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Graph of cases arranged by type

Graph of cases arranged by year

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Columbia Law School
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Created by:
Michael B. Gerrard, J. Cullen Howe, and L. Margaret Barry

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Please send updates to:
michael.gerrard@law.columbia.edu

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CLIMATE CHANGE LITIGATION IN THE U.S.

- ***Massachusetts v. Whitman***
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- ***New York v. EPA***
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- ***Massachusetts v. EPA***
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- **California Attorney General petition to EPA** to regulate GHG emissions from ocean going vessels in U.S. waters (2007)
- **Petitions** to EPA by nonprofit groups to set pollution rules for ocean-going vessels in U.S. waters (2007)
- **Cal. South Coast Air Quality Man. District petition** to EPA requesting GHG emissions limits for ocean going vessels (2008)
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- **EPA decision** denying California waiver request
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- **California Attorney General petition** to EPA to regulate GHG emissions of aircrafts (Dec. 2007)
- **California Attorney General petition** to EPA to regulate GHG emissions from construction and industrial equipment (Jan. 2008)
- ***Pacific Merchant Shipping Assoc. v. Goldstene***
  (9th Cir. 2008)
- **EPA's Advance Notice of Proposed Rulemaking Regarding GHG Regulations**(July 2008)
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- **Presidential memo** to EPA regarding reassessment of denial of California waiver (Jan. 2009)
- **EPA's Proposed Greenhouse Gas Endangerment Finding** ___(April 2009)
- **In re Proposed Endangered Finding** petition for on-the-record hearing on endangerment finding (EPA, filed June 2009) (second request filed in Aug. 2009)
- **EPA Clean Air Act waiver** to California (June 2009)
- **Petition** to EPA outlining reasons why agency has authority under CAA to regulate motor vehicles and aircraft (July 2009)
- **Humane Society v. Jackson** (EPA, filed Sept. 2009) **+**
- **Petition** to EPA to establish national pollution limits for greenhouse gases under CAA (EPA, filed Dec. 2009)
- **Petition** to list coal times as source of air pollution and to establish emissions standards for certain pollutants (EPA, filed June 2010)
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- **Petition** to regulate black carbon from trains (Sept. 2010)
- ***In re* Russell City Energy Center LLC** (EPA EAB Nov. 2010) **+**
- ***Pacific Merchant Shipping Ass'n v. EPA*** (9th Cir. Mar. 2011) **+**
- ***Wash. Envtl. Council v. Bellon*** (W.D. Wash., filed Mar. 2011) (plaintiff's mot. for summ. j. granted Nov. 2011) (9th Cir. rev'd Oct. 2013) (Oct. 2013 order vacated and briefing ordered on whether case should be reheard en banc Oct. 2013) (reh'g en banc denied Feb. 2014) **+**
- ***Communities for a Better Env't v. EPA*** (D.C. Cir., filed Oct. 2011) (dismissed Apr. 2014) **+**
- ***WildEarth Guardians v. EPA*** (D.D.C., filed Nov. 2011) (notice of final action on petition May 2013) (mot. to dismiss filed June 2013) (stip. of dismissal June 2013) **+**
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- ***Resisting Env. Destruction on Indigenous Lands v. EPA*** (9th Cir., filed Feb. 2012) **+**
- Denial by EPA of petitions seeking to regulate **emissions from aircraft, marine vessels, and nonroad vehicles and engines** (June 2012)
- ***Louisiana Dept. of Env. Quality v. EPA*** (5th Cir., filed June 2012) **+**
- **Notice of intent to sue** for failure to cap GHG emissions from cars, boats and aircraft (Nov. 2012) **+**
- **Notice of intent to sue** for failure to regulate methane emissions from hydraulic fracturing (Dec. 2012) **+**
- Institute for Policy Integrity, NYU School of Law, Petition for Rulemakings and Call for Information under Section 115, Title VI, Section 111, and Title II of the Clean Air Act to Regulate Greenhouse Gas Emissions (Feb. 19, 2013) **+**
- ***Friends of the Earth v. EPA*** (D.D.C., filed Mar. 2012) (dismissed Mar. 2013) **+**
- Clean Air Task Force et al., Petition for Rulemaking and Interpretive Guidance Ensuring Comprehensive Coverage of Methane Sources Under Subpart W of the Greenhouse Gas Reporting Rule – Petroleum and Natural Gas Systems (Mar. 19, 2013)
- Conservation Law Foundation, Notice of Intent to Sue for Failure to Timely Promulgate New Source Standards of Performance and Regulations Providing Emission Guidelines for Certain Greenhouse Gas Emissions from Fossil Fuel-Fired Electric Utility Generating Units (Power Plants) (April 25, 2013)
- New York et al., Notice of Intent to Sue for Failure to Promulgate Standards of Performance and Emissions Guidelines for Greenhouse Gas Emissions from Electric Utility Generating Units (April 17, 2013)
- Environmental Defense Fund et al., Notice of Intent to Sue for Failure to Timely Promulgate New Source Performance Standards (NSPS) and Emission Guidelines for Greenhouse Gas Emissions from Electric Utility Generating Units (EGUs) (April 15, 2013)
- ***Ctr. for Biological Diversity v. EPA*** (D.C. Cir., filed Apr. 2011) (filed Aug./Sept. 2011) (consolidated Sept. 2011) (rule vacated July 2013) (motion granted to extend deadline for petition for rehearing en banc Aug. 2013) (pet. for reh'g May 2015) (reh'g denied July 2015) **+**
- Center for Biological Diversity & Friends of the Earth, **Notice of Intent to File Suit with Respect to Endangerment Finding and Rulemaking to Reduce Greenhouse Gas Emissions from Aircraft** (Aug. 5, 2014); EPA, **U.S. Aircraft Greenhouse Gas Rulemaking Process** (Sept. 3, 2014) **+**
- ***Humane Society of the United States v. McCarthy***, No. 15-cv-0141 (D.D.C., filed Jan. 2015) (notice of decision Dec. 2015); ***Environmental Integrity Project v. EPA***, No. 15-cv-139 (D.D.C., filed Jan. 2015) (dismissed Dec. 2015) **+**
- NRDC & IGSD, **Petition for Change of Status of HFCs Under Clean Air Act Section 612 (Significant New Alternatives Policy)** (Oct. 2015) **+**
- ***Center for Biological Diversity v. EPA***, No. 16-cv-00681 (D.D.C., filed Apr. 2016) (joint stip. of dismissal Sept. 2016) **+**
- ***Partnership for Policy Integrity v. McCarthy***, No 5:16-cv-00038 (M.D. Ga. proposed consent decree May 2016) **+**
- **Petition to EPA for Rulemaking to Adopt Ultra-Low NOx Exhaust Emission Standards for On-Road Heavy-Duty Trucks and Engines** (June 2016) **+**
- NC WARN, **Complaint and Request for Investigation Related to Severe Underreporting and Lack of Correction of Methane Venting and Leakage Throughout the US Natural Gas Industry** (June 2016) (EPA letter July 2016) (NC WARN letter Aug. 2016) **+**

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Created by:
Michael B. Gerrard, J. Cullen Howe, and L. Margaret Barry

Please send updates to:
michael.gerrard@law.columbia.edu

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- ***Pac. Coast Fed. of Fisherman's Ass'ns v. Gutierrez*** (E.D. Cal. April 2008)
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- ***Animal Welfare Institute v. Beech Ridge Energy LLC*** (D. Md., filed June 2009) +
- ***South Yuba River Citizens League v. NMFS*** (E.D. Cal. July 2010) +
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- ***Citizens for Resp.and Ethics in Washington v. CEQ*** (D.D.C. 2007)
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- ***U.S. v. Sholtz*** (C.D. Cal. Dec. 2009) +
- ***Judicial Watch v. Dept. of Energy*** (D.D.C., filed Feb. 2010) +
- ***Friends of the Earth v. Dept. of State*** (N.D. Cal., filed May 2011) +
- ***Civil Society Institute Inc. v. U.S. Dept. of Energy*** (D. Mass., filed June 2011) +
- ***NRDC v. Wright-Patterson Air Force Base*** (S.D.N.Y. Aug. 2011) +
- ***Competitive Enterprise Inst. v. EPA*** (D.D.C., filed Sept. 2012) (EPA mot. for summ. j. granted in part, denied in part Jan. 2014) +
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- ***Miss. Power Co. v. Miss. Pub. Serv. Comm'n***, No. 2013-CC-00682-SCT (Miss. Apr. 2014) +
- ***Landmark Legal Foundation v. EPA***, No. 1:12-cv-01726-RCL (D.D.C., filed Oct. 2012) (EPA mot. for summ. j. denied Aug. 2013) (sanctions motion July 2014; reply Sept. 2014) (sanctions denied Mar. 2015) +
- ***Citizens for Responsibility and Ethics in Washington v. EPA***, No. 1:14-cv-01763 (D.D.C., filed Oct. 22, 2014) +
- ***Competitive Enterprise Institute v. U.S. National Security Agency***, No. 14-cv-975 (D.D.C., filed June 2014) (summ. j. for defs. Jan. 2015) +
- ***Energy & Environment Legal Institute v. United States Securities & Exchange Commission***, No. 1:15-cv-00217 (D.D.C., filed Feb. 2015) +
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- ***Energy & Environment Legal Institute v. Attorney General of Vermont***, No. 349-6-16WNCV (Vt. Super. Ct., filed June 2016) (order Sept. 2016) +
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- ***Free Market Environmental Law Clinic v. Rhode Island Department of the Attorney General***, No. __ (R.I. Super. Ct., filed July 2016) +
- ***Competitive Enterprise Institute v. Attorney General of New York***, No. 05050-16 (N.Y. Sup. Ct., filed Aug. 2016) +
- ***Energy & Environmental Legal Institute v. Attorney General of Vermont***, No. __ (Vt. Super. Ct., filed Sept. 2016) +

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- ***Nat. Wildlife Fed. v. EPA*** (D.C. Cir., filed Apr. 2011) +
- ***Californians for Renewable Energy v. Dept. of Energy*** (D.D.C. May 2012) +
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Michael B. Gerrard, J. Cullen Howe, and L. Margaret Barry

Please send updates to:
michael.gerrard@law.columbia.edu

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- ***Center for Bio. Diversity v. EPA*** (D. Wash, filed May 2009) (**settled** March 2010) **+**
- **Petition** for water quality criteria for black carbon (EPA, filed Feb. 2010)
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- **CBD notice of intent to sue** over failure to use CWA to protect glaciers from sea ice (June 2011)
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- WildEarth Guardians, ***Petition Requesting a Programmatic Environmental Impact Statement Addressing the Bureau of Land Management's Oil and Gas Leasing Program and Formal Adoption of the Council on Environmental Quality's Guidance for Greenhouse Gas Emissions and Climate Change Impacts*** (Jan. 2016) +
- ***PEER Letter to CEQ regarding U.S. Bureau of Land Management NEPA Noncompliance*** (Apr. 11, 2016) +
- **PEER Letter to Interior Department regarding BLM Violation of Climate Change Directives** (Apr. 11, 2016) +

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- ***Petition for Rulemaking Pursuant to Section 21 of the Toxic Substances Control Act, 15 U.S.C. § 2620, Concerning the Regulation of Carbon Dioxide*** (June 2015) (petition denied (Sept. 2015) (reasons for agency response Oct. 2015) +

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- ***In re Further Investigation into Environmental and Socioeconomic Costs Under Minnesota Statutes Section 216B.2422, Subdivision 3***, OAH 80-2500-31888 MPUC E-999/CI-14-643 (Minn. Pub. Utils. Comm'n ALJ recommendation Apr. 2016) +

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Michael B. Gerrard, **J. Cullen Howe**, and **L. Margaret Barry**

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michael.gerrard@law.columbia.edu

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Michael B. Gerrard, J. Cullen Howe, and L. Margaret Barry

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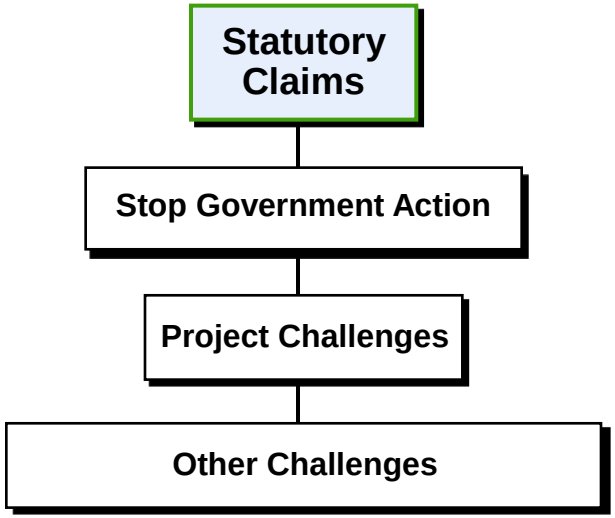

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Michael B. Gerrard, **J. Cullen Howe, and L. Margaret Barry**
Please send updates to:
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- ***Idaho Rivers United v. Probert***, No. 3:16-cv-00102-CWD (D. Idaho prelim. inj. granted May 2016) +
- ***San Juan Citizens Alliance v. United States Bureau of Land Management***, No. 1:16-cv-00376 (D.N.M., filed May 2016) +
- ***In re Magnolia LNG, LLC***, Nos. CP14-347, CP14-511 (FERC request for rehearing May 2016) +
- ***Sierra Club v. FERC***, No. 14-1275 (D.C. Cir. June 2016) +
- ***Sierra Club v. FERC***, No. 14-1249 (D.C. Cir. June 2016) +
- ***Sierra Club v. Department of Energy***, No. 16-1186 (D.C. Cir., filed June 2016) (motions to intervene granted Aug. 2016) +
- ***Sierra Club v. FERC***, No. 16-1329 (D.C. Cir., filed Sept. 2016) +
- ***WildEarth Guardians v. Jewell***, No. 1:16-cv-01724 (D.D.C, filed Aug. 2016) +

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Please send updates to:
michael.gerrard@law.columbia.edu

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- ***GM Corp. v. California Air Resources Board*** (Cal. Sup. Ct. 2005)
- ***State of California v. County of San Bernardino*** (Cal. Super. Ct. 2007) (settled)
- ***NRDC v. State Reclamation Bd.*** (Cal. Super. Ct. April 2007)
- ***Center for Bio. Diversity v. City of Banning*** (Riverside Co. Sup. Ct. 2006)
- ***Minn. Center for Env. Advocacy v. Holsten*** (Dist. Ct. Itasca Co. 2007) +
- ***Am. Canyon Comm. United for Resp. Growth v. City of Am. Canyon*** (Napa. Co. Sup. Ct. 2007)
- ***Santa Clarita Oak Conservatory v. City of Santa Clara*** (L.A. Co. Sup. Ct. Aug. 2007) +
- **California Attorney General GHG-related CEQA materials**
- **Settlement** concerning ConocoPhillips Clean Fuels expansion project in Contra Costa Co. (2007)
- **Cal. Attorney General agreement with Los Angeles concerning GHG emissions from port** (Dec. 2007)
- ***Highland Springs v. City of Banning*** (Riverside Co. Sup. Ct. Jan. 2008)
- ***Center for Bio. Diversity v. City of Perris***, No. RIC 477632 (Riverside Co. Sup. Ct. March 2008) (settled March 2010) +
- **Cal. Attorney General agreement** with S.D. Airport to reduce GHG emissions (May 2008)
- ***Arcadia First v. City of Arcadia*** (Los Angeles Co. Sup. Ct. May 2008)
- ***Env. Council of Sacramento v. Cal. Dept. of Transportation*** (Sac. Co. Sup. Ct. July 2008)
- ***NRDC v. South Coast Air Quality Management Dist.*** (L.A. Co. Sup. Ct. July 2008)
- ***El Charro Vista v. City of Livermore*** (Alamada Co. Sup. Ct. July 2008) +
- ***Center for Bio. Diversity v. City of Desert Hot Springs*** (Riverside Co. Sup. Ct. August 2008) +
- **Cal. Attorney General agreement with City of Stockton to curb GHG emissions** (Sept. 2008)
- ***Communities for a Better Env't v. City of Richmond*** (Cal. Super. Ct., filed Sept. 2008) (writ granted June 2009) (Cal. Ct. App. aff'd Apr. 2010) +
- ***Center for Bio. Diversity v. San Joaquin Valley Air Pollution Control District*** (Fresno Co. Sup. Ct., filed Oct. 2008) +
- ***Minn. Center for Env. Advocacy v. Holsten*** (Minn. Dist. Ct. Oct. 2008) +
- ***Center for Bio. Diversity v. Cal. Pub. Utilities Comm.*** (Cal. filed Jan. 2009)
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- ***Center for Bio. Diversity v. Town of Yucca Valley*** (San Bernardino Co. Sup. Ct. May 2009) (settled March 2010) +
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- ***Sustainable Trans. Advocates of Santa Barbara v. Santa Barbara Co. Assoc. of Gov.*** (S.B. Co Sup. Ct June 2009) +
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- ***Minn. Center for Env. Advocacy v. Holsten*** (Minn. Ct. App. Sept. 2009) +
- ***Center for Bio. Diversity v. Cal. Dept. of Forestry*** (Tehama Co. Sup. Ct, filed Aug. 2009) +
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- ***Center for Bio. Diversity v. Cal. Dept. of Forestry and Fire Protection*** (Cal. Sup. Ct., filed Jan. 2010) +
- ***Jones v. Regents of the Univ. of Cal.*** (Cal. Ct. App. March 2010) +
- ***Northern Plains Resource Council v. Mont. Bd. of Land Comm***. (Mont., filed May 2010) (motion to dismiss denied Jan. 2011) (case dismissed Feb. 2012) (dismissal **affirmed** Oct. 2012) +
- ***Mont. Env. Info. Center v. Mont. Bd. of Land Comm.*** (Mont., filed May 2010) (motion to dismiss denied Jan. 2011) +
- ***Ctr. for Bio. Diversity v. Co. of San Bernardino*** (Cal. Dist Ct. May 2010) +
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- ***Olmstead County Concerned Citizens v. Minn. Poll. Control Agency*** (Minn. Ct. App. Dec. 2010) +
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- ***Minn. Center for Env. Advocacy v. Minn. Pub. Util. Comm.*** (Minn. Ct. App. Dec. 2010) +
- ***Woodward Park Homeowners Association v. City of Fresno*** (Cal. Ct. App. Feb. 2011) +
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- ***Santa Clarita Organization for Planning the Env. v. City of Santa Clarita*** (Cal. Ct. App. June 2011) +
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- ***NRDC v. Cal. Dept. of Transportation*** (Cal. Ct. App. Nov. 2011) +
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- ***Consolidated Irrigation Dist. v. City of Selma*** (Cal. Ct. App. Feb. 2012) (petition for writ of mandate granted April 2012) +
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- ***Neighbors for Smart Rail v. Exposition Metro Line Construction Auth***. (Cal. Ct. App. April 2012) +
- ***Healdsburg Citizens For Sustainable Solutions v. City of Healdsburg*** (Cal. Ct. App. June 2012) +
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Michael B. Gerrard, J. Cullen Howe, and L. Margaret Barry
Please send updates to:
michael.gerrard@law.columbia.edu

CLIMATE CHANGE LITIGATION IN THE U.S.

- ***Concerned Dublin Citizens v. City of Dublin*** (Cal. Ct. App. March 2013) +
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- ***San Diego Coastkeeper v. San Diego County Water Authority***, No. 37-2014-00013216-CU-JR-CTL (Cal. Super. Ct., filed Apr. 2014) (pet. for writ of mandate denied July 2015) +
- ***Communities for a Better Env't v. Bay Area Air Quality Mgmt. Dist.***, No. CPF-14-513557 (Cal. Super. Ct., filed Mar. 2014) (dismissed Sept. 2014); No. A143634 (Cal. Ct. App. dismissal aff'd July 2016) +
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- ***Communities for a Better Env't v. Bay Area Air Quality Management District***, No. CPF-14-513704 (Cal. Super. Ct., filed June 2014) (settlement announced Oct. 2014) +
- Communities for a Better Env't et al., **Appeal of Long Beach Board of Harbor Commissioners' Ordinance Approving a New Operating Agreement with Metropolitan Stevedore Company and New Lease with Oxbow Energy Solutions, LLC** (June 2014) (appeal denied Aug. 2014) +
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- ***California Healthy Communities Network v. City of Porterville***, No. F067685 (Cal. Ct. App. denial of writ of mandate rev'd Sept. 2014) +
- ***Rominger v. County of Colusa***, No. C073815 (Cal. Ct. App. petition granted with respect to traffic analysis only Sept. 2014) +
- ***Sierra Club v. Sacramento Metropolitan Air Quality Management District***, No. 2014-80001945 (Cal Super. Ct., filed Sept. 2014) (permit withdrawn Oct. 2014) +
- ***Connecticut Energy Marketers Association v. Connecticut Department of Energy and Environmental Protection***, No. HHD-CV-14-6054538-S (Conn. Super. Ct., filed Oct. 2014) (dismissed July 2015) (appeal filed July 2015) +
- ***Association of Irritated Residents v. Kern County Board of Supervisors***, No. S-1500-CV-283166 (Cal. Super. Ct., filed Oct. 2014) +
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- ***Sierra Club v. City of Oxnard***, No. 56-2011-004-00401161 (Cal. Super. Ct., filed July 2011) (certification of EIR annulled Oct. 2012) +
- ***Communities for a Better Environment v. Contra Costa County***, No. N15-0301 (Cal. Super. Ct., filed Mar. 2015) +
- ***Puget Soundkeeper Alliance v. Port of Seattle***, No. 15-2-05143-1 SEA (Wash. Super. Ct., filed Mar. 2015) (plaintiffs' motion for summ. j. July 2015) (summ. j. for defs. July 2015) (notice of appeal Aug. 2015) +
- ***Friends of the Santa Clara River v. County of Los Angeles***, No. B256125 (Cal. Ct. App. Apr. 2015); No. S226749 (Cal. review granted Aug. 2015) +
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- ***San Francisco Baykeeper v. California State Lands Commission***, No. A142449 (Cal. Ct. App. remanded in part Nov. 2015) +
- ***Alliance for a Regional Solution to Airport Congestion v. City of Los Angeles***, No. BS158633 (Cal. Super. Ct. filed Nov. 2015) +
- ***California Clean Energy Committee v. County of Placer***, No. C072680 (Cal. Ct. App. denial of petition reversed Dec. 2015) +
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- ***City of Los Angeles v. County of Kern***, No. S-1500-CV-284100 (Cal. Super. Ct., filed Feb. 2015) +
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Michael B. Gerrard, **J. Cullen Howe, and L. Margaret Barry**
Please send updates to:
michael.gerrard@law.columbia.edu

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- ***Central Valley Chrysler v. Goldstene*** (E.D. Cal. Dec. 2007) (**injunction granted**) (June 2008) (motion to modify injunction **denied**) (Sept. 2008) (motion for attorneys fees denied) (**settled** April 2010) **+**
- ***Association of International Auto. Manufacturers v. Sullivan*** (D.R.I. 2006) (settled April 2010)
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- ***Hanosh v. King*** (N.M. Sept. 2009) **+**
- ***Ass'n of Taxicab Operators USA v. City of Dallas*** (N.D. Tex., filed April 2010) (prelim. inj. denied Aug. 2010) (dismissed Mar. 2012) (affirmed 5th Cir. June 2013) **+**

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- ***National Mining Association v. EPA***, No. 15-1367 (filed and motion for stay (motion, exhibit 1, exhibits 2-14) Oct. 2015) (statement of issues)
- ***American Coalition for Clean Coal Electricity v. EPA***, No. 15-1368 (filed Oct. 2015) (statement of issues)
- ***Utility Air Regulatory Group v. EPA***, No. 15-1370 (filed and motion for stay (motion, attachments B-G, attachments H-S) Oct. 2015) (joint statement of issues with 15-1373 and 15-1374)
- ***Alabama Power Co. v. EPA***, No. 15-1371 (filed Oct. 2015) (statement of issues)
- ***CO_2 Task Force of the Florida Electric Power Coordinating Group, Inc. v. EPA***, No. 15-1372 (filed Oct. 2015) (statement of issues)
- ***Montana-Dakota Utilities Co. v. EPA***, No. 15-1373 (filed Oct. 2015)
- ***Tri-State Generation & Transmission Association, Inc. v. EPA***, No. 15-1374 (filed Oct. 2015)
- ***United Mine Workers of America v. EPA***, No. 15-1375 (filed Oct. 2015) (statement of issues)
- ***National Rural Electric Cooperative Association v. EPA***, No. 15-1376 (filed Oct. 2015) (statement of issues) (Western Farmers statement of issues)
- ***Westar Energy, Inc. v. EPA***, No. 15-1377 (filed Oct. 2015) (statement of issues)
- ***Northwestern Corp. d/b/a NorthWestern Energy v. EPA***, No. 15-1378 (filed Oct. 2015) (declaration) (statement of issues)
- ***National Association of Home Builders v. EPA***, No. 15-1379 (filed Oct. 2015) (statement of issues)
- ***North Dakota v. EPA***, No. 15-1380 (filed and motion for stay Oct. 2015) (statement of issues) (application for immediate stay Jan. 2016)

Statutory Claims

Industry Lawsuits

Challenges to Clean Power Plan

Individual Petitions (continued)

- ***Chamber of Commerce of the United States of America v. EPA***, No. 15-1382 (filed and motion for stay Oct. 2015) (statement of issues) (business associations application for immediate stay Jan. 2016)
- ***Association of American Railroads v. EPA***, No. 15-1383 (filed Oct. 2015) (statement of issues)
- ***Luminant Generation Co. LLC v. EPA***, No. 15-1386 (filed Oct. 2015) (response in support of motions to stay Oct. 2015) (statement of issues)
- ***Basin Electric Power Cooperative v. EPA***, No. 15-1393 (filed and motion for reconsideration Oct. 2015) (motion for reconsideration withdrawn Nov. 2015) (motion for stay Nov. 2015) (statement of issues) (utility and allied parties application for immediate stay Jan. 2016)
- ***Energy & Environment Legal Institute v. EPA***, No. 15-1398 (filed Oct. 2015) (response in support of motions to stay Nov. 2015) (statement of issues)
- ***Mississippi v. EPA***, No. 15-1409 (filed Nov. 2015) (motion for stay Nov. 2015) (amended petition Dec. 2015)
- ***International Brotherhood of Electrical Workers, AFL-CIO v. EPA***, No. 15-1410 (filed Nov. 2015) (statement of issues)
- ***Entergy Corp. v. EPA***, No. 15-1413 (filed Nov. 2015) (statement of issues)
- ***LG&E and KU Energy LLC***, No. 15-1418 (filed Nov. 2015) (statement of issues, motion to sever & hold in abeyance)
- ***West Virginia Coal Association v. EPA***, No. 15-1422 (filed Nov. 2015) (statement of issues)
- ***Newmont Nevada Energy Investment, LLC v. EPA***, No. 15-1432 (filed Nov. 2015) (statement of issues)
- ***Kansas City Board of Public Utilities v. EPA***, No. 15-1442 (filed Dec. 2015)
- ***North American Coal Corp. v. EPA***, No. 15-1451 (filed Dec. 2015)
- ***Indiana Utility Group v. EPA***, No. 15-1459 (filed Dec. 2015)
- ***Louisiana Public Service Commission v. EPA***, No. 15-1464 (filed Dec. 2015)
- ***Genon Mid-Atlantic, LLC v. EPA***, No. 15-1470 (D.C. Cir. 2015)
- ***Prairie State Generating Co. v. EPA***, No. 15-1472 (filed Dec. 2015)
- ***Minnesota Power v. EPA***, No. 15-1474 (filed Dec. 2015)
- ***Denbury Onshore LLC v. EPA***, No. 15-1475 (filed Dec. 2015)

Individual Petitions (continued)

- ***Energy-Intensive Manufacturers v. EPA***, No. 15-1477 (filed Dec. 2015)
- ***National Alliance of Forest Owners v. EPA***, No. 15-1478 (filed Dec. 2015)
- ***Biogenic CO2 Coalition v. EPA***, No. 15-1479 (filed Dec. 2015) (motion to hold case in abeyance Jan. 2016)
- ***Local Government Coalition for Renewable Energy v. EPA***, No. 15-1483 (filed Dec. 2015)
- ***American Forest & Paper Association, Inc. v. EPA***, No. 15-1485 (D.C. Cir., filed Dec. 2015) (motion to hold case in abeyance Jan. 2016)
- ***Competitive Enterprise Institute v. EPA***, No. 15-1488 (filed Dec. 2015)

Briefs

Petitioners

- **Petitioners' Opening Brief on Core Legal Issues** (Feb. 2016)
- **Petitioners' Opening Brief on Procedural and Record-Based Issues** (Feb. 2016)
- **Energy & Environment Legal Institute Supplemental Brief** (Feb. 2016)
- **Intervenors' Opening Brief** (Feb. 2016)

Respondents

- **EPA Initial Brief** (Mar. 2016)
- **State and Municipal Intervenors' Brief** (Mar. 2016)
- **Renewable Energy Trade Association Intervenors' Brief** (Mar. 2016)
- **Power Company Intervenors' Brief** (Mar. 2016)
- **Environmental and Public Health Organizations Intervenor's Brief** (Mar. 2016)

Amicus Briefs in Support of Petitioners and Respondents

- Environmental Defense Fund's website has links to all of the amicus briefs that have been filed.

[continued on next page]

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Michael B. Gerrard, J. Cullen Howe, and L. Margaret Barry
Please send updates to:
michael.gerrard@law.columbia.edu

CLIMATE CHANGE LITIGATION IN THE U.S.

West Virginia v. EPA (continued)

Intervenors in *West Virginia v. EPA*

On Behalf of Petitioners

- **Peabody Energy Corporation** (Oct. 2015) (motion for stay Nov. 2015 and reply in support of stay Dec. 2015)
- **Dixon Bros., Inc. et al.** (Nov. 2015)
- **Pedernales Electric Cooperative, Inc.** (Jan. 2016)

On Behalf of Respondents

- **American Wind Energy Association** (Oct. 2015) (opposition to stay with Advance Energy Economy Dec. 2015)
- **Advanced Energy Economy** (Oct. 2015)
- **Environmental Defense Fund et al.** (Oct. 2015) (opposition to motions for stay Dec. 2015) (joint opposition to expedited briefing schedule Dec. 2015)
- **States, D.C., and Municipalities** (Nov. 2015) (opposition to stay Dec. 2015)
- **NextEra Energy, Inc.** (Nov. 2015)
- **Calpine Corp. et al.** (Nov. 2015) (opposition to stay Dec. 2015) (opposition to expedited briefing schedule Dec. 2015)
- **West Virginia NGOs** (Nov. 2015)
- **New York Power Authority et al.** (Dec. 2015)
- **Los Angeles Department of Water & Power** (Dec. 2015)
- Joint addendum with exhibits in support of respondent-intervenors' opposition to stay and corrected table of contents (Dec. 2015)

Amici Curiae

On Behalf of Petitioners

- **Philip Zoebisch** (Dec. 2015)
- **Municipal Electric Authority of Georgia**

On Behalf of Respondents

- **Former EPA Administrators** (Nov. 2015)
- **National League of Cities et al.** (Dec. 2015)
- **Institute for Policy Integrity** (Dec. 2015)
- **Public Health Organizations** (Jan. 2016)

Related Litigation

- ***Hickenlooper v. Coffman***, No. 2015 SA 296 (Colo., petition filed Nov. 2015, attorney general's brief Nov. 2015, order denying petition Dec. 2015) +

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Administrative Petitions

- **National Mining Association** (request for stay Aug. 2015) +
- **Coalition of 16 states** (request for stay Aug. 2015) +
- **Texas** (request for stay Aug. 2015) +
- **New Jersey** (request for stay Sept. 2015) +
- **LG&E and KU Energy LLC**
- **Kentucky** (petition for reconsideration Dec. 2015)
- **Montana** (petition for reconsideration Dec. 2015)

Pre-publication Litigation

- ***In re Murray Energy Corp.***, No. 14-1112 (D.C. Cir., filed June 2014; states' *amici curiae* brief June 2014; order Sept. 2014) (EPA response Nov. 2014) (consolidated with No. 14-1151 Nov. 2014) (envtl. groups' mot. to intervene Dec. 2014) (pets.' opening brief Dec. 2014) (petition denied June 2015) (states' petition for reh'g July 2015) (panel reh'g and reh'g en banc denied Sept. 2015) +
- ***West Virginia v. EPA***, No. 14-1146 (D.C. Cir., filed Aug. 2014) (mot. to intervene Sept. 2014) (petition denied June 2015) (states' petition for reh'g July 2015) (panel reh'g and reh'g en banc denied Sept. 2015) +
- ***Murray Energy Corp. v. EPA***, No. 14-1151 (D.C. Cir., filed Aug. 2014) (statement of issues Sept. 2014) (EPA mot. to dismiss Oct. 2014) (consolidated with No. 14-1112 Nov. 2014) (petition denied June 2015) (states' petition for reh'g July 2015) (panel reh'g and reh'g en banc denied Sept. 2015) +
- ***Oklahoma v. McCarthy***, No. 4:15-cv-00369 (N.D. Okla., filed July 2015) (order July 2015) (dismissed July 2015) (notice of appeal July 2015) (prelim. inj. denied Aug. 2015) (appeal withdrawn Sept. 2015) +
- ***In re West Virginia***, No. 15-1277 (D.C. Cir., filed Aug. 2015) (S.C. motion to intervene Aug. 2015) (consolidated with No. 15-1284 (Peabody Energy emergency renewed petition for extraordinary writ) Aug. 2015) (EPA response Aug. 2015) (envtl. intervenors response Aug. 2015) (petitions denied Sept. 2015) +

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Michael B. Gerrard, **J. Cullen Howe, and L. Margaret Barry**

Please send updates to:
michael.gerrard@law.columbia.edu

CLIMATE CHANGE LITIGATION IN THE U.S.

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Power Plant NSPS

- ***North Dakota v. EPA***, Nos. 15-1381 et al. (D.C. Cir.) (EPA denial of reconsideration May 2016 & basis for denial Apr. 2016) (motion to suspend briefing May 2016) (motion to suspend briefing granted (June 2016) (joint scheduling motion Aug. 2016) +

Individual Petitions in *North Dakota v. EPA*

- ***North Dakota v. EPA***, No. 15-1381 (filed Oct. 2015) (statement of issues Nov. 2015)
- ***Murray Energy Corp. v. EPA***, No. 15-1396 (filed Oct. 2015) (statement of issues Dec. 2015)
- ***Energy & Environment Legal Institute v. EPA***, No. 15-1397 (filed Oct. 2015) (statement of issues Dec. 2015)
- ***West Virginia v. EPA***, No. 15-1399 (filed Nov. 2015)
- ***International Brotherhood of Boilermakers v. EPA***, No. 15-1434 (filed Dec. 2015)
- ***Peabody Energy Corp. v. EPA***, No. 15-1438 (filed Dec. 2015)
- ***Utility Air Regulatory Group v. EPA***, No. 15-1448 (filed Dec. 2015)
- ***National Mining Association v. EPA***, No. 15-1456 (filed Dec. 2015)
- ***Indiana Utility Group v. EPA***, No. 15-1458 (filed Dec. 2015)
- ***United Mine Workers of America, AFL-CIO v. EPA***, No. 15-1463 (filed Dec. 2015)
- ***Alabama Power Co. v. EPA***, No. 15-1468 (filed Dec. 2015)
- ***Chamber of Commerce of the United States of America et al. v. EPA***, No. 15-1469 (filed Dec. 2015)
- ***Biogenic CO2 Coalition v. EPA***, No. 15-1480 (filed Dec. 2015)
- ***American Coalition for Clean Coal Electricity v. EPA***, No. 15-1481 (filed Dec. 2015)
- ***Luminant Generation Co. v. EPA***, No. 15-1482 (filed Dec. 2015)
- ***National Rural Electric Cooperative Association v. EPA***, No. 15-1484 (filed Dec. 2015)

Motions to Intervene in *North Dakota v. EPA*

On Behalf of Petitioners

- **Golden Spread Electric Cooperative, Inc.** (Nov. 2015)
- **Lignite Energy Council & Gulf Coast Lignite Coalition** (Nov. 2015)

On Behalf of Respondents

- **States, D.C., and New York City** (Nov. 2015)
- **Minnesota** (Nov. 2015)

Petitions Challenging Denial of Reconsideration

- **Golden Spread Electric Cooperative, Inc.** (Nov. 2015)
- **Lignite Energy Council & Gulf Coast Lignite Coalition** (Nov. 2015)

On Behalf of Respondents

- **States, D.C., and New York City** (Nov. 2015)
- **Minnesota** (Nov. 2015)

Petitions Challenging Denial of Reconsideration

- ***West Virginia v. EPA***, No. 16-1220 (D.C. Cir., filed July 1, 2016)
- ***Utility Air Regulatory Group v. EPA***, No. 16-1221 (D.C. Cir., filed July 1, 2016)

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Michael B. Gerrard, **J. Cullen Howe, and L. Margaret Barry**

Please send updates to:
michael.gerrard@law.columbia.edu

CLIMATE CHANGE LITIGATION IN THE U.S.

