**ARTICLES FOR 3-12-15 ROUNDUP**

**Attorney General Peter Kilmartin Hosts Prosecutors, Forensic Scientists and Investigators from Mexico for Weeklong Training on Criminal Trial Advocacy**

Attorney General Peter F. Kilmartin announced that the Rhode Island Office of Attorney General will lead a prosecutorial training seminar in Providence this week for prosecutors, forensic scientists and investigators from the Mexican states of Morelos and Hidalgo.

In 2008, Mexico passed a series of federal constitutional reforms requiring oral adversarial criminal trials. The reforms give Mexican states until 2016 to implement the shift from a written inquisitorial system to the new oral adversarial system.

Leading the delegation from Mexico will be the Attorney General of the State of Morelos, Rodrigo Dorantes Salgado. Morelos is one of the four states in Mexico that has fully implemented the congressionally mandated transition to an adversarial criminal justice system in Mexico. Hidalgo started adversarial proceedings this month.

"As Mexico continues its transition to an adversarial justice system, it is critical for us to provide guidance and training to ensure that a sound and fair judicial system is established. The United States of America has hundreds of years of ensuring justice through an adversarial system, and I am proud to provide an opportunity to collaborate with and train those charged with upholding Mexico's system of law," said Attorney General Kilmartin. "By sharing our knowledge and expertise, we are helping Mexico build a judicial system in which its citizens can have confidence and trust."

Attorney General Peter Kilmartin will give opening remarks on Monday, March 9, 2015 at 10:30 a.m. Throughout the week, prosecutors from the Office of Attorney General and others will lead trainings covering topics including prosecutorial ethics, securing the crime scene, investigative strategies, preparing a case for trial, direct and cross examining expert witnesses, and trial and witness preparation. In addition, participants will observe proceedings in Providence Superior Court and visit the Office of the Medical Examiner where they will meet with forensic scientists from the Department of Health and a ballistics expert from the Rhode Island State Crime Laboratory.

Several police departments will participate in the training including the Central Falls Police Department, the Pawtucket Police Department and the Rhode Island State Police.

The seminar is part of an ongoing series of trainings by United States attorneys general developed by the Conference of Western Attorneys General (CWAG). CWAG is a bipartisan organization comprised of the chief legal officers of states across the country. CWAG's primary function is to provide a forum for chief legal officers to cultivate knowledge, cooperate on concerns and coordinate actions to improve the quality of legal services in their states.

In 2006, CWAG joined forces with various state and federal agencies, as well as numerous public and private sector entities, to form the CWAG Alliance Partnership – a cooperative justice program aimed at strengthening the legal systems of both the United States and Mexico. This CWAG program, funded by the Merida Initiative, includes participation from 42 U.S. state attorneys general, every Mexican jurisdiction, including each of the 31 states, the Federal District, the Military Justice system and the Federal Attorney General's Office, the Council of State Governments (CSG), National Association of Attorneys General (NAAG) and the U.S. State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL).

CWAG Alliance Partnership projects focus on such initiatives as reinforcing court systems with greater efficiency and transparency; providing training programs that promote a consistent application of Rule of Law disciplines, such as oral advocacy; and promoting collaboration among state attorneys general from both countries. Additionally, CWAG Alliance Partnership Exchanges seek to bring together industry and public sector officials to foster increased binational collaboration on issues such as human trafficking, cybercrimes and intellectual property rights.

The seminar is being held March 9th through 13th in Providence. Media is invited to attend and speak with attendees. Translators will be available for assistance. Interested media is asked to confirm attendance in advance by contacting Amy Kempe, Office of Attorney General, at 401-274-4400, extension 2234 or by email at akempe@riag.ri.gov.

**Passing of Dave Frohnmayer**

By Jeff Mapes | The Oregonian/OregonLive

Email the author | Follow on Twitter

 on March 10, 2015 at 11:34 AM, updated March 10, 2015 at 12:08 PM

Dave Frohnmayer, a former University of Oregon president who also had one of the state's most distinguished political careers, died on Monday night, according to Marla Rae, a longtime friend and family spokeswoman.

