

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Mon 8/7/2017 9:44:09 AM
Subject: Morning Energy: FERC may have an August pulse — Asian carp plan set to jump — No changes for Grand Canyon-Parashant

By Darius Dixon | 08/07/2017 05:41 AM EDT

With help from Esther Whieldon, Annie Snider, Alex Guillén and Eric Wolff

AUGUST WATCH: Free of Congress, wilting from the heat and anxious for some vacation time before the kids are back in school, most of Washington's policy apparatus is likely to shut down now for the rest of August. But this summer may be different for FERC since the Senate approved two nominees last week. After losing its quorum for the first time in its history early this year, the pressure is on for the agency to shrink the backlog that built up over the past six months. Remember, it's not just natural gas pipelines. There are also mergers, rehearings, and electric and natural gas rate cases, not to mention enforcement probes and potential settlements. Digging out from under that backlog — while dealing with the day-to-day workload — will take several months to get FERC caught up.

Neil Chatterjee and Rob Powelson were confirmed to FERC last Thursday, but it's not clear when they'll take the oath. When former FERC Chairman Norman Bay was confirmed by the Senate as a commissioner three years ago, he wasn't sworn in for 20 days. Of course, the circumstances are a bit more urgent now and a lot of people who depend on FERC may get more than a bit impatient if Chatterjee and Powelson head out for summer vacation. Just remember: They weren't the ones who brought FERC's work to a standstill or slowed the confirmation process. FERC commissioners don't normally hold a monthly meeting in August, but that's just tradition, not a rule. They also aren't limited to holding only one meeting a month, and there's plenty they can approve without having a public session. All in all, this may be a different sort of August for FERC.

BROUILLETTE IN THE BUILDING? One of the Senate's last votes before jetting out of town last week was to confirm Deputy Energy Secretary Dan Brouillette, a move that was welcomed by the Energy Department and those groups and companies who work with the agency. One of the most frequent complaints inside and outside the agency for months has been about the lack of confirmed nominees (Brouillette is just the second at DOE) to help take the bureaucratic busy work off of Perry's plate. Although it's August, we may see more activity out of the agency as Brouillette settles in. His swearing-in date hasn't been publicly released yet.

HAPPY MONDAY! I'm Darius Dixon, returning to the morning slot and attempting to fill Anthony's big ME shoes. Hayley Moller at Glover Park Group was the first by a mile to call out the myth/rumor of President William Howard Taft getting stuck in a bathtub. He apparently weighed about 354 pounds around the time of his inauguration in 1909. Annie dove into atomic history trivia last week and your new host can't resist jumping in the deep end. What Manhattan Project physicist later founded a science museum? Name the museum and its location. Send your answers to moi — along with your tips, energy gossip and commentary — at ddixon@politico.com, or follow us on Twitter [@dariuss](https://twitter.com/dariuss), [@aadragna](https://twitter.com/aadragna), [@bjlefebvre](https://twitter.com/bjlefebvre),

[@Morning_Energy](#), and [@POLITICOPro](#). And tell me if that was too easy!

CARP PLAN A-COMING: The Army Corps of Engineers is poised to dodge a major controversy when it releases a long-awaited draft plan for blocking invasive Asian carp from reaching Lake Michigan. A [notice](#) posted in the Federal Register Friday indicates the plan, due out today, will recommend using noise, electric barriers, water jets and other measures to deter carp from migrating further upstream, where recreational and environmental interests fear they would devastate the ecosystem and pose a safety threat to boaters. That's a much less controversial approach than others under consideration, like shutting down barge traffic on the waterway. The draft plan was originally due out at the end of February, but the Trump administration put it on hold amid worries from shippers. That delay drew an outcry from Great Lakes lawmakers, and multiple appropriations riders were aimed at speeding its release.

One fish, two fish, every fish! If you're reading about Asian carp then you probably know how frustrating they are to deal with. But for the uninitiated, who may not know how crazy this fish is, watch [this](#).

NEVERMIND! NO EPA RFS ANNOUNCEMENT AFTER ALL: EPA has changed course, and will not announce its intent to leave the Renewable Fuel Standard as-is, multiple sources tell ME. Instead, it will wait until the official documents are ready for the Federal Register, most likely in a few weeks. The sources say nothing has changed with the agency's policy decision, which is backed by the president: It will still leave refiners on the hook for the cost of complying with the program. But while it had been planning to announce the decision last week or today, it has now decided that industry and the public were sufficiently notified by POLITICO and other media reports last week. No public statement will be issued until all the t's are crossed and i's are dotted.

MC ZINKE WON'T TOUCH THIS: Interior Secretary Ryan Zinke announced on Friday that Arizona's Grand Canyon-Parashant national monument is "no longer under review" and that he's recommending that it be left alone amid a White House-directed study. The monument, which spans more than a million acres, was designated by President Bill Clinton in 2000. "The land has some of the most pristine and undeformed geological formations in North America, which show the scientific history of our earth while containing thousands of years of human relics and fossils," Zinke said. He has now officially removed five monuments from the original list. Seventeen remain under the microscope.