Statutory Claims

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Challenges to Other Federal Action

Endangerment Finding

- **Petitions** for reconsideration of endangerment finding (EPA, filed Dec. 2009); **Denial** of petitions for reconsideration (EPA July 2010)
- Petition challenging data relied on in making endangerment finding (EPA, filed July 2010)
- ***Coalition for Responsible Regulation v. EPA*** (D.C. Cir. Index No. 09-1322) (consolidating 27 cases challenging endangerment finding) (Dec. 2010 denied motion to stay regulations) (oral argument transcript on endangerment finding and tailpipe rule Feb. 2012) (upheld endangerment finding June 2012) (motion for rehearing filed Aug. 2012) (motion for rehearing denied Dec. 2012) (petitions for writs of certiorari filed March-April 2013) (cert. denied on endangerment finding issues Oct. 2013) +

GHG Reporting Rule

- ***Am. Chem. Council v. EPA*** (D.C. Cir., filed Dec. 2009) (settled July 2010) +
- ***Am. Petroleum Inst. v. EPA*** (D.C. Cir., filed Dec. 2009) (settled July 2010) +
- ***Energy Recovery Council v. EPA*** (D.C. Cir., filed Dec. 2009) (settled July 2010) +
- ***Fertilizer Inst. v. EPA*** (D.C. Cir., filed Dec. 2009) (settled July 2010) +
- ***Am. Pub. Gas Ass'n v. EPA*** (D.C. Cir., filed Dec. 2009) (settled July 2010) +
- ***Util. Air Regulatory Group v. EPA*** (D.C. Cir., filed Dec. 2009) (settled July 2010)
- ***American Gas Ass'n v. EPA***; ***Gas Processors Ass'n v. EPA***; ***Interstate Natural Gas Ass'n of America v. EPA*** (D.C. Cir., filed Jan. 2011) (AGA and INGAA motions for voluntary dismissal Feb. 2015) +
- ***Semiconductor Indus. Ass'n v. EPA*** (D.C. Cir. Jan. 2011) +
- ***Waste Management, Inc. v. EPA*** (D.C. Cir., filed Jan. 2014) +
- ***Am. Petroleum Inst. v. EPA***, No. 15-1020 (D.C. Cir., filed Jan. 2015); ***Gas Processors Association v. EPA***, No. 15- 1021 (D.C. Cir., filed Jan. 2015) +

Cars/Light Trucks Rule

- ***Coalition for Responsible Regulation v. EPA*** (D.C. Cir. No.10-1092) (consolidating 17 cases challenging rule) (upheld June 2012) (motion for rehearing filed Aug. 2012) (motion for rehearing denied Dec. 2012) (petitions for writs of certiorari filed March-April 2013) (cert. denied on cars/light trucks rule issues Oct. 2013) +
- ***Chamber of Commerce v. EPA*** (D.C. Cir. April 2011) (rejecting challenge to California waiver) +
- ***Delta Construction v. EPA*** (D.C. Cir., filed Nov. 2011) (joint mot. Nov. 2013) (defendant Clean Energy Fuels voluntarily dismissed Dec. 2013) (pet. dismissed Apr. 2015) (pet. for reh'g en banc June 2015) (reh'g denied Aug. 2015) +
- ***Plant Oil Powered Diesel Fuel Systems v. DOT*** (D.C. Cir., filed Oct. 2012) (pet. dismissed Apr. 2015) +
- ***Utility Air Regulatory Group v. EPA*** (D.C. Cir., filed Dec. 2012) voluntarily dismissed July 2014) +
- ***Cal. Construction Trucking Ass'n Inc. v. EPA*** (D.C. Cir., filed Mar. 2013) (pet. dismissed Apr. 2015) (pet. for reh'g en banc June 2015) (reh'g denied Aug. 2015) +

Tailoring Rule

- ***Southeastern Legal Foundation v. EPA*** (D.C. Cir. No. 10-1131) (consolidating **26 cases** challenging rule) +

Note: in November 2010, this case was consolidated under ***Coalition for Responsible Regulation v. EPA*** (D.C. Cir. No. 10-1073) (see below), which the Supreme Court eventually decided in ***Utility Air Regulatory Group v. EPA*** (U.S. June 2014).

- **Petition to Reconsider PSD** (EPA, filed July 2010)
- **oral argument transcript** on timing and tailoring rule (Feb. 2012)
- ***American Petroleum Institute v. EPA*** (D.C. Cir., filed Sept. 2012) (motion granted to hold proceedings in abeyance May 2013) (voluntarily dismissed Feb. 2016) +

PSD Timing Rule

- ***Utility Air Regulatory Group v. EPA*** (U.S. June 2014). This case was known as ***Coalition for Responsible Regulation v. EPA*** in the D.C. Circuit. *See* Nos. 10-1073 et al. (D.C. Cir. consolidating **18 cases** challenging rule). In November 2010, this case was consolidated with ***Southeastern Legal Foundation v. EPA*** (D.C. Cir. No. 10-1131 (see above) with the consolidated case name of ***Coalition for Responsible Regulation v. EPA*** (D.C. Cir. No. 10-1073) (upheld tailoring and timing rule June 2012) (motion for rehearing filed Aug. 2012) (motion for rehearing denied Dec. 2012) (petitions for writs of certiorari filed March-April 2013) (cert. granted Oct. 2013) (oral argument Feb. 2014) (U.S. aff'd in part, rev'd in part sub. nom ***Utility Air Regulatory Group v. EPA*** June 2014); D.C. Cir. (industry/states/public interest groups', EPA's, environmental respondent-intervenors' motions to govern Oct. 2014) (order governing further proceedings Apr. 2015) (pet. for reh'g May 2015) (panel and en banc reh'g denied Aug. 2015); ***Energy-Intensive Manufacturers Working Group on Greenhouse Gas Regulation v. EPA***, No. 15-637 (U.S., cert. petition filed Nov. 2015) (cert. denied Jan. 2016) +
- ***Texas v. EPA*** (D.C. Cir., No. 10-1425) (5th Cir., filed Dec. 2010) (5th Cir. emergency stay denied Dec. 2010) (D.C. Cir. emergency stay ordered Dec. 2010) (stay denied Jan. 2011) (transferred to D.C. Cir. Feb. 2011) (dismissed July 2013) (motion to extend deadline for petition for rehearing granted Sept. 2013) (pets. for reh'g (Wyoming et al., SIP/FIP Advocacy Grp.) Sept. 2014) (EPA and respondent-intervenors' opposition to pets. for reh'g Nov. 2014) (panel reh'g and reh'g en banc denied May 2015) +
- ***Utility Air Regulatory Group v. EPA*** (D.C. Cir., filed Feb. 2011) (dismissed July 2013) (motion to extend deadline for petition for rehearing granted Sept. 2013) (pets. for reh'g (Wyoming et al., SIP/FIP Advocacy Grp.) Sept. 2014) (panel reh'g and reh'g en banc denied May 2015) +

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Michael B. Gerrard, J. Cullen Howe, and L. Margaret Barry
Please send updates to:
michael.gerrard@law.columbia.edu

CLIMATE CHANGE LITIGATION IN THE U.S.

Other Rules

- ***Nat'l Petrochem. & Refiners Ass'n v. EPA*** (D.C. Cir., filed Mar. 2010) (pet. denied Dec. 2010) (mot. for reh'g denied Apr. 2011) (cert. denied Nov. 2011) +
- ***Nat'l Chicken Council v. EPA*** (D.C. Cir., filed May 2010) (dismissed July 2012) +
- ***Pinnacle Ethanol v. EPA*** (D.C. Cir., filed May 2010) +
- ***Arkema, Inc. v. EPA*** (D.C. Cir., filed Aug. 2010) +
- ***Sierra Club v. EPA*** (D.C. Cir., filed Nov. 2010) +
- ***Grocery Manufacturers Association v. EPA*** (D.C. Cir., filed Nov. 2010); ***Alliance of Automobile Manufacturers v. EPA*** (D.C. Cir., filed Dec. 2010); ***National Petrochemical & Refiners Assoc. v. EPA*** (D.C. Cir., filed Jan. 2011); ***Alliance of Automobile Manufacturers v. EPA*** (D.C. Cir., filed Feb. 2011); ***Grocery Manufacturers Ass'n v. EPA*** (D.C. Cir., filed March 2011); ***National Petrochemical & Refiners Association v. EPA*** (D.C. Cir., filed March 2011) (cases consolidated April 2011) (dismissed on standing grounds Aug. 2012) (rehearing denied Jan. 2013) (petitions for cert. filed Feb./March/April 2013) (cert. denied June 2013) +
- ***NRDC v. EPA*** (D.C. Cir., filed Sept. 2011) +
- ***Alliance of Automobile Manufacturers v. EPA*** (D.C. Cir., filed Sept. 2011) (motion granted to hold proceedings in abeyance Apr. 2013) (dismissed Oct. 2014) +
- ***Portland Cement Ass'n v. EPA*** (D.C. Cir. Dec. 2011) +
- ***Am. Petroleum Inst. v. EPA*** (D.C. Cir., filed Feb. 2012) +
- ***Am. Petroleum Inst. v. EPA*** (D.C. Cir., filed Mar. 2012) +
- ***Utility Air Reg. Group v. EPA*** (D.C. Cir., filed Mar. 2012) +
- ***Las Brisas Energy Center LLC v. EPA*** (D.C. Cir., filed June 2012) (dismissed Dec. 2012) +
- ***Am. Fuel & Petrochem. Manufs. v. EPA*** (D.C. Cir., filed June 2012) +
- ***Am. Petroleum Inst. v. EPA*** (D.C. Cir., filed July 2012) (partially dismissed Dec. 2012) +
- ***Am. Petroleum Inst. v. EPA*** (D.C. Cir., filed Sept. 2012) (EPA decision **vacated** Jan. 2013) +
- ***Am. Petroleum Inst. v. EPA*** (D.C. Cir., filed Nov. 2012) +
- ***Am. Forest & Paper Ass'n v. EPA*** (D.C. Cir., filed Nov. 2012) +
- ***Honeywell Int'l v. EPA*** (D.C. Cir. Jan. 2013) +
- ***American Petroleum Institute v. EPA***, No. 13-1108 (D.C. Cir., clerk order granting mot. to continue stay Dec. 2014) +
- **Energy Conservation Program for Consumer Products: Landmark Legal Foundation; Petition for Reconsideration** (Aug. 2013) (pet. denied Dec. 2013) +
- **Petition for Correction, Social Cost of Carbon for Regulatory Impact Analysis** (Sept. 2013); OMB, **Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis, Notice of Availability and Request for Comments** (Nov. 2013); OMB, **Response to Petition for Correction of the "Social Cost of Carbon for Regulatory Impact Analysis under Executive Order 12866" Technical Support Documents** (Jan. 2014); **Request for Reconsideration** (Feb. 2014) +

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Challenges to Other Federal Action

Other Rules

- ***Monroe Energy, LLC v. EPA***, No. 13-1265 (D.C. Cir., filed Oct. 2013); ***Am. Fuel & Petrochem. Manufs. v. EPA***, No. 13-1268 (D.C. Cir., filed Oct. 2013); ***Am. Petroleum Inst. v. EPA***, No. 13-1267 (D.C. Cir., filed Oct. 2013) (mot. to expedite granted) (EPA mot. to sever Feb. 2014) (mot. to sever granted Mar. 2014) (petition denied May 2014) (Nat'l Biodiesel Bd. pet. for reh'g June 2014) +
- ***Monroe Energy, LLC v. EPA***, No. 14-1033 (D.C. Cir. joint mot. for voluntary dismissal granted Aug. 2014) +
- Am. Petroleum Inst., **Notice of Intent to File Citizen Suit** (Oct. 2013) +
- ***Nebraska v. EPA*** (D. Neb., filed Jan. 2014) (dismissed Oct. 2014) +
- ***Murray Energy Corp. v. McCarthy***, 60-Day Notice (Jan. 2014); No. 5:14-cv-39 (N.D. W. Va., filed Mar. 2014) (mot. to dismiss denied Sept. 2014) (mot. to clarify denied Oct. 2014) (mot. to dismiss denied Mar. 2015) (discovery order May 2015); No. 15-1639 (4th Cir. pet. for writ of mandamus filed June 2015) (writ of mandamus denied July 2015); (mot. for protective order & mot. to stay deposition (with memorandum of law) denied Nov. 2015); No. 15-2390 (4th Cir. pet. for writ of mandamus filed and supp. brief Nov. 2015) (writ of mandamus granted Nov. 2015) (order granting writ of mandamus Dec. 2015) (amended scheduling order Dec. 2015) (motion to modify trial date Jan. 2016 & withdrawal of motion Feb. 2016) (motion to disqualify witness May 2016) (EPA motion for summ. j. May 2016) (motion to disqualify denied June 2016) (order restricting access to transcript July 2016) (opposition to summ. j. Aug. 2016) (order regarding documents July 2016) (U.S. Chamber amicus brief Aug. 2016) (states' amicus brief Sept. 2016) (EPA reply Sept. 2016) +
- ***Monroe Energy, LLC v. U.S. Environmental Protection Agency***, No. 14-1014 (D.C. Cir., filed Jan. 2014) +
- ***Carbon Sequestration Council v. EPA***, No. 14-1046 (D.C. Cir., filed Apr. 2014) (statement of issues May 2014); ***American Petroleum Institute v. EPA***, No. 14-1048 (D.C. Cir., filed Apr. 2014) (statement of issues May 2014) (consolidation order May 2014) (CSC opening brief Aug. 2014) (dismissed June 2015) +
- ***Plant Oil Powered Diesel Fuel Systems, Inc. v. EPA***, No. 15-1011 (D.C. Cir., filed Jan. 2015) (mot. for voluntary dismissal Feb. 2015) +
- ***American Fuel & Petrochemical Manufacturers v. McCarthy***, No. 1:15-cv-00394 (D.D.C., filed Mar. 2015) (proposed consent decree Apr. 2015) +
- ***Lewis v. McCarthy***, No. 15-1254 (D.C. Cir., filed Aug. 2015) +
- ***Arkema Inc. v. EPA***, No. 15-1329 (D.C. Cir., filed Sept. 2015); ***Mexichem Fluor, Inc. v. EPA***, No. 15-1328 (D.C. Cir., filed Sept. 2015); ***Compsys, Inc. v. EPA***, No. 15-1334 (D.C. Cir., filed Sept. 2015) +

Other Rules (cont.)

- ***Americans for Clean Energy v. EPA***, Nos. 16-01005 et al. (D.C. Cir., filed Jan. and Feb. 2016) (motions to intervene Jan. and Feb. 2016) (initial briefs Sept. 2016) (motion to file amicus briefs and opposition to motions Sept. 2016) +
- ***Dalton Trucking, Inc. v. EPA***, Nos. 13-1283, 13-1287 (D.C. Cir. dismissed Dec. 2015) (reh'g denied Feb. 2016) +
- ***North Dakota v. EPA***, Nos. 16-1242 et al. (D.C. Cir., filed July 2016) (motions to intervene Aug. 2016) +
- ***Zero Zone, Inc. v. United States Department of Energy***, Nos. 14-2147 et al. (7th Cir. standards upheld Aug. 2016) +

Federal Projects

- ***Kentucky Coal Association, Inc. v. Tennessee Valley Authority***, No. 4:14-CV-73-M (W.D. Ky., filed July 2014) (summ. j. to TVA Feb. 2015); No. 15-5163 (6th Cir. aff'd Oct. 2015) +

Other Federal Actions

- ***Pub. Serv. Co. of Okla. v. EPA*** (10th Cir., settlement decree prop. Nov. 2012) +
- ***Peabody Western Coal v. EPA*** (D.C. Cir., filed Oct. 2012) +
- ***Owner-Operator Independent Drivers Association, Inc. v. EPA***, No. 14-1192 (D.C. Cir., filed Oct. 2014) (dismissed Nov. 2015) +
- ***Permian Basin Petroleum Association v. Department of the Interior***, No. 14-cv-50 (W.D. Tex. rule vacated Sept. 2015); No. 16-50453 (5th Cir. motion to voluntarily withdraw appeal May 2016) +
- ***Georgia Aquarium, Inc. v. Pritzker***, No. 1:13-CV-3241-AT (N.D. Ga. summ. j. for defs. Sept. 2015) +
- ***TransCanada Keystone Pipeline, LP v. Kerry***, No. 4:16-cv-00036 (S.D. Tex., filed Jan. 2016) +
- ***TransCanada Corp. v. Government of the United States of America*** **Notice of Intent to Submit a Claim to Arbitration Under Chapter 11 of the North American Free Trade Agreement** (Jan. 2016); **Formal Request for Arbitration** (June 2016) +
- ***Western Energy Alliance v. Jewell***, No. 1:16-cv-00912 (D.N.M., filed Aug. 2016) +

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Michael B. Gerrard, J. Cullen Howe, and L. Margaret Barry
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michael.gerrard@law.columbia.edu

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- California Air Resources Board, **Final Determination, Air Resources Board Compliance Offset Investigation, Destruction of Ozone Depleting Substances** (Nov. 14, 2014) +
- ***Harvard Climate Justice Coalition v. President & Fellows of Harvard College ("Harvard Corporation")***, No. 2014-3620-H (Mass. Super. Ct., filed Nov. 2014) (dismissed Mar. 2015) +
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- ***United States Virgin Islands Office of the Attorney General v. Exxon Mobil Corp.***, No. 16-002469 (D.C. Super. Ct., CEI subpoena Apr. 2016) (motion to dismiss May 2016) (notice of termination May 2016) (letter re: withdrawal of subpoena June 2016) (CEI consent motion for leave to file notice of supp. auth. June 2016) +
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- ***California v. GM Corp.*** (N.D. Cal. filed 2006) (dismissed Sept. 2007) (request for continuance of oral argument Jan. 2009) (appeal voluntarily dismissed June 2009) +
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- ***Steadfast Ins. Co. v. The AES Corp***. (Arlington Co. Cir. Ct., filed July 2008) (motion for summary judgment denied Feb. 2010) (Va. Sup. Ct affirmed Sept. 2011) (rehearing granted Jan. 2012) (Va. Sup. Ct. reaffirmed holding April 2012) +
- ***Pietrangelo v. S & E Customize It Auto Corp.*** (N.Y. Civ. Ct. May 22, 2013) +

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- ***Barhaugh v. State*** (Mont. Sup. Ct. denied June 2011) +
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- ***Aronow v. Minnesota*** (Minn. Dist. Ct. Feb. 2012) (dismissal aff'd Oct. 2012) +
- ***Butler v. Brewer*** (Ariz. Ct. App. Mar. 2013) (affirming dismissal in ***Peshlakai v. Brewer*** (Ariz. Sup. Ct. Feb. 2012)) +
- ***Svitak v. Washington*** (Wash. Super. Ct. dismissed Feb. 2012) (Wash. Ct. App. aff'd Dec. 2013) +
- ***Kanuk v. Alaska*** (Alaska Super. Ct. dismissed Mar. 2012) ; No. S-14776 (Alaska appellate filings) (aff'd Sept. 2014) (pet. for reh'g Sept. 2014) (pet. for reh'g denied Oct. 2014) +
- ***Sanders-Reed v. Martinez*** (N.M. Dist. Ct., filed Mar. 2012) (mot. to dismiss **denied** June 2012) (summ. j. for defs. July 2013) (notice of appeal July 2013); No. 33,110 (N.M. Ct. App. aff'd Mar. 2015) +
- ***Chernaik v. Kitzhaber*** (Or. Cir. Ct. mot. to dismiss granted Apr. 2012) (No. A151856, rev'd & remanded Or. Ct. App. June 2014); No. 16-11-09273 (Or. Cir. Ct. summ. j. for defs. May 2015) +
- ***Farb v. Kansas*** (Kansas Dist. Ct., filed Oct. 2012) +
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- ***Foster v. Washington Department of Ecology***, No. 14-2-25295-1 (Wash. Super. Ct., filed Sept. 2014) (order remanding denial of petition to agency June 2015) (petition for review denied Nov. 2015) (bench order Apr. 2016) (order May 2016) (notice of appeal June 2016) +
- ***Juliana v. United States***, No. 6:15-cv-01517 (D. Or., filed Aug. 2015) (amended complaint Sept. 2015) (motion to intervene Nov. 2015) (motion to dismiss Nov. 2015) (motion to intervene granted Jan. 2016) (magistrate report and recommendation on motions to dismiss Apr. 2016) +
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CLIMATE CHANGE LITIGATION IN THE U.S.

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Competitive Enter. Inst. v. NASA (D.D.C., filed May 2010) (def. mot. for summ. j. granted in part, denied in part Oct. 2013) +

University of Virginia v. Virginia Attorney General (Va. Cir. Ct., filed May 2010) (**order** dismissing discovery demands issued Aug. 2010) (revised subpoena **issued** Sept. 2010) (cert petition to Va. Supreme Court **granted** March 2011) (subpoenas **set aside** by Sup. Ct. March 2012) +

Koch Industries, Inc. v. John Does 1-25 (D. Utah, filed Dec. 2010) (**dismissed** May 2011) +

American Tradition Institute v. Rector and Visitors of the University of Virginia (Va. Co. Cir. Ct. May 2011) (court allowed scientist to **intervene** in Nov. 2011) (court issued order finding that email correspondence was exempt from disclosure in Sept. 2012) (Va. aff'd Apr. 2014) +

American Tradition Inst. v. NASA (D.D.C., filed June 2011) +

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Koch v. Cato Institute (Johnson Co. Kansas Dist. Ct., filed March 2012) +

Stein v. Kyocera Mita America (Cal. Super. Ct. May 2012) +

Dominion Cove Point LLC v. Sierra Club (Md. Cir. Ct., filed May 2012) +

Shell Gulf of Mexico, Inc. v. Center for Biological Diversity, No. 3:12-cv-00096 (D. Alaska, filed May 2012) (mot. to dismiss denied July 2012) (dismissed Jan. 2013); No. 12-36034 (9th Cir. appeal dismissed Nov. 2014) +

Shell Gulf of Mexico Inc. v. Center for Biological Diversity, Inc. (D. Alaska, filed Feb. 2012) (mot. to dismiss denied June 2012) (2d am. compl. filed July 2012) (mot. to dismiss denied Sept. 2012) (summ. j. for defs. Aug. 2013) (notice of appeal Sept. 2013); No. 13-35835 (9th Cir. denial of mot. to dismiss reversed Nov. 2014) +

TransCanada Corp. v. Tar Sands Blockade (Franklin (Tex.) Co. Ct., filed Sept. 2012)

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Wegman v. Mashey, No. 2014 03296 (Va. Cir. Ct., filed Mar. 2014); No. 1:15-cv-00486 (E.D. Va. notice of removal Apr. 2015) (notice of voluntary dismissal Apr. 2015) +

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Competitive Enterprise Institute v. Office of Science and Technology Policy, No. 1:14-cv-01806 (D.D.C., filed Oct. 2014) (motion and cross-motion for summ. j. granted in part and denied in part Feb. 2016) (order granting request for discovery May 2016) +

Shell Offshore Inc. v. Greenpeace, Inc., No. 3:15-cv-00054-SLG (D. Alaska, filed Apr. 2015) (order granting TRO Apr. 2015) (prelim. inj. granted May 2015) (motion to dismiss denied June 2015) (contempt order July 2015); No. 15-35392 (appeal dismissed 9th Cir. Mar. 2016) +

Judicial Watch, Inc. v. United States Department of Commerce, No. 1:15-cv-02088 (D.D.C., filed Dec. 2015) +

Washington v. Brockway, Nos. 5035A-14D, 5039A-14D, 5040-14D, 5041-14D, 5042-14D (Wash. Dist. Ct. order initially dismissing necessity defense Jan. 2016) (motion to reconsider Jan. 2016) (verdict Jan. 2016) +

Horner v. Rector & Visitors of George Mason University, No. CL15-4712 (Va. Cir. Ct. Apr. 2016) +

Resolute Forest Products, Inc. v. Greenpeace International, No. 1:16-tc-05000 (S.D. Ga., filed May 2016) +

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- ***Conservation Law Found. v. EPA***, No. 10-11455-MLW (D. Mass. Aug. 2013) +
- ***U.S. v. Miami-Dade County, Fla.*** (S.D. Fla., filed Dec. 2012) (mot. to intervene filed Jan. 2013) (mot. to intervene granted May 2013) (proposed consent decree lodged June 2013) (intervenor complaint filed June 2013) (comment period on proposed consent decree extended July 2013) (notice on proposed consent decree Mar. 2014) (plaintiffs' supp. comments Mar. 2014) (order granting motion to enter consent decree Apr. 2014) (final consent decree entered Apr. 2014) (order denying motion to reopen May 2014) +
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- ***Illinois Farmers Ins. Co. & Farmers Ins. Exchange v. Metropolitan Water Reclamation Dist. of Greater Chicago***, No. 2014CH06608 (Ill. Cir. Ct., filed Apr. 2014) (N.D. Ill. notice of dismissal June 2014) (other Ill. Cir. Ct. complaints: DuPage, Lake, McHenry, and Will Counties) +
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- ***Wohl v. City of New York***, No. 103095/2012 (N.Y. Sup. Ct. summ. j. for defs. Oct. 2014) +
- ***Carolan v. Township of Long Beach***, No. PWL 3379-14 (N.J. Super. Ct., filed Nov. 2014) +
- ***Margate City, New Jersey v. United States Army Corps of Engineers***, No. 1:14-cv-07303 (D.N.J., filed Nov. 24, 2014) (am. compl. Dec. 2014) (prelim. inj. denied without prejudice) +
- ***Chiaraluce v. Ferreira***, Nos. 11 MISC 451014, 11 MISC 451165 (Mass. Land Ct. Dec. 2014) +
- ***Tzakis v. Berger Excavating Contractors, Inc.***, Nos. 09 CH 6159, 10 CH 38809, 11 CH 29586, 13 CH 10423 (Ill. Cir. Ct. 5th am. compl. filed Jan. 2012) (municipal defs. dismissed Apr. 2015) +
- ***St. Bernard Parish Government v. United States***, No. 1:05-cv-01119 (Fed. Cl. motion for class certification June 2010) (mem. opin. & order on liability May 2015) (motion to certify interlocutory appeal Oct. 2015, opposition and reply Nov. 2015) (order Dec. 2015) +
- ***Emerick v. Town of Glastonbury***, No. HHDCV115035304S (Conn. Super. Ct. May 2015) +
- ***In re Katrina Canal Breaches Litigation***, Nos. 14-30060, 14-30136 (5th Cir. dismissal affirmed May 2015) +
- ***Appeal of FEMA's Preliminary Flood Insurance Rate Maps for New York City*** (June 2015) +
- ***United States v. Metropolitan Water Reclamation District of Greater Chicago***, Nos. 14-1776, 14-1777 (7th Cir. July 2015) +
- ***Columbia Venture, LLC v. Richland County***, No. 2013-001067 (S.C. Aug. 2015) +
- **Letter from Center for Biological Diversity and Sierra Club to U.S. Army Corps of Engineers** (Sept. 24, 2015) +
- ***Maryland Office of People's Counsel v. Maryland Public Service Commission***, No. 2173 (Md. Ct. Spec. App. PSC action upheld Dec. 2015) +
- ***A Piece of Paradise, LLC v. Borough of Fenwick Zoning Board of Appeals***, No. LNDCV136047679S (Conn. Super. Ct. determination upheld Dec. 2015) +
- ***Harris County Flood Control District v. Kerr***, No. 13-0303 (Tex. June 2016) +

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Created by:
Michael B. Gerrard, J. Cullen Howe, and L. Margaret Barry

Please send updates to:
michael.gerrard@law.columbia.edu

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Petitions Under the Endangered Species Act and Related Litigation

AMERICAN PIKA

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Center for Bio. Div. v. Kempthorne (E.D. Cal., filed Aug. 2008) +

Center for Bio. Div. v. Cal. Fish & Game Comm. (Cal. Sup. Ct., filed Aug. 2008)

State and federal lawsuits seek to require response to state and federal petitions +

Notice announcing 90 day finding (May 2009)

Center for Bio. Div. v. Cal. Fish & Game Comm. (Cal. Sup. Ct., filed Oct. 2009) +

12 month finding that species not endangered (Feb. 2010)

Center for Bio. Diversity v. Cal. Fish and Game Comm. (Cal. Sup. Ct. Oct. 2010) +

Center for Bio. Diversity v. Cal. Fish and Game Comm. (Cal. Ct. App. April 2011) +

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Notice of Intent to sue over failure to consider climate change threats in new rule protecting coral (Nov. 2008)

Notice of Intent to sue over failure to protect 83 coral species under ESA (Jan. 2010)

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Greater Yellowstone Coalition v. Servheen (D. Mont. Sept. 2009) (9th Cir. Nov. 2011) +

KITTLITZ'S MURRELET

Petition to list species as endangered (May 2001)

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Warranted but precluded(May 2005)

Warranted but precluded(Sept. 2006)

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Petition to list species as threatened or endangered (Feb. 2008)

Center for Bio. Diversity v. FWS (D. Alaska, filed Dec. 2008) +

Center for Bio. Diversity v. FWS (D. Alaska Jan. 2010)

PENGUINS

Center for Bio. Diversity v. Hall (D.D.C. Sept. 2008) +

Center for Bio. Diversity v. Salazar (N.D. Cal, filed March 2010) (settled June 2010) +

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Center for Bio. Div. v. Locke (N.D. Cal, filed June 2009) +

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Petition to list species as threatened (Feb. 2005)

Proposed rule (Jan. 2007)

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Center for Biological Diversity v. Kempthorne (N.D. Cal., filed Mar. 2008) (denied motion to strike amended complaint June 2008) (partially granted motion to intervene Aug. 2008) (denied motion for reconsideration of decision on motion to intervene Oct. 2008) (denied motion to transfer Oct. 2008) (settlement & stipulation on critical habitat Oct. 2008) (granted motion to intervene in part Nov. 2008) (transferred to D.D.C. by MDL panel Dec. 2008); No. 08-2113 (consolidated in ***In re Polar Bear Endangered Species Act Litigation*** (see below)) +

Pac. Legal Found. Notice of Intent to Sue FWS over "threatened" listing (July 2008)

Alaska v. Kempthorne (D.D.C., filed Aug. 2008)

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Notice of intent to sue approval of drilling in Beaufort and Chukchi seas (May 2010)

Alaska Oil & Gas Ass'n v. Jewell (D. Alaska, filed Mar. 2011), ***Alaska v. Jewell*** (D. Alaska, filed Mar. 2011), and ***Arctic Slope Regional Corp. v. Jewell*** (D. Alaska, filed May 2011) (critical habitat designation overturned Jan. 2013) (reconsideration denied May 2013); Nos. 13-35619 et al. (reversed 9th Cir. Feb. 2016) (pet. for reh'g May 2016) (reh'g denied June 2016); Nos. 3:11-cv-00025 et al. (D. Alaska final judgment Aug. 2016) +

In re Polar Bear Endangered Species Act Litigation (remanded D.D.C. Nov. 2010) (listing upheld D.D.C. June 2011) (challenge to Special Rule denied in part and granted in part D.D.C. Oct. 2011) (June 2011 decision affirmed D.C. Cir. Mar. 2013) (panel reh'g and reh'g en banc denied D.C. Cir. Apr. 2013) (U.S. petition for cert. filed July 2013) (cert. denied Oct. 2013) +

Notice of Intent to Sue for Failure to Issue Polar Bear Status Review and Recovery Plan (May 2013)

In re Polar Bear Endangered Species Act Litigation (ban on polar bear trophies upheld D.D.C. Oct. 2011) (aff'd D.C. Cir. June 2013) +

SEALS

Petition to list species as threatened or endangered (Dec. 2007)

Notice of intent to sue over failure to list Ribbon Seal

Center for Bio. Div. v. Lubchenco (N.D. Cal., filed Sept. 2009) (motion to transfer denied Nov. 2009) (SJ granted in favor of gov't Dec. 2010) +

Alaska Oil & Gas Ass'n v. Pritzker, No. 4:13-cv-00018-RRB (D. Alaska, filed May 2013) (am. compl. July 2013); ***State of Alaska v. NMFS***, No. 4:13-cv-00021-RRB (D. Alaska, filed June 2013); ***North Slope Borough v. Pritzker***, No. 4:13-cv-00022-RRB (am. compl. Nov. 2013) (plaintiffs' mot. for summ. j. granted July 2014) +

Alaska Oil & Gas Association v. National Marine Fisheries Service, No. 4:14-cv-00029 (D. Alaska listing vacated Mar. 2016) +

WOLVERINES

FWS decision finding species a candidate for ESA protection (Dec. 2010)

Center for Biological Diversity v. Jewell, No. 9:14-cv-00247-DLC (D. Mont., filed Oct. 2014) +

Defenders of Wildlife v. Jewell, Nos. CV 14-246-M-DLC, CV 14-247-M-DLC,CV 14-250-M-DLC (D. Mont. Apr. 2016) +

FLORIDA PANTHER

Conservancy of Southwest Florida v. U.S. Fish and Wildlife Service (11th Cir. April 2012) +

CUTTHROAT TROUT

Colorado River Cutthroat Trout v. Salazar (D.D.C. Oct. 2012) +

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MULTIPLE SPECIES

Endangered species and global warming petition pursuant to APA to enhance recovery of endangered species and address the growing impacts of global warming on imperiled species (Feb. 2007)

Center for Biological Diversity v. Dept. of Interior (D.D.C., Jan. 2009) +

Center for Biological Diversity v. Jewell, No. 13-cv-00975 (D.D.C., filed June 2013) +

YELLOW-BILLED LOON Ctr. for Bio. Div. v. Kempthorne (N.D. Cal., filed Dec. 2007) (settled Apr. 2008)

WOLF ***Center for Biological Diversity v. Jewell***, No. 1:14-cv-00991-EGS (D.D.C., filed June 2014) +

FLYING SQUIRREL ***Center for Biological Diversity v. Jewell***, No. 14-1021 (D.D.C., filed June 2014) +

BALD EAGLES ***Center for Biological Diversity v. Jewell***, No. 12-cv-02296 (D. Ariz. Nov. 2014) +

GUNNISON SAGE-GROUSE Center for Biological Diversity & Western Watersheds Project, Notice of Intent to Sue: Violations of the Endangered Species Act ("ESA") in Listing the Gunnison Sage-Grouse As Threatened (Nov. 2014) +

MONARCH BUTTERFLY ***Center for Food Safety v. Jewell***, No. 4:16-cv-00145 (D. Ariz., filed Mar. 2016) +

ARCTIC GRAYLING ***Center for Biological Diversity v. Jewell***, No. 2:15-cv-00004-SEH (D. Mont. Sept. 2016) +

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Michael B. Gerrard, J. Cullen Howe, and L. Margaret Barry

Please send updates to:
michael.gerrard@law.columbia.edu

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ABLEC v. County of San Luis Obispo (Cal. Ct. App. Oct. 2012)	state NEPAs	CEQA	challenge to negative declaration in connection with smart growth amendments to land use regulations	dismissal affirmed	unknown
Accokeek, Mattawoman, Piscataway Creeks Communities Council, Inc. v. Md. Pub. Serv. Comm'n, No. __ (Md. Cir. Ct., filed 2014)	stop government action	Maryland law	challenge to approval of an electric generating station intended to power the Dominion Cove Point natural gas liquefaction facility	PSC determination affirmed	aff'd by Md. Ct. Spec. App.
Air Conditioning, Heating and Refrigeration Institute v. City of Albuquerque (D.N.M. Oct. 2008)	challenges to state action	EPCA	challenge to city's building energy efficiency standards on federal preemption grounds	preliminary injunction granted	active
Alabama v. EPA (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active
Alabama v. TVA (E.D. Tenn., filed __)	coal-fired power plant challenges	CAA	TVA agreed to invest $3-5 billion in pollution controls at 11 power plants	n/a	not active
Alaska v. Kempthorne (D.D.C., filed Aug. 2008)	other statutes	ESA	challenge to DOI's "threatened" listing of polar bear	n/a	active
Alaska v. Salazar (D. Alaska, filed March 2011)	Endangered Species Act	ESA	challenge to designation of polar bear critical habitat	9th Cir. reversed district court's overturning of designation	
Alaska Oil & Gas Ass'n v. Pritzker (D. Alaska July 2014)	Endangered Species Act	ESA	challenge to designation of bearded seals	plaintiffs' mot. for summ. j. granted for Beringian distinct population segment	listing rule vacated and remanded

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Alaska Oil & Gas Ass'n v. Jewell (D. Alaska, filed Mar. 2011)	Endangered Species Act	ESA	challenge to designation of polar bear critical habitat	Ninth Circuit reversed district court's overturning of critical habitat designation	final judgment (D. Alaska Aug. 2016)
Alaska Oil & Gas Association v. National Marine Fisheries Service, No. 4:14-cv-00029 (D. Alaska, filed __ 2014)	Endangered Species Act	ESA	challenge to designation of Arctic subspecies of ringed seal as threatened	listing vacated	
Alaska Wilderness League v. Jewell (D.D.C., filed Nov. 2014)	other statutes	ESA, MMPA	challenge to regulations authorizing take of Pacific walruses incidental to offshore oil and gas operations	summary judgment for defendants (D. Alaska)	appeal pending in Ninth Circuit
Alaska Wilderness League v. Jewell, No. 15-71656 (9th Cir., filed June 2015)	NEPA	NEPA	challenge to approval of offshore oil exploration plan	n/a	active
Alec L. v. McCarthy (D.C. Cir. June 2014)	common law claims	Public Trust Doctrine	lawsuit alleging violation of the public trust by the government; seeking 6% reduction in GHG emissions every year	dismissed	dismissal affirmed (June 2014); cert. denied (Dec. 2014)
In re Algonquin Gas Transmission, LLC, No. CP14-96 (FERC, filed 2015)	NEPA	NEPA	request for rehearing of FERC authorization of natural gas pipeline project to expand capacity in Northeastern United States	rehearing denied	

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Alliance for a Regional Solution to Airport Congestion v. City of Los Angeles, No. BS158633 (Cal. Super. Ct. filed Nov. 2015)	state NEPAs	CEQA	challenge to licensing agreement that would authorize transportation network companies to operate at Los Angeles International Airport	n/a	
Alliance for Regional Solution to Airport Congestion v. City of Los Angeles (Cal. Super. Ct., filed May 2013)	state NEPAs	CEQA	challenge to environmental review of airport redevelopment projects	n/a	settlement approved by City Council (Aug. 2016)
Alliance for Wild Rockies v. Brazell (D. Idaho Nov. 2013)	stop government action	NEPA, ESA, NFMA	challenge to project intended to improve conditions in the Little Slate Creek watershed in Idaho	dismissed	unknown
Alliance of Automobile Manufacturers v. EPA (D.C. Cir. Apr. 2013)	challenges to federal action	CAA	challenge to EPA labeling rule for gasoline with up to 15% ethanol	dismissed	unknown
Alliance of Automobile Manufacturers v. EPA (D.C. Cir. Aug. 2012)	challenges to federal action	CAA	challenge EPA's decision to allow more ethanol in fuel for 2001 and newer cars and light trucks	dismissed on standing grounds	cert. denied June 2013

