**Former Colorado Attorney General Elected as Colorado Springs Mayor**

Colorado Springs, Colorado, May 20, 2015- by Billie Stanton Anleu, The Gazette

John Suthers attended city meetings, met with officials and worked as if he expected to be mayor during the six weeks between the city and mayoral runoff elections. Tuesday night, he became the mayor- elect of Colorado Springs, defeating Mary Lou Makepeace by a huge margin.

Unofficial results showed Suthers with 67.68 percent of the 95,667 votes counted as of 10 p.m., defeating Makepeace, who garnered 32.32 percent.

"Tonight, the citizens of Colorado Springs have spoken loud and clear," Suthers said, taking the dais at the Gold Room with his wife, Janet. "They want to see Colorado Springs moving again.

"I'm very honored and humbled by the support I received. I want to congratulate Mary Lou Makepeace for the campaign she ran and thank her for the contributions she has made to the city of Colorado Springs."

Makepeace, meeting with supporters at the Soiree about 10 blocks away, had an optimistic message for city residents.

"Of course I wanted a different result, because I really, really wanted to be your mayor," she said. "But you know, our work was not for naught. We shed light on the city's problems. We certainly ran an honorable and active campaign. Thank you so much for all that you did.

"And I think we have also laid a foundation for a more effective administration. Let's bring Colorado Springs into the 21st century. It's time."

That's exactly what Suthers said he wants to do, and he's moving forward as he prepares for his June 2 swearing-in. Suthers will meet with outgoing Mayor Steve Bach - Colorado Springs' first strong mayor - on Wednesday to begin the transition from candidate to city CEO.

"It's really humbling," he said. "But I understand politics is just the means by which you get the opportunity to govern. I think I won because I identified what was on the people's minds. You're going to immediately see more cooperation with the City Council."

As for the infrastructure needs deficit, estimated at more $1.3 billion, Suthers said city officials will sit down and review the city budget and say, "Folks, we can save $2 million here, $3 million there, but that's small potatoes."

Once the needs have been identified and explained specifically, the city will consider how to generate the money needed to address the problems.

"I'm asking for all the community to help," Suthers said in his victory speech. "Prayers would be most welcome as well. And people who can fix potholes."

Makepeace, meanwhile, urged the same response from the community.

"I have not yet done it, but I would say congratulations to John and good luck," she said. "There are many challenges ahead. And quite frankly, John, or anyone else as a single person, cannot meet all those challenges. He will need the help of all of us. And so I hope you'll join me in this common goal of helping to build a bright future for our city."

Suthers also told his fans, "In the course of my career, I've had opportunities that took me from the local courthouse to the Supreme Court of the United States, from working for a landscaping company to working for the president."

He said he hoped his late parents, who adopted him when he was 3 months old, would have been pleased to see him become mayor.

Generating loud laughter from his crowd, Suthers said, "Janet does a great job of keeping me humble and grounded. When the first results came in, I asked her, 'Janet, in your wildest dreams, did you ever think I'd be the mayor of Colorado Springs?' She said, 'John, you've never been in my wildest dreams.' "

Speaking with a reporter later, he said, "You know where I got that, don't you? Mitt Romney."

"John is a consensus builder," lawyer Bill Carew said. "I've known him for 35 years. I'm just interested in good government. I expect him to bring the community back together. And that he can do. He is not the polarizing type."

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The Gazette's Stephen Hobbs contributed to this report.

**Former Massachusetts Attorney General Martha Coakley Joins Foley Hoag**

BOSTON, May 20, 2015 /PRNewswire/ -- Former Massachusetts Attorney General Martha Coakley will join Foley Hoag LLP in the firm's Boston office on May 26, bringing decades of experience at the highest levels of civil and criminal law. Coakley will work in several of Foley Hoag's key practice areas, including healthcare, education, finance, energy, data privacy and security, and government and internal investigations.

Coakley's legal career spans more than 30 years. It includes private practice and a succession of high-profile public sector positions, most notably her eight years as Massachusetts Attorney General, from 2007-2015. Prior to her election as Attorney General, she was elected as the District Attorney for Middlesex County (Massachusetts), serving in that role from 1999 through 2006. She was a prosecutor in the Middlesex DA's office from 1989 until she was elected District Attorney, and also served as special attorney with the United States Department of Justice Boston Organized Crime Task Force. Before entering public service, Coakley was a civil litigator with two law firms based in Boston.