Frohnmayer died in his sleep after battling prostate cancer since June of 2009, Rae said. She said he had started chemotherapy in recent weeks.

Frohnmayer was attorney general from 1981 to 1991 and was the Republican candidate for governor in 1990, losing to Democrat Barbara Roberts. He later became dean of the University of Oregon Law School and was then president of the University of Oregon from 1994 until his retirement in 2009.

His family released just this statement:

Dave Frohnmayer passed away quietly in his sleep last night. He was 74. Dave had bravely dealt with his quiet battle against prostate cancer for 5 1/2 years. We are devastated by his passing but we are grateful that his passing was peaceful.

Much of Dave's life was devoted to fighting devastating health crises that enveloped his family. These battles were complicated by the intense public attention that inevitably accompanied his lifelong commitment to public service. He was adamant that his own health issues would remain private. Except for the immediate family and Dave's closest friends, he was able to accomplish this and continue a full public schedule to the end. The family will hold a celebration of Dave's remarkable life at a time to be announced.

Dave is survived by his wife Lynn, his sons Mark and Jonathan, his daughter Amy, his sister Mira and brother John. His daughters Kirsten and Katie and his brother Phil predeceased him.

--Jeff Mapes

jmapes@oregonian.com

“We all mourn the loss of a truly great former Oregon Attorney General (1981-1991) Dave Frohnmayer. I'm pretty sure Dave is the one who described Oregon DOJ as providing the ‘gold standard’ of legal service to state government –and he made sure we did! He was, among his many other accomplishments, a lawyer's lawyer, a brilliant scholar and teacher. Dave was my first year torts professor at the University of Oregon Law School in the 1970's. Since then, he has been a professional colleague and dear friend and mentor. I will miss him very much and extend condolences to his wife, Lynn, his family and all Oregonians who are affected by this tremendous loss.”

**AG Buddy Caldwell’s Medicaid Fraud Control Unit Ranked #1 Nationally for Criminal Fraud Recoveries**

According to a state-by-state breakdown released by the U.S. Department of Health and Human Services, Office of the Inspector General, Attorney General Buddy Caldwell’s Medicaid Fraud Control Unit (MFCU) recovered more than $118,815,109 in criminal case recoveries during 2014, earning a #1 ranking nationally as compared with all other states. Additionally, the Attorney General’s MFCU achieved a #2 national ranking for civil Medicaid fraud recoveries during 2014 totaling $126,489,951. The state of New York is ranked #1 for civil Medicaid fraud recoveries during 2014 with $375,982,304. The state of Texas is ranked #3 for civil Medicaid fraud recoveries totaling $23,316,669.

 The Attorney General’s MFCU consistently holds a top spot as one of the highest performing units in the nation, having recovered more than $100 million annually through criminal fraud and civil fraud cases during the years 2012, 2013 and 2014.

 Attorney General Caldwell said, “My office has been so successful because I have well-trained, experienced and aggressive staff members assigned to these cases. We place strong emphasis on pursuing fraudulent conduct related to the theft of and misappropriation of taxpayer dollars. Additionally, my staff has leveraged minimal resources to achieve extraordinary results and, where appropriate, have worked together with experienced, complex litigation lawyers to maximize the state's recovery on these issues.”

Caldwell added, “Additionally, as in other areas where my office has produced exceptional results, we have developed close partnerships with other law enforcement agencies and prosecutors who work in the Medicaid fraud arena in both the state and federal systems.”

**Meet the FCC’s Network Neutrality Cop**

Tough Bureau Chief Is Set to investigate Complaints3/02/2015 8:00 AM Eastern

**By:** [John Eggerton](http://www.multichannel.com/users/jeggerton)

WASHINGTON — Remember the name Travis LeBlanc. The Enforcement Bureau chief will likely be one of the most powerful non-commissioners at the Federal Communications Commission now that the agency, under chairman Tom Wheeler, is ramping up its complaint process under the new Title II-based Open Internet order.