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Alliance of Automobile Manufacturers v. Sheehan (Sup. Ct. N.Y. Co., filed 2005)	challenges to state action	SEQRA	challenge to New York's decision that no EIS was required before adopting California's GHG emission standards	n/a	case withdrawn
American Canyon Committee United for Responsible Growth v. City of American Canyon (Napa. Co. Sup. Ct. 2007)	state NEPAs	CEQA	challenge under CEQA concerning project's effect on climate change	dismissed	no appeal pending
American Chemistry Council v. EPA (D.C. Cir., filed Dec. 2009)	challenges to federal action	CAA	challenge to EPA's reporting rule for GHG sources	settled July 2010	settled
American Chemistry Council v. EPA (D.C. Cir, Index No. 10-1167, filed July 6, 2010)	challenges to federal action	CAA	challenge to EPA's tailoring rule	n/a	active
American Farm Bureau Association v. EPA (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active
American Forest & Paper Assoc. v. EPA (D.C. Cir., filed Nov. 2012)	challenges to federal action	CAA	challenge to EPA's GHG reporting requirements for paper mills and biomass-fired boilers	n/a	active
American Fuel & Petrochemical Manufacturers v. EPA (D.C. Cir., filed June 2012)	challenges to federal action	CAA	challenge to EPA's renewable fuel standards on grounds that denial of the waiver for 2011 regarding cellulosic fuel constituted a hidden tax	n/a	active

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American Fuel & Petrochemical Manufacturers v. EPA (U.S. June 2013)	challenges to federal action	CAA	challenge EPA's decision to allow more ethanol in fuel for 2001 and newer cars and light trucks	cert. denied	cert. denied June 2013
American Fuel & Petrochemical Manufacturers v. EPA (D.C. Cir., filed Oct. 2013)	challenges to federal action	CAA	challenge to EPA's renewable fuel standards for 2013	n/a	mot. to expedite granted
American Fuel & Petrochemical Manufacturers v. McCarthy, No. 1:15-cv-00394 (D.D.C., filed Mar. 2015)	challenges to federal action	CAA	action to compel EPA to establish renewable fuel volume requirements for the 2014 and 2015 compliance years	n/a	proposed consent decree Apr. 2015
American Fuel & Petrochemical Manufacturers v. O'Keeffe, No. 3:15-cv-00467 (D. Or., filed Mar. 2015)	challenges to state action	Oregon Clean Fuels Program, U.S. Constitution	action challenging constitutionality of the Oregon Clean Fuels Program	dismissed (Sept. 2015)	
American Gas Association v. EPA (D.C. Cir., filed Jan. 2011)	challenges to federal action	CAA	challenge to EPA rule requiring oil and natural gas companies to report GHG emissions	voluntarily dismissed	resolved
American Iron & Steel Institute v. EPA (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active
American Iron & Steel Institute v. EPA (D.C. Cir., filed May 2010)	challenges to federal action	CAA	challenge to EPA's rule covering GHG emissions from new and modified stationary sources	n/a	active
American Iron & Steel Institute v. EPA (D.C. Cir., filed June 29, 2010)	challenges to federal action	CAA	challenge to EPA's GHG standards for cars and light trucks	n/a	active

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American Nurses Assoc. v. EPA (D. D.C., filed Dec. 2008)	coal-fired power plant challenges	CAA	challenge to government's failure to comply with mandate to reduce toxic chemical emissions from coal-fired power plants	n/a	active
American Petroleum Institute v. Cooper (E.D.N.C. Dec. 2011)	challenges to state action	North Carolina state law	challenge to state law requiring refineries to sell wholesalers gas unblended with ethanol	motion to dismiss granted	unknown
American Petroleum Institute v. EPA (D.C. Cir., filed Dec. 2009)	challenges to federal action	CAA	challenge to EPA's reporting requirement for certain emitters of GHGs	settled July 2010	settled
American Petroleum Institute v. EPA (D.C. Cir., filed Feb. 2012)	challenges to federal action	CAA	challenge to EPA rule requiring petroleum and gas drilling operations to report 2011 GHG emissions from wells and storage tanks on county level and by geologic formation	n/a	active
American Petroleum Institute v. EPA (D.C. Cir, filed March 2012)	challenges to federal action	CAA	challenge to EPA's renewable fuel standards for 2012 on grounds that they are unachievable	n/a	active
American Petroleum Institute v. EPA (D.C. Cir., filed July 2012)	challenges to federal action	CAA	challenge to EPA's denial of petitions to waive requirements for refiners to blend cellulosic biofuels into their fuels in 2011	n/a	active
American Petroleum Institute v. EPA (D.C. Cir. Dec. 2012)	challenges to federal action	CAA	challenge to EPA's denial of petitions to waive requirements for refiners to blend cellulosic biofuels into their fuels in 2011	partially dismissed	active

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American Petroleum Institute v. EPA (D.C. Cir., filed Sept. 2012)	challenges to federal action	CAA	challenge to EPA rule that maintains existing GHG emissions permitting thresholds	voluntarily dismissed	resolved
American Petroleum Institute v. EPA (D.C. Cir. May 2013)	challenges to federal action	CAA	challenge to EPA rule that maintains existing GHG emissions permitting thresholds	n/a	held in abeyance
American Petroleum Institute v. EPA (D.C. Cir., filed Sept. 2012)	challenges to federal action	CAA	challenge to EPA's 2012 cellulosic ethanol requirements under the federal renewable fuel program	n/a	see below
American Petroleum Institute v. EPA (D.C. Cir. Jan. 2013)	challenges to federal action	CAA	challenge to EPA's 2012 cellulosic ethanol requirements under the federal renewable fuel program	requirements vacated	active

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American Petroleum Institute v. EPA (D.C. Cir., filed Nov. 2012)	challenges to federal action	CAA	challenge to EPA's 2013 volume requirements for biomass-based diesel fuel under the federal renewable fuel program	n/a	active
American Petroleum Institute v. EPA, No. 13-1108 (D.C. Cir., filed ___ 2012)	challenges to federal action	CAA	challenge to new source performance standards for oil and gas sector	n/s	stay continued (Dec. 2014)
American Petroleum Institute v. EPA (D.C. Cir., filed Oct. 2013)	challenges to federal action	CAA	challenge to EPA's renewable fuel standards for 2013	n/a	mot. to expedite granted
American Petroleum Institute v. EPA, No. 14-1048 (D.C. Cir., filed Apr. 2014)	challenges to federal action	RCRA	challenge to EPA's conditional exclusion from RCRA's hazardous waste definition for carbon dioxide streams injected into Underground Injection Control Class VI wells	dismissed	
American Petroleum Institute v. EPA, No. 15-1020 (D.C. Cir., filed Jan. 2015)	challenges to federal action	CAA	challenge to revisions to greenhouse gas reporting rule that changed requirements for the petroleum and natural gas systems source category	n/a	pending

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American Petroleum Institute v. Kempthorne (D.D.C., filed Aug. 2008)	other statutes	ESA	challenge to interim rule regarding threatened listing for polar bears	n/a	active
American Public Gas Association v. EPA (D.C. Cir., filed Dec. 2009)	challenges to federal action	CAA	challenge to EPA's reporting rule for certain emitters of GHGs	settled July 2010	settled
American Tradition Institute v. NASA (D.D.C., filed June 2011)	climate change protestors and scientists	FOIA	Lawsuit seeking ethics records of James Hansen that pertain to his outside employment and revenue generation	n/a	active
American Tradition Institute v. Rector and Visitors of the Univ. of Va. (Va. Apr. 2014)	climate change protestors and scientists	FOIA	lawsuit seeking documents from former professor detailing climate change work	affirmed judgment that records were exempt from disclosure	active
Americans for Clean Energy v. EPA, No. 16-01005 (D.C. Cir., filed Jan. 2016)	challenges to federal action	CAA	challenge to EPA's final renewable fuel standard rule for 2014, 2015, and 2016	n/a	active
Amigos Bravos v. BLM (D.N.M. Feb. 2010)	NEPA	NEPA	challenge to BLM's review of oil and gas leases for failure to discuss GHG impacts	motion to dismiss denied	active
Amigos Bravos v. BLM (D.N.M. Aug. 2011)	NEPA	NEPA	challenge to BLM's review of oil and gas leases for failure to discuss GHG impacts	dismissed on standing grounds	active

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Anderson v. City and County of San Francisco (Cal. Ct. App. Jan. 2013)	state NEPAs	CEQA	Challenge to city bike plan on grounds that it did not analyze GHG impacts	remitted on other grounds	unknown
Animal Welfare Institute v. Beech Ridge Energy, LLC (D. Md., filed June 2009)	other statutes	ESA	challenge to wind energy project on grounds that it will threatened endangered Indiana bats	n/a	active
APAC, Inc. v. Bonneville Power Adm. (9th Cir. 1997)	NEPA	NEPA	challenge to EIS prepared by power company when it decided to become market competitor in energy market	petition denied	unknown
In re Appalachian Power Co. (Va. Corp. Comm. April 2008)	coal-fired power plant challenges	Virginia state law	power company sought permit for coal-fired power plant	application denied	unknown
Appalachian Voices v. Bodman (D.D.C., filed March 2008)	coal-fired power plant challenges	NEPA	challenge to DOE's failure to evaluate environmental impacts for coal-based energy projects	n/a	active
Appalachian Voices v. Chu (D.D.C. July 26, 2010)	coal-fired power plant challenges	NEPA	challenge to DOE's failure to evaluate environmental impacts for coal-based energy projects	preliminary injunction denied	active

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Appalachian Voices v. State Air Poll. Control Bd. (Virginia May 2010)	coal-fired power plant challenges	NEPA	challenge to grant of PSD permit to operate coal-fired power plant	grant of permit affirmed	unknown
Appalachian Voices v. State Air Pollution Control Bd. (Va. Cir. Ct. Aug. 2009)	coal-fired power plant challenges	CAA	challenge to MACT permit	permit invalidated	unknown
Appalachian Voices v. State Air Pollution Control Bd. (Va. Air Quality Control Bd. Sept. 2009)	coal-fired power plant challenges	CAA	challenge to MACT permit	approved revised permit	unknown
Appalachian Voices v. Va. State Corp. Comm. (Va. Sup. Ct., April 2009)	coal-fired power plant challenges	Commerce Clause	challenge to state utility law requiring plants "utilize Virginia coal" as prohibited by Commerce Clause	denied	unknown
Appalachian Voices v. Vir. State Air Pollution Control Board (Richmond Co. Cir. Ct., filed July 2008)	coal-fired power plant challenges	CAA	challenge to state air board's issuance of permits to power plant on grounds that permits did not adequately address CO2 emissions	n/a	active
In re Application of Middletown Coke Co. (Ohio Sup. Ct. Dec. 2010)	coal-fired power plant challenges	Ohio state law	challenge to proposed cogeneration plant that would convert coal into coke	reversed and remanded	unknown
Arcadia First v. City of Arcadia (L.A. Co. Sup. Ct. May 2008)	state NEPAs	CEQA	challenge to city's failure to account for climate change impacts of proposed mall	dismissed	unknown
In re Archer Daniels Midland Co., UIC Appeal No. 14-72 (EAB Nov. 26, 2014)	project challenges	SDWA	challenge to underground injection control permit for carbon sequestration	dismissed after petitioner filed voluntary notice of dismissal	closed

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Arctic Slope Regional Corp. v. Salazar (D. Alaska, filed May 2011)	ESA	ESA	challenge to critical habitat designation for polar bears	critical habitat designation overturned	appeal pending in Ninth Circuit
Arizona Public Service Co. v. EPA (10th Cir. April 2009)	coal-fired power plant challenges	CAA	challenge to federal implementation plan for New Mexico power plant	dismissed	unknown
In re Arizona Public Service Co. Ocotillo Power Plant, PSD Appeal No. 16-01 (EAB permit upheld Sept. 2016)	project challenges	CAA	challenge to PSD permits for new natural gas-fired turbines	permits upheld	
Arkema, Inc. v. EPA (D.D.C. Aug. 2010)	challenges to federal action	CAA	challenge to rule in EPA's cap-and-trade program for ozone depleting substances	rule vacated	unknown
Arkema Inc. v. EPA, No. 15-1329 (D.C. Cir., filed Sept. 2015)	challenges to federal action	CAA	challenge to prohibitions and restrictions on use of certain hydrofluorocarbons in Significant New Alternatives Policy program	n/a	consolidated with Mexichem Fluor, Inc. v. EPA, No. 15-1328, and Compsys, Inc. v. EPA, No. 15-1334
Aronow v. Minnesota (Minn. Dist. Ct. Feb. 2012)	common law claims	Public Trust Doctrine	challenge to state's decision not to regulate greenhouse gas emissions	motion to dismiss granted	see below
Aronow v. Minnesota (Minn. Ct. App. Oct. 2012)	common law claims	Public Trust Doctrine	challenge to state's decision not to regulate greenhouse gas emissions	dismissal affirmed	unknown
Ash Grove Texas, LP v. City of Dallas (N.D. Tex., filed Nov. 2008)	challenges to state action	Texas state law	challenge to local resolutions that favor purchase of "green" cement	n/a	unknown

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Assoc. of International Automobile Manufacturers v. Sullivan (D.R.I. 2006)	challenges to state vehicles standards	CAA	challenge to state's adoption of California state vehicle standards	n/a	settled
Association of Irritated Residents v. CARB (Cal. Ct. App. June 2012)	state NEPAs	CEQA	challenge to CARB's plan to implement AB 32	approved strategy to implement statute	unknown
Association of Irritated Residents v. Kern County Board of Supervisors, No. S-1500-CV-283166 (Cal. Super. Ct., filed Oct. 2014)	state NEPAs	CEQA	challenge to project to increase refinery's capacity to import crude oil	n/a	active
Association of Taxicab Operators v. City of Dallas (5th Cir. June 2013)	challenges to state vehicle standards	CAA	challenge to Dallas ordinance giving preference to taxis that run on compressed natural gas	grant of summary judgment affirmed	unknown
Audubon v. Department of Transportation (D. Md. 2007)	NEPA	NEPA	challenge to final EIS for transportation project	granted DOT's motion for SJ	unknown
Aurora Comm. Action on Toxics v. Aurora Energy Services LLC (D. Alaska Jan. 2011)	coal-fired power plant challenges	CWA	challenge to coal loading facility on grounds that it is violating CWA	motion to dismiss denied	active
In re Azizi, No. 5:14-XR-90282 (N.D. Cal. Mar. 2015)	regulate private conduct	German law, extradition	action seeking to extradite man accused of tax evasion in Germany	request for extradition granted	unknown

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Backcountry Against Dumps v. San Diego County Board of Supervisors, No. D066135 (Cal. Ct. App. Sept. 2015)	state NEPAs	CEQA	challenge to general plan and zoning ordinance amendments related to wind turbines in San Diego County	dismissal affirmed	
Ballona Wetlands Land Trust v. City of Los Angeles (Cal. Ct. App. Nov. 2011)	state NEPAs	CEQA	challenge to EIR for mixed use development project on grounds that it did not adequately discuss sea level rise	affirmed lower court decision dismissing challenge	n/a
Barhaugh v. State (Mont. June 2011)	common law challenges	Public Trust Doctrine	challenge to state's alleged failure to protect atmosphere from GHGs	petition denied by Montana Supreme Court	active
Barnes v. Dept. of Transportation (9th Cir. Aug. 2011)	NEPA	NEPA	challenge to order relieving agency of preparing EIS for proposed airport for not addressing GHG emissions	petition granted on other grounds and remanded	active
Barnett v. Chicago Climate Futures Exchange LLC (Ill. Cir. Ct., filed Dec. 2011)	regulate private conduct	fraud	lawsuit against founder of Chicago Climate Futures Exchange for allegedly luring companies into buying trading privileges	n/a	active
Bay Area Citizens v. Ass'n of Bay Area Gov'ts (Cal. Super. Ct., filed Aug. 2013)	state NEPAs	CEQA	challenge to Bay Area's regional land use and transportation plan	petition denied	denial aff'd (Cal. Ct. App. June 2016)

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Bell v. Cheswick Generating Station (W.D. Pa. Oct. 2012)	coal-fired power plant challenges	common law	sought common law damages from power plant under tort	motion to dismiss granted	unknown
Benton v. Global Companies, LLC, No. 1:16-cv-00125 (N.D.N.Y., filed Feb. 2016)	regulate private conduct	CAA	citizen suit alleging that petroleum product transloading facility at Port of Albany did not comply with Clean Air Act	n/a	active
Bitters v. Federal Highway Administration, No. 1:14-cv-01646 (E.D. Cal., filed 2014)	NEPA	NEPA	challenge to approval of reintroduction of vehicular traffic to area in downtown Fresno, California	summary judgment for defendants	
In re Black Mesa Complex (Dept. of Interior Jan. 2010)	NEPA	NEPA	challenge to permit for coal-mining complex	permit vacated	unknown
Black Mesa Water Coalition v. Salazar (D. Ariz. July 2012)	NEPA	NEPA	challenge to surface mining permit on grounds that approval violated NEPA	denial upheld	unknown
Blanton v. Mississippi Power Co., No. 2013-UR-00477-SCT (Miss. Feb. 2015)	coal-fired power plant challenges	Mississippi law	challenge to rate increase to finance Kemper Project in Mississippi, a coal-fired project that includes carbon capture technology	order granting rate increase reversed	remanded to MPSC
Blosser/Romain v. Rosenblum, Nos. S063527, S063531, S063528, S063532 (Or. filed Sept. 2015)	challenges to state action	Oregon law	challenge to ballot titles for initiatives to weaken Oregon low carbon fuel standard	referred to attorney general	

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Blue Skies Alliance v. Tex. Comm'n on Envtl. Quality (Tex. App. Ct. Jan. 2009)	challenges to state vehicle standards	CAA	challenge to state's approval of permit to operate coal-fired plant	upheld state's approval	unknown
Bonser-Lain v. Tex. Comm'n on Envtl. Quality (Tex. Ct. App. July 2014)	common law challenges	Public Trust Doctrine	lawsuit challenging state agency's decision denying petition to force agency to adopt rules to reduce GHG emissions in state	dismissed for lack of subject matter jurisdiction	unknown
Border Power Plant Working Group v. U.S. Department of Energy (S.D. Cal. 2003)	NEPA	NEPA	challenge to DOE's FONSI regarding U.S.-Mexico power line	EA found inadequate	unknown
Borough of Harvey Cedars v. Karan (N.J. July 8, 2013)	adaptation	eminent domain	action to determine just compensation for partial taking to construct dune for storm protection	after remand for new trial to determine just compensation, settled for $1 payment	settled
Bravos v. Bureau of Land Management (D. N.M, filed Jan. 09)	NEPA	NEPA	challenge to BLM's grant of oil and gas leases for failure to address GHGs	n/a	active
Brentwood Stakeholders Alliance for Better Living v. City of Los Angeles, No. B263037 (Cal. Ct. App. Apr. 2016)	state NEPAs	CEQA	challenge to condominium building in Los Angeles	approvals upheld	
Brooks v. EPA, No. 14-2252 (1st Cir., filed Nov. 2014)	project challenges	CAA	challenge to natural gas-fired power plant in Massachusetts	n/a	active
Building Industry Association of Washington v. Washington State Building Council (9th Cir. June 2012)	challenges to state action	EPCA	challenge to state building code on federal preemption grounds	summary judgment for state affirmed	unknown

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Building Industry Association Bay Area v. Association of Bay Area Governments (Cal. Super. Ct., filed Aug. 2013)	state NEPAs	CEQA	challenge to Bay Area's regional land use and transportation plan	n/a	active
Burton v. Dominion Nuclear Connecticut, Inc. (Conn. Sup. Ct. April 2011)	state NEPAs	Conn. Env. Protection Act	sought to prevent nuclear power plant from increasing generating capacity	affirmed dismissal on standing grounds	not active
Butler v. Brewer (Ariz. Ct. App. Mar. 2013)	common law claims	public trust doctrine	action for declaratory and injunctive relief on the basis of the public trust doctrine	dismissed	unknown
California v. Dept. of Energy (9th Cir. 2009)	other statutes	Energy Policy Act	sought to force government to adopt stronger energy efficiency standards for energy transformers	oral argument in March 2009	active
California v. EPA (9th Cir. 2008)	Clean Air Act (CAA)	CAA	challenge to denial of state's request for CAA waiver for vehicles	dismissed in July 2008 as premature	no appeal pending
California v. EPA (N.D. Cal. 2008)	CAA	CAA	challenge to NHTSA's regulations regarding CAFE standards on preemption grounds	rec. by magistrate that EPA's decision to withhold docs proper	active
California v. GM Corp. (N.D. Cal. 2007)	common law claims	nuisance	sought damages against auto companies for climate change	motion to dismiss granted	appeal vol. dismissed
California v. Southern California Gas Co., No. BC602973 (Cal. Super. Ct., filed Dec. 2015)	regulate private conduct	California public nuisance and unfair competition laws, air statutes	action by city, county, and state against the owner and operator of a leaking natural gas storage facility in California seeking penalties and injunctive relief	n/a	active

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California v. Southern California Gas Co., No. BC628120 (Cal. Super. Ct., filed July 2016)	regulate private conduct	nuisance, unfair competition, contract law	action to compel owner and operator of gas storage fields in southern California to install safety equipment	n/a	
California Air Resources Board, Compliance Offset Investigation, Destruction of Ozone Depleting Substances (Nov. 2014)	regulate private conduct	AB 32	investigation of whether compliance offset credits for California cap-and-trade program were generated while facility was not in compliance with RCRA	88,955 offset credits permanently invalidated	final determination issued by CARB
Cal. Bldg. Indus. Ass'n v. Bay Area Air Quality Mgmt. Dist. (Cal. Ct. App. Aug. 2013)	state NEPAs	CEQA	challenge to GHG thresholds of significance for land use projects	Cal. Sup. Ct. reversed Cal. Ct. App. decision that favored CBIA	Cal. Ct. App. decision on remand (Aug. 2016)
California Business Properties Association v. CARB (Sac. Co. Sup. Ct., filed May 2009)	other statutes (FOIA)	California Public Records Act	sought documents concerning pending state greenhouse gas emissions fee	n/a	active
Cal. Chamber of Commerce v. CARB (Cal. Super. Ct., filed Nov. 2012)	challenges to state action	AB 32	challenge to auction of GHG allowances on the ground that agency lacks authority under state law	petition denied	on appeal
California Clean Energy Committee v. City of Pasadena, Nos. B254889, B255994 (Cal. Ct. App. June 2015)	state NEPAs	CEQA	challenge to City of Pasadena's approval of a power plant repowering project	denial of challenge reversed on appeal	remanded
Cal. Clean Energy Comm. v. City of San Jose (Cal. Ct. App. Sept. 2013)	state NEPAs	CEQA	challenge to update to City's general plan	order granting City's motion for summary judgment reversed	active

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Cal. Clean Energy Comm. v. City of Woodland, No. C072033 (Cal. Ct. App. Apr. 2014)	state NEPAs	CEQA	challenge to regional shopping center on undeveloped agricultural land	judgment in favor of City reversed	depublication request submitted to Cal. Sup. Ct. in May 2014
California Clean Energy Committee v. County of Placer, No. C072680 (Cal. Super. Ct., filed Dec. 2011)	state NEPAs	CEQA	challenge to ski resort expansion project	denial of petition for writ of mandate reversed (Cal. Ct. App. Dec. 2015)	remanded
California Construction Trucking Ass'n Inc. v. EPA (D.C. Cir., filed March 2013)	challenges to federal action	CAA	review of EPA denial of petition to reconsider greenhouse gas emission standards for model year 2012-2016 light duty vehicles	dismissed	petition for rehearing en banc denied (Aug. 2015)
California Healthy Communities Network v. City of Porterville, No. F067685 (Cal. Ct. App. Sept. 2014)	state NEPAs	CEQA	challenge to approval of large shopping center	denial of writ of mandate reversed	trial court directed to issue writ of mandate
Californians for Renewable Energy v. Dept. of Energy (D.D.C. May 2012)	other statutes (Energy Policy Act)	Energy Policy Act	challenge to DOE's failure to promulgate regulations for loan guarantees for renewable energy program	motion to dismiss granted	unknown

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California Native Plant Society v. County of Los Angeles, No. B258090 (Cal. Ct. App. Sept. 2015)	state NEPAs	CEQA	challenge to environmental review and approvals for large development	dismissal affirmed	
Carbon Sequestration Council v. EPA, No. 14-1046 (D.C. Cir., filed Apr. 2014)	challenges to federal action	RCRA	challenge to EPA's conditional exclusion from RCRA's hazardous waste definition for carbon dioxide streams injected into Underground Injection Control Class VI wells	dismissed	
Carolan v. Township of Long Beach, No. PWL 3379-14 (N.J. Super. Ct., filed Nov. 2014)	adaptation	New Jersey law	challenge to easements for flood hazard risk reduction measures	n/a	active
Cascade Bicycle Club v. Puget Sound Regional Council (Wash. Ct. App. July 2013)	state NEPAs	Washington SEPA	challenge to regional transportation plan	dismissal affirmed	Unknown
Catskill Mountainkeeper, Inc. v. Federal Energy Regulatory Commission, No. 16-345 (2d Cir., filed Feb. 2016)	NEPA	NEPA	challenge to natural gas pipeline that would travel through Pennsylvania and New York	n/a	stay denied

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Center for Biological Diversity, Protest of BLM's July 17, 2014 Oil and Gas Competitive Lease Sale and Environmental Assessment (May 2014)	NEPA	NEPA	challenge to oil and gas lease sale in Nevada	n/a	active
Center for Biological Diversity v. Abraham (N.D. Cal. 2002)	other statutes	Energy Policy Act of 1992	sought to enforce EPA Act provisions on alternative fuel vehicles	standing granted	no appeal pending
Center for Biological Diversity v. BLM (N.D. Cal. Mar. 2013)	NEPA	NEPA	challenge to federal government leasing of public land for oil and gas development	plaintiffs' motion for summary judgment granted in part	joint status report (Oct. 2014)
Center for Biological Diversity v. Brennan (N.D. Cal. 2007)	other statutes	Global Change Research Act	sought to enforce provisions of Global Change Research Act	standing granted	no appeal pending
Center for Biological Diversity v. Cal. Dept. of Conservation (Cal. Super. Ct., filed Jan. 2013)	challenges to state action	Cal. state law	lawsuit alleging that state agency has failed to properly oversee hydraulic fracturing operations	n/a	active
Center for Biological Diversity v. Cal. Dept. of Forestry (Tehama Co. Sup. Ct., filed Aug. 2009)	state NEPAs	CEQA	challenge to department's failure to analyze GHG consequences of clear-cutting plan	n/a	active
Center for Biological Diversity v. Cal. Dept. of Forestry (Cal. Sup. Ct., filed Jan. 2010)	state NEPAs	CEQA	challenge to failure to analyze GHG consequences of clear-cutting plan	n/a	active

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Center for Biological Diversity v. Cal. Fish & Game Comm. (Cal. Sup. Ct., filed Aug. 2008)	other statutes (ESA)	California ESA	challenge to denial by state agency to list pika as "threatened" species under California ESA	n/a	active
Center for Biological Diversity v. Cal. Fish & Game Comm. (Cal. Sup. Ct., filed Oct. 2009)	other statutes (ESA)	California ESA	challenge to denial by state agency to list pika as "threatened" species under California ESA	n/a	active
Center for Biological Diversity v. Cal. Fish & Game Comm. (Cal. Sup. Ct., Oct. 2010)	other statutes (ESA)	California ESA	challenge to denial by state agency to list pika as "threatened" species under California ESA	order requiring state agency to study whether pika needs protection under Cal. ESA b/c of climate change	unknown
Center for Biological Diversity v. Cal. Fish & Game Comm. (Cal. Ct. App. April 2011)	other statutes (ESA)	California ESA	appeal of attorney's fees to CBD in the amount of $258,000	fee award reversed	unknown
Center for Biological Diversity v. Cal. Public Util. Comm. (Cal. Supreme Ct., filed Jan. 2009)	state NEPAs	CEQA	challenge to state's approval of transmission corridor on grounds that it didn't show how renewable energy might mitigate GHGs	n/a	active
Center for Biological Diversity v. City of Banning (Riverside Co. Sup. Ct., filed 2006)	state NEPAs	CEQA	challenge to city's approval of development on grounds that it did not consider CO2 emissions	n/a	unknown

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Center for Biological Diversity v. City of Desert Hot Springs (Riverside Co. Sup. Ct. Aug. 2008)	state NEPAs	CEQA	sought to invalidate environmental impact report (EIR) for large development project	invalidated EIR	unknown
Center for Biological Diversity v. City of Perris (Riverside Co. Sup. Ct. March 2008)	state NEPAs	CEQA	challenge to EIR for failure to analyze project's CO2 emissions	dismissed	appeal pending
Center for Biological Diversity v. Co. of San Bernardino (Cal. Dist. Ct. May 2010)	state NEPAs	CEQA	challenge to approval of open-air human waste composting facility	decertification of EIR affirmed	unknown
Center for Biological Diversity v. Department of Fish and Wildlife, No. B245131 (Cal. Ct. App. Mar. 20, 2014)	state NEPAs	CEQA	challenge to 12,000-acre development in northwestern Los Angeles County	California Supreme Court reversed decision upholding agency action	rehearing denied, remanded to Court of Appeal for determination of scope of writ of mandate
Center for Biological Diversity v. Dept. of Interior (D.D.C. Jan. 2009)	other statutes (ESA)	ESA	challenge to failure of government agencies to respond to petition seeking a conserv. plan for species threatened by climate change	n/a	active
Center for Biological Diversity v. Dept. of Interior (D.C. Cir. April 2009)	NEPA	NEPA	challenge to leasing plan for oil and gas development on grounds that climate change impacts were not considered	dismissed on standing grounds	unknown

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Center for Biological Diversity v. EPA (D. Wash., filed May 2009)	other statutes (CWA)	CWA	challenge to EPA's failure to recognize impacts of ocean acidification off Washington State coast	n/a	active
Center for Biological Diversity v. EPA (D.C. Cir., filed May 2010)	CAA	CAA	challenge to schedule by which EPA plants to regulate GHGs from stationary sources	n/a	active
Center for Biological Diversity v. EPA (D.C. Cir. July 2013)	force government to act	CAA	challenge to EPA rule deferring regulation of biogenic carbon dioxide	rule vacated	rehearing denied (July 2015)
Center for Biological Diversity v. EPA (D.D.C. March 2012)	CAA	CAA	lawsuit seeking to force EPA to regulate GHGs from aircraft, ships and non-road engines	lawsuit dismissed	unknown
Center for Biological Diversity v. EPA (W.D. Wash, filed Oct. 2013)	force government to act	CWA	challenge to EPA approval of Washington's and Oregon's lists of impaired waters	summary judgment for EPA	unknown
Center for Biological Diversity v. EPA, No. 16-cv-00681 (D.D.C., filed Apr. 2016)	force government to act	CAA	action to compel EPA to request to take action on aircraft greenhouse gas emissions		
Center for Biological Diversity v. EPA, No. 1:16-cv-01791 (D.D.C., filed Sept. 2016)	force government to act	CWA	action to compel EPA to respond to petition requesting amendment of water quality criteria and publication of guidance to address ocean acidification		

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Center for Biological Diversity v. Export-Import Bank (N.D. Cal., filed Dec. 2012)	ESA	ESA, NHPA	challenge to $3 billion loan for liquefied natural gas plant in Australia	n/a	motion to dismiss ESA claims denied (Feb. 2015)
Center for Biological Diversity v. Federal Highway Administration, No. 5:16-cv-00133 (C.D. Cal., filed Jan. 2016)	NEPA	NEPA	challenge to approval of a highway project in Riverside County in California	n/a	motion for summary judgment (Sept. 2016)
Center for Biological Diversity v. FWS (D. Alaska, filed Dec. 2008)	other statutes (ESA)	ESA	challenge to FWS failure to list Pacific walrus as threatened or endangered under ESA	n/a	unknown
Center for Biological Diversity v. Hall (D.D.C. 2008)	other statutes (ESA)	ESA	sought decision listing 12 penguin species as endangered	case settled	dismissed
Center for Biological Diversity v. Jewell, No. 13-cv-00975 (D.D.C., filed June 2013)	ESA	ESA	action to compel findings as to endangered or threatened status of nine species	n/a	active
Center for Biological Diversity v. Jewell, No. 1:14-cv-00991-EGS (D.D.C., filed June 2014)	ESA	ESA	action to compel findings as to endangered or threatened status of Alexander Archipelago wolf	n/a	active
Center for Biological Diversity v. Jewell, No. 14-1021 (D.D.C., filed June 2014)	ESA	ESA	action to compel findings as to endangered or threatened status of nine species	n/a	active

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Center for Biological Diversity v. Jewell, No. 9:14-cv-00247-DLC (D. Mont., filed Oct. 2014)	ESA	ESA	challenge to withdrawal of proposal to list distinct population segment of the North American wolverine in the contiguous U.S. as threatened	n/a	active
Center for Biological Diversity v. Jewell, No. 12-cv-02296 (D. Ariz. Nov. 2014)	ESA	ESA	challenge to determination that the Sonoran Desert population of bald eagles did not constitute a distinct population segment	summary judgment for defendants	unknown
Center for Biological Diversity v. Jewell, No. 2:15-cv-00004-SEH (D. Mont., filed 2015)	ESA	ESA	challenge to determination not to list distinct population segment of Arctic grayling	determination upheld	
Center for Biological Diversity v. Kempthorne (N.D. Cal. 2008)	other statutes (ESA)	ESA	challenge to DOI's listing of polar bears as threatened; partial settlement reached in Oct. 2008 whereby DOI will make critical habitat determination by June 2010	granted motion to intervene; partial settlement reached; denied motion for recon. Oct. '08	active
Center for Biological Diversity v. Kempthorne (D. Alaska Jan. 2010)	other statutes (MMPA)	Marine Mammal Protection Act	challenge to FWS rule that authorized "incidental take" of polar bears from oil activities	case dismissed by district court	unknown

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Center for Biological Diversity v. Kempthorne (9th Cir. Dec. 2009)	other statutes (MMPA)	ESA	challenge to regulations authorizing non-lethal take of polar bears and walruses by oil and gas activities along northern coast of Alaska	regulations upheld	unknown
Center for Biological Diversity v. Locke (N.D. Cal., filed June 2009)	other statutes (ESA)	ESA	challenge to government's alleged failure to designate critical habitat for endangered turtle species	n/a	active
Center for Biological Diversity v. Lubchenco (N.D. Cal, filed Sept. 2008)	other statutes (ESA)	ESA	challenge to government's alleged failure to list ribbon seals as endangered	n/a	active
Center for Biological Diversity v. Lubchenco (N.D. Cal. Nov. 2008)	other statutes (ESA)	ESA	challenge to government's alleged failure to list ribbon seals as endangered	motion to transfer denied	active
Center for Biological Diversity v. Lubchenco (N.D. Cal. Dec. 2010)	other statutes (ESA)	ESA	challenge to government's alleged failure to list ribbon seals as endangered	government's motion for SJ granted	active
Center for Biological Diversity v. NHTSA (9th Cir. 2008)	NEPA	NEPA	challenge to rule setting CAFE standards for cars and light trucks	revised opinion; still required EIS	unknown
Center for Biological Diversity v. NHTSA (9th Cir., filed April 2009)	other statutes (EISA)	Energy Ind. and Security Act (EISA)	challenge to NHTSA's proposed CAFE standards	n/a	active

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Center for Biological Diversity v. NHTSA (9th Cir. 2007)	NEPA	NEPA	challenge to rule setting CAFE standards for cars and light trucks	required EIS	unknown
Center for Biological Diversity v. Office of Management and Budget (N.D. Cal. 2008)	other statutes (FOIA)	FOIA	sought documents and fee waiver concerning rulemaking for CAFE standards for light trucks	granted fee waiver	active
Center for Biological Diversity v. Office of Management and Budget (N.D. Cal. Aug. 2009)	other statutes (FOIA)	FOIA	sought documents and fee waiver concerning rulemaking for CAFE standards for light trucks	recommended disclosure of certain documents	active
Center for Biological Diversity v. San Joaquin Valley Air Pollution Control District (Fresno Co. Sup. Ct., filed Oct. 2008)	state NEPAs	CEQA	challenge to air district's approval of dairy district on the grounds that it did not take into account greenhouse gas emissions	n/a	active

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Center for Bio. Diversity v. Salazar (N.D. Cal., filed March 2010)	ESA	ESA	sought to force U.S. government to complete listing process for seven penguin species	n/a	active
Center for Biological Diversity v. Town of Yucca Valley (Cal. Sup. Ct. May 2009)	state NEPAs	CEQA	challenge to environmental analysis of proposed Wal-Mart for failing to consider carbon footprint	petition granted	unknown
Center for Biological Diversity v. United States Bureau of Land Management, No. 2:15-cv-4378 (C.D. Cal., filed June 2015)	NEPA	NEPA	challenge to resource management plan for 400,000 acres of public land and 1.2 million acres of subsurface mineral estate in California	n/a	active
Center for Biological Diversity v. United States Army Corps of Engineers, No. 3:13-cv-00095-SLG (D. Alaska May 2014)	NEPA	NEPA	challenge to fill permit for wetlands in National Petroleum Reserve in Alaska for drilling site	dismissed	unknown
Center for Biological Diversity v. U.S. Fish & Wildlife Service, No. 3:15-cv-05754 (N.D. Cal., filed Dec. 2015)	stop government action	ESA	challenge to determination that listing of coastal marten as endangered or threatened was not warranted	n/a	
Center for Biological Diversity v. U.S. State Dept. (D. Neb., filed Oct. 2011)	NEPA	NEPA	challenge to oil sands pipeline on grounds that EIS is required under NEPA	n/a	active
Center for Community Action and Environmental Justice v. City of Moreno Valley, No. RIC1511327 (Cal. Super. Ct., filed Sept. 2015)	state NEPAs	CEQA	challenge to approvals for logistics center project	n/a	active