"Martha will be an enormous asset to the firm and our clients," said Co-Managing Partner Adam Kahn. "She will be joining a team of experienced, practical lawyers who have an exemplary record of conducting complex and sensitive investigations, finding creative solutions to difficult problems, and aggressively litigating when necessary. We are extremely happy with her decision to join us."

"Foley Hoag has a national reputation for excellence and integrity in legal practice. It has also shown a consistent commitment to important social issues in Massachusetts. It works actively to promote diversity and to create opportunities for people through its pro bono program and the Foley Hoag Foundation. It is a firm where I can pursue interests I've had throughout my career and branch out into new areas," Coakley said. "I'm very much looking forward to contributing to the firm's success and the success of its clients."

Coakley joins a number of former state and federal prosecutors who have established successful government investigation practices at Foley Hoag, including Michele Adelman, Kevin Conroy, Martin Murphy, Dean Richlin and Nicholas Theodorou. Conroy served as Deputy Attorney General for Coakley and Richlin served as First Attorney General for Coakley's predecessor Tom Reilly. Theodorou and Coakley formerly worked together at the U.S. Attorney's Office in Boston. Coakley and Murphy worked together as prosecutors in the Middlesex DA's office.

**AG Healey Launches Community Engagement Division**

First-of-its-kind division focused on engaging with residents across the state to be led by former director of Office for Refugees and Immigrants

BOSTON — Building on her promise to run an inclusive and responsive office, Attorney General Maura Healey today launched her office’s Community Engagement Division. The first-of-its-kind division will bring the Attorney General’s Office and its work into neighborhoods and communities across the Commonwealth.

“This is the people’s law firm and it’s important to me that people across our state are connected with our Office and the work we do,” said AG Maura Healey. “My experience traveling around the state taught me that many residents do not understand the full scope and reach of the Attorney General’s Office. This new division will help ensure people are connected with the resources they need to help solve their problems.”

To lead the division, the AG has tapped Marcony Almeida-Barros. Almeida-Barros most recently served as the Acting Executive Director for the Office for Refugees and Immigrants (ORI) and previously worked as the office’s chief of staff. Prior to working for ORI, Almeida-Barros was the Director of Organizing and Deputy Executive Director for the Massachusetts Immigrant and Refugee Advocacy Coalition, where he worked on immigration reform at the federal level and directed the organization’s outreach, legislative and advocacy efforts.

“The new Community Engagement Division is committed to being an active presence in neighborhoods across the state and learning about the diverse issues facing our communities,” said Almeida-Barros. “We will be taking the office out of Boston and bringing it into cities and towns across the Commonwealth.”

The first efforts the Community Engagement Division will undertake include training on the new Earned Sick Time and Domestic Workers laws to better educate both employers and employees on their rights and responsibilities. The Division is also working with communities to schedule office hours, bringing the resources of the AG’s office directly to communities at times that are more convenient for working people and their families.

Healey has also hired Willie Bodrick II to serve as the division’s Outreach Coordinator. Bodrick comes to the Attorney General’s Office with extensive experience in community outreach and engagement. Bodrick is a youth and young adult pastor and a program director at the Twelfth Baptist Church in Roxbury. Bodrick is a graduate of Georgetown University and has a masters of divinity from Harvard Divinity School. He is also the founder, president and CEO of BOLD MOLD, Inc (Black Men Overtly Leveraging Development), a nonprofit organization that works to redirect the stereotypical and statistical trajectory of young black men through education and intergenerational mentoring.

**Schuette, Flood Net $2.2 Million for Michigan Consumers in Western Sky and CashCall Settlement Involving High-Interest Loans**

Contact: Andrea Bitely 517-373-8060

LANSING – Michigan Attorney General Bill Schuette’s Corporate Oversight Division and Michigan Department of Insurance and Financial Services (DIFS) Director Ann Flood today announced they have negotiated a $2.2 million settlement with South Dakota-based Western Sky Financial, LLC and California-based CashCall, Inc. The settlement resolves allegations of unlicensed loans made to approximately 17,500 Michigan consumers bearing illegally high interest rates. The settlement will automatically reduce the interest rate on all loans owned by Western Sky and CashCall to Michigan’s legal rate of 7%. Additional relief will be available for consumers who file a valid claim.