The order has three bright-line rules against unreasonable blocking, throttling and paid prioritization. But other practices that fall outside of those provisions, such as complaints about interconnection, usage-based pricing and other matters the FCC hasn’t anticipated, will be addressed under either a Title II “just and reasonable” standard (interconnection) or a general conduct standard catch-all with the Enforcement Bureau tasked with investigating and taking action.

***‘USE THESE PROTECTIONS’***

“Rules are only as good as their enforcement, and so we hope and expect that the agency will use these protections if and when carriers attempt unreasonable practices,” said Matt Wood, policy director at advocacy group Free Press, which has pushed for tough new rules.

LeBlanc is chief of that Enforcement Bureau. He has shown a bulldog’s tenacity for hauling Internet-service providers and others on the carpet in the name of protecting consumers, and he will be getting some new muscle under the Title II-based regulations.

On the day before Wheeler circulated the rules, the chairman sent a letter to Sen. Ron Johnson (R-Wisc.), informing the lawmaker that he did not think it was necessary to follow the Government Accountability Office’s recommendation that the FCC work with ISPs to develop a voluntary code of conduct on data use and pricing. Wheeler said the agency’s enhanced transparency rule, backed by enforcement, plus its streamlined complaint process, should be sufficient.

In a warning to ISPs last July about what the FCC billed as “hundreds” of Open Internet complaints, the Enforcement Bureau threatened million- dollar fines and LeBlanc promised to hold ISPs to account for any failures to deliver on their promises.

And during an FCC roundtable back in September, LeBlanc made it clear that Title II was very much on the table.

Although he reminded the audience that the session was on enforcement issues, not underlying legal authority, LeBlanc said he wanted to remind panelists and “and those who are listening near and far” that Title II was in play.

LeBlanc even gave Title II top billing and Section 706 something of a supporting role, at least rhetorically. He said he wanted to highlight the differences “if the commission ultimately decides to rely on Title II, or some other legal authority, such as Section 706.”

LeBlanc, who has degrees from Princeton, Harvard, Yale and Cambridge (yes, all four), oversees 24 field offices (the Enforcement Bureau is the FCC’s largest “organizational unit”).

Prior to the FCC, as California special assistant attorney general, he established the state’s first high-tech crime and privacy enforcement units. Before that, he worked in the Obama administration, advising the president and Attorney General Eric Holder on constitutional and legal matters.

“The Enforcement Bureau under Le Blanc has not tried to settle things just to settle them,” said Harold Feld, senior vice president of Washington- based public-interest group Public Knowledge. “They’ve imposed real fines for violations, and required parties to put meaningful procedures in place to ensure that violations won’t happen again. We are going to need to see very early that the commission is serious about following up on complaints and violations.”

***ALL ABOUT ENFORCEMENT***

In advance of the FCC vote, the House Communications Subcommittee held a hearing on net neutrality where most witnesses warned the proposed regime would lead to regulatory uncertainty, as well as dire consequences for innovation and investment.

That was a sign they are worried about enforcement, Feld said: 90% of the noise Republicans are making isn’t about stopping the vote, as GOP lawmakers know that won’t happen. “The noise today and hearings [last week] is about discouraging the FCC from actually enforcing the rules once they are adopted,” he said.

Feld said he doesn’t see LeBlanc being dissuaded from his appointed rounds. “I think LeBlanc is the kind of Enforcement Bureau chief who has what it takes to do his job and enforce the rules,” he said, and “not let powerful companies off with a slap on the wrist or settle something just to claim a win and make it go away. That’s good, because we need someone willing to be the cop on the beat for the open Internet in the face of what will be serious Republican political resistance.”