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Center for Food Safety v. Jewell, No. 4:16-cv-00145 (D. Ariz., filed Mar. 2016)	Endangered Species Act	ESA	action to compel response to petition to list monarch butterfly as a threatened species	n/a	active
Central Valley Chrysler v. Goldstene (E.D. Cal. Dec. 2007)	challenges to state vehicle standards	CAA	sought to enjoin California from implementing state regulations concerning vehicle standards	injunction granted	active
Central Valley Chrysler v. Goldstene (E.D. Cal. June 2008)	challenges to state vehicle standards	CAA	sought to modify injunction to invalidate Exec. Order requiring compliance with state regulations	motion denied	active
Central Valley Chrysler v. Goldstene (E.D. Cal. Sept. 2008)	challenges to state vehicle standards	CAA	sought attorneys fees and costs as prevailing party in lawsuit	denied	unknown
Chabot-Las Positas Community College Dist. v. EPA (9th Cir. May 2012)	coal-fired power plant challenges	CAA	upheld power plant air permit that includes a GHG emissions limit	upheld decision of EPA Env. Appeals Bd.	not active
Chamber of Commerce v. EPA (D.C. Cir. April 2011)	CAA	CAA	challenge to EPA's approval of California waiver	challenge denied	unknown
Chamber of Commerce v. EPA (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active
Chamber of Commerce v. EPA (D.C. Cir., filed June 2010)	challenges to federal action	CAA	challenge to EPA's schedule to regulate GHGs from new and modified stationary sources	n/a	active

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Chamber of Commerce v. EPA (D.C. Cir., Index No. 10-1199, filed July 29, 2010)	challenges to federal action	CAA	challenge to EPA's tailoring rule	n/a	active
Chamber of Commerce v. EPA (D.C. Cir., Index No. 10-1235, filed Aug. 13, 2010)	challenges to federal action	CAA	Challenge to EPA's July 29, 2010 decision denying motions for reconsideration of its GHG endangerment finding	n/a	active
Chamber of Commerce v. Servin (D.D.C., filed Oct. 2009)	climate protestors and scientists	Lanham Act	lawsuit against "Yes Men" for falsely impersonating Chamber	n/a	active
Chase Power Dev., LLC v. EPA (D.C. Cir., filed Feb. 2011)	challenges to federal action	CAA	challenge to two EPA rules to facilitate GHG emissions permitting in seven states	n/a	active

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Chase Power Dev. LLC v. EPA (D.C. Cir., filed July 2011)	challenges to federal action	CAA	challenge to EPA's takeover of the Texas GHG permitting authority for industrial facilities	n/a	active
Chernaik v. Kitzhaber (Or. Cir. Ct., filed 2011)	common law claims	Public Trust Doctrine	sought declaration that state had obligation to protect atmosphere as public trust and regulate GHG emissions	summary judgment for defendants	plaintiffs have appealed (May 2015)
Chesapeake Climate Action Network v. Export-Import Bank of the United States (D.D.C. Jan. 2015)	NEPA	NEPA	challenge to loan guarantee that allegedly would facilitate sale of $1 billion in coal for export	dismissed	unknown
Chiaraluce v. Ferreira, Nos. 11 MISC 451014, 11 MISC 451165 (Mass. Land Ct. Dec. 2014)	adaptation	Massachusetts law	challenge to permits and approvals to rebuild a residence that was destroyed by a hurricane	permits annulled	resolved
In re Christian Co. Generation, LLC (EPA Env. Appeals Bd. Jan. 2008)	coal-fired power plant challenges	CAA	sought review of PSD permit issued by state agency to company to construct IGCC power plant	denied because issue raised first time on appeal	unknown
Chung v. City of Monterey Park (Cal. Ct. App. Oct. 2012)	state NEPAs	CEQA	challenged decision by city to not complete CEQA process concerning bidding for trash service contracts	affirmed dismissal	unknown

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Citizens Actions Coalition of Indiana, Inc. v. Duke Energy Indiana, Inc., No. 93A02-1301-EX-76 (Ind. Ct. App. Mar. 2014)	coal-fired power plant challenges	Indiana state law	challenge to approvals related to integrated coal gasification combined cycle generating facility in Edwardsport, Indiana	challenge rejected	unknown
Citizen Action Coalition of Indiana v. PSI Energy (Ind. Ct. App. Oct. 2008)	coal-fired power plant challenges	Indiana state law	challenge to state utility commission's approval of proposed power plant on grounds that commission failed to admit new evidence	upheld approval of project	unknown
Citizens Against Airport Pollution v. City of San Jose, No. H038781 (Cal. Super. Ct. June 2014)	state NEPAs	CEQA	challenge to amendment to airport master plan	dismissal of challenge affirmed	request for publication granted July 2014
Citizens Climate Lobby v. CARB (Cal. Super. Ct. Jan. 2013)	state NEPAs	CEQA	challenge to using carbon offset projects as compliance tool under cap and trade program	challenge denied	unknown

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Citizens for Env. Inquiry v. Mich. Dept. of Env. Quality (Mich. Ct. App. Feb. 2010)	coal-fired power plant challenges	CAA	challenge to Michigan DEQ's failure to regulate GHG emissions from coal-fired power plants	denied	unknown
Citizens for Open Government v. City of Lodi (Cal. Ct. App. March 2012)	state NEPAs	CEQA	challenge to proposed shopping center project for failure to take into account GHG impacts	denial affirmed	unknown
Citizens for Resp. and Ethics in Wash. v. Council on Env. Quality (D.D.C., filed 2007)	other statutes (FOIA)	FOIA	challenge to CEQ's failure to disclose documents related to climate change	n/a	unknown
Citizens for Responsibility and Ethics in Washington v. EPA, No. 1:14-cv-01763 (D.D.C., filed Oct. 2014)	other statutes (FOIA)	FOIA	challenge to EPA's failures to disclose records relating to the 2014 proposed Renewable Fuel Standards	n/a	pending
Citizens for Responsible Equit. Env. Dev. v. City of Chula Vista (Cal. Ct. App. June 2011)	state NEPAs	CEQA	challenge to a negative declaration under CEQA concerning a Target store	dismissal affirmed	unknown
Citizens for Responsible Equit. Env. Dev. v. City of San Diego (Cal. Ct. App. May 2011)	state NEPAs	CEQA	challenge to residential development for failure to address climate change	dismissal affirmed	unknown

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Citizens Climate Lobby v. CARB (Cal. Super. Ct., filed March 2012)	challenges to state action	AB 32	challenge to AB 32's offset regulations	n/a	active
City of Inglewood v. City of Los Angeles (Cal. Super. Ct., filed May 2013)	state NEPAs	CEQA	challenge to environmental review of airport redevelopment projects		companion suit settled (Aug. 2016)
City of Long Beach v. State of California Department of Transportation, No. BS156931 (Cal. Super. Ct., filed July 2015)	state NEPAs	CEQA	challenge to interstate widening project	n/a	active
City of Long Beach v. City of Los Angeles (Cal. Super. Ct., filed June 2013)	state NEPAs	CEQA	challenge to environmental review of intermodal railyard	n/a	active
City of Los Angeles v. County of Kern, No. S-1500-CV-284100 (Cal. Super. Ct., filed Feb. 2015)	state NEPAs	CEQA	challenge to zoning ordinance that imposed requirements on biosolids recycling	n/a	active
City of Los Angeles v. NHTSA (D.C. Cir. 1990)	NEPA	NEPA	challenge to decision not to prepare EIS for CAFE standards for model years '87-'89	groups had standing; petition denied	dismissed
Civil Society Institute Inc. v. U.S. Dept. of Energy (D. Mass., filed June 2011)	other statutes	FOIA	challenge to Dept. of Energy's refusal to release report concerning water resources	n/a	active

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Clean Air Implementation Project v. EPA (D.C. Cir., filed May 2010)	challenges to federal action	CAA	challenge to EPA reconsideration of so-called "Johnson memorandum"	n/a	active
Clean Energy Fuels Corp. v. CPUC, No. G048820 (Cal. Ct. App. May 2014, modified & certified for publication June 2014)	project challenges	Cal. Public Utilities Code	challenge to CPUC approval of tariff to fund construction and operation of natural gas compression equipment at customer sites	CPUC approval upheld	unknown
CleanCOALition v. TXU Power (5th Cir. 2008)	coal-fired power plant challenges	CAA	challenge to three planned power plants on the grounds that it should consider IGCC technology and alternative fuels	affirmed dismissal for lack of subject matter jurisdiction	cert. petition denied
Cleveland Nat'l Forest Found. v. San Diego Ass'n of Governments (Cal. Super. Ct. Nov. 2014)	state NEPAs	CEQA	challenge to regional transportation plan on grounds that it failed to address climate change	granting of petition affirmed	Cal. Sup. Ct. granted review Mar. 2015
Cleveland National Forest Foundation v. California Department of Transportation (Cal. Super. Ct., filed Dec. 2013)	state NEPAs	CEQA	challenge to expansion of Interstate 5	n/a	active

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Climate Solutions v. Cowlitz Co. (Wash. State Shorelines Hearing Bd., filed Dec. 2010)	state NEPAs	SEPA	challenge to opening of major coal export facility	n/a	active
Coalition for a Safe Environment v. CARB (EPA, filed June 2012)	challenges to state action	Civil Rights Act of 1964	challenge to California's cap-and-trade program on grounds that it adversely impacts low income and minority neighborhoods	n/a	active
Coalition for a Sustainable 520 v. U.S. Dept. of Trans. (W.D. Wash. July 2012)	NEPA	NEPA	Challenge to FEIS concerning replacement bridge for failing to comply with GHG emissions law	granted SJ motion dismissing challenge	unknown
Coalition for a Sustainable Future in Yucaipa v. City of Yucaipa (Cal. Ct. App. Aug. 2011)	state NEPAs	CEQA	challenge to proposed shopping center for failure to address GHG emissions	appeal dismissed as moot	denial of attorney fees affirmed (June 2015)
Coalition for the Advancement of Regional Transportation v. FHWA (W.D. Ky. Aug. 2014)	NEPA	NEPA	challenge to construction and transportation management program for Ohio River between Kentucky and southern Indiana	dismissal affirmed	unknown
Colorado River Indian Tribes v. Department of Interior, No. 5:14-cv-02504 (C.D. Cal. filed 2014)	project challenges	NEPA, NHPA, FLPMA	challenge to variance for solar power project	summary judgment for defendants (July 2015)	

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Colorado River Cutthroat Trout v. Salazar (D.D.C. Oct. 2012)	ESA	ESA	challenge to FWS' decision not to list the species as endangered or threatened under ESA	motion to dismiss granted	unknown
Columbia Venture, LLC v. Richland County, No. 2013-001067 (S.C. Aug. 2015)	adaptation	5th Amendment	takings claim against county that prohibited construction in floodway	dismissed	
Comer v. Murphy Oil USA, Inc. (5th Cir. May 2013)	common law claims	nuisance	sought damages related to damages from Hurricane Katrina; refiled action after 2010 dismissal by 5th Circuit	affirmed dismissal	unknown
Committee for a Better Arvin v. County of Kern, No. BCV-15101679 (Cal. Super. Ct., filed Dec. 2015)	state NEPAs	CEQA	challenge to zoning amendments that would purportedly authorize development of thousands of new oil and gas wells		
Commonwealth of Kentucky v. Sierra Club (Ky. Ct. App. 2008)	coal-fired power plant challenges	Kentucky state law	sought to revoke permit for power plant	overturned decision revoking permit	unknown
Commonwealth v. Ward, Commonwealth v. O'Hara (Mass. Dist. Ct. Sept. 8, 2014)	climate change protestors and scientists	Massachusetts criminal law	criminal charges against protestors who used a lobster boat to block a coal shipment to coal-fired power plant	conspiracy charges dropped, other charges reduced	closed
Commonwealth of Mass. v. Mount Tom Generating Co. (Mass. Sup. Ct., settled June 2011)	coal-fired power plant challenges	CAA	lawsuit alleging that power plant exceeded emissions limits for several years	settled	not active

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Communities for a Better Env't et al., Appeal of Long Beach Board of Harbor Commissioners' Ordinance (June 2014)	state NEPAs	CEQA	appeal of Long Beach Board of Harbor Commissioners' ordinance that would allegedly expand coal exports from Port of Long Beach	appeal denied	appeal denied
Communities for a Better Env't v. Bay Area Air Quality Mgmt. Dist., No. CPF-14-513557 (Cal. Super. Ct., filed Mar. 2014)	state NEPAs	CEQA	challenge to BAAQMD's issuance of permit for crude-by-rail operations	dismissed	dismissal affirmed (Cal. Ct. App. July 2016)
Communities for a Better Env't v. Bay Area Air Quality Mgmt. Dist., No. CPF-14-513704 (Cal. Super. Ct., filed June 2014)	state NEPAs	CEQA	challenge to permit for modernization project at Chevron refinery	settled Oct. 2014	
Communities for a Better Env't v. Contra Costa County, No. N15-0301 (Cal. Super. Ct., filed Mar. 2015)	state NEPAs	CEQA	challenge to modification and augmentation of an existing refinery facility	n/a	active
Communities for a Better Env't v. City of Richmond (Cal. Ct. App. April 2010)	state NEPAs	CEQA	challenge to city's expansion of oil refinery	appellate court upheld rejection of EIR	writ discharged after new EIR prepared
Communities for a Better Env't v. EPA (D.C. Cir. Apr. 2014)	force government to act	CAA	challenge to EPA decision not to set secondary NAAQS for carbon monoxide	dismissed	unknown
Communities for a Better Env't v. Metro. Transp. Comm'n (Cal. Super. Ct., filed Aug. 2013)	state NEPAs	CEQA	challenge to Bay Area's regional land use and transportation plan	settled June 2014	

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Competitive Enterprise Institute v. EPA (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning GHGs	n/a	active
Competitive Enterprise Institute v. EPA (D.C. Cir., filed June 2010)	challenges to federal action	CAA	challenge to EPA's emissions rule for cars and light trucks	n/a	active
Competitive Enterprise Institute v. EPA, No. 12-1617 (D.D.C. Jan. 2014)	other statutes	FOIA	action seeking nonpublic emails from EPA officials concerning its "campaign against coal-fired power"	EPA mot. for summ. j. granted in part, denied in part	active
Competitive Enterprise Institute v. EPA (D.D.C., filed Mar. 2013)	other statutes	FOIA	action seeking production of instant message communications to and from EPA officials	n/a	active
Competitive Enterprise Institute v. EPA, No. 1:15-cv-00466 (D.D.C., filed Apr. 2015)	other statutes	FOIA	action seeking production of correspondence between EPA and members of Congress regarding legislators' inquiries into funding for climate research	n/a	active
Competitive Enterprise Institute v. NASA (D.D.C., filed May 2010)	climate change protestors and scientists	FOIA	lawsuit seeking documents related to errors in global temperature data sets	mot. for summ. j. granted in part, denied in part	unknown
Competitive Enterprise Institute v. Attorney General of New York, No. 05050-16 (N.Y. Sup. Ct., filed Aug. 2016)	other statutes	NY FOIL	proceeding to compel disclosure by the New York Attorney General of common interest agreements in connection with climate change-related investigations		

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Competitive Enterprise Institute v. Office of Science and Technology Policy, No. 1:14-cv-01806 (D.D.C., filed Oct. 2014)	climate change protestors and scientists	FOIA	lawsuit seeking documents related to video that connected 2014 polar vortex to climate change	motion and cross-motion for summary judgment granted in part and denied in part	court allowed discovery (May 2016)
Competitive Enterprise Institute v. United States National Security Agency, No. 14-cv-975 (D.D.C., filed June 2014)	climate change protestors and scientists	FOIA	action seeking production of metadata for personal e-mail, text messaging, and phone accounts of EPA administrators	summary judgment for defendants (Jan. 2015)	unknown
Competitive Enterprise Institute v. U.S. Treasury (D.D.C., filed Nov. 2012)	other statutes	FOIA	sought emails from U.S. Treasury concerning the proposal of a carbon tax	n/a	active
Compsys, Inc. v. EPA, No. 15-1334 (D.C. Cir., filed Sept. 2015)	challenges to federal action	CAA	challenge to prohibitions and restrictions on use of certain hydrofluorocarbons in Significant New Alternatives Policy program	consolidated with Arkema Inc. v. EPA, No. 15-1329, and Mexichem Fluor, Inc. v. EPA, No. 15-1328	see Arkema Inc. v. EPA, No. 15-1329
Concerned Dublin Citizens v. City of Dublin (Cal. Ct. App. March 2013)	state NEPAs	CEQA	challenge to residential development regarding the project's GHG emissions	denial of writ of mandate upheld	unknown

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Connecticut v. Am. Elec. Power (U.S. Sup. Ct. June 2010)	common law claims	nuisance	sought imposition of caps and reduction of GHG emissions from power companies	reversed 2d Cir. and dismissed federal claims	remanded
Connecticut Energy Marketers Association v. Connecticut Department of Energy and Environmental Protection, No. HHD-CV-14-6054538-S (Conn. Super. Ct., filed Oct. 2014)	state NEPAs	Connecticut Environmental Protection Act	challenge to plan to expand Connecticut's natural gas infrastructure	dismissed	appeal pending
In re ConocoPhillips (EAB June 2008)	coal-fired power plant challenges	CAA	challenge to PSD permit issued by agency to expand refinery	denied	unknown
Conservancy of Southwest Florida v. U.S. Fish and Wildlife Service (11th Cir. Apr. 2012)	ESA	ESA	challenge to denial of petitions to designate critical habitat for Florida panther	affirmed dismissal	unknown
Conservation Law Foundation v. Broadrock Gas Services, LLC No. 13-777 (D.R.I., filed Dec. 2013)	regulate private conduct	CAA	Clean Air Act citizen suit seeking penalties and declaratory and injunctive relief for PSD, NSPS, and Title V violations	settled (July 2016)	
Conservation Law Foundation v. Dominion Energy New England (D. Mass, consent decree Feb. 2012)	coal-fired power plant challenges	CAA	action alleging that plant violated the Clean Air Act more than 300 times in a five year period	action settled; owner agreed to not use coal at any new plants	settled

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Conservation Law Foundation v. Dominion Energy Brayton Point, LLC (D. Mass. Oct. 2013)	coal-fired power plant challenges	CAA	action alleging that plant violated monitoring mandates for carbon dioxide, among other things	n/a	voluntary motion to dismiss filed
Conservation Law Found. v. EPA, No. 10-11455-MLW (D. Mass. Aug. 2013)	adaptation	Clean Water Act	challenge to TMDLs for Cape Cod and Nantucket embayments	dismissed	
Conservation Law Foundation v. ExxonMobil Corp., No. 1:16-cv-11950-MLW (D. Mass., filed Sept. 2016)	regulate private conduct	RCRA, CWA	citizen suit alleging violations of RCRA and Clean Water Act for failure to take action to prepare marine terminal for climate change		
Conservation Law Foundation v. McCarthy, No. 1:11-cv-11657 (D. Mass. Aug. 2013)	adaptation	Clean Water Act	challenge to EPA's oversight of water quality management in Cape Code	motion to dismiss denied in part	stay ordered Jan. 2014
Conservation Law Foundation v. EPA, No. 1:13-cv-12704-MLW (D. Mass., filed Oct. 2013)	adaptation	Clean Water Act	challenge to TMDLs for Cape Cod and Nantucket embayments	n/a	
Conservation Northwest v. Rey (W.D. Wash. Dec. 2009)	NEPA	NEPA	challenge to Forest Service's adoption of EIS concerning forest management plan	summary judgment motion partially granted	unknown
In re Consolidated Environmental Management, Inc. – Nucor Steel, Saint James Parish, Louisiana, Pet. Nos. VI-2010-05, VI-2011-06, and VI-2012-07 (EPA Jan. 30, 2014)	project challenges/other challenges	CAA	challenge to Title V permits for steelmaking feedstock facility in Louisiana	petitions denied	unknown

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Consolidated Irrigation District v. City of Selma (Cal. Ct. App. Feb. 2012)	state NEPAs	CEQA	challenge to city's negative declaration concerning planned residential development	challenge upheld	unknown
Consolidated Irrigation District v. City of Selma (Cal. Ct. App. April 2012)	state NEPAs	CEQA	challenge to city's negative declaration concerning planned residential development; petitioner moved for writ of mandate to conduct limited discovery	petition granted	unknown
In re Constitution Pipeline Co., LLC, Nos. CP13-499, CP13-502 (FERC, filed Jan. 2015)	NEPA	NEPA	challenge to natural gas pipeline extending from Pennsylvania to New York	n/a	active
Constitution Pipeline Co., LLC v. Seggos, No. 16-1568 (2d Cir., filed 2016)	challenges to state action	CWA	challenge to denial of water quality certification for natural gas pipeline from Pennsylvania to New York		
County of Kings v. Cal. High-Speed Rail Auth., No. 2014-80001861 (Cal. Super. Ct., filed June 2014)	state NEPAs	CEQA	challenge to approval of 114-mile segment of the California high-speed train project	n/a	active
County of Sonoma v. Federal Housing Finance Agency (9th Cir. March 2013)	other statutes	Housing and Economic Recovery Act of 2008	challenge to FHFA directive that prevented Fannie Mae and Freddie Mac from purchasing mortgages on properties encumbered with liens under Property Assessed Clean Energy (PACE) programs	challenge dismissed	unknown

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Coupal v. Bowen (Cal. Sup. Ct., filed July 27, 2010)	climate protests	state law	challenge to working of ballot initiative concerning suspending implementation of AB 32	court ordered rewording of initiative	unknown
Creed-21 v. City of Glendora (Cal. Ct. App. Feb. 2013)	state NEPAs	CEQA	challenge to approval of an expansion of Wal-Mart for failing to properly evaluate project's GHG emissions	denial of petition affirmed	unknown
Dean v. Kansas Dept. of Health and Env. (filed May 2007)	coal-fired power plant challenges	Kansas state law	challenge to agency's decision to deny permit to plant	n/a	unknown
Defenders of Wildlife v. Jackson (D.D.C., filed Nov. 2010)	other statutes	CWA	challenge to rules regarding wastewater limits for coal-fired power plants	n/a	active
Defenders of Wildlife v. Jewell, Nos. CV 14-246-M-DLC, CV 14-247-M-DLC,CV 14-250-M-DLC (D. Mont., filed 2014)	Endangered Species Act	ESA	challenge to withdrawal of proposal to list the distinct population segment of the North American wolverine as threatened	withdrawal vacated	
Defenders of Wildlife v. U.S. Fish & Wildlife Service, No. 5:16-cv-1993 (N.D. Cal., filed Apr. 15, 2016)	project challenges	ESA, CWA	challenge to solar energy project in California that allegedly would have impacts on wildlife also affected by climate change		

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Delta Construction v. EPA (D.C. Cir., filed Nov. 2011)	challenges to federal action	CAA	challenge to GHG emissions requirements for heavy duty trucks	dismissed	petition for rehearing en banc denied (Aug. 2015)
Delta Stewardship Council Cases, JCCP No. 4758 (Cal. Super. Ct., filed 2013)	stop government action	California state statute	challenge to long-term management plan for the Sacramento-San Joaquin Delta	petition for writ of mandate granted in part and denied in part (May 2016)	
In re Deseret Power Electric Cooperative (EAB Nov. 2008)	coal-fired power plant challenges	CAA	challenge to permit on grounds that it failed to require BACT to restrict CO2 emissions	remanded	n/a
In re Deseret Power Electric Cooperative, Bonanza Power Plant, Nos. 15-01, 15-02 (EAB filed)	coal-fired power plant challenges	CAA	challenge to Title V permit for coal-fired power plant in Utah	settlement agreement (Oct. 2015)	comment period on settlement opened on Oct. 22, 2015
Desert Rock Energy Co. and Dine Power Auth. v. EPA (S.D. Tex., filed 2008)	coal-fired power plant challenges	CAA	sought to compel EPA to issue permit to power company to construct facility on Navajo land	n/a; lawsuit may be moot b/c EPA issued permit	unknown
***In re* Desert Rock Energy Co. LLC** (EPA Env. Appeals Bd., filed Aug. 2008)	coal-fired power plant challenges	CAA	challenge to air permit issued by EPA for 1,500 MW power plant on Navajo reservation land	n/a	active

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***In re* Desert Rock Energy Co. LLC** (EPA Env. Appeals Bd., filed Oct. 2008)	coal-fired power plant challenges	CAA	petition filed by New Mexico challenging EPA's granting of air permit for proposed plant as legally and technically flawed	n/a	active
In re Dominion Cove Point LNG, LP, No. 11-128-LNG (U.S. Dep't of Energy, filed 2011)	stop government action	NEPA	challenge to authorizations to export liquefied natural gas (LNG) to non-free trade agreement nations from the Dominion Cove Point LNG terminal in Maryland	reconsideration denied	
***In re* Desert Rock Energy Co. LLC** (EPA Env. Appeals Bd. Jan. 2009)	coal-fired power plant challenges	CAA	order agreeing to review approval of permit and severing issues of CO2 emissions	n/a	active
***In re* Desert Rock Energy Co. LLC** (EPA Env. Appeals Bd. April 2009)	coal-fired power plant challenges	CAA	motion by EPA to voluntarily remand permit	n/a	active
***In re* Desert Rock Energy Co. LLC** (EPA Env. Appeals Bd. Sept. 2009)	coal-fired power plant challenges	CAA	board remanded permit to EPA for consideration of gasification technology as less-polluting alternative	n/a	active
Diné Citizens Against Ruining Our Environment v. Arizona Public Service Co., No. 1:11-cv-00889 (D.N.M. filed 2011)	coal-fired power plant challenges	CAA	citizen suit challenging Four Corners Power Plant's compliance with Clean Air Act permitting requirements	n/a	proposed consent decree filed (June 2015)

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Diné CARE v. Bureau of Indian Affairs, No. 3:16-cv-08077 (D. Ariz., filed Apr. 2016)	stop government action	NEPA	challenge to expanded coal strip-mining operations at the Navajo Mine and extended coal combustion at the Four Corners Power Plant		
Dine CARE v. EPA (D.D.C., filed March 2012)	coal-fired power plant challenges	CAA	challenge to alleged EPA failure to require modern pollution control technologies for two power plants in Arizona	n/a	active
Diné CARE v. OSMRE (D. Colo., filed May 2012)	NEPA	NEPA	challenge to mine expansion permit on grounds that it did not analyze GHG impacts	approval of permit vacated	appealed to 10th Cir., stay denied
DJL Farm LLC v. EPA, Nos. 15-2245, 15-2246, 15-2247, & 15-2248 (7th Cir. Feb. 2016)	stop government action	SDWA	challenges to Safe Drinking Water Act permits that authorized FutureGen Industrial Alliance to construct and operate wells to store carbon dioxide	dismissed	resolved
In re Dominion Cove Point LNG, LP, No. CP13-113-000 (FERC Oct. 2014)	stop government action	NEPA	challenge to FERC approvals for liquefied natural gas facilities in Maryland	rehearing denied	appealed to D.C. Circuit (see *EarthReports, Inc. (dba Patuxent Riverkeeper) v. FERC*)
Dominion Cove Point LLC v. Sierra Club (Md. Cir. Ct., filed May 2012)	climate change protestors and scientists	declaratory judgment action	seeking judgment that Sierra Club's effort to block conversion of LNG terminal into export facility has no basis under agreement	n/a	active
Downtown Fresno Coalition v. City of Fresno, No. 14CECG00890 (Cal. Super. Ct., filed 2014)	state NEPAs	CEQA	challenge to redevelopment of area in downtown Fresno	dismissed	dismissal affirmed (Cal. Ct. App. July 2016)

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Drewry v. Town Council for the Town of Dendron (Vir. Cir. Ct. Nov. 2011)	coal-fired power plant challenges	Virginia state law	challenge to town council's vote to rezone land for power plant	granted petition	unknown
Earth Island Institute v. Gibson (E.D. Cal. July 2011)	stop government action	NEPA	challenge to government project to remove trees from forest for failure to address climate change	motion for SJ granted	unknown
EarthReports, Inc. (dba Patuxent Riverkeeper) v. FERC, No. 15-1127 (D.C. Cir., filed May 7, 2015)	stop government action	NEPA	challenge to FERC approvals for liquefied natural gas facilities in Maryland	FERC approvals upheld	
East Yard Communities for Environmental Justice v. City of Los Angeles (Cal. Super. Ct., filed June 7, 2013)	state NEPAs	CEQA	challenge to environmental review of intermodal railyard	n/a	active

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El Charro Vista v. City of Livermore (Alamada Co. Sup. Ct. July 2008)	state NEPAs	CEQA	challenge to EIR for development project on grounds that it did not consider climate change impacts	denied on jurisdiction grounds	unknown
Emerick v. Town of Glastonbury, No. HHDCV115035304S (Conn. Super. Ct. filed 2011)	adaptation	common law	seeking relief for property damage allegedly caused by upstream development approved by town	n/a	plaintiff's motion for summary judgment denied
Energy & Environment Legal Institute v. Attorney General of New York, No. 101181/2016 (N.Y. Sup. Ct., filed July 2016)	force government to act	NY FOIL	action to compel the New York Attorney General to disclose correspondence related to climate change-related investigations		
Energy & Environment Legal Institute v. Attorney General of Vermont, No. 349-6-16WNCV (Vt. Super. Ct., filed June 2016)	force government to act	Vermont public records law	action to compel the Vermont attorney general to respond to request for correspondence including the terms "climate denial" and "climate denier"		Vt AG ordered to complete review by Oct. 3, 2016
Energy & Environmental Legal Institute v. Attorney General of Vermont, No. __ (Vt. Super. Ct., filed Sept. 2016)	force government to act	Vermont public records law	action to compel the Vermont attorney general to respond to request for documents related to common interest agreement between states		

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Energy & Environment Legal Institute v. United States Security & Exchange Commission, No. 1:15-cv-00217 (D.D.C., filed Feb. 2015)	force government to act	FOIA	action to compel the SEC to disclose records of communications with investor-activist group Ceres and the New York Attorney General	n/a	active
Energy & Environment Legal Institute v. Epel, No. 11-cv-00859-WJM-BNB (D. Colo. May 2014)	challenges to state action	dormant Commerce Clause	challenge to Colorado Renewable Energy Standard	judgment for defendants	10th Cir. affirmed (July 2015); cert. denied (Dec. 2015)
Energy & Environment Legal Institute v. University of Arizona (Ariz. Super. Ct., filed Sept. 2013)	climate change protestors and scientists	Arizona Public Records Act	seeking disclosure of records related to the climate change "hockey stick" and the IPCC	defendants ordered to disclose records	
In re Energy Answers Arecibo LLC, (EAB Mar. 25, 2014)	project challenges	CAA	challenge to PSD permit issued by EPA Region 2 for resource recovery facility	remanded for consideration of GHG emissions	remanded to EPA Region 2
***In re* Energy Northwest** (Wash. Energy Fac. Site Eval. Council Nov. 2007)	coal-fired power plant challenges	Washington state law	application for a permit for a new coal-fired power plant; argued that plan for carbon sequestration was impracticable	application denied	unknown
Energy Recovery Council v. EPA (D.C. Cir., filed Dec. 2009)	challenges to government action	CAA	challenge to EPA's reporting requirements for certain emitters of GHGs	settled July 2010	settled
Env. Council of Sacramento v. Cal. Dept. of Transportation (Sac. Co. Sup. Ct. July 2008)	state NEPAs	CEQA	challenge to approval of EIR for 13-mile HOV lane that found no climate change impacts	EIR found inadequate	unknown

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Environmental Defense Center v. Bureau of Safety and Environmental Enforcement, No. 2:14-cv-09281 (C.D. Cal., filed Dec. 2014)	NEPA	NEPA	challenge to approvals of applications for permits for offshore drilling	proposed settlement (Jan. 2016)	active
Env. Defense Fund v. S.C. Bd. of Health & Env. Control (S.C. Adm. Law Ct., filed April '09)	coal-fired power plant challenges	CAA	challenge to air pollution permit on grounds that it violates the CAA	n/a	active
Env. Integrity Project v. Jackson (D.D.C., consent decree filed Oct. 2012)	coal-fired power plant challenges	CAA	EPA agreed to respond to petition asking it to object to a CAA permit issued to a Texas power plant by Jan. 2013	n/a	active
Env. Integrity Project v. Lower Col. River Auth. (S.D. Tex., filed March 2011)	coal-fired power plant challenges	CAA	challenge to power plant for emitting excessive levels of particulate matter	n/a	active
Environmental Integrity Project v. EPA, No. 15-cv-139 (D.D.C., filed Jan. 2015)	force government to act	CAA	action to require EPA respond to 2011 petition to identify ammonia as a criteria pollutant	dismissed (Dec. 2015)	
Envtl. Integrity Project v. McCarthy, No. 14-1196 (D.D.C., filed July 2014)	coal-fired power plant challenges	CAA	challenge to EPA failure to respond to petitions requesting that it object to issuance of permits for coal-fired plants by Texas Council on Environmental Quality	settled (Jan. 2015)	action voluntarily withdrawn (Feb. 2015)

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Erickson v. Gregoire (Wash. Sup. Ct. Oct. 2010)	challenges to state action	state law	challenge to executive order concerning GHG emissions	motion to dismiss granted	Unknown
In re Ethical Electric, Inc. (Ill. Att'y Gen. Aug. 2016)	regulate private conduct	Illinois Consumer Fraud Act	enforcement action against alternative retail electricity supplier for alleged misrepresentations regarding clean energy product	settlement (Aug. 2016)	
In re ExxonMobil Chemical Company Baytown Olefins Plant No. 13-11 (EAB May 2014)	stop government action/project challenges	CAA	challenge to EPA's failure to adequately consider carbon capture and sequestration in PSD permitting decision	review denied	permit issued
Exxon Mobil Corp. v. Healey, No. 4:16-cv-00469 (N.D. Tex. filed June 2016)	regulate private conduct	U.S. Constitution, common law	action by Exxon Mobil Corporation to bar enforcement of civil investigative demand issued by Massachusetts attorney general	n/a	mediation ordered (Sept. 2016)
Exxon Mobil Corp. v. Walker, No. 017-284890-16 (Tex. Dist. Ct., filed Apr. 2016)	regulate private conduct	U.S. and Texas constitutions, common law	action by Exxon Mobil Corporation to quash subpoena issued by the U.S. Virgin Islands Attorney General in climate change investigation	voluntarily dismissed (June 2016)	
Fall-Line Alliance for a Clean Env. v. Barnes (Ga. Office of State Adm. Hearings Dec. 2010)	coal-fired power plant challenges	CAA	challenge to state air quality permit for proposed coal-fired power plant	permit rejected	unknown
Farb v. Kansas (Kansas Dist. Ct., filed Oct. 2012)	common law claims	Public Trust Doctrine	lawsuit alleging that state has responsibility under public trust doctrine to prevent climate change	n/a	active

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Fast Lane Transportation, Inc. v. City of Los Angeles, No. CIV. MSN14-0300 (Cal. Super. Ct., filed Mar. 2016)	state NEPAs	CEQA	challenge to intermodal rail yard for Ports of Los Angeles and Long Beach	writ of mandate granted	
Fertilizer Institute v. EPA (D.C. Cir., filed Dec. 2009)	CAA	CAA	challenge to EPA's reporting requirements for certain emitters of GHGs	settled July 2010	settled
Filippone v. Iowa DNR (Iowa Ct. App. March 2013)	common law claims	public trust doctrine	challenge to denial of rulemaking petition in *In re Kids v Global Warming*	challenge denied	notice of appeal filed
Fix the City v. City of Los Angeles (Cal. Super. Ct. Dec. 2013)	state NEPAs	CEQA	challenge to Hollywood Community Plan Update, which included higher-density development at transit stops	tentative decision invalidated plan	active
In re Florida Power & Light (Fl. Public Service Comm. June 2007)	coal-fired power plant challenges	Florida state law	power company sought permit to build two coal-fired power plants	application denied	unknown
In re Petition of Footprint Power Salem Harbor Development LP for Approval to Construct a Bulk Generating Facility, EFSB 13-1 (Mass. Energy Facilities Siting Bd. Feb. 2014)	project challenges	Massachusetts Global Warming Solutions Act	application to build natural gas-fired power plant in Massachusetts	project approved incorporating terms of settlement with environmental group	

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Foster v. Washington Department of Ecology, No. 14-2-25295-1 (Wash. Super. Ct. filed Sept. 2014)	common law claims	public trust doctrine	challenge to denial of rulemaking petition that asked Department of Ecology to recommend restrictions on greenhouse gas emission to state legislature	Ecology ordered to issue final rule by end of 2016 (May 2016)	notice of appeal (June 2016)
Foundation on Economic Trends v. Watkins (D.D.C. 1992)	NEPA	NEPA	challenged actions approved by agencies that did not take into account effects on climate change	dismissed for lack of standing	no appeal pending
Free Market Environmental Law Clinic v. Rhode Island Department of the Attorney General, No. __ (R.I. Super. Ct., filed July 2016)	force government to act	RI Access to Public Records Act	action to compel Rhode Island Attorney General's disclosure of climate change-related emails		
Friends of Highland Park v. City of Los Angeles, No. B261866 (Cal. Super. Ct., filed 2013)	state NEPAs	CEQA	challenged CEQA review for residential development in Los Angeles	Court of Appeal reversed trial court decision upholding City action	
Friends of Oroville v. City of Oroville (Cal. Ct. App. Aug. 2013)	state NEPAs	CEQA	challenge to expansion and relocation of Wal-Mart store	remanded	unknown
Friends of the Chattahoochee, Inc v. Georgia Dept. of Nat. Resources (June 2008)	coal-fired power plant challenges	Georgia Air Quality Act and CAA	sought review of decision upholding permit for 1,200 MW coal-fired power plant	reversed and remanded	unknown