 “We will not tolerate any businesses attempting to skirt the rules at the expense of Michigan consumers trying to make ends meet,” said Schuette. “This settlement is a victory for the thousands of Michigan consumers who took out Western Sky loans and serves as a warning to only do business with licensed entities. I am grateful for the joint efforts and hard work by the Department of Insurance and Financial Services and my staff that secured this settlement providing significant relief for Michigan consumers.”

 “Western Sky's actions were illegal and unacceptable,” said DIFS Director Ann Flood. "The staff of the Department of Insurance and Financial Services, together with the Department of Attorney General, did an outstanding job on behalf of Michigan consumers.”

 Western Sky assigned the loans it made to Michigan consumers to CashCall, Inc., which serviced and collected the loans directly or through its affiliates. Interest rates charged on Western Sky’s internet-based loans ranged from 89% to 169%, exceeding both the 7% interest rate legally permitted for unlicensed lenders and the 25% interest rate legally permitted for licensed lenders. Western Sky also charged processing fees of up to $500 on numerous loans, exceeding the $300 cap allowed for licensed lenders. As a result of these high fees and interest rates, a consumer who borrowed $1,000 from Western Sky would have to repay over $4,000 during the loan’s two-year term, representing an annual percentage rate (APR) of nearly 200%. Other Western Sky loans with a six-month repayment term carried an APR of over 350%.

 In July 2013, DIFS commenced a cease and desist action under the Regulatory Loan Act against Western Sky to stop the company from making unlicensed and high-interest loans to Michigan consumers. That proceeding led to intensive negotiations resulting in this settlement. In September 2013, Western Sky discontinued any new lending in Michigan.

**ATTORNEY GENERAL CYNTHIA COFFMAN FIGHTS CONSUMER PROTECTION ABUSES BY PREDATORY BUSINESSES THAT TARGET MILITARY MEMBERS**

DENVER— Attorney General Cynthia H. Coffman announced today that her office has filed a civil lawsuit in Denver District Court against Freedom Stores Inc., d/b/a/ Freedom Furniture & Electronics, Military Credit Services, LLC, and Freedom Acceptance Corporation. These companies have repeatedly broken Colorado lending and consumer protection laws in their aggressive pursuit of military customers.

The Attorney General’s complaint alleges that these companies sell consumer goods and services on credit, service those and other consumer loans, and collect on those loans when they are delinquent. They primarily target members of the military and their families at their Colorado Springs retail store and through affiliated vendors. In fact, according to the state’s lawsuit, Freedom Stores’ website advertises “instant credit approval for all active duty military and civil service employees.” All three companies are operated and controlled by the Melley family, Leonard Melley, Jr., John Melley, and Leonard Melley, Sr.

This is not the first time Freedom Stores Inc. has attracted regulators’ attention. The complaint filed in this case alleges that a 2012 examination of the Freedom Furniture store in Colorado Springs uncovered numerous violations of Colorado law, including charging interest rates above those that are permitted by Colorado law, charging fees that are not permitted by Colorado law, unlawfully suing service members in Virginia courts when the suits should be filed in Colorado, and using improper collection practices, including unlawfully contacting commanding officers of service members regarding unpaid debts. Freedom was ordered to correct these violations. However, a follow-up examination of Freedom Furniture in 2014, and a new examination of Military Credit, also in 2014, discovered that these very same, as well as additional, violations were continuing.

The state’s complaint also alleges that Freedom Stores and Freedom Credit, by acquiring and servicing loans made by Military Credit, were required to be licensed as supervised lenders under Colorado law. The lawsuit seeks the refund of all loan finance charges and excess fees, and seeks maximum fines and civil penalties for each violation.

“My office is committed to protecting Colorado's consumers, and we will stop any company that seeks to take advantage of military service members and the chain of command to unjustly profit from illegal lending schemes,” said Attorney General Coffman. “The goal of this lawsuit is to ensure that merchants that focus their businesses on the military community do so honestly and in full compliance with the law. We will not tolerate businesses who line their pockets with the sacrifices of our military."