GREENS SCORE KEY WIN IN COAL ASH SUIT: A federal judge ruled for the first time Friday that a coal-fired power plant would have to remove the material from a leaky coal ash pond, rather than simply cap it and leave it in place — a pricey proposition. The lawsuit, brought by the Southern Environmental Law Center and a local Tennessee group, challenged the Tennessee Valley Authority's management of coal ash at its Gallatin Fossil Plant, although the conditions there are similar to those at plants across the south. "While the burden of closure by removal may be great, it is the only adequate resolution to an untenable situation that has gone on for far too long," Chief District Judge Waverly Crenshaw, Jr. of the Middle District of Tennessee wrote in his [order](#).

DOCS SHOW ENERGY CONNECTIONS AMONG EPA APPOINTEES: Key Trump administration appointees at EPA previously provided legal representation or held investments in some of the companies the agency regulates, according to newly released financial disclosures. Erik Baptist, EPA's senior deputy general counsel who arrived from the American Petroleum Institute in June, recently sold off investments of less than \$1,000 apiece in Exxon Mobil and ConocoPhillips. Another top appointee in the general counsel's office, David Fotouhi, still holds a number of energy-related investments, according to his disclosure. They include Phillips 66, Dow Chemical, Halliburton, Clorox, Solar Capital Ltd. and Energy Select Sector SPDF, an index with oil and gas holdings. Fotouhi, previously an attorney at Gibson Dunn & Crutcher, had a client list there that included Tesoro, General Electric and oil company Maxus Energy.

Meanwhile, Patrick Traylor, the deputy assistant administrator in the Office of Enforcement and Compliance Assurance, previously represented a number of energy interests at Hogan Lovells, including Southern California Edison, the American Petroleum Institute, Transocean, Koch Minerals, NRG Energy, Venture Global LNG, Delfin LNG, Denbury Resources, AES Corp., Vopak, Flint Hills Resources, The C. Reiss Coal Company, BHP Billiton and Bloom Energy, as well as Daimler Truck North American and U.S. Steel. And Byron Brown, EPA's deputy chief of staff, disclosed that his wife owns between \$265,000 and \$550,000 in stock in Hess, where she is a senior lobbyist.

Meanwhile, a new Interior nom is Mr. Clean: Trump's pick for Interior Department assistant secretary on land and minerals management, Joe Balash, has an ethics agreement and financial disclosure form that are as boring as they come, listing his pension fund and less than a handful of index funds. Balash, who works for Sen. Dan Sullivan, is a former Alaska Department of National Resources commissioner and ex-staffer for Sarah Palin when she was governor. Balash has advocated for opening up the National Petroleum Reserve in Alaska for additional leases — a goal he shares with Zinke.

BOEM WRAPS UP WORK ON STALLED CAPE WIND: The Interior's Bureau of Ocean Energy Management on Friday issued its final supplemental environmental impact statement for the stalled 468-megawatt Cape Wind project after a court in July 2016 held the agency should have used better data to determine the conditions of the seafloor for the project before it issued a lease for the project. The final EIS says that the additional data it gathered does not change its prior finding that drilling foundations for the project in the seabed would only temporarily disturb sedimentation and the overall impacts to water quality would be minor. Cape Wind is on ice after it missed a financing deadline, prompting National Grid and NStar (now Eversource) to cancel contracts to buy power from the project.

SCANA CHIEF 'SORRY' FOR SHUTTING NUCLEAR PROJECT: The CEO of SCANA made a public apology to its customers for its plans to walk away from its V.C. Summer nuclear project last week. "I want to express that I am deeply disappointed and sorry that we were unable to complete the new nuclear units. You put your trust in us to build these units in order to bring additional clean, reliable energy to our state," CEO Kevin Marsh wrote in an op-ed. "I understand your frustration and share in your disappointment."

MOVERS, SHAKERS: Susanna Murley has taken over as the head of communications for the

Energy Department's SunShot Initiative. Murley replaces Jamie Nolan who left last week. Murley's previous jobs include at the Solar Energy Industries Association and the Chesapeake Climate Action Network.

QUICK HITS

- Under Trump, coal mining gets new Life on U.S. lands. [The New York Times](#).
- Keystone XL foes rally in Lincoln ahead of hearings on pipeline route. [Omaha World-Herald](#).
- Power grid showing its age as more renewable energy produced. [The Maui News](#).
- Pa. Senate's budget package raises hackles of environmental groups. [The Associated Press](#).
- South Carolina's cloudy energy future: Will it affect manufacturing? [The Post and Courier](#).
- Rep. Polis touts green energy in gubernatorial campaign stop in Pueblo. [The Pueblo Chieftain](#).

THAT'S ALL FOR ME!

Pack an umbrella. It's supposed to rain all day in the D.C. area, with a high of 74.

To view online:

<https://www.politicopro.com/tipsheets/morning-energy/2017/08/ferc-may-have-an-august-pulse-024100>

Was this Pro content helpful? Tell us what you think in one click.				
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Yes, very	Somewhat	Neutral	Not really	Not at all

You received this POLITICO Pro content because your customized settings include: Morning Energy. To change your alert settings, please go to <https://www.politicopro.com/settings>

This email was sent to jackson.ryan@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA
