

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Thur 11/9/2017 10:43:12 AM
Subject: Morning Energy, presented by ExxonMobil: Senate expected to send Pruitt an air chief today — Senate Energy slots in Nov. 15 ANWR markup as text released — East vs. West coal battle heats up — New hurdle for nuclear waste bill

By Anthony Adragna | 11/09/2017 05:41 AM EDT

With help from Emily Holden and Eric Wolff

HELP'S ON THE WAY: The Senate is expected to confirm William Wehrum today at 11:30 a.m. to run EPA's air office, sending Administrator Scott Pruitt a key, if controversial, lieutenant as he embarks on a sweeping agenda to roll back a host of Obama-era air regulations. Barring any huge surprises (the cloture vote was [along party-lines](#)), Wehrum is expected to receive unanimous Republican backing and universal Democratic opposition.

Al Franken made a candid hot mic comment during the cloture vote. Watch [here](#).

Pressure to testify ramps up: With help on the way to the agency, look for Congress to further lean on Pruitt to return for oversight hearings. House Energy and Commerce Environment Subcommittee Chairman [John Shimkus](#) told reporters he's personally told Pruitt within the past two weeks that he needs to appear before the committee. "I know that I said, 'You know you're eventually going to have to come before the committee, and the sooner you do it the better,'" he said. "He was quiet." House Science Chairman [Lamar Smith](#) said in a [letter](#) his staff was working on finding "a mutually convenient time" for Pruitt to come. From ME's perspective, Hill Republicans may have to do more than nicely ask for Pruitt to appear.

Speaking of Pruitt, a tipster tells ME they spotted the administrator in first class on a flight from D.C. to Detroit on Wednesday morning. An agency spokeswoman wouldn't say where he was going or what he was doing once he arrived.

Hey, EPA: That's not how this works. Pruitt is a Cabinet official, not a private citizen. His responsibilities include testifying before Congress regularly, and the public has a right to know where he is on a given day. Unlike Pruitt, other Cabinet officials — including Secretary of State Rex Tillerson, Defense Secretary Jim Mattis, Agriculture Secretary Sonny Perdue, Commerce Secretary Wilbur Ross (even President Donald Trump himself) — regularly provide their daily schedules in advance.

So where is he today? Pruitt's [slated](#) to meet with the American Chemistry Council's board of directors for 2-1/2 hours on Kiawah Island, S.C.

IF IT'S THURSDAY, ME'S HERE FOR YOU! I'm your host Anthony Adragna, and EPA deputy nominee Andrew Wheeler was first (on the morning of his confirmation hearing!) to identify that Sen. Shelley Moore Capito's father, Arch Moore, served three terms as West Virginia governor before legal troubles ended his career. For today: Which former lawmaker left the House to become a public works commissioner? Send your tips, energy gossip and comments

to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@Morning_Energy](https://twitter.com/Morning_Energy) and [@POLITICOPro](https://twitter.com/POLITICOPro).

ANWR LEGISLATION RELEASED: Senate Energy Chairman [Lisa Murkowski](#) released a four-page reconciliation [package](#) late Wednesday that would open Arctic National Wildlife Refuge in Alaska to oil and gas drilling. According to the CBO, the measure would net \$1.092 billion over the 10-year budget while limiting development to 2,000 acres of federal land. The release allows the committee to move on to a [markup](#) on Nov. 15. Efforts to open ANWR to drilling are staunchly opposed by Democrats, including Ranking Member [Maria Cantwell](#), and environmental advocates. Remember instructions in the budget resolution, [H. Con. Res. 71](#), require Murkowski's committee to raise \$1 billion in revenue over the next decade.

Hot docs: Text of the chairman's mark [here](#). Summary of the mark [here](#). Map of the area under consideration [here](#).

