

**Energy Producing States Coalition  
Member Conference Call  
October 30, 2013  
Call Summary**

**Participants:** Rep. Roger Barrus, UT; Sen. Cathy Giessel, AK; Speaker Tom Lubnau, WY; Sen. Chuck Winder, ID; Rep. Tom Lockhart, WY; Sen. Eli Bebout, WY; Rep. Tim Stubson, WY; Rep. Eric Koch, IN; Rep. Jose Diaz, FL; Rep. Norine Kasperik, WY; Rep. Steve Handy, UT; Sen. Drew Perkins, WY; Rep. James Byrd, WY; Sen. VonFlatern, WY

**Regulatory Update:**

**Clean Water Act:**

- Expansion of the definition of navigable waters – apply to all waters within the U.S.
- Public meetings in Washington, DC December 16-18
- Sen. Giessel - Interstate Mining Compact Commission – huge issue for them, massive expansion that EPSC needs to be aware of

**President's Climate Initiative:**

- Continued expansion of EPA authority to regulate greenhouse gas emissions – impacts everyone in the U.S.
- Carbon emissions from new power plants – significant impact also on existing coal fueled power plants
- Rep. Lockhart – hearings in non-coal producing states, there's a meeting in Colorado with demonstrations – how to fight fire with fire, opportunity for reduced employment
- Rep. Kasperick – meeting is today, many buses are heading to Colorado to participate

**Sage Grouse:**

- Potential Endangered Species Act listing – high impact in Western States
- Speaker Lubnau – Spoke about Sage Grouse with the Speakers from Idaho, Utah & Montana who are all on board, Nevada's wasn't up on the issue and Oregon's wasn't too interested; What we've learned from wolves – regulating distinct population that doesn't focus on state boundaries – a unified plan amongst the states is very important; there exists some tension between the Executive and Legislative branches, Idaho and Wyoming have "Cadillac Plans"
- Rep. Handy – Are there any hard deadlines as to when delisting might be considered?
  - States are working on plans, but not aware if there are any hard deadlines
- BLM [released a proposed plan](#) to protect greater sage grouse in three states – Utah, Idaho and Nevada, which would prohibit drilling, grazing, recreation activities and a variety of other activities within 4 miles of leks, the places where the bird stages its late-winter mating ritual. Plan is part of the National Greater Sage-Grouse Planning Strategy. Environmental organizations have also asked DOI to exercise its authority over subsurface mineral rights in eastern Wyoming and forbid new well pads and associated infrastructure inside state-designated core sage grouse area until it has finalized resource plan amendments designed to protect grouse in the region.

**ACTION ITEM:** Need to develop list of opportunities to comment

## **BLM Permitting:**

- There have been complications to both leasing and permitting for activities on BLM land
- Delays in permitting continues, which leads developers to consider public lands less attractive and to allocate their resources elsewhere

## **Sequestration:**

- Awaiting to see when DOI will return funds “expeditiously” – Wyoming received their funds on Oct. 30, with the notification that federal mineral revenues in the amount of 8% for FY 2014 would be withheld until FY 2015
- Working on legislative efforts to eliminate the possibility of this happening again in the future
- Rep. Barrus – believe collaborative effort, with so much emphasis placed on it – federal government had to work on it
- Sen. Giessel – signifies core reason for forming EPSC, threats to state sovereignty, EPSC responded to threat successfully
- Speaker Lubnau – EPSC has started to see some success, acting alone no one listens but when correspondence from legislators representing 15 states, they paid attention. Cooperative approach – in interest of all states have been pretty productive

## **Priority Issues:**

### **Endangered Species Act (ESA):**

Sen. Giessel

- Massive topic, 40<sup>th</sup> anniversary of ESA, need to preserve the environment but utilize the resources there
- Took nearly 19 years to get 1 species de-listed, Stellar Sea Lion
- Participation of states where appropriate is very important
- Fish & Wildlife using 100 year model projections as basis for their Bearded Seal listing
- Use both “science and art” in their projections
- Alaska is pushing back
- States play an important role – need to make sure that states require collaboration as required within Section 6 of ESA
- Can other states create maps to explain the overreach? Alaska field numerous lawsuits, rarely effective
- Rep. Barrus – each state is impacted, activists use ESA to control energy policy; need to identify other organizations working on this issue and collaborate – how to best utilize support. Ex. Interstate Mining Compact Commission
- Rep. Handy – group like, “Big Game Forever” – hunters are best conservationists
- Jack Belcher – IPAA puts out a weekly report on ESA
- Rep. Koch – not as big an issue in Indiana as other states, does impact us and will work with you as well
- Rep. Diaz – nothing that stands out for Florida