For additional information please visit our fraud center at www.stopfraudcolorado.gov. To learn more about military fraud prevention and scams, please visit our fraud center's military resources at www.stopfraudcolorado.gov/military. If you believe you have been victimized by deceptive business practices or wish to report suspicious activity, please file a report at www.stopfraudcolorado.gov/report.

**SD 24/7 Sobriety Program Featured in US DOJ Database**

 PIERRE – Attorney General Marty Jackley announced today that the South Dakota 24/7 Sobriety Program is now being featured as part of the U.S. Department of Justice’s Crime Solutions. The Office of Justice Programs uses rigorous research to inform practitioners and policy makers about programs that work in the criminal justice, juvenile justice and crime victim services areas. The 24/7 Program Profile is available at http://www.crimesolutions.gov/ProgramDetails.aspx?ID=404.

“The 24/7 Sobriety Program is helping to address alcohol and drug addiction while better protecting the public across South Dakota and our Nation. The opportunity to be listed with the Office of Justice’s Crime Solutions will allow even further visibility and recognition to best practices in DUI enforcement,” said Jackley.

In 2005, then-Attorney General Larry Long implemented his idea of the 24/7 Sobriety Program as a pilot project in three counties in South Dakota, and in 2007 the state legislature unanimously approved the formal creation of the program. Beginning in 2010, Attorney General’s Office expanded 24/7 and transitioned the taxpayer funded program to offender pay. Currently 67 agencies participate in the program, including police departments, sheriff's offices, and the Unified Judicial System.

In 2012, the RAND Corporation published their study of the South Dakota 24/7 Sobriety Program. RAND found that in examining the first six years of the South Dakota 24/7 Sobriety Program that frequent alcohol testing with swift and moderate sanctions for those caught using alcohol reduced county-level repeat DUI arrests by 12 percent and domestic violence arrests by 9 percent. Below is a link to the RAND analysis of the South Dakota 24/7 Sobriety Program.

County-level analysis of 24/7 Sobriety

**Pill Mill Owner and Doctor Arrested on Charges of Pill Trafficking and Manslaughter**

TALLAHASSEE, Fla.—The owner of a now defunct South Florida pain clinic and a former physician of the clinic are facing multiple charges stemming from the trafficking of Oxycodone. Dr. Richard Vitalis and Christian Spaw, former owner of All Family Medical, were arrested and face racketeering, trafficking, conspiracy and manslaughter charges in connection with drug sales and purchases made while operating the Broward County pill mill.

According to an investigation by Attorney General Pam Bondi’s Office of Statewide Prosecution, the Drug Enforcement Administration and the Broward Sheriff’s Office, an All Family Medical patient died of a drug overdose three days after his 17th visit to the clinic.

“We have made great strides to rid our state of the death and destruction caused by pill mills and we will not tolerate doctors or clinic owners abusing the trust we placed in them to sell massive amounts of dangerous drugs to patients that do not need them,” said Attorney General Bondi. “I applaud my Office of Statewide Prosecution, the Drug Enforcement Administration and the Broward Sheriff’s Office for the great investigative work that led to these arrests.”

DEA Special Agent in Charge A.D. Wright stated, "These serious charges hold Dr. Vitalis and Mr. Spaw accountable for their flagrant criminal actions that resulted in the death of a patient. The DEA wants to thank Ms.Bondi and Sheriff Israel for their partnership in our commitment to eradicate rogue doctors and pill mills from our communities and keep our citizens safe."

“These men were connected to one of the last rogue pain clinics shut down in Broward County. Through persistence and the collaborative efforts of local, state and federal agencies, I’m pleased to see the dedicated work of the investigators result in the prosecution of Dr. Richard Vitalis and Christian Spaw,” Broward Sheriff Scott Israel said.

Spaw is also facing related charges brought by State Attorney Michael Satz for, among other things, conspiracy to purchase 10,000 doses of Oxycodone from an undercover sheriff’s deputy.

**Schuette, Wyant Announce $75 Million Settlement for Enbridge's Kalamazoo River Oil Spill**

Contact: Andrea Bitely 517-373-8060

LANSING – Michigan Attorney General Bill Schuette and Michigan Department of Environmental Quality Director Dan Wyant today announced a $75 million settlement with Enbridge Energy, Limited Partnership and other Enbridge affiliates over the July 2010 Line 6B spill that sent more than 800,000 gallons of oil into Talmadge Creek and the Kalamazoo River from a pipeline owned and operated by Enbridge The agreement will finalize cleanup and restoration requirements for areas affected by the spill.