NEW EAST V. WEST BEEF: Energy Secretary Rick Perry's grid resiliency push to boost the coal and nuclear sectors is casting a brighter light on the ever-expanding divide between the coal industry's Appalachian mines and Wyoming's Powder River Basin, Pro's Alex Guillén [reports](#). And though the Trump administration has paid close attention to boosting the fortunes of Appalachia in its early months, experts say the industry's future appears brighter out West. "The industry recognizes it's just a fact of geology and Mother Nature and economics," said analyst Michael Dudas of Vertical Research Partners. "Over the past decades, the mix has certainly gone away from Appalachia towards the Powder River Basin."

Eastern and Western coal states have been on different trajectories for decades, with 56 percent of U.S. coal production in 2015 coming from the Western region and just 25 percent from Appalachia. Western coal is easier to access and reserves are so abundant that companies were able to absorb an Obama-era moratorium on new leases largely unfazed. "In the grand scheme of things, economically, we're the better bet for a utility," Travis Deti, executive director of the Wyoming Mining Association, said.

But the nostalgia factor: Appalachia is the nation's sole producer of metallurgical coal, high-grade fuel used to make steel and other metals and is better-positioned to export its coal. But beyond those factors, it continues to occupy an overwhelming cultural and political presence in parts of the country. "Our advantage is we have the best coal miners in the world and we got probably some of the best coal in the world right here. The Lord blessed us in that standpoint," Bill Raney, president of the West Virginia Coal Association, said.

NUCLEAR WASTE BILL HITS NEW HURDLE: A dispute between Shimkus and House Appropriators over how money from the Nuclear Waste Fund is spent must be resolved before a [bipartisan](#) nuclear waste bill can hit the floor, Pro's Darius Dixon [reports](#). At issue is mandatory spending in the Shimkus bill that would go to operating costs related to Yucca Mountain and additional payments through a "benefits agreement" with the state of Nevada. Current law has Congress dole out monies from the fund during the annual appropriations process and lawmakers on that panel don't want to cede that power. "My frustration is that we are serious but the appropriators, right now, are still wedded to a year-to-year process," Shimkus told Darius.

It's a pile-on! Even if the bill gets out of the House, there's been little appetite to move on the issue in the Senate where leadership doesn't want to put vulnerable Nevada Republican Sen. [Dean Heller](#) in a tough spot. "Senate Republicans have made it clear they don't want to move forward on Yucca Mountain because it could hurt Sen. Heller," a senior Senate aide said. Heller said in an interview — with a smile — he'd been pushing Majority Leader [Mitch McConnell](#) to keep Yucca funding out of the next spending package. "I think we'll get there," he added.

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HOW ABOUT A MEETING? The Senate's number two Democrat has no plans to lift his hold on multiple Interior nominees until Secretary Ryan Zinke meets with his office about his review of national monument designations, your ME host [reports](#). "A meeting, how about that for a radical idea?" Sen. [Dick Durbin](#) told ME when asked what it would take to lift the holds. "We asked the secretary to meet with us and he won't do it." Zinke demanded the senators "lift the random and senseless holds" in [a tweet](#) late Wednesday.

ROUGH WATERS FOR CORPS NOMINEE? Rickey Dale "R.D." James, Trump's pick to run the Army Corps of Engineers, is likely to face scrutiny today before the Armed Services Committee over what critics say are his conflicts of interests, Pro's Alex Guillén [reports](#). His thousands of acres of valuable Missouri farmland lie within the New Madrid floodway, a relief-valve channel that can be used to divert floodwaters from the Mississippi and Ohio rivers. James, a long-time member of the powerful Mississippi River Commission, has admitted to being conflicted about flooding the area because of his ties there. "I could not displace from my mind what the decision would mean to my friends and neighbors," James [told](#) the Defense Media Network in 2012.

His defenders include both of Mississippi's senators — [Thad Cochran](#) and [Roger Wicker](#) — and major waterways groups. Once he clears the Armed Services Committee, he will go through another hearing and vote before the Senate Environment and Public Works Committee. The [session](#) gavel in at 10 a.m. in Dirksen G-50.