**ACTION ITEM:** Find and Collaborate with other groups, reach out and pull plan together

## Ocean Policy:

Jack Belcher, for Rep. Charisse Millett who was ill and unable to participate

- National Ocean Policy established by Executive Order – oversees 27 different agencies; Coastal and Marine Spatial Planning – 9 regional planning bodies across the country
- Impact economic and recreational efforts and activities
- Lot of activity at both the state and federal level
- Sen. Giessel – huge implications for Alaska – curtail harvest of significant food source; not going through the regulatory process; Governors met recently – what do they have to say?
- Sen. Perkins – seeing a parallel with Clean Water Act – impact land locked states like Wyoming, wetlands as applied to irrigation – effect land lovers just as much as coastal residents; have to extend Federal Mineral Revenues model – get Governor’s involved – need to coordinate with them to ensure Congressional delegations understand the potential impact
- Rep. Barrus – find way to coordinate activities within our states

**ACTION ITEMS:** Legislators and Governors weigh in on Regional Planning Bodies; Outreach to other organizations to collaborate

EPSC is adding its name to letter from National Ocean Policy Coalition over ocean zoning

## Access, Land Exchange:

Rep. Handy

- Federal government cannot manage its own lands
- Federal government shutdown - \$30 million cost to the state of Utah
  - Utah held a special session to appropriate money for parks
  - States can manage resources much more effectively
- States fighting battle alone as individual states won’t work
- Sen. Bebout – in Wyoming, there is a Select Committee that is co-chaired by EPSC members, Sen. Bebout and Rep. Stubson, schedule meetings across the state, BLM office RMP – commenting on these, active in writing letters and taking testimony, legislatively driven and has a budget and staff support, now in statute – deal with issue every year, can bring legislation to the floor
- Rep. Stubson – good summary, has had an impact – changes on RMP’s, good cooperation with federal agencies, other than EPA, which has refused to participate
- Sen. Giessel – Advisory Council on Federal Lands, like Eli’s suggestion of legislation
- Rep. Barrus – Utah [HB 142](#) does a lot of what Sen. Bebout is doing in Wyoming, economic and management analysis includes a comparison of how state lands are managed; Rep. Rob Bishop (R, UT 1) has his Public Lands Initiative to prevent another public monument within the state
- Sen. Bebout – Rep. Ken Ivory (UT) is very active in Utah – Public Lands Task Force. Can we engage our eastern state colleagues to help get the movement moving forward?

**ACTION ITEMS:** Share the best practices from Wyoming and Utah, add information to website and newsletter; further engage sister states in public lands

**Settlement Agreements:**

Rep. Barrus

- Also “Sue and Settle”
- US Chamber’s report, “[Sue and Settle: Regulating Behind Closed Doors](#)”
- 60 instances where EPA has refused to fight litigation and settled between 2009-2012 – settlement was favored action of the plaintiff
- In 2011, Sen. Barrasso and Sen. Hatch, “Government Litigation Savings Act” introduced to reform the process, Rep. Lummis has introduced House version, HR 3037 “Government Litigation Savings Act,” which has been assigned to the House Judiciary Committee. Bill intended to prevent abuse of the Equal Access to Justice Act by environmental groups and others who frequently challenge the federal government in court.
- Rep. Lockhart – this issue has gotten way out of control – expanding exponentially, we need to change this bad practice
- Sen. Perkins – Should we send letters/comments to Rep. Lummis?
- Rep. Handy – EPSC should draft a template letter which can be sent from both EPSC and individual legislators

**ACTION ITEMS:** EPSC needs to weigh in on HR 3037; find collaborative groups to require the federal government to defend themselves against activist lawsuits

**Future EPSC Meetings**

- Conference Calls
  - How often?
  - What are the preferred time and day of the week?
- In person meeting
  - Possible national legislative organizational meetings to host EPSC meetings in conjunction with:
    - IOGCC 2014 Midyear Issues Summit, Biloxi, MS, May 18-20, 2014
    - CSG National Meeting, Anchorage, AK, Aug. 9-13, 2014
    - NCSL Legislative Summit, Minneapolis, MN, Aug. 19-22, 2014
    - ALEC
    - Energy Council
    - Other organizations?
- In addition to EPSC meetings, if you are attending events, please refer to EPSC in conversations with other legislators and attempt to get a speaking role. If needed, reach out to CEA to help facilitate speaking roles to increase visibility of EPSC.

## **Executive Committee Expansion**

- EPSC would like to expand to make the organization more diverse
- A number of current members have expressed an interest in joining
- Application process...
  - Letter highlighting their interests as they align with EPSC
  - Brief (one page) resume, highlighting work on energy/resource issues
  - Letter of support/appointment from your presiding officer, including financial commitment for travel
  - Send to Bo Ollison (BOLLISON@consumerenergyalliance.org)