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Friends of the Chattahoochee v. Ga. Dept. of Nat. Res. (Ga. Office Adm. Hearings April 2011)	coal-fired power plant challenges	CAA	challenge to construction of two coal-fired power plants in Georgia	permit remanded	unknown
Friends of the Chattahoochee v. Longleaf Ene. Assoc. (Ga. Sup. Ct. Sept. 2009)	coal-fired power plant challenges	CAA	appeal of appeal court's decision reversing lower court which vacated permit for not considering CO2	appeal denied	unknown
Friends of the Earth v. Dept. of State (N.D. Cal., filed May 2011)	other statutes (FOIA)	FOIA	Lawsuit seeking documents concerning communications regarding proposed oil pipeline	n/a	active
Friends of the Earth v. EPA (D.C. Cir., filed May 2010)	other statutes (EISA)	EISA	challenge to renewable fuels standard	n/a	active
Friends of the Earth v. EPA (D.D.C. March 2013)	CAA	CAA	action to compel EPA to issue an endangerment finding for lead emissions from general aviation aircraft	action dismissed	unknown
Friends of the Earth v. Mosbacher (N.D. Cal. 2007)	NEPA	NEPA	challenge to government agency's financial support for int'l fossil fuel projects; sought prep. of EA or EIS	defendant's motion for SJ granted	settled (Feb. 2009)
Friends of the Earth v. Watson (N.D. Cal. 2005)	NEPA	NEPA	challenge to government agency's financial support for int'l fossil fuel projects; sought prep. of EA or EIS	standing granted; SJ motion denied	Unknown
Friends of the Kings River v. County of Fresno, No. F068818 (Cal. Ct. App. Dec. 2014)	state NEPAs	CEQA	challenge to approval of aggregate mine	petition denied	denial affirmed (Dec. 2014)

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Friends of the Santa Clara River v. County of Los Angeles, No. B256125 (Cal. Ct. App. Apr. 2015)	State NEPAs	CEQA	challenge to real estate development in California	dismissed	review granted (Cal. Aug. 2015)
Friends of the Wild Swan v. Jewell, No. 9:13-cv-00061-DWM (D. Mont. Aug. 2014)	NEPA	NEPA	challenge to incidental take permit for grizzly bears and bull trout	plaintiff's SJ motion granted in part, denied in part	partially remanded
Funk v. Commonwealth of Pennsylvania (Pa. Commw. Ct. July 2013)	common law claims	public trust doctrine	seeking to compel PADEP to submit petition for rulemaking concerning CO_2 emissions to Environmental Quality Board	dismissed without prejudice	unknown
Funk v. Wolf, No. 467 MD 2015 (Pa. Commw. Ct., filed Sept. 2015)	common law claims	public trust doctrine, Pennsylvania constitution	seeking to compel Pennsylvania to take action to restrict carbon dioxide emissions	dismissed (July 2016)	
In re Further Investigation into Environmental and Socioeconomic Costs Under Minnesota Statutes Section 216B.2422, Subdivision 3, OAH 80-2500-31888 MPUC E-999/CI-14-643 (Minn. PUC filed)	force government to act	Minnesota law	Environmental groups asked the Minnesota Public Utilities Commission to update its environmental cost values for carbon dioxide and other emissions associated with electricity generation		ALJ recommended adoption of social cost of carbon
In re FutureGen Industrial Alliance, Inc., Appeal Nos. UIC 14-68; UIC 14-69; UIC 14-70; UIC 14-71 (EAB, filed Oct. 1, 2014)	challenges to coal-fired power plants	SDWA	challenges to underground injection control permits issued for FutureGen carbon dioxide injection project in Illinois	review denied	unknown

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Gas Processors Ass'n v. EPA (D.C. Cir., filed Jan. 2011)	challenges to federal action	CAA	challenge to EPA rule requiring oil and natural gas companies to report GHG emissions	n/a	active
Gas Processors Ass'n v. EPA, No. 15-1021 (D.C. Cir., filed Jan. 2015)	challenges to federal action	CAA	challenge to revisions to greenhouse gas reporting rule that changed requirements for the petroleum and natural gas systems source category	n/a	pending
Georgia Aquarium, Inc. v. Pritzker, No. 1:13-CV-3241-AT (N.D. Ga. filed 2013)	challenges to federal action	MMPA	challenge to denial of import permit for beluga whales	summary judgment for defendants (Sept. 2015)	
Georgia Coalition for Sound Env. Policy v. EPA (D.D.C., filed Aug. 2010)	challenges to federal action	CAA	challenge to EPA's tailoring rule; consolidated 19 other challenges under case.	n/a	active
GerdauAmeristeel v. EPA (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active
GerdauAmeristeel v. EPA (D.C. Cir., filed May 2010)	challenges to federal action	CAA	challenge to EPA's rule covering GHG emissions from new and modified stationary sources	n/a	active
GerdauAmeristeel v. EPA (D.C. Cir., filed June 29, 2010)	challenges to federal action	CAA	challenge to EPA's tailoring rule	n/a	active

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GM Corp. v. California Air Resources Board (Cal. Sup. Ct. 2005)	common law claims	nuisance	sought damages from automobile manufacturers for creating and contributing to climate change	motion to dismiss granted	appeal pending
Greater Yellowstone Coalition v. Servheen (D. Mont. Sept. 2009)	ESA	ESA	sought threatened-status protection for grizzly bears in Yellowstone	protection granted	unknown
Greater Yellowstone Coalition v. Servheen (9th Cir. Nov. 2011)	ESA	ESA	sought threatened-status protection for grizzly bears in Yellowstone	**reversed** FWS's decision to delist species	remanded
Green Mountain Chrysler v. Crombie (D. Vt. 2007)	challenges to state vehicle standards	CAA; fed. fuel economy standards	sought injunction from Vermont vehicle standards modeled on California vehicle standards on preemption grounds	verdict for defendants	settled
Green Mountain Chrysler v. Torti (D. Vt., filed 2005)	challenges to state vehicle standards	CAA	challenge to Vermont's adoption of California's GHG regulations for automobiles	n/a	settled
Groce v. Pa. Dept of Env. Protection (Pa. Comm. Ct. April 2007)	coal-fired power plant challenges	CAA	challenge to decision of Pa. Env. Hearings Board upholding approval of plan to build electric power plant	decision upheld	unknown
Grocery Mfrs. Ass'n v. EPA (D.C. Cir., filed Nov. 2010)	challenges to federal action	CAA	challenge to EPA's decision to allow more ethanol in fuel for 2007 and newer cars and light trucks	n/a	see below

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Grocery Mfrs. Ass'n v. EPA (D.C. Cir., filed March 2011)	challenges to federal action	CAA	challenge EPA's decision to allow more ethanol in fuel for 2001-06 cars and light trucks	n/a	see below
Grocery Mfrs. Ass'n v. EPA (D.C. Cir. Aug. 2012)	challenges to federal action	CAA	challenge EPA's decision to allow more ethanol in fuel for 2001 and newer cars and light trucks	dismissed on standing grounds	see below
Grocery Mfrs. Ass'n v. EPA (D.C. Cir. Jan. 2013)	challenges to federal action	CAA	challenge EPA's decision to allow more ethanol in fuel for 2001 and newer cars and light trucks	rehearing denied	see below
Grocery Mfrs. Ass'n v. EPA (U.S. Feb. 2013)	challenges to federal action	CAA	challenge EPA's decision to allow more ethanol in fuel for 2001 and newer cars and light trucks	petition for cert. filed	see below
Grocery Mfrs. Ass'n v. EPA (U.S. June 2013)	challenges to federal action	CAA	challenge EPA's decision to allow more ethanol in fuel for 2001 and newer cars and light trucks	cert. denied	cert. denied June 2013
Gulf Restoration Network v. U.S. Army Corps of Engineers, No. 16-15545 (11th Cir., filed Aug. 2016)	stop government action/other statutes	CWA	challenge to Clean Water Act permit for natural gas pipeline from Alabama to Florida		
Habitat and Watershed Caretakers v. City of Santa Cruz (Cal. Ct. App. Feb. 2013)	state NEPAs	CEQA	challenge to environmental impact report to allow city to provide water and sewer service to new development	reversed superior court determination that EIR was adequate	active
Hanosh v. King (N.M. Sept. 2009)	challenges to state vehicle standards	state law	challenge to state environmental board's authority to implement emission laws for cars sold in state	case allowed to proceed in fed. court	active

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Hapner v. Tidwell (9th Cir. Sept. 2010)	NEPA	NEPA	challenge to proposed USFS plan to remove timber on grounds that EA did not look at proposed effects of climate change	summary judgment affirmed	unknown
Harris County Flood Control District v. Kerr (Tex. Dist. Ct., filed __)	adaptation	5th amendment	action seeking to hold municipal entity liable for flood damage	dismissed	dismissal affirmed (Tex. June 2016)
Harvard Climate Justice Coalition v. President & Fellows of Harvard College, No. 2014-3620-H (Mass. Super. Ct., filed Nov. 2014)	regulate private conduct	Massachusetts law	action to compel Harvard Corporation to divest from fossil fuel companies	dismissed (Mar. 2015)	student plaintiffs plan to appeal
Healdsburg Citizens for Sustainable Development v. City of Healdsburg (Cal. Ct. App. June 2012)	state NEPAs	CEQA	challenge to certification of EIS concerning resort development concerning, among other things, GHG emissions; lawsuit sought attorneys fees as prevailing party	attorneys fees upheld	unknown
Health First v. March Joint Powers Auth. (Cal. Ct. App. June 2009)	state NEPAs	CEQA	challenge to design permit approval for warehouse facility by state authority for failing to mitigate GHG emissions	denied; approval was ministerial act	unknown
Helping Hand Tools v. EPA, No. 14-72553 (9th Cir. Sept. 2, 2016)	project challenges	CAA	challenge to PSD permit for biomass-burning power plant at California lumber yard	permit upheld	
Hempstead Co. Hunting Club, Inc. v. Ark. PSC (Ark. May 2010)	coal-fired power plant challenges	state law	challenge to permit for coal-fired power plant on grounds that applicant did not consider other locations	permit approval reversed and remanded to PSC	unknown

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Hempstead Co. Hunting Club v. Southwestern Elect. Power Co. (8th Cir. Dec. 2010)	challenges to coal-fired power plants	CAA	challenge to construction of coal-fired power plant in Arkansas	injunction upheld	unknown
Hickenlooper v. Coffman, No. 2015 SA 296 (Colo., filed Nov. 2015)	challenges to federal action	CAA	petition by Colorado governor for declaration that attorney general did not have authority to sue the federal government on behalf of the State	petition denied	
High Country Conservation Advocates v. U.S. Forest Serv., No. 13-cv-01723 (D. Colo. Sept. 2014)	challenges to federal action	NEPA	challenge to agency actions in connection with coal mine expansion	petition for review granted and agency actions vacated	remanded to agencies
Highland Springs v. City of Banning (Riverside Co. Sup. Ct. Jan. 2008)	state NEPAs	CEQA	challenge to decision by city to approve proposed housing project for inadequate analysis of climate change impacts in EIR	EIR invalidated	unknown
Hillsdale Env. Loss Prevention, Inc. v. U.S. Army Corps of Engineers (D. Kansas June 2011)	NEPA	NEPA	Challenge to permit allowing the construction of railyard by failing to address GHG emissions	decision affirmed	unknown
Holland v. Mich. Dept. of Nat. Resources and Env. (Mich. Co. Cir. Ct. Dec. 2010)	coal-fired power plant challenges	state law	sought to overturn state agency denial of application to expand coal-fired power plant	denial reversed	active
Horner v. Rector & Visitors of George Mason University, No. CL15-4712 (Va. Cir. Ct. Apr. 2016)	climate protesters & scientists	Va. FOIA	sought disclosure of professor's records that allegedly would show he helped organize campaign to prosecute fossil fuel companies and lobbyists over climate change deception	ruling for plaintiff	

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Honeywell International Inc. v. EPA (D.C. Cir. Jan. 2013)	challenges to federal action	CAA	Challenge to agency's approval of transfers of allowances for production and use of hydrochlorofluorocarbons	lawsuit dismissed	unknown
Hughes v. Talen Energy Marketing, LLC (filed 2012)	challenges to state action	Federal Power Act	challenge to Maryland program to subsidize electricity generation in the state	program preempted (U.S. 2016)	
Humane Society v. Jackson (EPA, filed Sept. 2009)	CAA	CAA	petition to EPA to limit GHG emissions from CAFOs	n/a	active
Humane Society of the United States v. McCarthy, No. 15-cv-0141 (D.D.C., filed Jan. 2015)	force government to act	CAA	action to compel EPA to respond to a 2009 petition to regulate concentrated animal feeding operations as sources of air pollution	n/a	EPA filed notice of decision seeking dismissal (Dec. 2015)
Idaho Conservation League v. U.S. Forest Service, No. 16-cv-25 (D. Idaho, filed Jan. 2016)	NEPA	NEPA	challenge to approval of mine exploration project in Boise National Forest	n/a	active
Idaho Rivers United v. Probert, No. 3:16-cv-00102-CWD (D. Idaho prelim. inj. granted May 2016)	NEPA	NEPA, Wild & Scenic Rivers, NFMA, ESA	challenge to timber salvage project in Idaho	n/a	preliminary injunction granted (May 2016)
Idaho Rivers United v. United States Army Corps of Engineers, No. 14-cv-1800 (W.D. Wash. Feb. 2016)	NEPA	NEPA	challenge to Army Corps of Engineers plan for maintaining the Snake River navigation channel	summary judgment for Corps	

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Ill. Farmers Ins. Co. v. Metro. Water Reclamation Dist. of Greater Chicago, No. 2014CH06608 (Ill. Cir. Ct. June 2014)	adaptation	Illinois statutes, common law, takings	insurers contend that they had to make larger payments to property owners who suffered flooding as result of municipalities' failure to implement reasonable stormwater management practices	notice of dismissal	voluntary dismissal
Indeck Corinth, L.P. v. Paterson (N.Y. Sup. Ct., settled Dec. 2009)	challenges to state action	14th Amendment	challenge to state regulations that implement Regional Greenhouse Gas Initiative	settlement reached	not active
Independent Energy Producers Assoc. v. County of Riverside (Cal. Super. Ct., filed Feb. 2012)	challenges to state action	California state law	challenge to county fee on utility-scale solar projects in Riverside County, California	n/a	active

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International Finance Corp. v. Korat (S.D.N.Y. 2007)	regulate private conduct	contract law	breach of contract action concerning agreement on sale of carbon credits to be purchased by the Netherlands	n/a	unknown
Int'l Ctr. for Tech. Assessment v. Council on Envtl. Quality, No. 1:14-cv-00549 (D.D.C. Aug. 2014)	force government to act	APA, NEPA	plaintiffs seek formal response to 2008 petition to require consideration of climate change in NEPA review	voluntarily withdrawn by plaintiffs	withdrawn
Interstate Natural Gas Ass'n of America v. EPA (D.C. Cir., filed Jan. 2011)	challenges to federal action	CAA	challenge to EPA rule requiring oil and natural gas companies to report GHG emissions	voluntarily dismissed	resolved
Izaak Walton League of America v. Kimbell (D. Minn. 2007)	NEPA	NEPA	challenge to decision by Forest Service to build snowmobile trail along a road adjacent to Boundary Waters wilderness area	partial SJ in favor of plaintiffs granted; EIS required	unknown
John R. Lawson Rock & Oil, Inc. v. CARB, No. 14CECG01494 (Cal. Super. Ct., filed 2014)	challenges to state action	CEQA	challenge to amendments to California's on-road heavy-duty diesel vehicle standards	judgment for plaintiffs	
Jones v. Regents of the Univ. of Cal. (Cal. Sup. Ct. March 2010)	state NEPAs	CEQA	challenge to env. impact report regarding proposed laboratory for failing to account for GHGs	dismissed on appeal	unknown
Judicial Watch v. Dept. of Energy (D. D.C., filed Feb. 2010)	other statutes/FOIA	FOIA	request for documents related to White House "climate czar" Carol Browner's role in U.S. climate policy	n/a	active
Judicial Watch, Inc. v. United States Department of Commerce, No. 1:15-cv-02088 (D.D.C., filed Dec. 2015)	other states/FOIA	FOIA	action to compel production of NOAA documents concerning climate data and related records in connection with congressional subpoena	n/a	

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Juliana v. United States, No. 6:15-cv-01517 (D. Or., filed Aug. 12, 2015)	common law claims	Fifth Amendment, Fourth Amendment, Ninth Amendment	action seeking declaration that federal government violated plaintiffs' constitutional rights by causing dangerous carbon dioxide concentrations	n/a	magistrate recommended denial of motions to dismiss (Apr. 2016)
Kain v. Massachusetts Department of Environmental Protection, No. SUCV2014-02551 (Mass. Super. Ct., filed 2014)	challenges to state action	Massachusetts Global Warming Solutions Act	challenge to adequacy of Massachusetts programs to reduce greenhouse gas emissions	Mass. Supreme Judicial Court ordered MassDEP to take additional measures (May 2016)	
Kanuk v. Alaska (Alaska Sept. 2014)	common law claims	Public Trust Doctrine	seeks declaration that state had obligation to protect atmosphere as public trust and regulate GHG emissions	dismissal affirmed	petition for rehearing filed (Sept. 25, 2014)
In re Katrina Canal Breaches Litigation, Nos. 14-30060, 14-30136 (5th Cir. appeal filed 2014)	adaptation	admiralty law	seeking damages from Army Corps of Engineers for exacerbation of flooding damage during and after Hurricane Katrina)	dismissal affirmed (May 2015)	
Kentucky Coal Association, Inc. v. Tennessee Valley Authority, No. 4:14-CV-73-M (W.D. Ky., filed July 2014)	industry challenges to federal action	NEPA	challenge to TVA decisions to retire coal-fired units and build natural gas plant	summary judgment for TVA (Feb. 2015)	Sixth Circuit affirmed (Oct. 2015)
***In re* Kentucky Mountain Power** (Ken. Ene. & Env. Cabinet Nov. 2008)	coal-fired power plant challenges	CAA	sought to build 600 MW plant; PSD permit had expired and company failed to respond to state's notice of deficiencies in its application to renew its Title V permit	application expired	unknown

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***In re* Kids v. Global Warming** (Iowa Dept. Nat. Resources June 2011)	common law claims	Public Trust Doctrine	sought rulemaking to adopt agency rules to reduce GHG emissions in state	petition denied	unknown
Klein v. United States Department of Energy, No. 13-1165 (6th Cir. May 2014)	NEPA	NEPA	challenge to DOE funding for lumber-based ethanol plant	judgment for defendants affirmed	unknown
Koch v. Cato Institute (Johnson Co. Kansas Dist. Ct., filed March 2012)	climate protestors and scientists	state law	shareholder action concerning ownership of Cato Institute	n/a	active
Koch Industries, Inc. v. John Does 1-25 (D. Utah May 2011)	climate protestors and scientists	trademark infringement	company filed suit against unanimous bloggers for posting fake press release concerning climate change	case dismissed	unknown
Korsinsky v. EPA (2d Cir. 2006)	common law claims	nuisance	sought to hold agencies liable for climate change	dismissed for lack of standing	closed

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Kunaknana v. United States Army Corps of Engineers, No. 3:13-cv-00044-SLG (D. Alaska May 2014)	NEPA	NEPA	challenge to fill permit for wetlands in National Petroleum Reserve in Alaska for drilling site	after remand, summary judgment for defendants	settlement re: fees (May 2016)
La Mirada Ave. Neighborhood Ass'n of Hollywood v. City of Los Angeles (Cal. Super. Ct. Dec. 2013)	state NEPAs	CEQA	challenge to Hollywood Community Plan Update, which included higher-density development at transit stops	tentative decision invalidated plan	active
In re La Paloma Energy Center, LLC (EAB Mar. 2014)	project challenges	CAA	challenge to gas-fired power plant in Texas	review denied	unknown
Laidlaw Energy v. Town of Ellicottville (N.Y. App. Div. Feb. 2009)	state NEPAs	SEQRA	challenge to denial of site plan approval for woody biomass plant grounds it was not carbon neutral	denial upheld	unknown
Landmark Legal Foundation v. EPA, No. 1:12-cv-01726-RCL (D.D.C. Aug. 2013)	force government to act	FOIA	action to compel EPA to respond to request for documents relating to environmental regulations that plaintiff believed were improperly delayed for political reasons	n/a	EPA motion for summary judgment denied (2013), spoliation sanctions denied (Mar. 2015)
Las Brisas Energy Center LLC v. EPA (D.C. Cir. Dec. 2012)	challenges to federal action	CAA	challenge to EPA's proposed CO2 standards for new power plants	dismissed as premature	final
Latinos Unidos de Napa v. City of Napa (Cal. Ct. App. Oct. 2013)	state NEPAs	CEQA	challenge to revisions to housing elements of the City's general plan	denied	unknown

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Leavell v. New Mexico Env. Improvement Bd. (N.M. Sup. Ct. July 2011)	challenges to state action	state law	challenge to state cap on GHG emissions	state sup. ct. affirmed remand to agency	unknown
League of Wilderness Defenders v. Martin (D. Ore. June 2011)	NEPA	NEPA	challenge to timber sale in national forest on grounds that EA did not take into account climate change	defendant's motion for SJ granted	unknown
League of Wilderness Defenders/Blue Mountains Biodiversity Project v. Connaughton (D. Or. Dec. 2014)	NEPA	NEPA	challenge to vegetation management program in Oregon	EIS and ROD vacated	remanded to agency
Lewis v. McCarthy, No. 15-1254 (D.C. Cir., filed Aug. 2015)	challenges to federal action	CAA	challenge to EPA's determination that it had completed the Clean Air Act's requirement that it promulgate emissions standards for hazardous air pollutant source categories	n/a	active

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Lincoln Dodge, Inc. v. Sullivan, (D. R.I. 2007)	challenges to state vehicle standards	EPCA, CAA	sought to enjoin Rhode Island from implementing state vehicle standards based on Cal. standards	motion to dismiss denied	settled
Lincoln Dodge, Inc. v. Sullivan (D. R.I. Nov. 2008)	challenges to state vehicle standards	EPCA, CAA	sought to declare state standards invalid on preemption grounds under EPCA and CAA	motion granted for manufacturers	settled
Linder v. EPA (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's finding that GHG emissions endanger public health and welfare	n/a	active
Longleaf Energy v. Friends of the Chattahoochee (Ga. Ct. App. July 2009)	coal-fired power plant challenges	Georgia state law	challenge to construction of coal-fired power plant on Chattahoochee River	reversed lower court invalidation of permit; no requirement under CAA to include CO2	Unknown
Louisiana Dept. of Env. Quality v. EPA (5th Cir., filed June 2012)	CAA	CAA	challenge to EPA's rejection of first state-issued CAA permits to include GHG limits	n/a	active
Luminant Generation Co. v. EPA (5th Cir. July 2014)	coal-fired power plant challenges	CAA	challenge to EPA finding that power plants violated Texas's clean air plan	dismissed for lack of subject matter jurisdiction	unknown
Lynn v. Peabody Energy Corp., No. 4:15-cv-00919 (E.D. Mo., filed June 2015)	regulate private conduct	ERISA	action alleging that coal company breached fiduciary duties in connection with employee pension plans by retaining stock in company	n/a	pending

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In re Magnolia LNG, LLC, Nos. CP14-347, CP14-511 (FERC request for rehearing May 16, 2016)	NEPA	NEPA	challenge to liquefied natural gas facilities in Lake Charles, Louisana	n/a	
Mann v. National Review, Inc. (D.C. Super. Ct. Jan. 2014)	climate change protestors and scientists	common law tort	Michael Mann filed a defamation lawsuit against the National Review and Competitive Enterprise Institute for accusing him of academic fraud	CEI and National Review motions to dismiss denied	notices of appeal filed Jan. 2014
Margate City, New Jersey v. United States Army Corps of Engineers, No. 1:14-cv-07303 (D.N.J., filed Nov. 2014)	adaptation	constitutional law, New Jersey law	challenge to dune project planned for city beaches	n/a	preliminary injunction denied
In re Maryland Office of People's Counsel, No. 17-C-15-019974 (Md. Cir. Ct. filed 2015)	stop government action	Maryland law	petition for review of Maryland Public Service Commission's approval of a merger between utility and energy generating companies	petition denied	appeal pending
Maryland Office of People's Counsel v. Maryland Public Service Commission, No. 2173 (Md. Cir. Ct., filed	adaptation	Maryland law	challenge to grid resiliency charge authorized by Maryland Public Service Commission	charge upheld	

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Massachusetts v. EPA 127 S. Ct. 1438 (2007)	CAA	CAA	challenge to decision by EPA not to regulate GHGs from mobile sources under CAA	standing granted; EPA required to decide whether to regulate GHGs under CAA	not active
Massachusetts v. EPA (D.C. Cir. June 2008)	CAA	CAA	sought to enforce Supreme Court's mandate on EPA to decide whether GHGs should be regulated under CAA	petition denied	not active
Massachusetts v. Whitman (D. Conn., filed June 2003)	CAA	CAA	challenge to EPA's failure to list carbon dioxide as a pollutant under CAA	n/a	voluntarily dismissed
Mayo Found. v. Surface Transportation Board (8th Cir. 2006)	NEPA	NEPA	challenge to STB's approval of 280 new miles of rail lines to reach coal mines and upgrade of 600 miles of existing lines	petition denied; EIS found to be adequate	no appeal pending
Merced Alliance for Responsible Growth v. City of Merced (Cal. Ct. App. Nov. 2012)	state NEPAs	CEQA	challenge to approval to build regional distribution center in the city	denial affirmed	petition for review denied March 13, 2013
Metropolitan Taxicab Board of Trade v. New York City (S.D.N.Y., filed Sept. 2008)	challenges to state action	EPCA and CAA	challenge to NYC law to increase fuel efficiency standards for taxi fleet on preemption grounds	n/a	see below

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Metropolitan Taxicab Board of Trade v. New York City (S.D.N.Y. June 2009)	challenges to state action	EPCA and CAA	challenge to NYC law to increase fuel efficiency standards by using lease cap rules for taxis	preliminary injunction granted	see below
Metropolitan Taxicab Board of Trade v. New York City (2d Cir. July 2010)	challenges to state action	EPCA and CAA	challenge to NYC law to increase fuel efficiency standards by using lease cap rules for taxis	preliminary injunction upheld	petition for cert. filed Nov. 2010; denied
Mexichem Fluor, Inc. v. EPA, No. 15-1328 (D.C. Cir., filed Sept. 2015)	challenges to federal action	CAA	challenge to prohibitions and restrictions on use of certain hydrofluorocarbons in Significant New Alternatives Policy program	consolidated with Arkema Inc. v. EPA, No. 15-1329, and Compsys, Inc. v. EPA, No. 15-1334	see Arkema Inc. v. EPA, No. 15-1329
***In re* MGP Ingredients of Illinois, Inc.** (EPA Env. App. Bd., filed July 2009)	coal-fired power plant challenges	CAA	challenge to PSD permit on grounds that it lacks a limit for carbon dioxide	n/a	active
Mid States Coalition for Progress v. Surface Trans. Bd. (8th Cir. 2003)	NEPA	NEPA	challenge to STB's approval of 280 miles of rail lines to reach coal mines and upgrade of 600 miles of existing line	remanded decision; EIS found to be inadequate	no appeal pending
Minn. Center for Environmental Advocacy v. Holsten (Dist. Ct. Itasca Co., filed 2007)	state NEPAs	Minn. Env. Policy Act	challenge to EIS prepared in conjunction with construction of ore mining facility	n/a	see below
Minn. Center for Environmental Advocacy v. Holsten (Dist. Ct. Itasca Co. Oct. 2008)	state NEPAs	Minn. Env. Policy Act	challenge to EIS prepared in conjunction with construction of ore mining facility	EIS valid	see below

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Minn. Center for Environmental Advocacy v. Holsten (Minn. Ct. App. Sept. 2009)	state NEPAs	Minn. Env. Policy Act	challenge to EIS prepared in conjunction with construction of ore mining facility	EIS upheld	unknown
Minn. Center for Env. Advocacy v. Minn. Pub. Util. Comm. (Dec. 2010)	state NEPAs	Minn. Env. Policy Act	challenge to EIS prepared in conjunction with 313-mile petroleum pipeline	EIS upheld	unknown
Mirant Mid-Atlantic LLC v. Montgomery Co. (4th Cir. June 2011)	challenges to state action	14th Amendment	challenge to state law taxing local CO2 emitters	granting motion to dismiss reversed	remanded
Mirant Potomac River LLC v. EPA (4th Cir. Aug. 2009)	coal-fired power plant challenges	CAA	challenge to EPA's denial to allow power plant to use emissions trading to meet CAIR obligations	denial upheld	unknown
Mission Bay Alliance v. Office of Community Investment and Infrastructure, Nos. CPF-16-514892, CPF-16-514811 (Cal. Super. Ct., filed 2016)	state NEPAs	CEQA	challenge to mixed-used development in San Francisco that included new arena for Golden State Warriors	petition denied (July 2016)	notice of appeal (July 2016)
Miss. Ins. Dep't v. U.S. Dep't of Homeland Security (S.D. Miss., filed Sept. 2013)	adaptation	Biggert-Waters Flood Insurance Reform and Modernization Act of 2012	challenge to implementation of increased rates for the National Flood Insurance Program	voluntarily dismissed without prejudice (Apr. 2014)	resolved

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Mississippi Power Co. v. Mississippi Public Service Commission, No. 2012-UR-01108-SCT (Miss. Feb. 2015)	coal-fired power plant challenges	Mississippi law	challenge to rate increase to finance Kemper Project in Mississippi, a coal-fired project that includes carbon capture technology	order granting rate increase reversed	remanded to MPSC
Miss. Power Co. v. Miss. Pub. Serv. Comm'n, No. 2013-CC-00682-SCT (Miss. Apr. 2014)	force government to act/other statutes	Mississippi Public Records Act	action seeking disclosure of documents concerning economic impact of GHG emissions regulation	documents were not exempt from disclosure	remanded
In re Mississippi Power Co., No. 2015-UN-80 (Miss. Pub. Serv. Comm'n Aug. 2015)	challenges to coal-fired power plants	Mississippi law	proceeding seeking temporary emergency rate increase for developer of Kemper Project	rate increase authorized	
Monroe Energy, L.L.C. v. EPA (D.C. Cir. May 2014)	challenges to federal action	CAA	challenge to EPA's renewable fuel standards for 2013	petition denied	unknown
Monroe Energy, LLC v. EPA, No. 14-1014 (D.C. Cir., filed Jan. 2014)	challenges to federal action	CAA	challenge to EPA's 2010 renewable fuel standard rule	n/a	
Monroe Energy, LLC v. EPA, No. 14-1033 (D.C. Cir. Aug. 2014)	challenges to federal action	CAA	challenge to EPA's cellulosic biofuel standard for 2013	joint motion for voluntary dismissal granted	dismissed
Montana Elders for a Livable Tomorrow v. U.S. Office of Surface Mining, No. 9:15-cv-00106 (D. Mont., filed Aug. 2015)	NEPA	NEPA	challenge to federal approvals for expansion of coal mine in central Montana	n/a	active
Montana Env. Info. Center v. BLM (D. Mont., filed Dec. 2008)	NEPA	NEPA	action seeking to force BLM to consider climate impacts of oil and gas leasing decisions	n/a	settled March 2010

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Montana Env. Info. Center v. BLM (D. Mont., filed Feb. 2011)	NEPA	NEPA	action seeking to force BLM to control release of methane from oil and gas leases on public land	dismissed pursuant to stipulated agreement (July 2016)	
Montana Env. Info. Center v. Johanns (D.D.C., filed 2007)	coal-fired power plant challenges	NEPA	challenge to Rural Utilities Service's funding of large scale new coal-fired power plants	n/a	unknown
Montana Env. Info. Center v. Mont. Bd. of Land Comm. (D. Montana, filed May 2010)	state NEPAs	Montana Env. Policy Act	challenge to state lease of 8,300 acres for coal strip mine	n/a	active
Montana Env. Info. Center v. Mont. Bd. of Land Comm. (D. Montana Jan. 2011)	state NEPAs	Montana Env. Policy Act	challenge to state lease of 8,300 acres for coal strip mine	motion to dismiss denied	unknown
Montana Env. Info. Center v. Montana Dept. of Energy (Montana Bd. of Env. Rev. Jan. 2008)	coal-fired power plant challenges	CAA and Montana state law	challenge to construction of 250 MW coal-fired power plant	ordered DOE to consider ways to limit PM2.5 emissions	unknown
Montana Env. Info. Center v. Mont. Dept. of Env. Quality (Mt. Dist. Ct., filed June 2008)	coal-fired power plant challenges	federal and state CAA	challenge to permit issued by Montana DEQ to proposed power plant on grounds that it did not include analysis of BACT for CO2	n/a	unknown
Montana Envtl. Info. Center v. Montana Dep't of Envtl. Quality (filed June 2007)	project challenges	Montana state law	challenge to decision by Montana DEQ to issue permit for development project	n/a	unknown

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Morning Star Packing Co. v. CARB (Cal. Super. Ct., filed Apr. 2013)	challenges to state action	AB 32	challenge to cap-and-trade program's auction provisions	petition denied	on appeal
In re Murray Energy Corp., MUR 6659 (FEC complaint filed Oct. 2012)	regulate private conduct	federal election law	enforcement proceeding concerning failures to comply with disclosure and reporting requirements for campaign spending	conciliation agreement (Sept. 2015)	
Murray Energy Corp. v. McCarthy, No. 5:14-cv-39 (N.D. W. Va., filed Mar. 2014)	challenges to federal action	CAA	action to compel EPA to undertake evaluation of CAA administration and enforcement on employment	n/a	EPA motion for summary judgment (May 2016)
In re Murray Energy Corp., No. 14-1112 (D.C. Cir., filed June 2014)	challenges to federal action	CAA	petition for extraordinary writ to enjoin EPA from conducting rulemaking to regulate GHG emissions from existing power plants	petition denied (June 2015)	rehearing denied (Sept. 2015)
Murray Energy Corp. v. EPA, No. 14-1151 (D.C. Cir., filed Aug. 2014)	challenges to federal action	CAA	petition for review of proposed rule to regulate GHG emissions from existing power plants	petition denied (June 2015)	rehearing denied (Sept. 2015)

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Musicraft, Inc. v. City of Ann Arbor (Mich. Cir. Ct., filed August 2009)	state NEPAs	Michigan Env. Protection Act	challenge to city parking structure on grounds that it would increase GHG emissions	settled	not active
National Association of Manufacturers v. EPA (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning GHGs	petition denied	cert. denied 2013
National Association of Manufacturers v. EPA (D.C. Cir., filed May 2010)	challenges to federal action	CAA	challenge to EPA's schedule to regulate GHGs from new and modified stationary sources	D.C. Cir. denial of petition aff'd in part, rev'd in part June 2014	
National Association of Manufacturers v. EPA (EPA, filed July 2010)	challenges to federal action	CAA	challenge to EPA's tailoring rule	D.C. Cir. denial of petition aff'd in part, rev'd in part June 2014	
National Audubon Society v. Kempthorne (D. Alaska 2006)	NEPA	NEPA	challenge to BLM's EIS that opened land to oil and gas development	EIS upheld	unknown
National Chicken Council v. EPA (D.C. Cir., filed May 2010)	challenges to federal action	EISA	challenge to renewable fuels standard	n/a	see below

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National Chicken Council v. EPA (D.C. Cir. July 2012)	challenges to federal action	EISA	challenge to renewable fuels standard	challenge dismissed	unknown
National Mining Association v. EPA (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning GHGs	n/a	active
National Petrochemical & Refiners Association v. EPA (D.C. Cir., filed March 2010)	challenges to federal action	EISA	challenge to final rule requiring motor fuel producers to include certain percentage of renewable fuels in their products	n/a	active
National Petrochemical & Refiners Association v. EPA (D.C. Cir. Dec. 2010)	challenges to federal action	EISA	challenge to final rule requiring motor fuel producers to include certain percentage of renewable fuels in their products	petition dismissed	see below
National Petrochemical & Refiners Association v. EPA (D.C. Cir. April 2011)	challenges to federal action	EISA	challenge to final rule requiring motor fuel producers to include certain percentage of renewable fuels in their products	motion for rehearing en banc denied	petition for cert. denied Nov. 2011
National Petrochemical & Refiners Association v. EPA (D.C. Cir., filed Jan. 2011)	challenges to federal action	CAA	challenge to final rule to allow use of gasoline with up to 15% ethanol in vehicles from 2007 or later	n/a	see below
National Petrochemical & Refiners Association v. EPA (D.C. Cir. Aug. 2012)	challenges to federal action	CAA	challenge EPA's decision to allow more ethanol in fuel for 2001 and newer cars and light trucks	dismissed on standing grounds	unknown
National Petrochemical & Refiners Association v. Goldstene (E.D. Cal., filed Feb. 2010)	challenges to state action	Commerce Clause	challenge to California's low-carbon fuel standard on the grounds that it violates the Commerce Clause	n/a	active

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National Petrochemical & Refiners Association v. Goldstene (E.D. Cal. June 2010)	challenges to state action	Commerce Clause	court denied California's motion to dismiss under Clean Air Act	motion denied	active
National Wildlife Federation v. EPA (D.C. Cir., filed April 2011)	other statutes/ EISA	EISA	challenge to denial of petition to set criteria for renewable fuels	n/a	active
National Wildlife Federation v. National Marine Fisheries Service, No. 3:01-cv-00640 (D. Or., filed 2001)	stop government action	ESA, NEPA	challenge to reviews of the Federal Columbia River Power System	remanded	
Native Village of Kivalina v. ExxonMobil Corp. (9th Cir. Sept. 2012)	common law claims	nuisance	sought damages for climate change on Alaskan village from oil companies	dismissal upheld	cert. denied May 2013
Native Village of Point Hope v. Jewell (9th Cir. Jan. 2014)	stop government action	NEPA	challenge to oil and gas lease sale in Chukchi Sea off the northwest coast of Alaska	remanded to district court	plaintiffs filed supplemental complaint and motion for summary judgment (Aug. 2015)
Natural Resources Defense Council v. Federal Energy Regulatory Commission, No. 16-1236 (D.C. Cir., filed July 2016)	stop government action	Federal Power Act	challenge to FERC's approvals of PJM Interconnection L.L.C.'s changes to the capacity market rules	n/a	
Nebraska v. EPA (D. Neb. Oct. 2014)	challenge to federal action	CAA	challenge to proposed GHG new source performance standards for coal-fired electric generating units	dismissed	unknown