OLD KING COAL: Michael Bloomberg and Bloomberg Philanthropies today will [announce](#) a \$50 million cash infusion to launch the Europe Beyond Coal campaign to reduce the continent's dependence on coal energy. Done in partnership with the European Climate Foundation and a sister campaign on ongoing U.S efforts, both groups plan a Nov. 11 event on the sidelines of the UN's COP23 to discuss their new push.

Taking stock: As the climate confab in Bonn continues, a [new analysis](#) from Data-Driven Yale finds nearly 15,000 subnational and non-state actors have set close to 100,000 goals to curb climate change. The researchers synthesized information from 17 platforms and organizations, finding that more than 7,000 cities representing 17 percent of the world's population have climate targets. Most (5,831) are in Europe, and 554 are in North America. The study identified

climate commitments from about 6,225 companies and investors with \$36.5 trillion in revenue, and from 34 of the world's 57 largest banks, as well as 700 U.S. colleges and universities

HYDROPOWERING THROUGH: The House voted 257 to 166 on Wednesday to approve the Hydropower Policy Modernization Act [H.R. 3043 \(115\)](#) revamping the permitting process for hydropower projects. "This bill won't change outcomes or environmental standards. Instead, it will speed up the relicensing process and save time and money," bill sponsor Rep. [Cathy McMorris Rodgers](#) said in a statement. Twenty-six Democrats backed the measure, while three Republicans voted against it.

BISHOP'S 'DISAPPOINTED' BY PREPA'S ABSENCE: House Natural Resources Chairman [Rob Bishop](#) told ME he's "disappointed" but not surprised the head of Puerto Rico's utility backed out of a congressional hearing earlier this week. "They would have had to face all the questions about Whitefish, so I kind of understand why they didn't necessarily want to be there," he said. "If we're trying to solve the problem, spending a lot of time on Whitefish would be fun but not necessarily essential with moving forward."

FIGURE IT OUT: Democratic Sens. [Sheldon Whitehouse](#) and [Michael Bennet](#) asked FERC in a Wednesday [letter](#) to reverse course and include the social cost of carbon as part of its review of pipeline projects. They included a point-by-point rebuttal of a recent draft FERC analysis in which the commission said it would not include the figure estimating societal costs of carbon pollution in its analyses.

ATLANTIC SUNRISE CAN PROCEED: A three-judge panel of the D.C. Circuit denied a request Wednesday from community and environmental groups to halt construction of the Atlantic Sunrise natural gas pipeline while a broader challenge to FERC approval of the project proceeds, [Pro's Darius Dixon reports](#). "Petitioners have not satisfied the stringent requirements for a stay pending court review," the court said in [its order](#).

MAIL CALL! THANKS, MR. PRESIDENT! A group of advanced biofuel producers, including ethanol giants Archer Daniels Midland and POET, sent a [letter](#) to Trump thanking him for past support of the ethanol industry and asking him to make sure advanced biofuel volumes are raised from proposed levels. "Mr. President, we very much appreciate your ongoing commitment to the biofuels industry and the Americans who work every day to produce biofuels and other bio-based, agricultural products," the letter says.

Hey, House, lay off our wind tax credit: Rhode Island Gov. Gina Raimondo and South Dakota Gov. Dennis Daugaard are asking House tax writers to lay off changes to the wind tax credit. In a [letter](#) to Ways & Means Chairman [Kevin Brady](#) and ranking member [Richard Neal](#), the pair, who are also the current and past chairmen of the Governors Wind and Solar Energy Coalition, say the bill should drop its provisions that change how wind projects qualify and that eliminate an inflation adjustment. Fifteen House members, led by Rep. [David Young](#), made a similar plea in their [own letter](#) Wednesday.

Not sold: A group of 17 environmental and public health groups sent a [letter](#) to the House on Wednesday strongly opposing the chamber's tax package, [H.R. 1 \(115\)](#). "The plan puts at risk

our clean energy future by preserving tax breaks for dirty energy sources while slashing them for cleaner forms of energy," the letter, signed by groups like the Center for Biological Diversity, Sierra Club and Oil Change International, says. "And if the tax plan itself weren't harmful enough, it is also being packaged in the Senate with unrelated, controversial legislation that hands over the pristine and sacred Arctic National Wildlife Refuge to exploitation by Big Oil."