 “This is a huge win for Michigan’s environment,” said DEQ Director Dan Wyant. “We are pleased to announce this settlement, because the key provisions are projects to improve and restore the river corridor. This settlement will mean improved water quality, improved fish and wildlife habitat, and an improved experience for river users in the years to come.”

 “Michigan is the Great Lakes state and we must protect our precious natural resources now and for future generations,” said Schuette. “This settlement will help to restore affected waterways and wetlands, as well as provide improved access for families to enjoy the beauty of the Kalamazoo River. I am grateful for the work of my Environment and Natural Resources Division and the Department of Environmental Quality under Director Wyant.”

 The Enbridge spill impacted more than 38 miles of river and 4,435 acres of adjacent shoreline habitat.

Under the settlement, Enbridge will pay:

1.$30 million as estimated costs for Enbridge to restore or construct 300 acres of wetlands in the watershed for permanent protection.

2.$18 million spent by Enbridge to remove Ceresco Dam in Ceresco, Michigan and construct other improvements to the river in the previously impounded area. These changes will help restore the run of the river closer to its natural historical condition.

3.$10 million spent to construct and improve recreational and boating access sites for the public at five locations and provide an endowment for perpetual maintenance of the recreational/access sites. These sites include Saylor’s Landing and Ceresco Green in Marshall Township as well as Angler’s Bend, Paddler’s Grove, and Historic Bridge Park in Emmet Township.

4.$5 million to be paid to the State by Enbridge for additional enhancement and restoration of the Kalamazoo River, to be paid within 30 days of the entry of the agreement.

5.$12 million paid in reimbursement of the State’s costs in conducting and overseeing cleanup work, restoration and mitigation, and attorney’s costs.

 The restoration projects are in addition to completing the cleanup work. The Consent Judgment, filed with Judge Sarah Lincoln in the Calhoun County Circuit Court on May 12, 2015, further requires Enbridge to complete cleanup of oil and oil-related contaminants from the release as well as to restore areas impacted by both the release of oil and aggressive recovery efforts. Enbridge will complete the cleanup of any remaining oil within approximately five years and will continue to pay the State's costs in overseeing all aspects of cleanup and restoration of the river.

 In order to meet state law requirements and assure that liability for the release is adequately resolved, in the impacted area, Enbridge must:

A.Continue to monitor and collect any sheen and submerged oil from the release in the Kalamazoo River.

B.Thoroughly evaluate and address any continued presence of Line 6B oil and oil-related contaminants in soil and groundwater.

C.Continue monitoring of affected wetlands and undertake restoration and treatment for invasive species consistent with approved work plans.

D.Investigate and address impacts to aquatic life within the River or adjacent wetlands.

E.Evaluate restoration actions to date within the affected area of Talmadge Creek and conduct additional activity as deemed necessary to restore stream habitat diversity.

F.Ensure recovery of aquatic vegetation and protection of riverbank areas susceptible to erosion through additional surveys and implementation of corrective actions as needed.

G.Replace woody habitat removed from the River during oil recovery efforts.

H.Provide funding for the state to conduct additional monitoring to assure that fish and macroinvertebrate communities are recovering and fish consumption advisories for oil-related contaminants remain in place as needed.

**CSG West Letter to Congress**

Honorable Mike Rounds

United States Senator

Chairman, Superfund, Waste Management, and Regulatory Oversight

Subcommittee

410 Dirksen Senate Office Building

Washington, DC 20510-6175

Honorable Edward Markey

United States Senator

Ranking Member, Superfund, Waste Management, and Regulatory

Oversight Subcommittee

456 Dirksen Senate Office Building

Washington, DC 20510-6175

Dear Senator Rounds and Senator Markey,

On behalf of the Council of State Governments West (CSG West), thank you for the opportunity to contribute to the Superfund, Waste Management, and Regulatory Oversight Subcommittee’s hearing on oversight of scientific advisory panels and processes at the Environmental Protection Agency (EPA). We appreciate your leadership and the subcommittee’s interest in hearing from Western state legislators.