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Neighbors for Smart Rail v. Exposition Metro Line Const. Authority (Cal. Ct. App. April 2012)	state NEPAs	CEQA	challenge to baseline GHG conditions for planned light rail line	dismissal affirmed	unknown
New Energy Economy, Inc. v. Leavell (N.M. June 2010)	challenges to state action	state law	challenge to state regulatory panel's authority to regulate GHGs	vacated preliminary injunction	unknown
New Energy Economy, Inc. v. Vanzi (N.M. Feb. 2012)	challenges to state action	state law	challenge to state regulatory panel's authority to regulate GHGs; sought to participate in appeal of rules	allowed 3 of 4 groups to participate in appeal	unknown
New York v. EPA (D.C. Cir., filed 2006)	Clean Air Act	CAA	challenge to EPA's decision declining to regulate GHG emissions from power plants and steam generating units	n/a	settled Dec. 2010
New York v. EPA (D.C. Cir., filed Aug. 2008)	Clean Air Act	CAA	challenge to EPA's decision not to add GHGs to new source performance standards for petroleum refineries	n/a	active
No Wetlands Landfill Expansion v. County of Marin, No. A137459 (Cal. Ct. App. Dec. 2014)	state NEPAs	CEQA	challenge to landfill expansion	petition denied	denial affirmed (Dec. 2014)
North Carolina v. TVA (W.D.N.C. Jan. 2009)	coal-fired power plant challenges	nuisance	state alleged that company's power plants in other states constituted a nuisance	granted with respect to four plants	unknown

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North Carolina v. TVA (4th Cir. July 2010)	coal-fired power plant challenges	nuisance	state alleged that company's power plants in other states constituted a nuisance	reversed district court	unknown
N.C. Alliance for Trans. Reform v. U.S. DOT (M.D.N.C. May 2010)	NEPA	NEPA	challenge to federally funded highway project on grounds that it did not evaluate GHG impacts	case dismissed	unknown
N.C. Waste Awareness Network v. N.C. Dept. of Env. & Nat. Resources (N.C. Office of Adm. Hearings, May 2009)	coal-fired power plant challenges	CAA	challenge to permit for failure to consider carbon dioxide emissions of expansion of power plant	motion to dismiss denied on this point	active
North Coast Rivers Alliance v. Marin Municipal Water District Board of Directors (Cal. Ct. App. May 2013)	state NEPAs	CEQA	challenge to desalination facility	reversed trial court and dismissed challenge	unknown
North Dakota v. EPA, No. 16-1242 (D.C. Cir., filed July 15, 2016)	challenges to federal action	CAA	challenge to oil and gas sector methane emission standards	n/a	
North Dakota v. Heydinger (D. Minn. Apr. 2014)	challenges to state action	Commerce Clause	challenge to Minnesota law that prohibits importation of power from large energy facility that would contribute to statewide GHG emissions	plaintiffs' mot. for summ. j. granted in part, denied as moot in part; enforcement of statute enjoined	8th Cir. affirmed (June 2016); motion for fees (June 2016)

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North Dakota v. EPA, No. 15-1381 (D.C. Cir. filed Oct. 2015)	challenges to federal action	CAA	challenge to new source performance standards for greenhouse gas emissions from power plants	n/a	active
North Sonoma County Healthcare District v. County of Sonoma (Cal. Ct. App. Aug. 2013)	state NEPAs	CEQA	challenge to new hospital and medical office building	writ of mandate discharged	award of attorney fees to plaintiffs affirmed
***In re* N. Mich. Univ. Ripley Heating Plant** (EPA Env. App. Bd. Feb. 09)	coal-fired power plant challenges	CAA	challenge to issuance of PSD permit for failing to consider CO2 emissions	remanded to state regulatory agency	unknown
Northern Plains Resource Council v. Mont. Bd. of Land Comm. (Mont., filed May 2010)	state NEPAs	Montana Env. Policy Act	challenge to state lease of 8,300 acres for coal strip mine	n/a	active
Northern Plains Resource Council v. Mont. Bd. of Land Comm. (Mont. Jan. 2011)	state NEPAs	Montana Env. Policy Act	challenge to state lease of 8,300 acres for coal strip mine	motion to dismiss denied	unknown

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Northern Plains Resource Council v. Mont. Bd. of Land Comm. (Mont. Oct. 2012)	state NEPAs	Montana Env. Policy Act	challenge to state lease of 8,300 acres for coal strip mine	dismissal affirmed	unknown
Northern Plains Resources Council v. Surface Transportation Board (9th Cir. Dec. 2011)	NEPA	NEPA	challenge to approval of application to build 130-mile rail line in Montana to haul coal	reversed in part	active
North Slope Borough v. Minerals Mgmt. Service (9th Cir. Aug. 2009)	NEPA	NEPA	challenge to federal government's decision not to supplement EIS in connection with its plan to sell oil and gas leases in the Beaufort Sea	decision affirmed	unknown
Northwest Environmental Defense Center v. Cascade Kelly Holdings LLC, No. 3:14-cv-01059 (D. Or., filed July 2014)	regulate private conduct	CAA	challenge to oil terminal operators' failure to obtain PSD permit	ruling for defendants (Dec. 2015)	
Northwest Environmental Advocates v. Nat'l Marine Fisheries Serv. (9th Cir. 2006)	NEPA	NEPA	challenge to adequacy of EIS prepared in connection with project to dredge and deepen Columbia River navigation channel	affirmed decision finding EIS adequate	no appeal pending
Northwest Environmental Def. Center v. Owens Corning Corp., (D. Ore. 2006)	project challenges	CAA	challenge to construction of polystyrene foam insulation manufacturing facility on grounds that it did not get required preconstruction permit	standing granted; motion to dismiss denied	unknown

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NRDC v. Army Corps of Engineers (N.D. Ohio, March 2010)	NEPA	NEPA	challenge to coal-to-liquid fuel plant	motion to dismiss granted	appeal to 6th Cir. filed
NRDC v. Bureau of Land Management (D.D.C., filed May 2010)	NEPA	NEPA	challenge to BLM's authorization of oil and gas development on federal land	n/a	active
NRDC v. Cal. Dept. of Transportation (Cal. Ct. App. Nov. 2011)	state NEPAs	CEQA	challenge to approval of new expressway on grounds that GHG emissions impacts were not addressed	approval upheld	unknown
NRDC v. EPA (D.C. Cir., filed Sept. 2011)	challenges to federal action	CAA	challenge to EPA's decision to defer GHG permits for biomass facilties for three years	n/a	active
NRDC v. Kempthorne (E. D. Cal. 2007)	other statutes (ESA)	ESA/APA	challenge to agency's biological opinion "no jeopardy" finding concerning Delta smelt	Bi Op found inadequate	unknown
NRDC v. Mich. Dept. of Env. Quality (Mich. Cir. Ct., filed April 2011)	challenges to coal-fired power plants	CAA	challenge to issuance of air permit for expansion of coal-fired power plant	n/a	active
NRDC v. Mich. Dept. of Nat. Resources (Mich. Cir. Ct., filed March 2010)	challenges to coal-fired power plants	CAA	challenge to issuance of air permit for coal-fired power plant	n/a	active

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NRDC v. Mineta (S.D.N.Y. 2005)	other statutes (Art. Mot. Fuels Act)	Alternative Motor Fuels Act	challenge to decision by federal officials to extend special treatment of dual-fueled motor vehicles to not comply with CAFE standards	standing granted	unknown
Natural Resources Defense Council v. Pollution Control Board, No. 4-14-0644 (Ill. App. Ct. filed 2014)	challenges to coal-fired power plants	Clean Water Act	challenge to NPDES permit for the Havana Power Station	permit affirmed (July 2015)	
NRDC v. South Coast Air Quality Management Dist. (L.A. Co. Sup. Ct. July 2008)	state NEPAs	CEQA	challenge to SCAQMD's promulgation of air quality regulations	granted petition; rules found to violate CEQA	unknown
NRDC v. State Reclamation Board (Cal. Super. Ct. April 2007)	state NEPAs	CEQA	challenge to EIR for development project on grounds that it did not take into account impacts of climate change	petition denied	unknown

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NRDC v. U.S. State Dept. (D. D.C. Sept. 2009)	NEPA	NEPA	challenge to planned pipeline that would carry oil from Canadian tar sands to U.S.	case dismissed	unknown
NRDC v. Wright-Patterson Air Force Base (S.D.N.Y. Aug. 2011)	other statutes	FOIA	FOIA request concerning coal-to-liquid facility	case dismissed on SJ	Unknown
Nucor Steel-Arkansas v. Big River Steel, LLC, No. 3:14-CV-00193 (E.D. Ark. Feb. 2015)	regulate private conduct	CAA	citizen suit brought by steel company to challenge air permits for rival company's facility	dismissed	dismissal affirmed (8th Cir. June 2016)
Oceana, Inc. v. Pritzker, No. 08-cv-1881 (D.D.C. Dec. 17, 2014)	other statutes	ESA	challenge to biological opinion for fishery management plan	summary judgment motions granted in part, denied in part	
Oceana, Inc. v. Pritzker, No. 12-cv-0041 (D.D.C., filed 2012)	other statutes	ESA	challenge to biological opinion for fishery management plan	summary judgment motions granted in part, denied in part (Aug. 2015)	remanded
Oceana, Inc. v. Pritzker, No. 1:15-cv-00555 (D.D.C., filed Apr. 2015)	stop government action/other statutes	ESA	challenge to biological opinion for continued operation of shrimp trawl fisheries	n/a	active

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Ohio Coal Association v. EPA (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active
Ohio Coal Association v. EPA (D.C. Cir., filed June 28, 2010)	challenges to federal action	CAA	challenge to EPA's tailoring rule	n/a	active
Okeson v. City of Seattle (Wash. 2007)	regulate private conduct	Washington state law	challenge to Seattle ordinance that required utilities to pay public and private entities to mitigate GHG emissions	reversed grant of SJ to City	unknown
Oklahoma v. McCarthy, No. 4:15-cv-00369 (N.D. Okla., filed July 2015)	challenge to federal action	CAA	challenged to proposed regulation of carbon dioxide emissions from existing power plants	dismissed (July 2015)	appeal withdrawn (Sept. 2015)
Olmstead Co. Concerned Citizens v. Minn. Poll. Control Agency (Minn. Ct. App. Dec. '10)	state NEPAs	Minn. state law	challenge to agency's refusal to require EIS at ethanol facility	affirmed	unknown
Ophir v. City of Boston (D. Mass Aug. 2009)	challenges to state vehicle standards	CAA, EPCA	challenge to city requirement that taxicab companies purchase new hybrid cars by 2015	hybrid requirement invalidated	active
Oregon Wild v. U.S. Forest Service, No. 1:15-cv-00895 (D. Or., filed 2015)	stop government action	ESA	challenge to authorization of continued livestock grazing around Sycan River in Oregon	summ. j. for defs. (June 2016)	
In re Otter Tail Power Co. (S.D. Sup. Ct. Jan. 2008)	coal-fired power plant challenges	South Dakota state law	sought review of state commission's decision that granted company's permit to build coal-fired power plant	decision affirmed	no appeal pending

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Our Children's Earth Foundation v. California Air Resources Board, No. A138830 (Cal. Ct. App. Feb. 2015)	stop government action	California Global Warming Solutions Act of 2006 (AB 32)	challenge to offset program in California's cap-and-trade program for greenhouse gases	petition denied	denial affirmed by California Court of Appeal (Feb. 2015)
Owner-Operator Independent Drivers Association, Inc. v. EPA, No. 14-1192 (D.C. Cir., filed Oct. 2014)	challenges to federal action	CAA	challenge to EPA waiver of Clean Air Act preemption of California's greenhouse gas regulations for certain heavy-duty tractor-trailer trucks	dismissed (Nov. 2015)	
Pacific Coast Fed. of Fisherman's Ass'ns v. Gutierrez (E.D. Cal. July 2008)	other statutes (ESA)	ESA	challenge to federal agency's 2004 biological opinion on the effects of two California water projects on endangered salmon and steelhead	summary judgment denied	unknown
Pacific Merchant Shipping Assoc. v. Goldstene (9th Cir. 2008)	Clean Air Act	CAA	challenge to California Air Resources Board's marine vessel rules	preempted by CAA	unknown
Pacific Merchant Shipping Assoc. v. Goldstene (9th Cir. 2011)	Clean Air Act	CAA	challenge to CARB's rules requiring vessels traveling within 24 miles of coastline to switch to low-sulfur fuels	rules upheld	unknown
Palm Beach Co. Env. Coalition v. Florida (S.D. Florida Nov. 2008)	coal-fired power plant challenges	CAA, NEPA	sought temporary injunction against construction of power plant on grounds that GHG emissions would exacerbate climate change	motion denied	unknown

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Palm Beach Co. Env. Coalition v. Florida (S.D. Florida July 2009)	coal-fired power plant challenges	CAA, NEPA	motion to dismiss action filed against construction of power plant on grounds that GHG emissions would exacerbate climate change	motion granted	unknown
Palmer Renewable Energy, LLC v. Zoning Board of Appeals of City of Springfield, Nos. 12 PS 461494 AHS, 12 PS 468569 AHS (Mass. Land Ct. Aug. 2014)	challenges to local action	local law	challenge to denial of special permits for biomass energy plant	plaintiffs' motion for summary judgment granted	unknown
Panoche Energy Center, LLC v. Pacific Gas & Electric Co., No. A140000 (Cal. Ct. App. May 2016)	common law claims	contract law	challenge to arbitration panel's determination that electricity producer assumed costs of compliance with AB 32	determination reinstated	
Partnership for Policy Integrity v. McCarthy, No 5:16-cv-00038 (M.D. Ga., filed 2016)	force government action	CAA	action to compel EPA to respond to petition requesting that EPA object to permit for biomass-fueled power plant in Georgia	proposed consent decree	
Peabody Energy Co. v. EPA (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active
Peabody Western Co. v. EPA (D.C. Cir., filed Oct. 2012)	coal-fired power plant challenges	CAA	coal company filed an appeal of EPA Env. Appeals Board's denial of its petition for review concerning EPA's approval of the company's Title V permit concerning a surface coal mining operation in Arizona	n/a	active

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Permian Basin Petroleum Association v. Department of the Interior, No. 14-cv-50 (W.D. Tex. filed 2014)	challenges to federal action	ESA	challenge to listing of lesser prairie chicken as a threatened species	listing rule vacated (Sept. 2015)	appeal voluntarily withdrawn
Peters v. Honda (Cal. Small Claims Ct. Feb. 2012)	regulate private conduct	California state law	challenge to Honda's fuel economy claims for Civic	awarded plaintiff $9,867 in damages	unknown
Petrozzi v. City of Ocean City (N.J. App. Div. Oct. 2013)	adaptation	NJ common law	suit against City of Ocean City for breaching easement obligation to abide by dune height limitation	remanded for determination of damages	request for N.J. Supreme Court review denied June 2014
A Piece of Paradise, LLC v. Borough of Fenwick Zoning Board of Appeals, No. LNDCV136047679S (Conn. Super. Ct., filed 2013)	adaptation	Connecticut land use law	challenge to the denial of variances and coastal site plan approval for a single-family home on a parcel located on the Connecticut coast	determination upheld	
Pietrangelo v. S & E Customize It Auto Corp. (N.Y. Civ. Ct. May 2013)	common law claims	common law	action seeking to recover for damage incurred to vehicle stored at repair shop during Hurricane Sandy	dismissed	unknown

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Pinnacle Ethanol v. EPA (D.C. Cir., filed May 2010)	challenges to federal action	EISA	challenge to renewable fuel standard	n/a	active
In re Pio Pico Energy Center LLC (EAB Aug. 2013)	project challenges/other challenges	CAA	challenge to EPA permit for natural gas power plant for failing to consider cleaner generation technologies	remanded in part/denied review in part	active
Plant Oil Powered Diesel Fuel Systems v. DOT (D.C. Cir., filed Oct. 2012)	challenges to federal action	CAA	challenge to DOT's fuel economy GHG emissions standards for passenger vehicles and heavy-duty trucks for not accounting for GHGs from producing the fuels	dismissed	
Plant Oil Powered Diesel Fuel Systems, Inc. v. EPA, No. 15-1011 (D.C. Cir., filed Jan. 2015)	challenges to federal action	CAA	challenge to delay in promulgating final 2014 standards for the Renewable Fuel Standard program	voluntarily dismissed (Feb. 2015)	resolved

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POET, LLC v. California Air Resources Board, No. 15 CECG03380 (Cal. Super. Ct., filed Oct. 2015)	challenges to state action	CEQA, AB 32	challenge low carbon fuel standard and alternative diesel fuel regulations	n/a	
POET, LLC v. Cal. Air Resources Board (Cal. Ct. App. Aug. 2013)	challenges to state action	AB 32	challenge to state low carbon fuel standard	dismissal reversed	petition for review by Cal. Sup. Ct. denied
In re Polar Bear Endangered Species Act Litigation (D.D.C. Oct. 2011)	Endangered Species Act	ESA	challenge to listing of polar bear and threatened species under ESA	found violation of NEPA but not ESA	
In re Polar Bear Endangered Species Act Litigation (D.C. Cir. Oct. 2013)	Endangered Species Act	ESA	challenge to listing of polar bear and threatened species under ESA	upheld dismissal of challenge to "threatened" designation	cert. denied
In re Polar Bear Endangered Species Act Litigation (D.C. Cir. June 2013)	Endangered Species Act	ESA/Marine Mammal Protection Act	challenge to barring of importation of polar bear trophies	dismissal affirmed	unknown
Portland Cement Association v. EPA (D.C. Cir. Dec. 2011)	challenges to federal action	CAA	challenge to emissions standards for cement kilns	dismissed claim that standards should include GHGs	unknown
Powder River Basin Res. Council v. Wyoming Dept. of Env. Qual.(Wyoming March 2010)	coal-fired power plant challenges	CAA	challenge seeking to impose CO2 emissions limits on power plant	permit upheld	unknown

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Power Inn Alliance v. Co. of Sacramento Env. Man. Agency (Cal. Ct. App. March 2011)	state NEPAs	CEQA	challenge to proposed solid waste facility on grounds that negative declaration violated CEQA	dismissal upheld	unknown
Prasinos v. Musk, No. 12723 (Del. Ch., filed Sept. 2016)	regulate private conduct	state common law	claims against proposed acquisition of SolarCity Corporation by Tesla Motors, Inc.		
***In re* Progress Energy Florida** (Florida Cabinet Aug. 2009)	coal-fired power plant challenges	CAA	application to build nuclear-powered electric generating facility	approved	n/a
Protect Our Communities Foundation v. Jewell, No. 3:13-cv-00575-JLS-JMA (S.D. Cal. Mar. 2014)	NEPA	NEPA	challenge to wind power project	defs.' cross mot. for summ. j. granted	aff'd (9th Cir. June 2016)
PT Air Watchers v. Washington, No. 88208-8 (Wash. Feb. 2014)	state NEPAs	Wash. SEPA	challenge to approval for construction of cogeneration facility at paper mill	agency decision upheld	
Public Citizen v. Texas Comm. on Env. Quality (Tex. Dist. Ct., filed Oct. 2009)	state NEPAs	Texas Clean Air Act	challenge to state's failure to address climate change when approving new coal facilities	n/a	active
Public Service Co. of Colorado v. City of Boulder, No. 2016COA138 (Colo. Ct. App. dismissed Sept. 2016)	challenges to local action		challenge to City of Boulder ordinances that took steps to implement creation of new municipal utility	dismissed	
Public Service Co. of New Mexico v. EPA (10th Cir. March 2012)	coal-fired power plant challenges	CAA	request to delay implementing pollution-control technology on nitrogen oxide emissions from power plant	stay denied	

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Public Service Co. of Okla. v. EPA (10th Cir., settlement proposed Nov. 2012)	coal-fired power plant challenges	CAA	Proposed settlement to take one coal-burning unit out of commission and install better pollution control equipment on another	n/a	active
Puget Soundkeeper Alliance v. Port of Seattle, No. 15-2-05143-1 SEA (Wash. Super. Ct., filed Mar. 2015)	state NEPAs	Wash. SEPA	challenge to lease that would allegedly make the Port of Seattle the homeport for Royal Dutch Shell's Arctic drilling fleet	summary judgment for defendants (July 2015)	appeal pending
In re Quantification of Environmental Costs (Minn. Ct. App. 1998)	challenges to state action	Minnesota state law	sought review of state commission's decision setting env. cost values for carbon dioxide	decision affirmed	no appeal pending
Ranchers Cattlemen Action Legal Fund v. Connor (D. S.D., filed Oct. 2007)	NEPA	NEPA	challenge to USDA's Rural Utility Service's regulations relaxing restrictions on import of live cattle on grounds that EA did not analyze increased emissions of GHGs from transport and importation of cattle	n/a	unknown
Reese River Basin Citizens Against Fracking, LLC v. Bureau of Land Management, No. 3:14-cv-00338 (D. Nev. Sept. 2014)	NEPA	NEPA	challenge to issuance of oil and gas leases in Nevada	dismissed	unknown
In re Regional Greenhouse Gas Initiative (RGGI) (N.J. Super. Ct. App. Div. Mar. 2014)	challenges to state action	state law	challenge to New Jersey's withdrawal from RGGI on the grounds that it violated the New Jersey Administrative Procedure Act	remanded to NJDEP	active

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Residents for Sane Trash Solutions, Inc. v. United States Army Corps of Engineers, No. 12 Civ. 8456 (PAC) (S.D.N.Y. July 2014)	adaptation	SEQRA/NEPA	challenge to Corps wetlands permit for solid waste marine transfer station on East River in New York City	defendants' mot. for summ. j. granted	unknown
Resisting Env. Destruction on Indigenous Lands v. EPA (9th Cir., filed Feb. 2012)	CAA	CAA	challenge to two permits issued by EPA to Shell for offshore Arctic drilling operations	n/a	active
Resolute Forest Products, Inc. v. Greenpeace International, No. 1:16-tc-05000 (S.D. Ga., filed May 2016)	climate protesters and scientists	RICO, common law	action under the federal RICO law and common law by forest product company against Greenpeace	n/a	
Reyes v. EPA (D.D.C. June 2014)	other statutes	FOIA	AG of Utah sought documents concerning EPA's endangerment finding	EPA motion for summary judgment granted	
Rialto Citizens for Resp. Growth v. City of Rialto (Cal. Ct. App. July 2012)	state NEPAs	CEQA	challenge to approval of Wal-Mart Supercenter for failing to adequately address GHG emissions	challenge dismissed	unknown
Rocky Mountain Farmers Union v. Corey (9th Cir. Sept. 2013)	challenges to state action	Commerce Clause; state law	challenge to California's low carbon fuel standard	affirmed in part and reversed in part summary judgment for plaintiff; vacated preliminary injunction	cert. denied June 2014, on remand to E.D. Cal., motions to dismiss and for partial summary judgment granted in part (Aug. 2015)

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Rocky Mountain Wild v. Kornze (D. Colo., filed July 2013)	other statutes	ESA	challenge to BLM approval of resource management plans in Colorado, Utah, and Wyoming to permit oil shale or tar sands leasing	n/a	active
Roe v. Arch Coal, Inc., No. 4:15-cv-00910 (E.D. Mo., filed June 2015)	regulate private conduct	ERISA	action alleging that coal company breached fiduciary duties in connection with employee pension plans by retaining stock in company	n/a	active
Rominger v. County of Colusa, No. C073815 (Cal. Ct. App. Sept. 2014)	state NEPAs	CEQA	challenge to approval of subdivision	petition granted with respect to traffic analysis only	remanded
In re Sabine Pass Liquefaction Expansion, LLC, Nos. CP13-552, 13-553 (FERC proceeding commenced 2013)	NEPA	NEPA	challenge to approvals for liquefied natural gas facilities in Louisana	rehearing denied	
San Francisco Baykeeper v. California State Lands Commission, No. A142449 (Cal. Super. Ct., filed 2012)	state NEPAs	CEQA	challenge to agreement authorizing continued dredging of San Francisco Bay for sand	remanded in part	
San Francisco Tomorrow v. City and County of San Francisco, No. A137753 (Cal. Ct. App. Aug. 2014)	state NEPAs	CEQA	challenge to redevelopment of large-scale residential complex	dismissal affirmed	unknown

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Sanders-Reed v. Martinez (N.M. Dist. Ct. July 2013)	common law claims	Public Trust Doctrine	sought declaration that state had obligation to protect atmosphere as public trust and regulate GHG emissions	summary judgment for defendants	affirmed by N.M. Ct. App. Mar. 2015
San Diego Coastkeeper v. San Diego County Water Authority, No. 37-2014-00013216-CU-JR-CTL (Cal. Super. Ct., filed Apr. 2014)	state NEPAs	CEQA	challenge to update to long-term water resources and conservation plan for San Diego County	petition for writ of mandate denied (July 2015)	
San Diego Navy Broadway Complex Coalition v. City of San Diego (Cal. App. Ct. June 2010)	state NEPAs	CEQA	challenge to EIR for redevelopment project on grounds it did not address impact on climate change	dismissal upheld	unknown
San Diego Navy Broadway Complex Coalition v. Dept. of Defense (S.D. Cal. Oct. 2012)	NEPA	NEPA	challenge to environmental assessment for upgrading naval facility on grounds that it did not address climate change	motion for SJ granted	unknown
San Francisco Chapter of A. Phillip Randolph Inst. v. EPA (N.D. Cal. March 2008)	coal-fired power plant challenges	California state law	sought order from Bay Area Air Quality Management District from issuing permit to two proposed power plants	motion to dismiss granted	unknown

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San Juan Citizens Alliance v. United States Bureau of Land Management, No. 1:16-cv-00376 (D.N.M., filed May 2016)	NEPA	NEPA	challenge to authorization of oil and gas leases in the Santa Fe National Forest	n/a	
San Luis Water Authority v. Salazar (E.D. Cal., filed March 2009)	ESA	ESA	motion to supplement administrative record regarding delta smelt and its habitat	preliminary injunction granted May 2009	active
San Luis Water Authority v. Salazar (E.D. Cal. Dec. 2009)	ESA	ESA	challenged biological opinion by Fish and Wildlife Service to protect delta smelt	partially denied	active

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Santa Clarita Oak Conservatory v. City of Santa Clara (L.A. Co. Sup. Ct. Aug. 2007)	state NEPAs	CEQA	challenge to EIR for proposed industrial park project on grounds that it did not adequate analyze climate change's effect on water supply	EIR held adequate; petition dismissed	unknown
Santa Clarita Organization for Planning the Env. v. City of Santa Clarita (Cal. Ct. App. June 2011)	state NEPAs	CEQA	challenge to EIR concerning expansion of hospital for failing to adequately mitigate GHG emissions	dismissal affirmed	unknown
Santa Clarita Organization for Planning and the Environment v. City of Santa Clarita, No. B250487 (Cal. Ct. App. Dec. 2014)	state NEPAs	CEQA	challenge to environmental review for 185-acre real estate development	judgment granting petition reversed	unknown
Save Hollywood.org v. City of Los Angeles (Cal. Super. Ct. Dec. 2013)	state NEPAs	CEQA	challenge to Hollywood Community Plan Update, which included higher-density development at transit stops	tentative decision invalidated plan	active
Save Panoche Valley v. San Benito County (Cal. Ct. App. June 2013)	project challenges/other challenges	Williamson Act/CEQA	challenge to solar power development project	dismissal affirmed	unknown

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Save the Plastic Bag Coalition v. City of Manhattan Beach (Cal. Supreme Ct. July 2010)	state NEPAs	CEQA	challenge to negative declaration under CEQA with respect to ordinance banning plastic bags	reversed lower courts	active
Save the Plastic Bag Coalition v. County of Marin (Cal. Ct. App. June 2013)	state NEPAs	CEQA	challenge to ordinance banning plastic bags	dismissal affirmed	unknown
Save Strawberry Canyon v. U.S. Dept. of Energy (N.D. Cal. Nov. 2011)	NEPA	NEPA	challenge to "supercomputer" project on grounds that it failed to look at direct and indirect GHG emissions	EIS upheld	unknown
Savoy Energy LLC v. NM Inst. of Mining and Tech. (D. Utah, filed Jan. 2010)	project challenges/other challenges	contract and fraud claim	action alleging that university fraudulently backed out of carbon sequestration project	n/a	active

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Seattle Audubon Soc. v. Lyons (W.D. Wash. 1994)	NEPA	NEPA	challenge to supplemental EIS prepared in connection with forest management plan	defendant's SJ motion granted	no appeal pending
Seeds of Peace Collective v. City of Pittsburgh (W.D. Penn. May 2010)	climate change protests	U.S. Constitution	action alleging that city interfered with right to assemble during coal conference	motion to dismiss partially granted	unknown
SEIU United Service Workers West v. City of Los Angeles (Cal. Super. Ct., filed May 2013)	state NEPAs	CEQA	challenge to environmental review of airport redevelopment projects		companion suit settled (Aug. 2016)
Semiconductor Industry Ass'n v. EPA (D.C. Cir., filed Jan. 2011)	challenges to federal action	CAA	Challenge to EPA GHG reporting rule for sources of fluorinated GHGs	n/a	active
In re Seminole Electric Cooperative (EPA Env. App. Bd., filed Oct. 2008)	coal-fired power plant challenges	CAA	challenge by Sierra Club to PSD permit issued by Florida for construction of 750 MW power plant for not including BACT limit for CO2	n/a	active
Senville v. Peters (D. Vt. 2004)	NEPA	NEPA	challenge to FHA's approval of segment of highway on grounds that EIS did not analyze project's effect on climate change	challenge rejected; EIS rejected on other grounds	no appeal pending
In re Sevier Power Co. Power Plant (Utah Air Quality Bd. Jan. 2008)	coal-fired power plant challenges	CAA	challenge to PSD permit on grounds that it did not restrict CO2 emissions	denied	unknown
Sevier Power Co. LLC v. Bd. of Sevier Co. Commissioners (Utah Sup. Ct. Oct. 2008)	coal-fired power plant challenges	Utah state constitution	challenge to decision by court to remove ballot initiative to require voter approval of new power plants	reversed	unknown

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Shell Gulf of Mexico Inc. v. Center for Biological Diversity, Inc., No. 13-35835 (9th Cir. Nov. 2014)	climate change protestors and scientists	APA	oil company filed suit seeking declaration that government agency properly approved its oil spill response plans	denial of motion to dismiss reversed	appeal in consolidated action pending as of Nov. 2014
Shell Gulf of Mexico, Inc. v. Center for Bio. Diversity (D. Alaska, filed May 2012)	climate change protestors and scientists	APA	oil company filed suit seeking declaration that government agencies properly issued it an "incidental harassment authorization" to drill in the Beaufort Sea	voluntarily dismiss on motion by plaintiffs	appeal of denial of motion to dismiss denied as moot (9th Cir. Nov. 2014)
Shell Offshore Inc. v. Greenpeace, Inc. (D. Alaska May 2012)	climate change protestors and scientists	common law	oil company filed suit seeking to bar environmental activists from occupying its drilling ship bound for Arctic	partially dismissed	active
Shell Offshore Inc. v. Greenpeace, Inc., No. 3:15-cv-00054-SLG (D. Alaska, filed Apr. 2015)	climate change protestors and scientists	common law	oil company filed suit seeking to bar environmental activists from interfering with its Arctic drilling operations	n/a	preliminary injunction granted (May 2015); motion to dismiss denied (June 2015); contempt order (July 2015); appeal of preliminary injunction dismissed, action remanded to district court (Mar. 2016)

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Shenandoah Valley Network v. Capka (W.D. Va. June 2010)	NEPA	NEPA	challenge to FHA's issuance of record of decision regarding highway improvement study	motion for leave to amend denied	unknown
Shupak v. Reed, No. BC617444 (Cal. Super. Ct., filed Apr. 2016)	regulate private conduct	California law	stockholder derivative action alleging breaches of fiduciary duties in connection with natural gas leak from natural gas storage facility in Southern California		
Sierra Club v. 22nd Dist. Agricultural Assoc. (Cal. Super. Ct. Oct. 2012)	state NEPAs	CEQA	challenge to EIS for renovation of fairgrounds concerning GHG emissions	petition granted	active
Sierra Club v. Ameren Energy Medina Valley Cogen, LLC, No. PCB 14-134 (Ill. Pollution Control Bd. Nov. 2014)	coal-fired power plant challenges	Illinois law, CAA	challenge to issuance of minor source air permit for FutureGen project	summary judgment for respondents	unknown
Sierra Club v. BNSF Railway Co. (E.D. Wash. Jan. 2014)	coal-fired power plant challenges	CWA	alleging that railroad illegally discharged coal and coal dust into waters of the United States	mot. to dismiss denied	active
Sierra Club v. City of Oxnard, No. 56-2011-004-00401161 (Cal. Super. Ct., filed July 2011)	state NEPAs	CEQA	challenge to development plans near Ormond Beach wetlands area	EIR certification annulled (Oct. 2012)	remanded to City

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Sierra Club v. Clinton (D. Minn. Oct. 2010)	NEPA	NEPA	challenge to construction of pipeline	dismissed with prejudice	unknown
Sierra Club v. County of Riverside (Cal. Super. Ct., filed March 2012)	state NEPAs	CEQA	challenge to mixed-use development on Salton Sea in California	n/a	active
Sierra Club v. County of Tehama (Cal. Ct. App. Nov. 2012)	state NEPAs	CEQA	challenge to general plan update by county	dismissal affirmed	unknown
Sierra Club v. Department of Energy, No. 16-1186 (D.C. Cir., filed June 2016)	NEPA	NEPA	challenge to authorizations to export liquefied natural gas from the Cove Point LNG Terminal in Maryland	n/a	
Sierra Club v. Dept. of Interior (D. Utah, filed Jan. 2009)	NEPA	NEPA	challenge to proposed oil sands project	n/a	unknown
Sierra Club v. Duke Energy Indiana (Indiana Office of Env. Adj., filed Feb. 2008)	coal-fired power plant challenges	CAA	challenge to modification of power plant on grounds that it did not comply with BACT emission limits	n/a	unknown
Sierra Club v. Duke Energy Indiana (S.D. Ind. Sept. 2010)	coal-fired power plant challenges	CAA	challenge to modification of power plant on grounds that it did not comply with BACT emission limits	dismissed on S of L grounds; decision stayed	unknown
Sierra Club v. Energy Future Holdings Corp. (E.D. Tex, filed Sept. 2010)	coal-fired power plant challenges	CAA	challenge to coal-fired power plant in Eastern Texas on grounds that violated CAA numerous times	n/a	settled (Dec. 2014)
Sierra Club v. Energy Future Holdings Corp. (W.D. Tex. Aug. 2014)	coal-fired power plant challenges	CAA	challenge to coal-fired power plant in Eastern Texas on grounds that violated CAA 6,500 times	judgment for coal plant, attorney fees awarded to defendants	settled (Dec. 2014)

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Sierra Club v. EPA (dismissed Sept. 2007; rehearing denied Oct. 2007)	coal-fired power plant challenges	CAA	challenge to EPA's issuance of permit to build power plant on grounds that EPA did not consider BACT with respect to hauling coal	petition denied; rehearing denied	no appeal pending
Sierra Club v. EPA (11th Cir. 2008)	coal-fired power plant challenges	CAA	challenge to EPA's failure to object to issuance of state air pollution permits under Title V of CAA	dismissed	unknown
Sierra Club v. EPA (D.C. Cir., filed Jan. 2009)	coal-fired power plant challenges	CAA	challenge to EPA administrator's decision stating that power plants to not need to limit CO2 emissions	n/a	unknown
Sierra Club v. EPA (D.D.C. June 2009)	coal-fired power plant challenges	CAA	challenge to permit for proposed new generating unit	transferred case to Kentucky	active
Sierra Club v. EPA (D.C. Cir., filed Dec. 2009)	CAA	CAA	lawsuit seeking to force EPA to reconsider performance standards for coal preparation and processing facilities	n/a	active
Sierra Club v. EPA (D.C. Cir., filed Nov. 2010)	challenges to federal action	CAA	challenge to EPA's NSPS regarding GHGs from Portland cement facilities	n/a	active
Sierra Club v. EPA (W.D. Wash., filed Nov. 2010)	coal-fired power plant challenges	CAA	challenge to operating permit for coal-fired plant regarding RACT	n/a	active
Sierra Club v. EPA (N.D. Cal., filed Feb. 2011)	coal-fired power plant challenges	CAA	challenge to power plant, failure to respond to FOIA request	n/a	active
Sierra Club v. EPA, Nos. 11-73342, 11-73356 (9th Cir., filed Nov. 2011)	project challenges/other challenges	CAA	challenge to EPA's decision to issue PSD permit to gas-fired power plant in California	permit vacated	unknown

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Sierra Club v. EPA, No. 13-73124 (9th Cir., filed Sept. 2013)	project challenges/other challenges	CAA	challenge to EPA's decision to extend deadline for commencing construction for gas-fired power plant in California	n/a	active
Sierra Club v. FERC, No. 15-1133 (D.C. Cir., filed May 2015)	stop government action	NEPA	challenge to FERC approvals of liquefied natural gas facilities in Texas	n/a	active
Sierra Club v. FERC, No. 14-1190 (D.C. Cir., filed Sept. 2014)	stop government action	NEPA	challenge to FERC approvals of liquefied natural gas facilities in Louisiana	voluntarily dismissed (Mar. 2015)	
Sierra Club v. FERC, No. 14-1249 (D.C. Cir., filed 2014)	stop government action	NEPA	challenge to FERC approval of increased production at liquefied natural gas facility in Louisiana	judgment for defendants (June 2016)	
Sierra Club v. FERC, No. 14-1275 (D.C. Cir., filed 2014)	stop government action	NEPA	challenge to FERC approvals of liquefied natural gas facilities in Texas	judgment for defendants (June 2016)	
Sierra Club v. FERC, No. 16-1329 (D.C. Cir., filed Sept. 2016)	stop government action	NEPA	challenge to FERC approvals of natural gas pipeline from Alabama to Floriday		
Sierra Club v. FHWA (S.D. Tex. May 2010)	NEPA	NEPA	challenge to construction of highway in northwest Houston	case dismissed	unknown
Sierra Club v. Franklin Co. Power of Illinois, LLC (7th Cir. Oct. 2008)	coal-fired power plant challenges	CAA	sought to enjoin power company from building power plant without first obtaining PSD permit from state	upheld injunction	unknown
Sierra Club v. Jackson (E.D. Ky., consent decree signed '09)	coal-fired power plant challenges	CAA	challenge to Title V operating permit of power plant	consent decree signed	unknown