Energy research can be fun(ded)! A group of business leaders sent [a letter](#) to top House and Senate appropriators urging robust energy research funding. "Ensuring America stays at the forefront of global energy technology research is both an economic and security imperative," the letter, signed by leaders including Southern Co's Tom Fanning, ClearPath's Jay Faison and the U.S. Chamber's Thomas Donohue, says.

GOOD YEAR FOR PARKS: The Trust for Public Land ran the numbers and voters around the country approved \$1.5 billion in local and state ballot measures for parks and conservation. Twenty-six of the 30 local park and open space measures passed. "At a time when Americans seem to be increasingly divided, one thing we all agree on is that we love our parks, whatever our political party," Will Rogers, the group's president, said in a statement.

TAKE A GLANCE! Energy In Depth, a research program of the Independent Petroleum Association of America, is launching [a website](#) today pushing back on claims made by the #ExxonKnew campaign.

QUICK HITS

- How Coal Giant Peabody's Ideas Ended Up in Trump's Coal Study. [Bloomberg](#).
- Coal-fired plant shifted \$1bn offshore while pocketing \$117m from Australian taxpayers. [The Guardian](#).
- End may be nearing for Diablo Canyon nuclear plant. [San Francisco Chronicle](#).
- Shell Enchilada oil platform in Gulf of Mexico shut after fire. [Reuters](#).
- Homeland nominee questions human role in climate change. [AP](#).
- California Gov. Jerry Brown delivers a blunt climate change message in Germany. [Los Angeles Times](#).

HAPPENING TODAY

9:15 a.m. — "[Heavy-Duty Innovation: Energy, Automation & Tech in the Trucking Sector](#)," Securing America's Future Energy, The Loft at 600 F, 600 F Street Northwest

9:30 a.m. — ITC hearing on countervailing and anti-dumping duty investigations into Argentine and Indonesian biodiesel, 500 E St., SW

9:30 a.m. — "[What Lessons Can Be Learned from Power Africa?](#)" Center for Strategic and International Studies, 1616 Rhode Island Avenue, NW

10:00 a.m. — Various nomination [hearing](#), including head of the Army Corps of Engineers, Senate Armed Services Committee, Dirksen G-50

10:15 a.m. — "[H.R. _____, Farm Regulatory Certainty Act](#)," House Energy and Commerce Environment Subcommittee, Rayburn 2322

11:00 a.m. — FERC Chairman Neil Chatterjee holds discussion with Platts reporters and other credentialed press, S&P Global Platts Washington office, 1200 G St., NW, Ste. 1000

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<https://www.politicopro.com/tipsheets/morning-energy/2017/11/senate-expected-to-send-pruitt-an-air-chief-today-025463>

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Wehrum clears cloture hurdle [Back](#)

By Anthony Adragna | 11/08/2017 05:30 PM EDT

The Senate invoked cloture on William Wehrum's nomination to run EPA's air office, leaving just one final vote until Administrator Scott Pruitt lands his first lieutenant.

The vote was 49-46 along party lines.

It's been an arduous process for Wehrum, a veteran of the George W. Bush Office of Air and Radiation in EPA. A vote in the Senate Environment and Public Works Committee was [briefly delayed](#) due to Republican concerns over the agency's plans for the Renewable Fuel Standard.

Democrats and environmental groups oppose his selection. During his confirmation hearing, Wehrum said the degree that human activity drives climate change remains an "[open question](#)," contradicting mainstream science.

WHAT'S NEXT: A final vote on the nomination is likely sometime on Thursday.

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Nuclear waste bill clears House committee with bipartisan backing [Back](#)

By Darius Dixon | 06/28/2017 12:05 PM EDT

The House Energy and Commerce Committee approved nuclear waste reform legislation this morning on a bipartisan 49-4 vote, facing only a handful of Democratic holdouts.