As a nonpartisan, nonprofit organization serving Western state legislatures, CSG West is dedicated to preserving the role of states as “laboratories of democracy” and fostering effective cooperation with relevant federal agencies in areas of shared jurisdiction while limiting unnecessary federal intrusion in areas of state responsibility. In no other region in our country is effective federal and state cooperation more important than in the West where federal agencies work with relevant state and local agencies on a number of critical issues affecting the sustainability of our region, including the management of our natural resources and the protection of wildlife.

Over the past several years CSG West, through resolutions and correspondence, has urged Congress and federal agencies to communicate and consult with Western states in a substantive and timely manner when considering amendments to the Water Pollution Control Act as well as other federal laws. Moreover, CSG West has urged federal agencies to adhere to Presidential Executive Order 13132, issued August 4, 1999, requiring federal agencies to “have an accountable process to ensure meaningful and timely input by state and local officials in the development of regulatory policies that have federalism implications.”

Enclosed for your reference are copies of CSG West resolutions related to proposed amendments to the Federal Water Pollution Control Act and water-related federal rules, regulations, directives, orders and policies.

Despite our organization’s call for greater consultation with Western states, communication challenges remain. In many instances state consultation by federal agencies, including U.S. EPA, has taken place in the latter part of the policy development process, placing states and regional organizations such as CSG West in a reactionary position to a proposed regulation or interpretation as opposed to engaging states on the front-end of the process to ensure that state perspectives are taken into account.

In addition to the state consultation challenges limited state representation exists in EPA advisory panels. U.S. EPA advisory panels play an important role in providing independent advice to the EPA Administrator and other high level administration officials on a number of technical issues, including the development of rules related to the jurisdiction and application of the Clean Water Act, Clean Air Act and other regulations that impact state authority. Because they provide an independent voice to complex, technical matters, it is imperative that such advisory boards be comprised by a wide array of stakeholders, including state level representatives. However, states are largely underrepresented in EPA advisory panels.

Below are some examples related to the lack of state/local participation on EPA advisory panels:

 Of the 47 members of EPA’s Chartered Science Advisory Board, only three are from state and local governments.

 EPA’s Hydraulic Fracturing Research Advisory Panel, a subpanel of the Science Advisory Board designed to review EPA science on hydraulic fracturing and water, has no state/local/tribal experts on the panel. Thirteen state/local/tribal experts were nominated including from Western states and local governments, but none were selected by EPA.

 For the Science Advisory Board “Connectivity” Panel, which was reviewing a highly influential scientific assessment designed to inform EPA’s authority over “waters of the U.S.” under the Clean Water Act, EPA did not pick any of the nine qualified state/local experts the 27-member panel. As the Western Governors’ Association recently testified: “It is worth noting that the SAB panel for the review of the EPA water body connectivity report included no state representatives. The report was therefore developed without the regulatory expertise, scientific resources and on-the-ground knowledge possessed by state professionals.”

 For EPA’s Clean Air Scientific Advisory Committee Ozone Review Panel, which provided the critical advice for Administrator Gina McCarthy’s proposed ozone regulations, only one of the 22 panelists came from a state/local perspective.

 For EPA’s seven-member chartered Clean Air Scientific Advisory Committee, whose recommendations establish the range to be considered by EPA in setting national air pollution standards, not a single member has come from EPA Region 6 (AR, LA, NM, OK, TX), Region 7 (IA, KS, MO, NE), Region 8 (CO, MT, ND, SD, UT, WY), or Region 10 (AK, ID, OR, WA) since at least 2010.

CSG West recognizes that the federal government has a vital role to play in advancing national priorities. However, it is imperative that federal agencies substantially engage states when developing or enacting regulations which affect state jurisdictions, and ensure that advisory panels designed to provide an independent voice include greater state representation. We encourage you and the members of the subcommittee to address these challenges with the hope that our state and federal engagement can be strengthened for the benefit our states and communities.

Once again, thank you for your consideration of these important issues. If you or your staff has any questions, please feel free to contact CSG West Executive Director, Edgar Ruiz, at (916) 553-4423.

