial Defense Review and the 2015 National Security Strategy. It says that “climate change will change the nature of U.S. military missions.” The report also details infrastructure risks and the demands on military resources.

5/5/2015—As part of a [conference](#) that convened state and local leaders in climate preparedness at the White House, the president released the [Federal Guide to Infrastructure Planning and Design](#). The guide incorporates programs and opportunities from eight federal agencies, as well as new principals to inform state and local governments to prepare infrastructure that will be resilient to the effects of climate change.

From the Environmental Protection Agency (EPA)

5/27/2015—EPA and the U.S. Coast Guard [issued](#) a joint Clean Water Act order to ensure appropriate cleanup of the heavy crude oil that leaked from a pipeline near a state beach in Santa Barbara, Calif. The order requires the pipeline owner to continue its cleanup work inland, beachside and in the

ocean, and help prevent further shoreline contamination. The spill occurred on May 19 when a pipeline ruptured carrying 105,000 gallons of oil. EPA and the Pipeline and Hazardous Materials Safety Administration are investigating the cause of the rupture.

5/22/2015—EPA [announced](#) it has met its statutory obligations under the Clean Air Act to write standards for at least 90 percent of emissions from seven specific pollutants, including mercury, PCD and lead compounds.

5/22/2015—EPA [finalized](#) a rule that changes the requirements for how states address excess air pollution that occurs during industrial equipment malfunctions or plant startups or shutdowns. The biggest change in the final rule is it does not allow states to automatically exempt facilities from emission limits during startups, shutdown or malfunctions.

5/6/2015—EPA released a new online tool, the [Climate Adaptation Training for Local Governments](#), designed to help local public officials and community leaders prepare for the effects of climate change. The training module was developed in consultation with EPA’s Local Government Advisory Committee.

4/21/2015—EPA [awarded](#) \$5 million in grants to cities located near U.S. ports for clean diesel projects. The selected projects aim to improve air quality and reduce emissions of greenhouse gases in California, New Jersey, Oregon and Texas.

From the United States Department of Interior (DOI)

5/20/2015—DOI’s Bureau of Reclamation [invested](#) nearly \$50 million to improve water efficiency and conservation in 12 drought-stricken Western states, including California. Through the WaterSMART Program, the funds will go to projects for water reuse and conservation projects.

5/19/2015—U.S. Secretary of the Interior Sally Jewell [unveiled](#) a final strategy for preventing and responding to wildfires on the rangelands in the West. The strategy integrates efforts from

federal, state, tribal and local partners such as invasive weed treatments, fuel breaks, encroachment projects, sagebrush replanting and post-fire rehabilitation efforts.

5/18/2015—FWS [proposed](#) a change to the ESA that would require petitioners to gather information from state wildlife agencies before submitting a petition to FWS and include such information from the states in the petition. In submitting the proposal, FWS noted that the data and information from state fish and wildlife agencies are as important as the “best available science” required under current ESA. The proposal will be open for public comment for 60 days.



5/15/2015—DOI released a draft [environmental impact statement](#) for a 100-megawatt solar project on American Indian land in Nevada. The EIS is a next step in the final approval for the project, which is part of DOI’s efforts to utilize renewable energy resources on tribal lands. The [Aiya Solar Project](#) is expected to produce enough electricity to power 30,000 homes.

From the Courts

5/20/2015—The U.S. Court of Appeals for the D.C. Circuit ordered EPA to provide an updated timeline for when the agency will issue regulations related to industry cleanup of mining activities. The regulations, required under the Comprehensive Environmental Response, Compensation and Liability Act, are 30 years overdue.

5/13/2015—The Sierra Club, along with a number of other environmental groups, filed a lawsuit against EPA in the U.S. Court of Appeals for the D.C. Circuit asking for judicial review of an EPA regulation setting air quality standards for ozone. The main concern for environmentalist groups is that the new rule provides too much latitude for states to meet the limit which, in their opinion, would weaken the Clean Air Act.