- See more at: <http://www.multichannel.com/meet-fcc-s-network-neutrality-cop/388463#sthash.CDlaZzUb.dpuf>

**Attorney General Bondi and FDLE Announce 15 Arrests for Human Trafficking**

FORT MYERS, Fla.—The Florida Department of Law Enforcement, along with the Collier, Charlotte, Hillsborough, Hendry and Lee County Sheriff’s Offices, arrested 15 suspects after an investigation revealed a human trafficking network involving multiple victims operating from Central to South Florida. Two suspects remain at large. The investigation was led by FDLE’s Fort Myers Regional Operations Center in conjunction with the Collier County Sheriff’s Office and Attorney General Pam Bondi’s Office of Statewide Prosecution.

"Today's arrests demonstrate that human trafficking will not be tolerated in Florida," said Attorney General Pam Bondi. "I applaud my Office of Statewide Prosecution and FDLE for shutting down this huge sex trafficking ring. We will aggressively prosecute these defendants and anyone else looking to profit off the enslavement and misery of others."

The investigation began in 2013 after the Collier County Sheriff’s Office discovered a human trafficking victim during a traffic stop. Investigators subsequently identified six women who were illegally smuggled into the United States after being promised legal jobs and to be reunited with family. However, once in the country, the women were forced to work as commercial sex slaves performing sex acts on 25 to 45 men a day, six days a week. Victims ranged in age from 25 to 35.

“Some of these victims were forced into prostitution when they were just 18 years old,” said FDLE Commissioner Rick Swearingen. “I appreciate the hard work of our agents and our law enforcement partners putting these dangerous suspects behind bars and ending the nightmare for these women.”

The human trafficking ring operated in Collier, Lee, Hendry, Polk and Miami-Dade counties. The victims earned between $190,000 and $320,000 a year for their captors while they received a pittance and were forced to reimburse the suspects for food and rent while being subjected to substandard and restricted living conditions.

“This case has many victims and involves a criminal organization that has committed some of the most heinous crimes relating to a sex trafficking case that we have seen in our area,” Collier County Sheriff Kevin Rambosk said. “These arrests should send a strong message that human trafficking will not be tolerated in Collier County and offenders will be arrested and put in jail.”

Agents believe there are additional victims. Anyone with information is urged to contact FDLE’s Ft. Myers Regional Operations Center at (239) 278-7170.

Attorney General Pam Bondi’s Office of Statewide Prosecution will prosecute this case. The Southwest Florida Regional Human Trafficking Coalition and the organization Abuse Counseling Treatment also assisted in the investigation.

Suspects and Charges – Suspects will be booked into the Collier County jail.

· VICTOR BLANCO PANTOJA, 37, 2927 Lunar Circle, Lakeland, one count-conspiracy to commit human trafficking; three counts-human trafficking using coercion for commercial sexual activity; three counts- deriving support from the proceeds of prostitution.

· ANAHI BENGOECHEA, 59, 27566 Dortch Ave., Bonita Springs, one count-conspiracy to commit human trafficking; three counts-human trafficking using coercion for commercial sexual activity; three counts- deriving support from the proceeds of prostitution.

· DELIA MARADIAGA MAJANO, 39, 1960 Sunshine Blvd. Apt. C, Naples, one count-conspiracy to commit human trafficking; two counts-human trafficking using coercion for commercial sexual activity; two counts- deriving support from the proceeds of prostitution.

· ILARIO GONZALES, 33, 123 Hancock St., Immokalee, one count-conspiracy to commit human trafficking; three counts-human trafficking using coercion for commercial sexual activity; three counts- deriving support from the proceeds of prostitution.

· JOSE MERDADO BONILLA, 43, 1960 Sunshine Blvd. Apt. C, Naples, one count-conspiracy to commit human trafficking; two counts-human trafficking using coercion for commercial sexual activity; two counts- deriving support from the proceeds of prostitution.