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Sierra Club v. Jackson (D.D.C. July 2010)	coal-fired power plant challenges	CAA	challenge to construction of three power plants in Kentucky	motion to dismiss granted	unknown
Sierra Club v. Jackson (D.C. Cir. July 2011)	coal-fired power plant challenges	CAA	challenge to construction of three power plants in Kentucky	dismissal affirmed	unknown
Sierra Club v. Jackson (W.D. Wis., consent decree signed 2010)	coal-fired power plant challenges	CAA	challenge to Title V operating permit of power plant	consent decree signed	unknown
Sierra Club v. McCarthy, No. 1:14-cv-02149 (D.D.C., filed Dec. 2014)	coal-fired power plant challenges	CAA	challenge to EPA's failure to respond to Sierra Club petition asking EPA to object to New Hampshire power plant's permit	n/a	proposed consent decree filed (May 2015)
Sierra Club v. Merced County Association of Governments, No. CVM019664 (Cal. Super. Ct., filed Oct. 2014)	state NEPAs	CEQA	challenge to regional transportation plan/sustainable communities strategy	n/a	active
Sierra Club v. Mich. Dept. of Env. Quality (Mich. Cir. Ct., filed Sept. 2011)	coal-fired power plant challenges	CAA	Challenge to issuance of air permit to coal-fired power plant for failure to establish emissions limits that represent BACT	n/a	active
Sierra Club v. Mississippi Public Service Comm'n (Miss. Sup. Ct. Mar. 2012)	coal-fired power plant challenges	state law	challenge to construction of power plant in Kemper County Mississippi	dismissal reversed	active

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Sierra Club v. Moser (Kan. Oct. 2013)	coal-fired power plant challenges	CAA	challenge to grant of permit to build new coal-fired power plant	remanded to agency	permit reissued and challenged in new proceeding
Sierra Club v. Moser, No. 14-112008 (Kan. Ct. App., filed June 2014)	coal-fired power plant challenges	CAA	challenge to permit to build new coal-fired power plant reissued after remand from Kansas Supreme Court	n/a	active
Sierra Club v. Okla. Gas & Elec. Co. (E.D. Okla. Nov. 2013)	coal-fired power plant challenges	CAA	challenge to modifications of coal-fired power plant	n/a	mot. to dismiss filed

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Sierra Club v. Otter Tail Power Co. (8th Cir. Aug. 2010)	coal-fired power plant challenges	CAA	challenge to modifications at coal-fired power plant under PSD portion of CAA	dismissed	unknown
Sierra Club v. Portland General Electric (D. Oregon, settled July 2011)	coal-fired power plant challenges	CAA	challenge to continued operation of coal-fired power plant on ground that it violated CAA on numerous occasions	settled	inactive
Sierra Club v. Public Service Commission of State of New York, No. 4996/2014 (N.Y. Sup. Ct., filed Sept. 2014)	coal-fired power plant challenges	SEQRA/New York law	challenge to repowering plan for coal-fired power plant	n/a	active
Sierra Club v. SMAQMD, No. 2014-80001945 (Cal Super. Ct., filed Sept. 2014)	state NEPAs	CEQA	challenge to construction and operating permits for a crude oil rail-to-truck operation	n/a	permit withdrawn Oct. 2014
Sierra Club v. San Diego Co., No. 37–2012–00101054 (Cal. App. Ct. Nov. 2014)	state NEPAs	CEQA	challenge to county's approval of greenhouse gas review standards and climate action plan	granting of petition affirmed	Cal. Sup. Ct. denied review Mar. 2015
Sierra Club v. Sandy Creek Energy Associates (5th Cir. Nov. 2010)	coal-fired power plant challenges	CAA	challenge to construction of coal-fired power plant on grounds that it did not comply with MACT	reversed and remanded	cert. petition filed April 2011
Sierra Club v. Sandy Creek Energy Associates (W.D. Tex. Dec. 2011)	coal-fired power plant challenges	CAA	challenge to construction of coal-fired power plant on grounds that it did not comply with MACT	case settled and cert. petition withdrawn	settled

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Sierra Club v. Southwest Wash. Clean Air Agency (Wash. Poll. Control Hearing Bd. April 2010)	coal-fired power plant challenges	CAA and related state laws	challenge to air permit issued to coal-fired power plant	challenge dismissed	unknown
Sierra Club v. Tahoe Regional Planning Agency (E.D. Cal. Jan. 2013)	state NEPAs	CEQA	challenge to ski area master plan	challenge upheld	settlement announced Jan. 2014
Sierra Club v. Texas Comm. on Env. Quality (Tex. Dist. Ct., filed May 2011)	coal-fired power plant challenges	Texas state law	challenge to approval of coal-fired power plant on grounds that state incorrectly evaluated air pollution from facility	n/a	active
Sierra Club v. Texas Comm. on Env. Quality (Tex. Dist. Ct. May 14, 2012)	coal-fired power plant challenges	Texas state law	challenge to approval of coal-fired power plant on grounds that state incorrectly evaluated air pollution from facility	court issued letter stating that it intended to reverse Commission	Active
Sierra Club v. Two Elks Generation Partners (D. Wyoming, filed Jan. 2009)	coal-fired power plant challenges	CAA	challenge to air emissions permit for proposed coal-fired power plant	n/a	active
Sierra Club v. Two Elks Generation Partners (10th Cir. May 2011)	coal-fired power plant challenges	CAA	challenge to air emissions permit for proposed coal-fired power plant	affirmed dismissal by dist. ct.	unknown

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Sierra Club v. Union Elec. Co. d/b/a Ameren Missouri, No. 4:14-cv-00408 (E.D. Mo., filed Mar. 2014)	coal-fired power plant challenges	CAA	citizen suit seeking order for three power plants in Missouri to comply with Title V and SIP opacity limits	n/a	motion to dismiss denied (Nov. 2014)
Sierra Club v. U.S. Army Corps of Engineers (W.D. Ark., filed July 2010)	coal-fired power plant challenges	NEPA	challenge to construction of power plant on grounds that EIS should have been prepared	n/a	active
Sierra Club v. U.S. Army Corps of Engineers (W.D. Ark. Oct. 2010)	coal-fired power plant challenges	NEPA	challenge to construction of power plant on grounds that it violated NEPA	injunction granted	active
Sierra Club v. U.S. Army Corps of Engineers (5th Cir. July 2011)	coal-fired power plant challenges	NEPA	challenge to construction of power plant on grounds that it violated NEPA	injunction affirmed	active
Sierra Club v. U.S. Army Corps of Engineers (W.D. Ark. Nov. 2011)	coal-fired power plant challenges	NEPA	challenge to construction of power plant on grounds that it violated NEPA	motion to dismiss denied	active
Sierra Club v. U.S. Army Corps of Engineers (W.D. Ark. Dec. 2011)	coal-fired power plant challenges	NEPA	challenge to construction of power plant on grounds that it violated NEPA	case settled	settled
Sierra Club v. U.S. Defense Energy Support Center (N.D. Cal., filed June 2010)	other statutes/EISA	EISA	challenge to U.S. military purchasing fuels derived from Canadian oil sands	n/a	active

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Sierra Club v. U.S. Defense Energy Support Center (N.D. Cal. Jan. 2011)	other statutes/EISA	EISA	challenge to U.S. military purchasing fuels derived from Canadian oil sands	motion to transfer venue granted	active
Sierra Club v. U.S. Defense Energy Support Center (E.D. Va. July 2011)	other statutes/EISA	EISA	challenge to U.S. military purchasing fuels derived from Canadian oil sands	dismissed on standing grounds	active
Sierra Club v. U.S. Dept. of Agriculture (D.D.C. July 2008)	coal-fired power plant challenges	NEPA	challenge to USDA's Rural Utility Service's use of low-interest loans to finance power plants	motion to dismiss denied	active
Sierra Club v. U.S. Dept. of Agriculture Rural Util. Serv. (D.D.C. March 2011)	coal-fired power plant challenges	NEPA	challenge to power plant in Kansas on ground that USDA did not comply with NEPA	SJ motion granted	unknown
Sierra Club v. U.S. Dept. of Agriculture Rural Util. Serv. (D.D.C. Jan. 2012)	coal-fired power plant challenges	NEPA	challenge to power plant in Kansas on ground that USDA did not comply with NEPA	permanent injunction issued	unknown
Sierra Club v. U.S. Dept. of Agriculture Rural Util. Serv. (D.C. Cir. May 2013)	coal-fired power plant challenges	NEPA	challenge to power plant in Kansas on ground that USDA did not comply with NEPA	appeal dismissed	unknown
Sierra Club v. U.S. Dept. of Energy (D.D.C. Nov. 2011)	coal-fired power plant challenges	CAA	challenge to federal funding for coal-fired power plant on grounds that it violated NEPA	preliminary injunction denied	active
Sierra Club v. U.S. Dept. of Energy (D.D.C., filed March 2011)	coal-fired power plant challenges	CAA	challenge to federal funding for coal-fired power plant on grounds that it violated NEPA	n/a	active

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Sierra Club v. U.S. Dept. of State (N.D. Cal., filed Sept. 2009)	NEPA	NEPA	challenge to construction of cross-border pipeline that would bring oil from Canadian tar sands to U.S.	n/a	active
Sierra Club v. U.S. Dept. of State (N.D. Cal. Sept. 2009)	NEPA	NEPA	motion to transfer venue to Minnesota	motion granted	active
Sierra Club v. U.S. Fish & Wildlife Serv. (D.D.C. Mar. 2013)	ESA	ESA	challenge to FWS response to petition to revise critical habitat for leatherback sea turtles	denied	unknown
Sierra Club v. Vilsack (D.D.C., filed June 2010)	coal-fired power plant challenges	NEPA	challenge to regulation allowing company to construct coal-fired power plant	n/a	active
Sierra Club v. Wellington Dev.-WVDT LLC (W.D. Pa., filed Feb. 2008)	coal-fired power plant challenges	CAA	challenge to proposed construction of power plants on grounds that it violates MACT provisions of CAA	n/a	unknown
Sierra Club v. Wisconsin Power & Light Co. (W.D. Wis, filed Sept. 2010)	coal-fired power plant challenges	CAA	challenge to modification of boilers at two coal-fired power plants on grounds that necessary permits were not obtained	n/a	active
Sierra Club v. Wyoming Dept. of Env. Quality (Wyoming March 2011)	coal-fired power plant challenges	CAA	challenge to permit authorizing coal-to-liquid facility on grounds that it did not consider SO2 emissions	upheld denial	unknown
Sierra Club, Iowa Chapter v. LaHood (S.D. Iowa June 2013)	NEPA	NEPA	challenge to highway extension	dismissed	unknown

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SIP/FIP Advocacy Group v. EPA (D.C. Cir., filed Feb. 2011)	challenges to federal action	CAA	challenge to EPA rule requiring states to adopt regs allowing them to issue GHG permits for large new and modified stationary sources	n/a	active
SIP/FIP Advocacy Group v. EPA (D.C. Cir., filed July 5, 2011)	challenges to federal action	CAA	challenge to EPA's takeover of the Texas GHG permitting authority for industrial facilities	n/a	active
South Bronx Unite! v. New York City Industrial Development Agency (N.Y. Sup. Ct. May 31, 2013)	state NEPA	SEQRA	challenge to approvals facilitating relocation of grocery delivery service's operations	dismissed	affirmed June 2014
South Coast Air Quality Mgmt. Dist. v. City of Los Angeles (Cal. Super. Ct., filed June 7, 2013)	state NEPA	CEQA	challenge to environmental review for intermodal railyard	n/a	unknown
California ex rel. South Coast Air Quality Management District v. Southern California Gas Co., No. BC608322 (Cal. Super. Ct., filed Jan. 2016)	regulate private conduct	California public nuisance law, air statutes	action against owner and operator of a leaking natural gas storage facility in California seeking civil penalties for creation of public nuisance	n/a	active
South Dearborn Environmental Improvement Association, Inc. v. Michigan Department of Environmental Quality, No. 14-008887-AA (Mich. Cir. Ct., filed July 2014)	project challenges	Clean Air Act	challenge to air permits for Michigan steel plant	n/a	active

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South Yuba River Citizens League v. National Marine Fisheries Service (E.D. Cal. July 2010)	ESA	ESA	challenge to biological opinion concerning water diversions on Yuba River	SJ motions partially granted	active
Southeastern Legal Foundation v. EPA (D.C. Cir., filed May 2010)	challenges to federal action	CAA	challenge to GHG limits and increased fuel economy standards for cars and light trucks	n/a	active
Southeastern Legal Foundation v. EPA (D.C. Cir., filed June 2010)	challenges to federal action	CAA	challenge to tailoring rule requiring only largest new and modified stationary sources of GHGs to control emissions	n/a	active
Southern Alliance for Clean Energy v. Duke Energy Carolinas, Inc. (W.D.N.C. July 2009)	coal-fired power plant challenges	CAA	motion to dismiss lawsuit on ground that proper venue was state administrative proceeding	motion granted	Unknown
Southern Alliance for Clean Energy v. Duke Energy Carolinas, Inc. (W.D.N.C. Dec. 2008)	coal-fired power plant challenges	CAA	company filed motion to dismiss challenge to construction of power plant on grounds that it violates MACT provisions of CAA	motion denied; MACT analysis ordered	active
Southern Alliance for Clean Energy v. Duke Energy Carolinas, Inc. (4th Cir. April 2011)	coal-fired power plant challenges	CAA	challenge to $483,000 award of attorney's fees	fees upheld	active

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Southern California Edison Co. v. California Public Utilities Commission, Nos. B246782, B246786 (Cal. Ct. App. May 2014, modified & certified for publication June 2014)	challenges to state action	California law	challenge to CPUC's authority to implement the Electric Program Investment Charge (EPIC), which required surcharge for renewable energy funding	writ petitions denied	unknown
People v. Southern California Gas Co., No. 6SC00433 (Cal. Super. Ct., filed 2016)	regulate private conduct	California law	criminal charges in connection with leak at natural gas storage facility in southern California		proposed settlement (Sept. 2016)
Southern Env. Law Center v. North Carolina Div. of Air Quality (N.C. Off. of Adm. Hear., filed March 2008)	coal-fired power plant challenges	CAA	challenge to permits issued by state agency to proposed 800 MW power plant	n/a	unknown
Southern Utah Wilderness Alliance v. Interior Dept. (D.D.C., filed Nov. 2010)	NEPA	NEPA	challenge to authorization by BLM to open 4.5 million acres of public lands in Utah to oil and gas development	n/a	active
Southern Utah Wilderness Alliance v. United States Department of the Interior, No. 13-cv-01060 (D. Utah filed 2013)	NEPA	NEPA	challenges to plan to develop more than 200,000 acres Uinta Basin for oil and gas development and to plans for specific gas-drilling projects	n/a	motions to dismiss granted in part and dismissed in part (July 2015)
Southern Utah Wilderness Alliance v. Burke (D. Utah Nov. 4, 2013)	NEPA	NEPA	challenge to Richfield Resource Management Plan and Travel Plan	climate change claims rejected	unknown

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Southwest Energy Efficiency Project v. New Mexico Construction Industries Commission, No. 32939 (N.M. Ct. App. Sept. 2014)	other statutes	New Mexico Uniform Licensing Act	repeal of adoption of revisions to building codes	revisions upheld	N.M. Supreme Court denied certiorari (Nov. 2014)
Southwest Energy Efficiency Project v. New Mexico Constr. Indus. Comm'n (N.M. Ct. App. Apr. 2013)	other statutes	New Mexico Uniform Licensing Act	repeal of adoption of revisions to building codes that relaxed efficiency standards	revisions set aside and matter remanded to agency	rehearing ordered
Spring Valley Lake Association v. City of Victorville (Cal. Super. Ct., filed 2012)	state NEPAs	CEQA	challenge to environmental review for shopping center	Cal. Ct. App. found CEQA review inadequate (May 2016)	
St. Bernard Parish Government v. United States, No. 1:05-cv-01119 (Fed. Cl., filed 2005)	adaptation	takings clause	action by property owners in St. Bernard Parish and Lower Ninth Ward in New Orleans seeking compensation for temporary taking of property caused by flooding during and after Hurricane Katrina	opinion issued finding government liable	damages to be determined (May 2015); motion to certify interlocutory appeal (Oct. 2015)
State of California v. County of San Bernardino (Cal. Super. Ct. 2007)	state NEPAs	CEQA	challenge to county's general plan on grounds that it did not consider plan's effects on climate change	settled	settled

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State of New York v. U.S. Dept. of Energy (2d Cir., filed Jan. 2008)	other statutes (EPA)	Environmental Procedure Act	sought review of fed. program concerning energy conservation standards for furnaces and boilers	n/a	unknown
Steadfast Ins. Co. v. The AES Corp. (Va. Sup. Ct. April 2012)	common law claims/money damages	contract law	insurance company sought declaratory judgment that it is not liable for damages concerning Kivalina lawsuit	reaffirmed denial of SJ motion	not active
Stein v. Kyocera Mita America, Inc. (Cal. Super. Ct. May 9, 2012)	climate change scientists and protesters	contract law	Ben Stein, the actor, alleged that a Japanese company unlawfully fired him for his views about climate change	case partially dismissed	active
Stevenson v. Del. Dep't of Natural Res. and Envtl. Control (Del. Super. Ct., filed Dec. 30, 2013)	challenge to state action	RGGI, state law	challenge to Delaware amendment of RGGI regulations that lowered carbon dioxide emissions cap	n/a	plaintiffs' motions for summary judgment and stay denied
Sunflower Elec. Corp. v. Sebelis (D. Kan, filed Nov. 2008)	coal-fired power plant challenges	constitutional claims	suit alleges that governor and others violated company's right to fair and equal treatment	n/a	active
Sunflower Elec. Corp. v. Sebelis (D. Kan., filed July 2009)	coal-fired power plant challenges	constitutional claims	suit alleges again that government and others violated company's right to fair and equal treatment	n/a	active

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Sunflower v. Kan. Dept. of Health & Env. (Kan. Superior Ct., July 2008)	coal-fired power plant challenges	Kansas state law	challenge by power company that proposed to build two power plants with respect to denial of permit by Kansas Dept. of Health and Env.	held that jurisdiction resides with Kan. Sup. Ct.	active
Sus. Trans. Advocates of Santa Barbara v. Santa Barbara Co. Assoc. of Governments (S.B. Co. Sup. Ct. June 2009)	state NEPAs	CEQA	challenge to regional transportation plan that did not discuss energy impacts of plan	EIR voided	active
Svitak v. Washington (Wash. Ct. App. Dec. 2013)	common law claims	Public Trust Doctrine	sought declaration that state had obligation to protect atmosphere as public trust and regulate GHG emissions	dismissal affirmed	unknown
Tesoro Refining & Marketing Co. v. Cal. Air Resources Bd. (Sac. Co. Sup. Ct., filed Sept. 2008)	challenges to state action	California state law	challenge to state rule requiring oil refiners to increase corn-based ethanol in gasoline	n/a	active
Tennessee Environmental Council v. Tennessee Valley Authority (M.D. Tenn., filed April 25, 2013)	coal-fired power plant challenges	NEPA	challenge to approvals of construction of retrofits and associated facilities to extend life of power plant	n/a	active
Texas v. EPA (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's endangerment finding concerning greenhouse gases	n/a	active

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Texas v. EPA (D.C. Cir., filed Sept. 2010)	challenges to federal action	CAA	challenge to EPA's denial of its petition for reconsideration of endangerment finding	n/a	active
Texas v. EPA (D.C. Cir. Aug. 2013)	challenges to federal action	CAA	challenge to EPA rules imposing federal greenhouse gas permitting requirements	dismissed	rehearing denied (May 2015)
Thrun v. Cuomo (N.Y. App. Div. Dec. 2013)	challenges to state action	state law	challenge to RGGI in New York on grounds that state legislature did not authorize state participation	dismissal affirmed	mot. for leave to appeal denied (N.Y. Apr. 2014)
Today's IV, Inc. v. Federal Transit Administration, No. 2:13-cv-00378 (C.D. Cal. Sept. 2014)	stop government action	NEPA	challenge to Los Angeles subway project	motions for summary judgment granted in part, denied in part	request for injunctive relief granted in part, denied in part (Sept. 2014)
***In re* Tongue River Railroad Co.** (Surface Trans. Bd. June 2012)	NEPA	NEPA	challenge to railroad intended to access coal in Powder River Basin	order to reopen record and prepare EIS	active
Town of Babylon v. Fed. Housing Finance Agency (2d Cir. Oct. 2012)	NEPA	NEPA	challenge to FHFA's actions concerning PACE programs	dismissal affirmed	unknown

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***In re* Transalta Corp.** (EPA, filed Nov. 2009)	coal-fired power plant challenges	state and federal CAA	challenge to power plant's permit for failure to contain GHGs	n/a	active
TransCanada Corp. v. Government of the United States of America (ICSID June 2016)	challenges to federal action	NAFTA	seeks damages under NAFTA stemming from the United States' disapproval of and delay in considering the Keystone XL Pipeline	n/a	
TransCanada Corp. v. Tar Sands Blockade (Franklin Ct. (Tex.) Ct., filed Sept. 2012)	climate change protestors and scientists	common law	lawsuit seeking injunction against protestors concerning construction of oil pipeline	n/a	active
TransCanada Keystone Pipeline, LP v. Kerry, No. 4:16-cv-00036 (S.D. Tex., filed Jan. 2016)	challenges to federal action	Constitution	challenge to Obama administration denial of presidential permit for Keystone XL Pipeline	n/a	active
Transportation Solutions Defense and Education Fund v. CARB, No. 14CECG01788 (Cal. Super. Ct., filed June 2014)	state NEPAs	CEQA	challenge to inclusion of high-speed rail project in California's first update to the Climate Change Scoping Plan	n/a	active
Transportation Solutions Defense and Education Fund v. Cal. Dept. of Transportation (Cal. Super. Ct., filed Aug. 2009)	state NEPAs	CEQA	challenge to state approval of road widening project on grounds that EIS did not look at climate change impacts	n/a	active
***In re* Trimble Co. Generating Station** (EPA Sept. 2009)	coal-fired power plant challenges	CAA	order issued requiring state to rewrite permit for power plant to require analysis of fine particles	order	unknown

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In re Trunkline Gas Co., Docket Nos. CP14-119, CP14-120, CP14-122, PF12-8 (FERC, filed Jan. 2016)	NEPA	NEPA	challenge to FERC approval of liquefied natural gas (LNG) export facilities and related pipeline infrastructure at existing LNG import facility in Louisiana	n/a	active
Turtle Island Restoration Network v. U.S. Department of Commerce (D. Haw. Aug. 2013)	stop government action/other statutes	ESA	challenge to federal decisions allowing shallow-set longline fishing for swordfish	agency actions affirmed	unknown
Tzakis v. Berger Excavating Contractors, Inc., Nos. 09 CH 6159, 10 CH 38809, 11 CH 29586, 13 CH 10423 (Ill. Cir. Ct. filed 2009)	adaptation	state law	action against defendants, including municipal defendants, whose actions or inaction allegedly contributed to property damage during floods in 2008	n/a	municipal defendants dismissed (April 2015)
Ukiah Citizens for Safety First v. City of Ukiah (Cal. Super. Ct., filed Feb. 2014)	state NEPAs	CEQA	challenge to Costco retail store and gas station	Cal. Ct. App. found CEQA violations (June 2016)	
Underwriters at Lloyd's of London v. NFC Mining, Inc. (E.D. Kentucky, Jan. 2010)	coal-fired power plant challenges	state law	action seeking judgment that insurance company does not have to indemnify coal processing facility	motion granted	unknown
United States v. Alabama Power Co. (11th Cir. Sept. 2013)	coal-fired power plant challenges	CAA	challenge to modification of plant as not routine under EPA regulations	summary judgment for defendant reversed and remanded	recusal denied on remand Feb. 2014

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United States v. Ameren (E.D. Mo. Jan. 2012)	coal-fired power plant challenges	CAA	action seeking penalties from owners of coal fired power plant for two modifications at plant	motion to dismiss partially granted	unknown
United States v. Arizona Public Service Co., No. 15-cv-537 (D.N.M., filed June 2015)	coal-fired power plant challenges	CAA	federal enforcement action alleging violations of Clean Air Act permitting requirements at Four Corners Power Plant	n/a	proposed consent decree filed (June 2015)
United States v. Cinergy (S.D. Indiana, Dec. 2009)	coal-fired power plant challenges	CAA	enforcement action concerning alleged violations of CAA at coal-fired power plant	after jury verdict against Cinergy, settlement reached	active
United States v. Cinergy (7th Cir. Oct. 2010)	coal-fired power plant challenges	CAA	enforcement action concerning alleged violations of CAA at coal-fired power plant	**reversed** jury verdict	Unknown
United States v. Costco Wholesale Corp., No. 3:14-cv-03989 (N.D. Cal. Sept. 2014)	regulate private conduct	CAA	enforcement action for failures to repair refrigerant links	n/a	consent decree filed
United States v. DeChristopher (10th Cir. Sept. 2012)	climate protestors and scientists	Oil and Gas Leasing Reform Act	action alleging violation of Act for bidding on BLM leases	conviction upheld	not active

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United States v. DTE Energy (E.D. Mich., filed Aug. 2010)	coal-fired power plant challenges	CAA	enforcement suit alleging that company modified power plant without a permit	n/a	unknown
United States v. EME Homer City Generation LP (W.D. Pa., filed Jan. 2011)	coal-fired power plant challenges	CAA	enforcement suit alleging that power plant made major modifications without obtaining permits	motion to dismiss granted (Oct. 2011)	
United States v. Hyundai Motor Co., No. 1:14-cv-1837 (D.D.C., filed Nov. 2014)	regulate private conduct	CAA	enforcement suit alleging violations of Clean Air Act certification requirements for new motor vehicles	consent decree entered (Jan. 2015)	not active
United States v. Interstate Power and Light Co., No. 15-cv-0061 (N.D. Iowa filed July 2015)	coal-fired power plant challenges	CAA	enforcement suit alleging violations of PSD and Title V permitting requirements and Iowa state implementation plan	n/a	proposed consent decree lodged (July 2015)
United States v. Landfill Technologies of Arecibo Corp., No. 3:14-cv-01438 (D.P.R. May 29, 2014)	regulate private conduct	CAA	enforcement action alleging violations of the Clean Air Act associated with landfill in Puerto Rico	consent decree filed	comment period on consent decree open until July 7, 2014
United States v. Miami-Dade County, Fla. (S.D. Fla. May 2014)	other statutes	Clean Water Act	enforcement suit alleging violations of Clean Water Act and Florida Air and Water Pollution Control Act	final consent decree entered	motion to reopen denied
United States v. Metropolitan Water Reclamation District of Greater Chicago, No. 1:11-cv-08859 (N.D. Ill. filed 2011)	adaptation	Clean Water Act	enforcement suit alleging violations of Clean Water Act related to combined sewer overflows in Chicago area in violation of NPDES permits	final consent decree entered	intervenors' appeal denied (July 2015)

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United States v. Midwest Generation LLC (N.D. Ill. March 2011)	coal-fired power plant challenges	CAA	enforcement action concerning alleged violations of CAA at coal-fired power plant	dismissed amended complaint	unknown
United States v. Northern Indiana Public Serv. Co. (N.D. Ind., settled Jan. 2011)	coal-fired power plant challenges	CAA	enforcement action concerning violations of CAA concerning modifications at coal-fired power plants	settled	inactive
United States v. Pac. Gas & Electric (N.D. Cal. March 2011)	coal-fired power plant challenges	CAA, ESA	motion to intervene under CAA to challenge settlement on grounds it did not comply with ESA	motion denied	unknown
United States v. Sholtz (C.D. Cal. Dec. 2009)	other statutes (1st Amendment)	1st Amendment	action seeking access to judicial records concerning alleged fraudulent pollution credit trading scheme in California	motion partially granted	unknown
United States v. Trader Joe's Co., No. 3:16-cv-03444–EDL (N.D. Cal., filed June 2016)	regulate private conduct	CAA	federal enforcement action regarding violations of Clean Air Act requirements for commercial refrigeration equipment		proposed consent decree (June 2016)
United States Virgin Islands Office of the Attorney General v. Exxon Mobil Corp., No. 16-002469 (D.C. Super. Ct., filed Apr. 2016)	regulate private conduct	Virgin Islands law	United States Virgin Islands Office of the Attorney General sought documents from Competitive Enterprise Institute as part of its investigation of alleged climate change-related fraud on the part of ExxonMobil	subpoena withdrawn (June 2016)	motions for sanctions and costs pending

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University of Virginia v. Virginia Attorney General (Va. Cir. Ct., filed May 2010)	climate change protestors and scientists	state law	action seeking to quash investigative demands of Va. AG concerning "climategate"	n/a	see below
University of Virginia v. Virginia Attorney General (Va. Cir. Ct. Aug. 2010)	climate change protestors and scientists	state law	action seeking to quash investigative demands of Va. AG concerning "climategate"	held that university doesn't have to comply with subpoenas	unknown
University of Virginia v. Virginia Attorney General (Va. Sup. Ct. March 2012)	climate change protestors and scientists	state law	action seeking to quash investigative demands of Va. AG concerning "climategate"	**affirmed** lower court's holding setting aside subpoenas	unknown

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Utah Chapter of the Sierra Club v. Air Quality Bd. (Utah Sup. Ct. Dec. 2009)	coal-fired power plant challenges	CAA	challenge to approval of power plant proposal	reversed state board's approval	unknown
Utility Air Regulatory Group v. EPA (D.C. Cir., filed Dec. 2009)	challenges to federal action	CAA	challenge to EPA's reporting requirements for certain emitters of GHGs	settled July 2010	settled
Utility Air Regulatory Group v. EPA (U.S. June 2014)	challenges to federal action	CAA	challenge to EPA rules concerning regulations of GHG emissions from stationary and mobile sources	D.C. Cir.'s denial of challenge reversed in part, affirmed in part	D.C. Cir. issued order governing further proceedings (Apr. 2015), petitions for rehearing denied (Aug. 2015); cert. denied (Jan. 2016)
Utility Air Regulatory Group v. EPA (D.C. Cir. Aug. 2013)	challenges to federal action	CAA	challenge to EPA rules imposing federal greenhouse gas permitting requirements	dismissed	rehearing denied (May 2015)
Utility Air Regulatory Group v. EPA (D.C. Cir., filed March 16, 2012)	challenges to federal action	CAA	challenge to EPA's mercury and air toxics standards for power plants	n/a	active
Utility Air Regulatory Group v. EPA (D.C. Cir., filed Dec. 13, 2012)	challenges to federal action	CAA	challenge to EPA's fuel economy and GHG emissions standards for cars and light trucks for 2017-25	voluntarily dismissed	not active
Util. Reform Network v. PUC, No. A138701; ***Indep. Energy Producers Ass'n v. PUC***, No. A139020 (Cal. Ct. App. Feb. 2014)	project challenges	California law	challenge to approval by California PSC to utility's application to purchase natural gas-fired plant	approval annulled	unknown

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
Valley Advocates v. City of Atwater (Cal. Ct. App. March 2011)	state NEPAs	CEQA	challenge to adequacy of environmental review of proposed wastewater treatment plant	denial upheld	unknown
Virginia v. EPA (D.C. Cir., filed Feb. 2010)	challenges to federal action	CAA	challenge to EPA's determination that GHGs endanger human health and welfare	n/a	active
Virginia v. EPA (D.C. Cir. April 2010)	challenges to federal action	CAA	filed motion seeking to reopen endangerment finding	n/a	active
Virginia Chapter of the Sierra Club v. Virginia State Air Pollution Control Board, No. __ (Va. Cir. Ct., filed Aug. 2016)	project challenges	CAA	challenge to state-issued Prevention of Significant Deterioration permit for natural gas-fired power plant		
Washington v. Brockway, Nos. 5035A-14D, 5039A-14D, 5040-14D, 5041-14D, 5042-14D (Wash. Dist. Ct., filed 2014)	climate protesters and scientists	Washington law	prosecution of protesters who blocked a rail yard in Washington state to draw attention to climate change and the risks of coal and oil trains	convicted of trespass, acquitted on other charges	
Washington Environmental Council v. Bellon, No. 12-35323 (9th Cir. Jan. 2014)	CAA	CAA	lawsuit alleges that state failed to implement provisions of the state's SIP relating to GHGs from oil refineries	dismissed on standing grounds	rehearing en banc denied

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
Waste Management, Inc. v. EPA (D.C. Cir., filed Jan. 2014)	challenges to federal action	CAA	challenge to amendment of GHG reporting rule	n/a	active
Wegman v. Mashey, No. 1:15-cv-00486 (E.D. Va., notice of removal Apr. 2015)	climate protesters and scientists	common law	action against climate science writer seeking damages for tortious interference with contract and conspiracy	voluntary dismissal	dismissed
West Virginia v. EPA, No. 14-1146 (D.C. Cir., filed Aug. 2014)	challenges to federal action	CAA	challenge to proposed rule to regulate GHG emissions from existing power plants	petition denied (June 2015)	rehearing denied (Sept. 2015)
In re West Virginia, Nos. 15-1277 & 1284 (D.C. Cir., filed Aug. 2015)	challenges to federal action	CAA	seeking stay of final Clean Power Plan rule	petition denied (Sept. 2015)	

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West Virginia v. EPA (D.C. Cir., filed Oct. 2015)	challenges to federal action	CAA	challenge to Clean Power Plan final rule	n/a	U.S. Supreme Court granted emergency stay (Feb. 2016); oral argument (D.C. Cir. Sept. 27, 2016)
Western Energy Alliance v. Jewell, No. 1:16-cv-00912 (D.N.M., filed Aug. 2016)	challenges to federal action	Mineral Leasing Act	challenge to BLM's alleged failure to meet statutory requirement for holding quarterly federal mineral sales		
Western Watersheds Project v. BLM (D. Nev. Mar. 2011)	NEPA	NEPA	challenge to wind energy facility on grounds that EIS was required	n/a	mot. for prelim. inj. denied
Western Watersheds Project v. Salazar (D. Idaho May 2010)	NEPA	NEPA	challenge to env. impact statements for failure to take into account climate change	partially granted motion to intervene	active
Western Watersheds Project v. Schneider, No. 16-cv-83 (D. Idaho, filed Feb. 2016)	NEPA	NEPA, NFMA, FLPMA	challenge to approvals of revised land use plans for lands located in the range of the greater sage-grouse	n/a	active
Western Org. of Resource Councils v. Jewell, No. 14-cv-1993 (D.D.C., filed Nov. 2014)	NEPA	NEPA	challenge to failure to update environmental review of federal coal management program	dismissed	appealed to D.C. Cir. (Oct. 2015)
Western States Petroleum Ass'n v. Oregon Comm'n on Envtl. Quality, No. A158944 (Or. Ct. App., filed Mar. 2015)	challenges to state action	Oregon Clean Fuels Program	challenge to regulations implementing Oregon's Clean Fuels Program	n/a	active
West Virginia Highlands Conservancy v. Monongahela Power Co. (N.D. W. Va. Jan. 2012)	coal-fired power plant challenges	CWA	citizen suit challenging power plant's alleged discharge of impermissible levels of arsenic	denied motion to dismiss	active

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White Earth Nation v. Kerry, No. 0:14-cv-04726 (D. Minn., filed Nov. 2014)	NEPA	NEPA	challenge to approvals of cross-border pipelines	dismissed (Dec. 2015)	
In re WildEarth Guardians (Interior Bd. of Land Appeals Oct. 2013)	NEPA	NEPA	challenge to coal lease in New Mexico	voluntary request to remand granted	remanded to BLM
WildEarth Guardians v. BLM, No. 14-cv-01452 (D. Colo., filed May 2014)	NEPA	NEPA	challenge to approvals related to development of coal lease in Colorado	stipulated dismissal (Mar. 2016) after settlement	
WildEarth Guardians v. BLM, No. 1:11-cv-01481-RJL (D.D.C. Mar. 2014)	NEPA	NEPA	challenge to leases in Powder River Basin	defs.' mot. for summ. j. granted	appellants' motion for voluntary dismissal of appeal granted
WildEarth Guardians v. BLM (D.D.C. May 2012)	NEPA	NEPA	challenge to BLM's offer coal leases in Powder River Basin on grounds that EIS did not adequately address GHG emissions	dismissed	
WildEarth Guardians v. BLM (D.D.C., filed May 2012)	NEPA	NEPA	challenge to BLM's four large coal leases on grounds that the agency did not fully analyze climate change impacts	agency actions affirmed (D. Wyo. Aug. 2015)	appealed to 10th Cir. (Oct. 2015)
WildEarth Guardians v. Casamassa (U.S. Forest Service, filed Jan. 2015)	NEPA	NEPA	challenge to oil and gas lease analysis for Pawnee National Grassland	n/a	active

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WildEarth Guardians v. EPA (D.D.C., June 2013)	Clean Air Act	CAA	action to compel EPA to respond to petition requesting that EPA list coal mines as a new stationary source category	notice of dismissal filed	voluntary dismissal
WildEarth Guardians v. EPA (D.C. Cir. May 2014)	Clean Air Act	CAA	petition for review of EPA denial of rulemaking petition asking that EPA list coal mines as new stationary source category	petition denied	petition for reh'g en banc denied July 2014
WildEarth Guardians v. EPA (D. Colo. July 2011)	coal-fired power plant challenges	CAA	EPA issued response to petition concerning objecting to issuance of air permit for coal-fired power plant	denied in part	unknown
WildEarth Guardians v. EPA (D. Colo., consent decree announced June 2011)	coal-fired power plant challenges	CAA	settlement of case alleging CAA violations concerning power plant emissions and regional haze	settled	not active
WildEarth Guardians v. EPA (D. Colo., consent decree approved Jan. 2011)	coal-fired power plant challenges	CAA	challenge to state permit permitting operation of coal-fired power plant	consent decree approved Jan. 2011	not active
WildEarth Guardians v. Jackson (D.N.M., settled Nov. 2011)	coal-fired power plant challenges	CAA	approval of settlement requiring EPA to grant to deny request that the agency object to state-issued permit for coal-fired power plant	settled	not active
WildEarth Guardians v. Jewell, No. 1:16-cv-01724 (D.D.C, filed Aug. 2016)	stop government action	NEPA	challenge to authorizations for oil and gas leases on public lands in three states		