Additional Resources and Reports of Interest

5/27/2015—The National Oceanic and Atmospheric Administration [released](#) its hurricane season forecasts, projecting a below-average hurricane season in the Atlantic Ocean. However, NOAA is predicting higher-than-normal hurricane activity in the central Pacific because of warmer ocean water temperatures. NOAA Acting Director Tom Evans said there is a 70 percent chance of an above-normal season in the Pacific, and Hawaii could see up to eight storms.

5/26/2015—The Governors’ Wind Energy Coalition, chaired by the governors of Washington and Iowa, sent a [letter](#) to Congress urging extension of the wind production tax credit. The coalition writes that renewable energy development in the nation is at risk because of federal uncertainty.

5/26/2015—The U.S. Department of Energy Secretary Ernest Moniz, along with his counterparts from Central and South America, created the [Western Hemisphere Clean Energy Initiative](#). The partnership will work together to collectively double renewable sources by 2030.

5/22/2015—The U.S. Energy Information Administration (EIA) released a [report](#) finding that the proposed EPA regulation to limit greenhouse gas emissions from existing power plants will cause electricity prices to increase 4.9 percent by 2020. The report also concluded that a large number of coal-fired power plants will retire by 2040 because of to the rule. On May 15, EIA released a different set of [projections](#) related to carbon dioxide emissions, finding that emissions from the power sector will increase through 2040. These projections, however, did not take into account the proposed Clean Power Plan regulations.

5/21/2015—The bipartisan Mayors for Parks Coalition sent a [letter](#) urging Congress to reauthorize and fully fund the Land and Water Conservation Fund (LWCF). The LWCF is funded through offshore oil and gas drilling revenues and its grants are used to acquire federal lands, for conservation efforts, or to solicit matching grants for state and local activities.

5/19/2015—California, Oregon, Washington and Vermont [joined](#) to sign a pact with seven subnational governments from around the world to reduce greenhouse gas emissions 80 to 95 percent by 2050. The agreement is nonbinding and each government will create its own separate plans to comply with its targets.

5/11/2015—The Government Accountability Office [released](#) a study on EPA’s processes for providing scientific advice for congressional requests. GAO found that EPA lacks specificity and uniformity in its policies of when to give advice from a Scientific Advisory Board.

5/7/2015—NOAA [reported](#) that global carbon dioxide levels in the atmosphere have risen to more than 400 parts per million (ppm). These are the highest levels in human history, and the first time atmospheric carbon dioxide was greater than 400 ppm since approximately 3 million years ago.

5/5/2015—Harvard and Syracuse Universities [released](#) a joint study on health benefits to EPA’s Clean Power Plan standards that limit greenhouse gas emissions from power plants. The study found that the rules, if finalized, could prevent 3,500 premature deaths per year.

4/27/2015—The U.S. Department of Agriculture [announced](#) \$285 million in payments from the Secure Rural Schools (SRS) program will go to 41 states this year to support local schools and roads. The SRS program provides that money earned from timber harvests on federal land will be given to the states where the timber was harvested.



[Registration](#) is open for NCSL’s 2015 Legislative Summit taking place Aug. 3-5 in Seattle. See [the website](#) for more details and resources from last year. [Click here](#) to find resources from past meetings including session presentations, information, videos and more!

NCSL Staff Contacts

Ben Husch
Committee Director
202-624-7779
Ben.husch@ncsl.org

Melanie Condon
Policy Specialist
202-624-3597
Melanie.condon@ncsl.org

NCSL Resources

NCSL’s NRI Committee began its [2015 Spring Webinar Series](#) on April 30. The committee will host a webinar almost every Friday through June (for exclusions – [check website](#) for specific dates). Topics include: EPA regulations, general aviation, falling oil prices, invasive species, food safety and more. [Register online for free!](#)