· ALBERTO SIERRA, 55, 5236 Summerlin Rd., Fort Myers, one count-conspiracy to commit human trafficking; one count-human trafficking using coercion for commercial sexual activity; one count- deriving support from the proceeds of prostitution.

· DALIA TORRES, 54, 484 Thigpen Road, LaBelle, one count-conspiracy to commit human trafficking; one count-human trafficking using coercion for commercial sexual activity; one count- deriving support from the proceeds of prostitution.

· ARMANDO OCAMPO HERNANDEZ, 30, 1057 Old South Drive., Lakeland, one count-conspiracy to commit human trafficking; one count-human trafficking using coercion for commercial sexual activity; one count- deriving support from the proceeds of prostitution.

· MOISES RODRIGUEZ, 66, 1059 Old South Dr., Lakeland, one count-conspiracy to commit human trafficking; one count-human trafficking using coercion for commercial sexual activity; one count- deriving support from the proceeds of prostitution.

· GLADYS MENDOZA TORRES, 65, 10830 SW 147th Court, Miami, one count-conspiracy to commit human trafficking; one count-human trafficking using coercion for commercial sexual activity; one count- deriving support from the proceeds of prostitution.

· MARTIN ORTIZ, 33, 1400 Apache Circle, LaBelle, one count-conspiracy to commit human trafficking; two counts-human trafficking using coercion for commercial sexual activity; two counts- deriving support from the proceeds of prostitution.

· BALDOMERO DELATORRE, 66, 608 New Market Road, Immokalee, one count-conspiracy to commit human trafficking; one count-human trafficking using coercion for commercial sexual activity; one count- deriving support from the proceeds of prostitution.

· AURORA DEL ROSARIO BARRIENTOS PIRIR, 31, 123 Hancock St. Immokalee, one count-conspiracy to commit human trafficking; one count-human trafficking using coercion for commercial sexual activity; one count- deriving support from the proceeds of prostitution.

· JUAN PABLO PEREZ, 37, 217 N. Second Street, Immokalee, one count-deriving support from the proceeds of prostitution.

· ALVIA VELASCIA, 28, 217 N. Second Street, Immokalee, one count-deriving support from the proceeds of prostitution.

Two suspects remain at large

 · JOSE SENTENO, 43, 26197 Milagro Lane, Bonita Springs, one count-conspiracy to commit human trafficking; one count-human trafficking using coercion for commercial sexual activity; one count- deriving support from the proceeds of prostitution.

· ALBA GUZMAN, 57, LaBelle, one count-conspiracy to commit human trafficking; one count-human trafficking using coercion for commercial sexual activity; one count- deriving support from the proceeds of prostitution.

**Recreational marijuana lawsuit: Colorado sheriffs and prosecutors challenge Amendment 64**

By Kirk Mitchell and John Ingold

The Denver Post

Posted: 03/05/2015 09:01:27 AM MST

Updated: 03/05/2015 12:47:51 PM MST

Sheriffs and prosecutors from across Colorado and neighboring states filed a lawsuit Thursday in Denver federal district court challenging the constitutionality of Amendment 64, which legalized recreational marijuana use and sales.

"This suit is about one thing — the rule of law," Larimer County Sheriff Justin Smith said in a news release. "The Colorado Constitution mandates that all elected officials, including sheriffs, swear an oath of office to uphold both the United States as well as the Colorado Constitutions."

Amendment 64 established a new right under the state constitution to engage in an activity that is in violation of federal laws, he said.

"It mandates that the state government and its subdivisions actively support this activity through a regulatory process," Smith said. "As a sheriff, it obliges me to protect this newly established right."

Gov. John Hickenlooper was named as the defendant in the lawsuit.

Colorado Attorney General Cynthia Coffman will contest the lawsuit, said Carolyn Tyler, Coffman's spokeswoman.

"The Colorado Attorney General will defend the Colorado law from this challenge," Tyler said. She said she could not comment further because Coffman has not yet been served with the lawsuit.