The bill, H.R. 3053, sponsored by E&C Environment Subcommittee Chairman [John Shimkus](#), would make the first changes in 30 years to the Nuclear Waste Policy Act, which names Yucca Mountain as the nation's sole waste repository.

The committee agreed to a compromise [manager's amendment](#) that would let DOE open one interim storage facility while regulators continue to work on a permanent repository. That eliminated most of the [Democratic objections](#) to a draft version of the bill that would have barred such work until the Nuclear Regulatory Commission issued a decision on Yucca Mountain.

Yucca Mountain supporters have been concerned that a storage site would take the pressure off of approving a repository. Meanwhile, lawmakers have been anxious to move the waste building up at defunct nuclear power plants in their states.

Another [bipartisan amendment](#), also approved on a voice vote, removed the bill's original language impacting Nevada's water rights and air permitting. The amendment would also increase Yucca's capacity from 70,000 metric tons to 110,000 metric tons.

The bill also authorizes payments to host states and limits work on any defense waste-only repository.

New Jersey Rep. [Frank Pallone](#), the top Democrat on E&C, said that the bill was "a delicate and difficult negotiation, but I believe we have arrived at a very good compromise."

WHAT'S NEXT: Shimkus has said he expects the bill to get a vote by the full House before the August recess, but GOP leaders have not yet scheduled floor time for the bill.

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Shimkus: Nuclear waste bill mired in dispute with appropriators [Back](#)

By Darius Dixon | 11/08/2017 06:10 PM EDT

Rep. John Shimkus is in the midst of a face-off with members of the powerful Appropriations Committee over language in his bipartisan nuclear waste bill that would limit their say in how money from the Nuclear Waste Fund is spent.

The Illinois Republican's bill, H.R. 3053, would authorize the Energy Department to open one interim storage facility while regulators review plans to permanently house it at Yucca Mountain, which would be expanded in size. But the measure also sets aside mandatory spending from the fund, an account amassed from fees on nuclear-generated electricity that was valued at \$46 billion last year.

Mandatory spending in the Shimkus bill includes operating costs related to Yucca Mountain and additional payments through a "benefits agreement" with the state of Nevada. Under existing law, Congress spends money from the fund through annual appropriations bills, a process that allowed Democrats to block required regulatory reviews of Yucca Mountain for the last several years.

"We want to be able to send a signal to not just DOE to move forward and that there's going to be some consistent funding, but we also want to send a signal to the state of Nevada that if there's going to be an agreement on benefits that that's not at the whim of a year-to-year process," Shimkus told POLITICO on Wednesday. "My frustration is that we are serious but the appropriators, right now, are still wedded to a year-to-year process."

GOP leadership "wants us to resolve this conflict" before bringing the bill to the floor, Shimkus said.

Given the fund's \$46 billion value last year, Shimkus' bill would permit DOE to spend at least \$500 million annually for the construction and operation of a Yucca Mountain facility as well as payments to Nevada for hosting "without further appropriation."

Shimkus said the negotiations with appropriators over his bill are separate from the omnibus spending bill lawmakers need to address next month, making it difficult to estimate when the conflict might be resolved.

The showdown is only the latest hurdle for long-suffering nuclear advocates who want the U.S. to establish a permanent waste repository.

Even if Shimkus and the appropriators resolve their differences on his bill, the Senate has shown little appetite this year for addressing a permanent nuclear waste repository, despite the retirement of former Democratic Leader Harry Reid, Yucca Mountain's No. 1 foe. Nevada Republican Dean Heller, who faces one of the toughest reelection fights next year, has become the biggest roadblock in the upper chamber. The House included \$150 million to restart Yucca in its fiscal 2018 spending bill for the Energy Department and the Nuclear Regulatory Commission, but the Senate did not follow suit and seems unlikely to go along with including the funds in an omnibus.

"Senate Republicans have made it clear they don't want to move forward on Yucca Mountain

because it could hurt Sen. Heller," a senior Senate aide said.