Sincerely,

Senator Nancy Todd Representative Jeff Thompson

Chair, CSG West Chair-Elect, CSG West

Colorado State Senate Idaho House of Representatives

Representative Sam Hunt Representative Craig Johnson

Vice Chair, CSG West Immediate Past Chair, CSG West

Washington House of Representatives Alaska House of Representatives

Representative Lance Pruitt Representative Cindy Evans

Chair, CSG West State & Vice Chair, CSG West State &

Federal Relations Committee Federal Relations Committee

Alaska House of Representatives Hawaii House of Representatives

CC:

Senator James M. Inhofe (OK), Chairman, U.S. Senate Committee on

Environment & Public Works

Senator Barbara Boxer (CA), Ranking Member, U.S. Senate Committee

on Environment & Public Works

Enclosures

 CSG West Resolution 2014-03 on water-related federal rules, regulations, directives, orders and policies.

 CSG West Resolution 2011-03 regarding U.S. EPA and the U.S. Army Corp of Engineers’ draft guidance on identifying waters protected by the Clean Water Act.

 CSG West Resolution 2010-01 regarding amendments to the Federal Water Pollution Control Act, as proposed by S. 787 and H.R. 5088 in the 111th Congress.

**Endangered Species Act**

The agencies responsible for protecting imperiled species today proposed changes to the way in which outside groups ask the federal government to review the status of plants and animals under the Endangered Species Act.

One proposed change would give states a bigger role in the petition process and increase coordination with federal wildlife officials, according to the Fish and Wildlife Service and National Marine Fisheries Service. Petitioners, which are most often environmental groups or animal welfare advocates, would have to solicit information from relevant state wildlife agencies prior to asking the services to review the status of a given species.

The proposal was quickly panned by the Center for Biological Diversity (CBD), one of the most frequent petitioners of FWS and NMFS, as an unnecessary step and a burden on concerned citizen groups.

But the changes -- along with a raft of planned regulatory updates to the four-decade-old law that were also previewed today -- are likely to be welcomed by Republicans who have introduced legislation that they say would make the law more transparent and efficient.

"These actions will make an effective and robust law even more successful, and will also reinforce the importance of states, landowners and sound science in that effort," Interior Secretary Sally Jewell, who oversees FWS, said in a statement.

Larry Voyles, the president of the Association of Fish and Wildlife Agencies, added in the statement that "we appreciate the Service's due recognition of, and requirement to, incorporate the data and information of state fish and wildlife agencies for the formulation of listing petitions."

But Noah Greenwald, CBD's endangered species director, said in an interview that "these proposed regulations will make it harder for wildlife on the brink of extinction to get the protection they need."

Greenwald was particularly concerned by a provision that would bar multi-species petitions, which he said are more efficient, and new pre-petition notification requirements. He also argued that the law already allows states to submit data early in the listing review process.

The proposal will be posted in the Federal Register later this week. Public comments on the plan will be accepted for 60 days after its publication.

The Obama administration statement also promised forthcoming proposals to strengthen data disclosure policies and peer-review standards, promote and expand the use of conservation banking and other advance mitigation tools, streamline interagency consultation procedures and habitat conservation plan permitting, and state-federal collaboration policies.

Those steps "would result in a more nimble, transparent and ultimately more effective Endangered Species Act," FWS Director Dan Ashe said in the joint statement. "By improving and streamlining our processes, we are ensuring the limited resources of state and federal agencies are best spent actually protecting and restoring imperiled species."

The moves are seemingly an attempt to head off a series of Republican reform bills that Ashe said earlier this month would "add a lot of process and new requirements that would be new causes of legal action that would make it more difficult to conserve species" (E&E Daily, May 7).

The administration statement notes, "The Services are not seeking any legislative changes to the Act, because the agencies believe that implementation can be significantly improved through rulemaking and policy formulation."

But that declaration stands in contrast to an unprompted comment Ashe made at the end of his appearance at this month's Senate Environment and Public Works Committee hearing.

"I do believe that the Endangered Species Act should be reauthorized," he said after responding to a series of questions from committee members about his $1.6 billion budget request and local issues.

Ashe noted that the legislation that was the basis for the last significant reform of the law in 1988 was a thoroughly bipartisan affair. "I think it's possible to bring people of good will together, and we could do the same thing," he said.