The lawsuit follows another legal challenge filed in December by Nebraska and Oklahoma, which asked the U.S. Supreme Court to strike down the history-making law. Two lawsuits filed earlier this year by the anti-legalization group Safe Streets Alliance on behalf of several Colorado residents are also pending against the state over Amendment 64.

Similar to the previous lawsuits, the new suit seeks to close all of Colorado's recreational marijuana stores — while leaving medical marijuana stores unchallenged. But, what makes the new suit especially unique, is that it is also asking a federal judge to overturn Amendment 64's protections for marijuana use and possession. The law enforcement officials' suit claims that federal law makes local officers duty bound to seize marijuana when they find it.

"By not seizing or by returning marijuana they encounter, the Colorado Sheriffs further violate their duties of office because they are placing the residents of their County and other citizens who they serve and are duty-bound to protect into increased jeopardy by allowing controlled substances to remain in increased use and commerce," the lawsuit argues.

Colorado plaintiffs in the latest lawsuit include Smith, Yuma County Sheriff Chad Day, Elbert County Sheriff Shayne Heap, Hinsdale County Sheriff Ronald Bruce, Kiowa County Sheriff Casey Sheridan and Delta County Sheriff Frederick McKee.

Of the six Colorado sheriffs involved in the lawsuit, only Smith is from a county that approved Amendment 64, with 55 percent of 86,410 voters approving the measure.

The measure was approved in 33 of 64 Colorado counties by a 55 percent margin.

Also named as plaintiffs are three Nebraska sheriffs: Adam Hayward of Deuel County, Mark Overman of Scotts Bluff County and John Jenson of Cheyenne County. Cheyenne County Attorney Paul Schaub of Nebraska and Sheriff Charles Moser of Sherman, Wallace and Greeley counties in Kansas also signed the document.

The lawsuit filed by Boston attorney Paul Kelly, Reston, Va., attorney Mark de Bernardo and Denver attorneys Peter Munger and Ashley Fetyko says that the officials from outside of Colorado "suffered and continues to suffer direct and significant harm." De Bernardo is the executive director of the anti-legalization Institute for a Drug-Free Workplace.

"I am fully supportive of this lawsuit which addresses several concerns that I have repeatedly voiced since the legalization of Marijuana became a serious topic," Garfield County Sheriff Lou Valario said in a statement. Although he is not one of the plaintiffs in the lawsuit he said he hopes the U.S. Supreme Court will take up the issue and settle whether marijuana use is a state right or a federal concern.

Smith's statement says the legal consequences of Amendment 64 can leave a sheriff ineligible to hold his or her office under Colorado law.

Given these conflicts, the U.S. Constitution has been clear through the Supremacy Clause that our United States Constitution is the "law of the land," he said in the news release.

"As an elected sheriff, I take my oath of office very seriously," Smith said. "Members of my community, from the left, middle and right, routinely remind me of the importance, not only of taking that oath, but more importantly — living up to that oath."

Smith questioned whether the authors of Amendment 64 intentionally hid this constitutional conflict from Colorado voters or whether they were simply unaware of the implications of their amendment, but the conflict is real.

"Our action today seeks to resolve a critical legal question — whether Colorado's Amendment 64 complies with the United States Constitution and therefore with the Colorado Constitution," Smith said.

Colorado officials have not yet responded to any of the pending lawsuits. Previously, state attorneys have argued that Colorado's more permissive marijuana laws — both for medical and recreational use and sales — do not amount to legalization of marijuana. Instead, they contend that marijuana remains illegal in Colorado, aside from the specific exemptions allowed under the medical and recreational marijuana laws.

When Nebraska and Oklahoma filed their lawsuit against Colorado last year, then-Colorado Attorney General John Suthers said in a statement that , "it appears the plaintiffs' primary grievance stems from non-enforcement of federal laws regarding marijuana, as opposed to choices made by the voters of Colorado."