Sen. [Lamar Alexander](#) (R-Tenn.), who chairs the appropriations subcommittee with jurisdiction over Yucca, acknowledged in a recent interview that Heller is "a well-respected, influential U.S. senator, so his views will be paid attention to by lots of senators," but that it was too soon to tell how a final deal would shake out.

Heller himself wouldn't say whether he'd secured any assurances from Senate Majority Leader [Mitch McConnell](#) to keep new Yucca funds out of the next spending law. "I keep urging it," he said with a smile. "I think we'll get there."

The Senate is "not passionate about this," said Tim Peckinpaugh, a partner at K&L Gates, a law firm that was involved with the lawsuits that sued to force the federal government to continue work on the Yucca Mountain application. "I don't see a John Shimkus in the Senate," he said. "He has passion and incredible persistence on this issue. But I do see broad-based support. I'm convinced that if there's an up-or-down vote in the Senate, it would pass by big numbers — more than 60 — and I think both sides know that, quite frankly."

Simply looking at the map of where the commercial and defense nuclear waste destined for a site like Yucca Mountain currently sits, logical supporters of the new funding would include members of the Senate Democratic leadership like Sens. [Chuck Schumer](#) of New York, [Dick Durbin](#) of Illinois and [Patty Murray](#) of Washington.

But Sen. [Catherine Cortez Masto](#) (D-Nev.), like Heller, opposes Yucca in line with the rest of her state's congressional delegation. And she's convinced that Schumer, the Senate minority leader, won't support new cash for the project next month.

"I don't anticipate that there's going to be any funding," she said. "I've talked to my leadership about it. ... Sen. Schumer is opposed to it."

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Durbin freezes Interior nominees over monument review [Back](#)

By Anthony Adragna | 11/08/2017 04:17 PM EDT

Senate Minority Whip [Dick Durbin](#) said in [a letter](#) today that he's placed a hold on multiple Interior nominees until the agency responds to an earlier October letter concerning his review of national monument designations.

"I remain hopeful that a meeting can be scheduled in the near future to discuss these important issues," he wrote to Micah Chambers, acting director of Interior's Office of Congressional and Legislative Affairs. "Please let the Secretary know that while my colleagues and I await his

scheduling decision, my holds on Department of Interior nominees will continue."

In that previously unreleased October [letter](#), Sens. [Tom Udall](#), [Martin Heinrich](#) and [Jeff Merkley](#) and Durbin asked Zinke to meet with Durbin's office to explain his recommendations to shrink several national monuments created under the Antiquities Act by prior administrations.

They also requested maps, documentation and justifications for those recommendations and called for his report to be released publicly.

Zinke sent a letter earlier today to Senate leadership demanding "[immediate action](#)" on multiple Interior nominations that have been held up for months.

WHAT'S NEXT: Durbin said his hold on the nominees will continue until Zinke agrees to a meeting.

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Army Corps nominee to face scrutiny over Mississippi River project [Back](#)

By Alex Guillén | 11/08/2017 06:36 PM EDT

President Donald Trump's pick to run the Army Corps of Engineers, Rickey Dale "R.D." James, is likely to draw some scrutiny on Thursday over what critics complain is his conflict of interest over a controversial Mississippi River flood control project.

James, a civil engineer by training, was recommended to Trump by Sens. [Thad Cochran](#) (R-Miss.) and [Roger Wicker](#) (R-Miss.) to head the agency with a \$6 billion budget that takes the lead on major water infrastructure projects across the U.S.

The pair were impressed by James' 36 years sitting on the Mississippi River Commission, which along with the Corps oversees water projects on the nation's biggest river and its many tributaries.

"He has been a friend to Mississippi in terms of supporting projects and policies to improve navigation and flood control in our state," Cochran said in a statement.

Cochran chairs the Appropriations Committee and thus exercises great power over the Army Corps' budget, while Wicker is a senior member of the Armed Services Committee, which will host Thursday's hearing.

Major waterway groups are pleased as well.

"Given his tenure on the Mississippi River Commission, he really has an in-depth knowledge of

the Corps of Engineers and the importance of investing in infrastructure," said Amy Larson of the National Waterways Conference.

But James' critics say he used his position on the powerful commission to protect his own interests, which include thousands of acres of valuable Missouri farmland sitting inside a controversial floodway.

"He has a long history of advocating for environmentally devastating and costly projects that benefit a handful of special interests," said Melissa Samet, a water attorney at the National Wildlife Federation. "And a lot of that advocacy has been carried out despite what we see as a clear conflict of interest with his position at the Mississippi River Commission."

James and his wife own New Madrid farmland worth between \$2.5 million and \$11 million, according to his [financial disclosure](#). Some of that land is rented out via a family limited partnership. If confirmed to the Army Corps post, James has promised to hand over control of the farmland and a company he owns to his son, although he will still receive crop rent income.

James' farmland lies squarely within the New Madrid floodway, a relief-valve channel that can be used to divert floodwaters from the Mississippi and Ohio rivers. But using the floodway — as has happened twice in the last 90 years — means damaging James' farm and the land of other politically powerful landholders.

Following the most recent flooding in 2011, the Army Corps delayed blowing out a levee that would activate the floodway, and the state even sued in an attempt to stop it, despite rising flood levels in Cairo, Ill., up the Mississippi River. James, who consulted on the decision, said he had been conflicted about flooding the Missouri farmland because of his family's holdings.

"My family's land lies within the floodway, and I could not displace from my mind what the decision would mean to my friends and neighbors," James [told](#) the Defense Media Network in 2012.

The political battle over whether to replace that levee, which would protect the land owned by James and other farm owners but leave small Illinois towns at risk of flooding in the future, continues to this day.

James will likely also find himself at the center of budget battles between the White House, which has proposed a steep 16 percent spending cut in the Army Corps' budget to \$5 billion, and lawmakers who are desperate to fund more major civil works projects in their states.

The Senate budget package calls for a small boost to \$6.2 billion, slightly above the \$6.16 billion sought by the House. It is unclear whether those increases will survive whatever spending deal Congress eventually strikes, but the Army Corps' funding is unlikely to decrease from fiscal 2017.

Larson said James' personal experiences with Corps projects means he is well placed to pressure the White House to maintain or increase project funding. "Given his position, he understands that

we need additional funds for investments in the nation's infrastructure," she said.

And James will play a major role in helping EPA rewrite its Waters of the U.S. regulation, which will determine the waterways that fall under federal jurisdiction. EPA has indicated it will not propose a new version of the Obama rule until early next year.

Once James clears the Armed Services Committee, he will go through another hearing and vote before the Senate Environment and Public Works Committee.

In addition to the farm, James manages a Missouri cotton gin and grain elevator company. His term on the Mississippi River Commission is the group's second-longest tenure, and he was most recently reappointed by former President Barack Obama in January.

James has given more than \$21,000 to federal candidates since the 1990s, according to FEC records. Most of that money went to Missouri lawmakers, including former Sen. Jim Talent and former Rep. Jo Ann Emerson, both Republicans, and Rep. Marion Berry, a Democrat from Arkansas' 1st Congressional District. The only presidential campaign he gave to was Rudy Giuliani in 2007.

James and his wife report owning stocks in the utilities Dominion Energy and American Electric Power, natural gas company Spectra Energy and oil giant Shell.

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Appeals court denies stay on Atlantic Sunrise pipeline construction [Back](#)

By Darius Dixon | 11/08/2017 06:22 PM EDT

A federal court panel today denied a request from community and environmental groups to halt construction of the Atlantic Sunrise natural gas pipeline while those organizations challenge FERC's approval of the project.

"Petitioners have not satisfied the stringent requirements for a stay pending court review," a three-judge panel of the D.C. Circuit Court of Appeals said in the [order](#).

The panel [instituted](#) an administrative stay on Monday while it weighed whether to grant the full stay, which would've been in place until the lawsuit, *Allegheny Defense Project, et al v. FERC*, 17-1098, was resolved.

WHAT'S NEXT: The court still needs to establish the briefing schedule for the lawsuit and has not decided when or whether to hold oral arguments.

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