Mason Tvert, one of the lead proponents of Amendment 64, said if the lawsuits are successful in striking down the measures, it would lead to "a system of marijuana chaos."

"This is just another case of the Arrest and Prosecution Industry teaming up with marijuana prohibition groups to roll back the progress that has been made in Colorado," he said in a statement Thursday.

Kirk Mitchell: 303-954-1206, denverpost.com/coldcases or twitter.com/kirkmitchell

**Could North Dakota be a model for how to reduce flaring?**

Wyoming officials watch progress in the Bakken

6 hours ago • By BENJAMIN STORROW Star-Tribune staff writer

In 2011, North Dakota's oil wells flared an average 4.5 billion cubic feet of natural gas every month. It was the equivalent, at the time, of burning $18 million every 30 days or so.

Even the state's industry friendly governor, Jack Dalrymple, was alarmed.

"The governor said, 'You figure out how to fix this or we will,'" North Dakota Petroleum Council President Ron Ness recalled recently.

North Dakota's high flaring volumes have long made it a black sheep among oil and gas producing states. In 2013, companies in the state flared 107 billion cubic feet of natural gas, or about one-third of the 348 billion cubic feet produced.

Alaska, Texas and Wyoming, by contrast, flared fewer than 2 percent of their production, according to the Western Organization of Resource Councils, a coalition of landowner groups across the West.

But a new plan by North Dakota regulators to curtail flaring has some wondering if the state could be a model for how to limit the practice of burning off natural gas produced at oil wells.

The strategy, implemented last year, sets a statewide flaring target, empowers regulators to curtail production if companies do not meet the state goal and calls on firms to submit plans for how they intend to capture gas before a well is drilled.

At the beginning of 2014, 36 percent of North Dakota's production was flared. By year's end that figure was 24 percent.

"The program has some weaknesses, but it is interesting for other states to look at," said Mark Trechock, the former director of the Dakota Resource Council, a landowners group. "They came up with some statewide reduction goals and requiring data collection from companies. That is a step in the right direction."

The North Dakota effort comes at a time when Wyoming is set to reevaluate it's own flaring regulations. Gov. Matt Mead identified flaring as one of three oil and gas reforms to be addressed by the state's Oil and Gas Conservation Commission. The commission is addressing the minimum distance between homes and drilling rigs, and has yet to take up flaring.

Industry representatives and environmentalists in Wyoming say it is too soon to tell if the North Dakota model can work in the Cowboy State. Among other factors, it is not clear the extent to which a slowdown in drilling has contributed to the drop in flaring.

There is also this: North Dakota, for all its progress, still flares more than any other state. While the state's flaring percentage fell over the course of 2014, the 11.3 billion cubic feet burned off in December was slightly more than the 11.2 billion cubic feet sent skyward eleven months earlier.

In Wyoming, regulators only recently began recording flare volumes. Those figures show companies here flared roughly 3.9 billion cubic feet over 10 months. The Cowboy State's comparatively low flaring volumes are one reason industry representatives believe Wyoming's rules don't need reform.

The state's regulations allow companies to flare unlimited amounts for 15 days after a well comes online. A firm can apply for a permit to flare up to 250,000 cubic feet daily for the first six months. A second permit is needed after six months if firms are to burn off more than 60,000 cubic feet daily.

"I continue to believe the guidance the commission is working under right now is really the best thing we can do in Wyoming," said John Robitaille, vice president of the Petroleum Association of Wyoming.

Environmentalists, for their part, contend that flared gas not only represents a waste, but a public health concern. Natural gas burned off into the atmosphere contains carbon monoxide, sulfur dioxide, nitrogen oxide and carbon dioxide, among other pollutants.

They point not to North Dakota, but Alaska as a model for how to regulate flaring.

Companies working in The Last Frontier are only allowed to flare in limited instances such as emergencies or to make repairs. Alaska also requires firms to submit detailed reports explaining why they flared and how much gas was burned off.

The Western Organization of Resource Councils found Alaska flared 0.32 percent of its production. Wyoming flared slightly more than 2 percent of its total production, the organization found.

"I think a lot of it has to do with they (Alaska) don’t want to waste the resource. Once it’s gone, it’s gone," said Jon Goldstein, a policy analyst at the Environmental Defense Fund. "They weigh strongly toward conserving the resource and ensuring it is put to good use."

Wyoming's regulations, he added, are already more stringent than North Dakota's in some areas. North Dakota allows companies to flare unlimited amounts for the first year after a well begins production. After that, the flared gas is taxed.

Flaring is largely a function of the economics behind today's shale oil plays. Oil, until it's recent slide, was valuable. Gas was a cheap secondary product. And the infrastructure needed to capture it, pipelines and processing plants, is expensive.

North Dakota reports such high flaring volumes in large part because the state lacked gas gathering infrastructure at the beginning of the drilling boom. Operators in the state also underestimated the size of the gas reserves they were tapping.

The state's new strategy seeks to solve that problem by ensuring companies detail plans to connect wells to pipelines and gas gathering plants during the permitting stage.

"It has changed that paradigm of what’s going to happen to that gas before day one," said Ness, the president of the North Dakota Petroleum Council. "It has front-loaded the process to ensure the processors and operators are providing the same information back to the state."

North Dakota's plan calls for reducing flaring to 23 percent of all production by Jan. 1. That will fall to 15 percent by the beginning of 2017 and 10 percent by 2020.

Wyoming has experienced a similar problem on a much smaller scale in Laramie and Converse counties, where little gas infrastructure existed before the most recent uptick in oil drilling.

Gas production in Laramie County, for instance, increased from 211 million cubic feet in 2010 to 2.6 billion cubic feet in 2014, according to state statistics. At the same time, the county has only one gas processing plant and state statistics suggest flaring in the region is on the rise.

Requests for flaring permits in Laramie County nearly tripled between 2013 and 2014, from 760 million cubic feet to 2.2 billion cubic feet.

Companies generally only flare a fraction of what they seek permission to burn off. Permit requests nonetheless remain one of the most accurate ways to track flaring in Wyoming since regulators only began to record flare volumes on company's monthly production reports last year.

Mark Watson, Wyoming oil and gas supervisor, said North Dakota's new permitting provisions are an element that could be duplicated in the Cowboy State.

He noted Wyoming regulators are already asking companies to submit their gas gathering plans in advance, but added the state could benefit from formalizing the arrangement.

For now, however, North Dakota has a ways to go before it can claim to be a model for other states.

"They are not going to reach 10 percent until 2020," said Trechock. "That’s five years away. Even if we get there, and assuming other states are at the same level, 10 percent would be the leading flaring state in the union right now."

**State Files Lawsuit Challenging the ESA Listing of the Ringed Seal**

March 6, 2015

(Anchorage, Alaska) – The State of Alaska filed a lawsuit today challenging the December 2012 decision by the National Marine Fisheries Service (“NMFS”) to list the Arctic ringed seal as threatened under the Endangered Species Act.

Ringed seals currently enjoy healthy and abundant populations numbering in the millions and are fully protected by existing laws, such as the Marine Mammal Protection Act. Despite this fact, NMFS listed the ringed seal based solely on speculative threats associated with climate change 100 years into the future. This decision is just one of a series of federal actions listing healthy species based on climate threats predicted increasingly farther into the future.

The state had previously joined others in challenging the listing of the bearded seal, which successfully led to the decision to overturn the listing by the U.S. District Court for the District of Alaska on July 25, 2014.

“Like the bearded seal, the listing of the ringed seal is unwarranted, and only does harm to Alaskans and our ability to develop our resources,” said Attorney General Craig Richards. “Basing decisions on speculative projections 100 years into the future does not help further the goals of the Endangered Species Act, nor does it comply with the law.”

For more information on the case, contact Assistant Attorney General Brad Meyen at 269-5100.