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WildEarth Guardians v. Lamar Utilities Board (D. Colo. July 2013)	coal-fired power plant challenges	CAA	challenge to Arkansas River power plant for violating CAA's maximum achievable control technology standard	proposed consent decree lodged	unknown
WildEarth Guardians v. McCarthy, No. 1:13-cv-03457 (D. Colo. Apr. 2014)	coal-fired power plant challenges	CAA	challenge to EPA failure to take action on Title V permit for coal-fireplant in Utah	proposed consent decree lodged	comment period on consent decree through June 12, 2014
WildEarth Guardians v. Public Service Co. of Colorado (10th Cir. Aug. 2012)	coal-fired power plant challenges	CAA	challenge to new power plant in Colorado on basis that it failed to obtain valid construction permit	dismissed as moot	unknown
WildEarth Guardians v. Jewell (D.C. Cir. Dec. 2013)	NEPA	NEPA	challenge to government decision to put coal leases in Wyoming's Powder River Basin up for sale	dismissal affirmed	unknown
WildEarth Guardians v. Jewell, No. 15-cv-1984 (D. Colo., filed Sept. 2015)	NEPA	NEPA	challenge to federal approvals of lease to expand and extend life of underground coal mine in Utah	n/a	active
WildEarth Guardians v. Jewell, No. 1:15-cv-02026 (D. Colo., filed Sept. 2015)	NEPA	NEPA	challenge to federal approvals of mining plans for development of federally owned coal in Colorado, New Mexico, and Wyoming	n/a	active
WildEarth Guardians v. OSMRE (D. Colo., filed Feb. 2013)	NEPA	NEPA	challenge to approval of mining operations for failure to analyze GHG emissions	order in favor of plaintiffs	defendants filed notice of new NEPA analysis (Apr. 2016); 10th Cir. dismissed appeal (June 2016)

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WildEarth Guardians v. Salazar (D.D.C., filed April 2011)	NEPA	NEPA, Adm. Procedure Act	challenge to leasing plan in Powder River Basin on ground that it does not manage it as "coal producing region"	n/a	active
WildEarth Guardians v. U.S. Department of Interior, Nos. CV 14–270–M–DLC, 14–272–M–DLC (D. Mont. filed 2014)	ESA	ESA	challenge to critical habitat designation for Canadian lynx	designation upheld in part, remanded in part (Sept. 2016)	remanded in part
WildEarth Guardians v. U.S.F.S. (D. Colo., filed Oct. 2008)	NEPA	NEPA	challenge to Forest Service's EIS for failure to mitigate climate impacts of methane venting	agency decision affirmed (Oct. 2011)	appeals voluntarily dismissed (Mar. 2012)
WildEarth Guardians v. U.S.F.S. (D. Colo., filed Dec. 2011)	NEPA	NEPA	challenge to agency's consent to coal mining on 2,000 acres of federal grassland in Wyoming	agency actions affirmed (D. Wyo. Aug. 2015)	
WildEarth Guardians v. U.S. Office of Surface Mining, Reclamation & Enforcement, Nos. 14-cv-13, 14-cv-103 (D. Mont., filed 2014)	NEPA	NEPA	challenge to agencies' approval of mining plan amendment for expansion of surface coal mine in Montana	remitted for additional environmental review (Jan. 2016)	court deferred vacating amendment for 240 days while OSMRE completes additional review
The Wilderness Society v. Dept. of Interior (N.D. Cal., filed July 09)	NEPA	NEPA	challenge to designation of electricity transmission corridors	n/a	active

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Case Name	Category	Principal Law	Core Object	Decision or Outcome	Current Status
Williamson v. Montana Public Service Commission (Montana Sup. Ct. Feb. 2012)	challenges to state action	Montana state law	Case seeking to require utility to replace street lights with LED lights	dismissal overturned; case remanded	active
***In re* Wisconsin Power and Light** (Pub. Service Commission of Wisconsin Nov. 2008)	coal-fired power plant challenges	Wisconsin state law	proposal to build new 300 MW coal-fired power plant	rejected	unknown
Wohl v. City of New York, No. 103095/2012 (N.Y. Sup. Ct. Oct. 2014)	adaptation	New York common law	negligence action against City of New York for flooding damage during storms	summary judgment for defendants	unknown
Woodward Park Homeowners Assoc. v. City of Fresno (Cal. Ct. App. Feb. 2011)	state NEPAs	CEQA	challenge to environmental review of commercial downtown development	rejection of EIR affirmed	unknown
Wyoming v. EPA (10th Cir., filed Feb. 10, 2011)	challenges to federal action	CAA	challenge to EPA rulemaking concerning PSD requirements for states	n/a	transferred to D.C. Cir. Aug. 2011
Zero Zone, Inc. v. United States Department of Energy, Nos. 14-2147 et al. (7th Cir., filed 2014)	challenges to federal action	EPCA	challenge to energy efficiency standards for commercial refrigeration equipment	standards upheld (Aug. 2016)	

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Comer v. Murphy Oil USA

Name and Date	Description
Comer v. Murphy Oil USA, Inc. (5th Cir. Oct. 16, 2009)	Plaintiffs alleged that defendants, including a number of companies that produce fossil fuels, caused the emission of greenhouse gases that contributed to climate change and thereby added to the ferocity of Hurricane Katrina, ultimately causing damages to plaintiffs' property. Defendants' motion to dismiss was granted by the district court. On appeal, the Fifth Circuit partially reversed, holding that plaintiffs had standing to assert their public and private nuisance, trespass, and negligence claims, and that none of these claims presented non-justiciable political questions.
Comer v. Murphy Oil USA, Inc. (5th Cir. Feb. 26, 2010)	The Fifth Circuit granted a motion to reconsider *en banc* its decision allowing a group of Mississippi property owners to sue a group of energy companies and the Tennessee Valley Authority in federal court for alleged climate-change related damages.
Comer v. Murphy Oil USA, Inc. (5th Cir. May 28, 2010)	Due to the loss of a quorum because of recusal of an additional judge, the Fifth Circuit dismissed the *en banc* review of a climate change tort lawsuit in which Mississippi property owners alleged that a group of energy and other companies should be held liable for some of the hurricane damage to their properties. The action means that the district court's dismissal of the lawsuit stands. In February 2010, the Fifth Circuit granted en banc review to a 2009 decision by the Circuit that held that plaintiffs could proceed, and vacated the 2009 decision. However, in the May 2010 decision the court held that it could not give the lawsuit en banc review because it no longer had a quorum to do so, but it left standing the order vacating the panel decision. Thus court said plaintiffs may now seek review from the U.S. Supreme Court. Three judges vigorously dissented.
Comer v. Murphy Oil USA, Inc. (U.S. Sup. Ct., filed Aug. 26, 2010)	In August 2010, the plaintiffs filed a petition for a writ of mandamus with the U.S. Supreme Court, seeking an order that would, in effect, overturn the Fifth Circuit's dismissal of the appeal.
Comer v. Murphy Oil USA, Inc. (U.S. Sup. Ct. Jan. 10, 2011)	The U.S. Supreme Court rejected the plaintiffs' request for a writ of mandamus without comment.

Comer v. Murphy Oil USA

Name and Date	Description
Comer v. Murphy Oil USA, Inc. (S.D. Miss., filed May 27, 2011)	Plaintiffs refiled their climate change tort action alleging public and private nuisance, trespass, and negligence causes of action under Mississippi law.
Comer v. Murphy Oil USA, Inc. (S.D. Miss. March 20, 2012)	A federal district court in Mississippi held that the doctrines of res judicata and collateral estoppels bar claims for trespass, nuisance, and negligence against numerous oil, coal, electric, and chemical companies for damages stemming from Hurricane Katrina. The court held that the lawsuit was nearly identical to the individuals' 2005 lawsuit. The court also found that the plaintiffs lacked standing because their claims were not fairly traceable to the companies' conduct, that the lawsuit presented a non-justiciable political question, that all of the claims were preempted by the Clean Air Act (CAA), that the claims were barred by the applicable statute of limitations, and that the plaintiffs could not demonstrate that their injuries were proximately caused by the companies' conduct.
Comer v. Murphy Oil USA, Inc. (5th Cir. May 14, 2013)	On May 14, 2013, the Fifth Circuit affirmed on res judicata grounds the district court's dismissal of plaintiffs' claims. The Fifth Circuit rejected plaintiffs' arguments that the district court's 2007 judgment was not final or on the merits, noting that at no point in the appeals process for the 2007 judgment had the judgment been disturbed. The Fifth Circuit also refused plaintiffs' request for an equitable exception to res judicata, invoking the "well-known rule that a federal court may not abrogate principles of res judicata out of equitable concerns." The Fifth Circuit also held that the 2007 judgment was on the merits since res judicata principles apply to jurisdictional determinations.

Appalachian Voices v. State Air Pollution Control Board

Name and Date	Description
Appalachian Voices v. State Air Pollution Control Board (Vir. Cir. Ct. Aug. 10, 2009)	A Virginia state court invalidated one of the permits for a coal-fired power plant that Dominion Resources has been building for more than a year. The permit for a maximum achievable control technology (MACT) was approved by the State Air Pollution Control Board with an "escape hatch" clause stating that if federal limits on mercury emissions "are not achievable on a consistent basis under reasonably foreseeable conditions, then testing and evaluation shall be conducted to determine an appropriate adjusted maximum annual emissions limit." The court rejected this clause, holding that the Clean Air Act (CAA) allows for no such adjustment.
Appalachian Voices v. State Air Pollution Control Board (Va. Air Quality Control Board Sept. 3, 2009)	In September 2009, the Virginia Dept. of Environmental Quality tightened the mercury emissions limit for a coal-fired power plant that Dominion Resources, Inc. is considering in the southwest corner of the state. The revised permit eliminates a clause in the original permit that provided an "escape hatch" from compliance with standards based on maximum achievable control technology (MACT). The change came in response to an August 10, 2009 Virginia Circuit Court ruling that invalidated the plant's permit over the escape-hatch clause. On September 3, 2009, the Virginia Air Quality Control Board approved the revised permit.
Appalachian Voices v. State Air Pollution Control Board (Vir. Ct. App. May 25, 2010)	A Virginia state appellate court affirmed a lower court's decision to allow an energy company to receive a permit for a coal-fired power plant in Southwestern Virginia, rejecting claims that the permit was not valid because it did not regulate carbon dioxide as a pollutant. The appellate court held that because no provision of the Clean Air Act or Virginia state law controlled or limited carbon dioxide emissions, it was not a pollutant subject to regulation and thus that the State Air Pollution Control Board was not under any obligation to do an analysis to establish permit limits for such emissions.

New Energy Economy, Inv. v. Leavell

Name and Date	Description
New Energy Economy, Inc. v. Leavell (N.M. June 7, 2010)	The New Mexico Supreme Court issued a ruling allowing the State Environmental Improvement Board to proceed with a rulemaking for GHG regulations. The court vacated a preliminary injunction issued in April 2010 by a lower court, holding that the injunction would harm the agency's ability to do its job. The court remanded the case to the State Environmental Improvement Board so it could resume public hearings on the proposed regulations.

Seeds of Peace Collective v. City of Pittsburgh

Name and Date	Description
Seeds of Peace Collective v. City of Pittsburgh (W.D. Penn. May 26, 2010)	A community group filed a civil rights action against the City of Pittsburgh, alleging that the City violated its members' constitutional rights by interfering with their ability to freely assemble and demonstrate in September 2009 when the International Coal Conference and the Group of 20 Summit took place in Pittsburgh. The City moved to dismiss. The district court partially denied the motion, holding that the groups' First Amendment claims had been adequately plead and could proceed to discovery. However, it dismissed the remaining claims.

Center for Biological Diversity v. County of San Bernardino

Name and Date	Description
Center for Biological Diversity v. County of San Bernardino (Cal. Ct. App. May 25, 2010)	The Center for Biological Diversity successfully challenged San Bernardino County's approval of an open-air human waste composting facility under the California Environmental Quality Act (CEQA) on various grounds, including its failure to analyze GHG emissions. The challenge resulted in the final environmental impact report (FEIR) being decertified. The county appealed, alleging that the trial court erred by decertifying the FEIR on the grounds that it, among other things, did not analyze the feasibility of an enclosed facility as an alternative. The appellate court disagreed and upheld the trial court's determination.

Sierra Club v. Federal Highway Administration

Name and Date	Description
Sierra Club v. Federal Highway Administration (S.D. Tex. May 19, 2010)	Two environmental groups filed an action seeking to block construction of a new highway in northwest Houston, Texas. Among other things, the plaintiffs alleged that the final environmental impact statement (FEIS) failed to consider GHG emissions. Both sides moved for summary judgment. The court granted the defendant's motion, holding that an analysis of GHG emissions was not required under federal law.

North Carolina Alliance for Transportation Reform v. U.S. Dept. of Transportation

Name and Date	Description
North Carolina Alliance for Transportation Reform v. U.S. Dept. of Transportation (M.D.N.C. May 19, 2010)	Several environmental groups challenged the construction of a federal highway project in North Carolina, alleging that an EIS prepared in connection with the project failed to evaluate the project's effect on climate change. Both sides moved for summary judgment. The district court granted defendant's motion, holding that NEPA requires an analysis of air quality but that it does not expressly refer to climate change or GHG emissions and thus such an analysis was not necessary.

Hempstead County Hunting Club v. Arkansas Public Service Commission

Name and Date	Description
Hempstead County Hunting Club, Inc. v. Arkansas Public Service Commission (Ark Ct. App. June 24, 2009)	An Arkansas appellate court struck down a state permit allowing an electric company to build a $1.6 billion coal-fired power plant near the state's southwest border with Texas. The court held that the state public service commission failed to require the company to address alternative locations in its permit application and that it failed to make a finding regarding the basis of the need for a new plant. In addition, the court held that the commission failed to resolve all matters concerning the plant and associated transmission lines in a single proceeding.
Hempstead Co. Hunting Club v. Arkansas Public Service Comm. (Arkansas May 13, 2010)	The Arkansas Supreme Court reversed the Arkansas Public Service Commission's decision to allow a $1.6 billion power plant to be built by American Electric Power Co. (AEP), holding that the Commission had incorrectly determined the need for the power plant. Specifically, the court found that the Commission assessed the need for a plant in a proceeding that was separate from the main proceeding in violation of state law.

Western Watersheds Project v. U.S. Forest Service

Name and Date	Description
Western Watersheds Project v. U.S. Forest Service (D. Idaho May 4, 2010)	Several parties moved to intervene in a case challenging the U.S. Forest Service's decision to allow grazing on certain federal lands. The plaintiff in the case alleged that that the Forest Service failed to discuss in its EIS new information on noxious weeds and climate change. In a previous decision, the court held that the Forest Service violated NEPA by not fully considering grazing's impact on the environment and ordered it to complete a supplemental EIS. Two proposed interveners hold permits to graze sheep on certain allotments of federal land and two others are associations dedicated to advancing the sheep industry. The court denied the intervention as to liability but allowed it with respect to remedies, holding that none of the interveners had any unique insight into the Forest Service's conduct with respect to its liability.

Metropolitan Taxicab Board of Trade v. City of New York

Name and Date	Description
Metropolitan Taxicab Board of Trade v. City of New York (S.D.N.Y. June 22, 2009)	In March 2009, New York City adopted a package of incentives to encourage taxicab owners to convert to all-hybrid fleets. The incentives had been designed as an alternative to city fuel efficiency rules for taxis struck down earlier by a federal district court on federal preemption grounds. To encourage the purchase of hybrid vehicles, the alternative plan relied on incentives in City lease cap rules rather than miles-per-gallon fuel efficiency standards. The fleet owners and a trade association filed an action in federal court alleging that the rules that reduced the lease caps for non-hybrid, non-clean diesel vehicles constituted a mandate that was preempted by the Energy Policy and Conservation Act (EPCA) and the CAA. In June 2009, the district court granted a motion for a preliminary injunction blocking the incentive plan, holding that the new rules amounted to a de facto mandate to purchase hybrid vehicles and thus they were related to fuel economy and preempted under the EPCA and the CAA.
Metropolitan Taxicab Board of Trade v. City of New York (2d Cir. July 27, 2010)	On appeal, the Second Circuit affirmed, holding that the rules "relate" to fuel economy standards as that term is understood in statutory construction. The court found that imposing reduced lease caps solely on the basis of whether or not a vehicle has a hybrid engine has no relation to an end other than an improvement in fuel economy. Thus, it was preempted by EPCA. Because the court found that it was preempted by EPCA, it did not reach the issue of whether it was also preempted under the CAA.
City of New York v. Metropolitan Taxicab Board of Trade (Sup. Ct. Feb. 28, 2011)	The Supreme Court denied a request by New York City to review a Second Circuit decision that blocked enforcement of city regulations requiring taxicab owners to convert to an all-hybrid fleet.

California v. General Motors Corp.

Name and Date	Description
California v. General Motors Corp. (9th Cir. June 19, 2009)	On June 19, 2009, the California Attorney General's Office voluntarily dropped its appeal to the Ninth Circuit to review the district court's dismissal of the state's public nuisance lawsuit against six major automobile companies. The lawsuit was filed in 2006 and alleged that the companies' cars were a substantial source of greenhouse gas emissions, which caused climate change, resulting in millions of dollars in damages to the state. In September 2007, the district court granted the companies' motions to dismiss, holding that the issues raised were "political questions" which were reserved for the President and Congress. The withdrawal contained a statement that recent policy changes by the Obama Administration indicated progress on certain related issues, specifically an increase in fuel economy standards and EPA's "endangerment finding" that greenhouse gases pose a threat to public health and welfare.

Association of Irritated Residents v. California Air Resources Board

Name and Date	Description
Association of Irritated Residents v. California Air Resources Board (S.F. Co. Super. Ct., filed June 10, 2009)	Environmental justice advocates filed a lawsuit challenging the plan of the California Air Resources Board (CARB) to implement the Global Warming Solutions Act of 2006 (also known as AB 32). The complaint alleges that the plan fails to minimize greenhouse gas emissions and protect vulnerable communities as required by the Act. Plaintiffs also allege that CARB violated CEQA in approving the plan. The complaint seeks an injunction preventing implementation of the plan until CARB brings it into compliance with AB 32.
Association of Irritated Residents v. California Air Resources Board (S.F. Co. Super. Ct. Jan. 21, 2011)	A California Superior Court issued a tentative ruling setting aside CARB's certification of the scoping plan for implementing AB 32. In its ruling, the court concluded that CARB failed to adequately consider alternatives to cap-and-trade and other climate programs under the law. The court rejected plaintiffs' claims that the scoping plan failed to comply with the statutory requirements of A.B. 32 and that under CEQA, CARB was required to provide a detailed environmental analysis of each of the measures and programs prescribed by the scoping plan. However, the court accepted plaintiffs' claims that the analysis CARB provided was lacking facts and data to support the agency's conclusions in its environmental document.
Association of Irritated Residents v. California Air Resources Board (Cal. Super. Ct. March 18, 2011)	A California state court issued an order enjoining the state from implementing its recently adopted GHG emissions cap-and-trade program pursuant to AB 32. A blog entry describing the decision and its effect is available **here**.
Association of Irritated Residents v. California Air Resources Board (Cal. Super. Ct. May 20, 2011)	On May 20, 2011, a California state court issued an order holding that CARB must not take any additional steps to implement its greenhouse gas cap-and-trade program until it completes an adequate environmental analysis of the program. On May 23, 2011, CARB appealed the order. On June 3, 2011, a state appellate court temporarily lifted the May 20 order until opposition briefs could be filed.
Association of Irritated Residents v. California Air Resources Board (Cal. Ct. App. June 24, 2011)	A California state appellate court granted CARB's request for a stay of a **May 2011 injunction** that had stopped its work implementing the state's cap-and-trade program. The court lifted the injunction imposed by the trial court following that court's holding that CARB had not adequately weighed alternatives to the cap-and-trade system and other measures when it adopted a strategy to implement AB 32. [Editor's note: Shortly after this decision was issued, CARB announced that it was nonetheless postponing the start of the cap-and-trade program by one year.]
Association of Irritated Residents v. California Air Resources Board (Cal. Super. Ct., filed July 26, 2011)	Environmental justice advocates filed a petition with the California Supreme Court seeking to prevent CARB from continuing to implement its GHG cap-and-trade program. The petitioners are requesting that the court review an appellate court decision that allowed the program to proceed after a trial court injunction had blocked its implementation, and claim that the appellate court erred when it stayed enforcement of the injunction pending the state's appeal of the trial court's decision.
Association of Irritated Residents v. California Air Resources Board (Cal. Sept. 28, 2011)	On September 28, 2011, the California Supreme Court rejected the petition by plaintiffs to grant a temporary stay of CARB's implementation of AB 32 pending the plaintiffs' appeal of the June 2011 decision. Thus the program may go into effect.
Association of Irritated Residents v. California Air Resources Board (Cal. Super. Ct. Dec. 6, 2011)	The court approved an expanded environmental analysis of alternatives to a cap and trade program for implementing AB 32.
Association of Irritated Residents v. California Air Resources Board (Cal. Ct. App. June 19, 2012)	A California appellate court held that CARB did not violate the statutory requirements of the Global Warming Solutions Act, otherwise known as AB 32, in approving a strategy to implement the statute. In particular, the court held that CARB did not disregard the law or act arbitrarily or capriciously in adopting the scoping plan.

Animal Welfare Institute v. Beech Ridge Energy LLC

Name and Date	Description
Animal Welfare Institute v. Beech Ridge Energy LLC (D. Md., filed June 10, 2009)	Opponents of a proposed wind farm in Greenbrier County, Maryland filed a lawsuit on June 10, 2009 in Maryland federal district court alleging that the proposed 124-windmill project will result in a "taking" of endangered Indiana bats in violation of the Endangered Species Act (ESA). The complaint alleges that the proposed project is located seven miles from the Lobelia Saltpeter Cave Preserve, a destination for hibernating and mating Indiana bats and that construction of the windmills is likely to result in deaths and injuries to the bats from turbine-bat collisions. The complaint seeks an injunction preventing construction of the windmills unless and until the project developers are granted permission to do so under the ESA.

Center for Biological Diversity v. Locke

Name and Date	Description
Center for Biological Diversity v. Locke (N.D. Cal, filed May 28, 2009)	The Center for Biological Diversity and other nonprofit environmental groups filed a complaint against the Secretary of Commerce and the National Marine Fisheries Service alleging violations of the Endangered Species Act and the Administrative Procedure Act based on allegations that the habitat of the leatherhead and loggerhead sea turtles is being destroyed by climate change. In particular, the plaintiffs allege that government defendants failed to make a timely determination on petitions that the groups had filed in 2007 to designate certain areas as "critical habitats" and the two species of sea turtles as endangered. In 2007, the government determined that the petition was warranted but failed to make a final determination within the statute's mandatory 12-month period.

N.C. Waste Awareness & Reduction Network v. N.C. Dept. of Env. and Nat. Res.

Name and Date	Description
North Carolina Waste Awareness & Reduction Network v. North Carolina Dept. of Env. and Natural Resources (N.C. Office of Adm. Hearings May 13, 2009)	An administrative law judge in the North Carolina Office of Administrative Hearings denied a power plant operator's motion to dismiss environmentalists' claims that state air regulators failed to consider carbon dioxide emissions in the air pollution permits issued to a proposed power plant in southwestern North Carolina in January 2009. The judge held that the petitioners had the right to demonstrate that carbon dioxide was a regulated pollutant under the New Source Review (NSR) provisions of the Clean Air Act.

Western Watersheds Project v. Salazar

Name and Date	Description
Western Watersheds Project v. Salazar (D. Idaho May 7, 2009)	A federal district court in Idaho partially denied a motion to dismiss a lawsuit brought by an environmental group challenging 18 environmental impact statements prepared by the Bureau of Land Management (BLM) concerning resource management plans in six states for failing to consider the cumulative effects of, among other things, climate change. The court held that, in 16 of the statements, the plaintiffs were challenging a final agency action and thus they were ripe for review. In two of the statements, records of decisions had not been issued, thus no final agency action existed. The court also denied the government's motion to transfer the challenges to other federal courts given that they governed land outside Idaho, holding that the action was properly filed in Idaho given that several of the statements concerned land located in Idaho and there was no evidence of forum shopping.

Arizona Public Service Co. v. EPA

Name and Date	Description
Arizona Public Service Co. v. EPA (10th Cir. April 14, 2009)	The Tenth Circuit remanded to EPA part of a plan to reduce pollutants at a power plant in New Mexico, but it dismissed challenges from environmental groups and the plant's operator. At the request of EPA, which asked for an opportunity to clarify the requirements, the court remanded the part of the federal implementation plan that established control requirements for fugitive dust emissions at the Four Corners power plant on a Navajo reservation in northwestern New Mexico. The court also dismissed legal challenges from the Sierra Club and other environmental organizations and from the Arizona Power Service Co., operator of the power plant, which argued, respectively, that the federal plan was too weak and too restrictive.

WildEarth Guardians v. U.S. Forest Service

Name and Date	Description
WildEarth Guardians v. U.S. Forest Service (D. Colo., filed Oct. 7, 2008, am. compl. Feb. 20, 2009)	Environmental groups sued the U.S. Forest Service, alleging that in an environmental impact statement concerning a coal mine, it failed to identify a reasonable range of alternatives to methane venting, as well as failing to identify measures that would mitigate the effects of the release of the methane and failing to analyze the climate change impacts of methane venting.
WildEarth Guardians v. U.S. Forest Service (10th Cir. July 24, 2009)	The coal company sought to intervene in the case. The district court denied the motion. On appeal, the 10th Circuit reversed, holding that the company demonstrated that the outcome of the case could potentially impair its interests and that its interests were not adequately represented by the Forest Service in the action.
WildEarth Guardians v. U.S. Forest Service (D. Colo. April 1, 2010)	The environmental group brought a motion to compel certain administrative records in connection with the approval of the expansion. The district court held the records should be remanded to the U.S. Forest Service to include all materials directly and indirectly considered in its decision and that these records should be produced to the group.
WildEarth Guardians v. U.S. Forest Service (D. Colo. Oct. 31, 2011)	The district court, after finding that WildEarth had standing to maintain the action, upheld the FEIS, holding that the agency's decision not to flare or otherwise capture the methane gas was not arbitrary or capricious. In addition, the court held that the FEIS adequately addressed the climate change-related impacts of this decision.

Center for Biological Diversity v. Salazar

Name and Date	Description
Center for Biological Diversity v. Salazar (N.D. Cal., June 3, 2010)	The U.S. Fish and Wildlife Service (FWS) agreed to complete proposed listings for six penguin species and a subgroup of a seventh under the ESA by early 2011 to protect them from the effects of climate change. The settlement requires the FWS by July 30, 2010 to publish determinations on five of the species, by September 30, 2010 on the other species, and by January 30, 2011 on the subspecies.

Sierra Club v. Jackson

Name and Date	Description
Sierra Club v. Jackson (E.D. Kentucky, order signed Sept. 21, 2009)	EPA ordered Kentucky officials to set emissions standards for hazardous air pollutants for a coal-fired power plant as part of an agreement settling a lawsuit. Under the order, the Kentucky Division of Air Quality will be required to revise the operating permit issued to the plant to include a MACT standard for mercury and other air toxics. EPA issued the order as part of a consent decree with the Sierra Club. The decree required EPA to take action on a revised operating permit to be issued to the plant. In addition, EPA agreed to respond to the Sierra Club's other objections by November 30, 2009. Sierra Club had sued EPA, alleging that it failed to take any action on the operating permit for the plant within the time frame required by the CAA after EPA had ordered state officials to strengthen the permit's pollution control requirements.

Sierra Club v. Jackson

Name and Date	Description
Sierra Club v. Jackson (W.D. Wis., proposed consent decree filed July 22, 2009)	In March 2009, the Sierra Club sued the EPA, alleging that the agency had failed to respond to the group's objections to the Title V operating permit issued to Wisconsin Power and Light for its generating station in Pardeeville. The group alleged that the permit violated the CAA because it did not have adequate emissions monitoring, reporting and recordkeeping requirements. Under a decree filed July 22, 2009, EPA will respond to the petition by September 18, 2009.
Sierra Club v. Jackson (W.D. Wis., consent decree filed April 16, 2010)	EPA agreed to review a Sierra Club challenge to an operating permit issued for a coal-fired power plant in Wisconsin, settling a lawsuit filed by the Sierra Club. The lawsuit alleged that EPA failed to respond to the Sierra Club's petition raising objections to an operating permit issued to the plant by EPA.
Sierra Club v. Jackson (W.D. Wis., consent decree filed June 29, 2010)	EPA agreed to review the Clean Air Act operating permit for a Wisconsin coal-fired power plant, settling a lawsuit brought by the Sierra Club. The Sierra Club sued EPA in March 2010 after the agency allegedly failed to respond to the group's petition raising objections to the permit issued to the plant. Under the terms of the decree, EPA was required to respond to the petition by August 10, 2010, or within 20 days of the agreement being finalized, whichever is later.

Sierra Club v. Jackson

Name and Date	Description
Sierra Club v. Jackson (D.D.C. July 20, 2010)	A federal court dismissed a lawsuit seeking to force EPA to stop the construction of three coal-fired power plants in Kentucky, holding that it lacked jurisdiction over the matter. The lawsuit alleged that because Kentucky's State Implementation Plan (SIP) under the Clean Air Act was out of date, EPA was required to stop the construction of new sources of air pollution. EPA claimed that its ability to intervene was discretionary and that federal courts lacked jurisdiction to force it to act in such cases. The district court agreed and dismissed the case.
Sierra Club v. Jackson (D.C. Cir. July 1, 2011)	The D.C. Circuit affirmed the dismissal of a lawsuit brought by the Sierra Club seeking to compel EPA to halt construction of two power plants in Kentucky. The lawsuit alleged that because Kentucky's State Implementation Plan (SIP) was out of date, EPA was required to stop the construction of new sources of air pollution. EPA claimed that its ability to intervene was discretionary and that federal courts lacked jurisdiction to force it to act in such cases. The district court agreed and dismissed the case. The D.C. Circuit affirmed the decision, holding that the Administrative Procedure Act does not provide a cause of action to review the EPA Administrator's failure to act under Sec. 167 of the Clean Air Act.

Center for Biological Diversity v. EPA

Name and Date	Description
Center for Biological Diversity v. EPA (W.D. Wash., filed May 14, 2009)	The Center for Biological Diversity filed suit against the EPA in federal court in Washington state, alleging that the agency failed to recognize the impacts of ocean acidification on waters off the state's coast. The suit was brought under the Clean Water Act, which requires states to identify water bodies that fail to meet water-quality standards. According to the Center, since 2000, the pH of Washington's coastal waters has declined by more than .2 units, which violates the state's water-quality standard for pH. The complaint states that carbon dioxide, which is absorbed by seawater, causes seawater to become more acidic, lowering its pH. This impairs the ability of certain marine animals to build protective shells and skeletons they need to survive.
Center for Biological Diversity v. EPA (W.D. Wash. March 11, 2010)	In a proposed settlement, EPA agreed to consider issuing nationwide guidance under the Clean Water Act to help states deal with the threat of ocean acidification as part of a settlement of a lawsuit brought by the Center for Biological Diversity (CBD). Under the terms of the settlement, EPA will seek comments on approaches for states to determine if waters are threatened or impaired by ocean acidification and how states might help monitor ocean acidification and its effects on marine life and ecosystems.

Center for Biological Diversity v. EPA

Name and Date	Description
Center for Biological Diversity v. EPA (D.D.C., filed June 11, 2010)	Several environmental groups filed an action seeking to force EPA to regulate GHG emissions from aircraft, ships and non-road engines used in heavy industrial equipment. According to the complaint, these sources produce about a quarter of GHG emissions from mobile sources in the U.S. but have not yet been regulated by EPA.
Center for Biological Diversity v. EPA (D.D.C. April 11, 2011)	The court denied motions by two aviation associations to intervene in a lawsuit seeking an order requiring EPA to use its authority under the CAA to regulate GHGs from marine vessels, aircraft, and other non-road vehicles, holding that the associations failed to establish Article III standing. The court determined that implementation and enforcement of new emission standards are too hypothetical and too far removed to constitute an impending causally connected injury for standing purposes, given that the plaintiffs are asking EPA to make an endangerment finding. The associations' alleged economic injury is based on the outcome of this determination, which is an issue not before the court.
Center for Biological Diversity v. EPA (D.D.C. July 5, 2011)	A district court held that EPA is not required to issue endangerment findings under the Clean Air Act for greenhouse gas emissions for marine vessels and nonroad vehicles and engines, but held that it is required to issue such findings for aircraft engines. EPA argued that the provisions upon which the plaintiffs relied cannot support undue delay claims because they give the agency discretion to conduct the endangerment findings but do not require the agency to do so. The court agreed with respect to Section 213, which governs marine vessels and nonroad engines. However, Section 231, which governs aircraft engines, contains mandatory language that creates a mandatory duty to regulate.
Center for Biological Diversity v. EPA (D.D.C. March 20, 2012)	EPA moved to dismiss several additional causes of action in the complaint concerning greenhouse gas emissions and black carbon from non-road vehicles and engines. The district court denied the motion as moot given that EPA agreed to respond to three outstanding petitions by plaintiffs within 90 days.

Center for Biological Diversity v. EPA

Name and Date	Description
Center for Biological Diversity v. EPA (D.C. Cir. May 28, 2010)	The Center for Biological Diversity filed a lawsuit challenging the schedule by which EPA plans to regulate GHG emissions from stationary sources, alleging that it constitutes an unlawful delay.

Southeastern Legal Foundation v. EPA

Name and Date	Description
Southeastern Legal Foundation v. EPA (D.C. Cir., filed June 3, 2010)	A legal foundation, 14 House Republicans, and 15 businesses filed lawsuits challenging EPA's "tailoring" rule that requires only the largest new and modified sources of GHGs, such as power plants and refineries, to control their emissions. The lawsuits challenge EPA's ability under the Clean Air Act to exempt smaller sources from emissions control requirements. EPA's rule, which was published on June 3, is intended to shield small GHG emitters from emissions control requirements that will take effect on January 2, 2011. For six months, only new and modified sources already required to control emissions of other air pollutants will be required to control GHG emissions. After that period, only new sources with emissions exceeding 100,000 tons a year and modified existing sources with emissions above 75,000 per year will be required to control emissions.
Southeastern Legal Foundation v. EPA (D.C. Cir., motions to intervene filed July 6, 2010)	Four conservation groups filed motions to intervene in a lawsuit against the EPA to defend the agency's decision not to exempt emissions from biomass energy production from control requirements for GHG emissions from new and modified stationary sources under the so-called "tailoring" rule. The groups are the Conservation Law Foundation, the Natural Resources Council of Maine, Georgia ForestWatch, and Wild Virginia.
Southeastern Legal Foundation v. EPA (D.C. Cir., motions filed Sept. 15, 2010)	Industry groups seeking review of EPA's "tailoring rule" filed a motion seeking to stay the effectiveness of the regulations. Among other things, the petitioners contend that EPA's regulations violate the CAA and that they will irreparably harm petitioners and the economy.

Southeastern Legal Foundation v. EPA

Name and Date	Description
Southeastern Legal Foundation v. EPA (D.C. Cir., filed May 11, 2010)	Fourteen House Republicans, a nonprofit legal foundation, and several business groups sued EPA and the National Highway Traffic Safety Administration (NHTSA), challenging GHG emission limits and increased fuel economy standards for cars and light trucks. On May 7, 2010, NHTSA issued a rule that increases fuel economy for cars and light trucks from the current combined 25 miles per gallon to 35 miles per gallon by model year 2016. The case is one of several challenging the rule.
Southeastern Legal Foundation v. EPA (D.C. Cir., motion filed Sept. 15, 2010)	Industry groups, including the State of Texas, filed a motion seeking a stay of EPA's endangerment finding and its fuel economy standards for cars and light trucks. Among other things, the petitioners contend that EPA's regulations violate the CAA and that they will irreparably harm petitioners and the economy.

Coalition for Responsible Regulation v. EPA

Name and Date	Description
Coalition for Responsible Regulation v. EPA (D.C. Cir., filed June 3, 2010)	A legal foundation, 14 House Republicans, and 15 businesses filed lawsuits challenging EPA's "tailoring" rule that requires only the largest new and modified sources of GHGs, such as power plants and refineries, to control their emissions. The lawsuits challenge EPA's ability under the Clean Air Act to exempt smaller sources from emissions control requirements. EPA's rule, which was published on June 3, is intended to shield small GHG emitters from emissions control requirements that will take effect on January 2, 2011. For six months, only new and modified sources already required to control emissions of other air pollutants will be required to control GHG emissions. After that period, only new sources with emissions exceeding 100,000 tons a year and modified existing sources with emissions above 75,000 per year will be required to control emissions.
Coalition for Responsible Regulation v. EPA (D.C. Cir., motion filed Sept. 15, 2010)	Industry groups seeking review of EPA's"tailoring rule" that limits GHG regulation to large stationary sources filed a motion seeking to stay the effectiveness of the regulations. Among other things, the petitioners contend that EPA's regulations violate the CAA and that they will irreparably harm petitioners and the economy.

Coalition for Responsible Regulation v. EPA

Name and Date	Description
Coalition for Responsible Regulation v. EPA (D.C. Cir., filed May 7, 2010)	A coalition of industry groups sued EPA, challenging the final rule that sets limits on GHG emissions from cars and light trucks. That same day, the NHTSA issued a rule that increases fuel economy for cars and light trucks from the current combined 25 miles per gallon to 35 miles per gallon by model year 2016.
Coalition for Responsible Regulation v. EPA (D.C. Cir., motion filed June 17, 2010)	On June 17, 2010, 13 states, New York City, and two other groups (NRDC and the Association of International Automobile Manufacturers) filed motions to intervene on behalf of EPA in the case. The states which sought to intervene include California, Delaware, Illinois, Iowa, Maine, Maryland, Massachusetts, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Washington.
Coalition for Responsible Regulation v. EPA (D.C. Cir., motion filed Sept. 15, 2010)	Several petitioners, including the State of Texas, filed a motion seeking a stay of EPA's endangerment finding and its fuel economy standards for cars and light trucks. Among other things, the petitioners contend that EPA's regulations violate the CAA and that they will irreparably harm petitioners and the economy.

Coalition for Responsible Regulation v. EPA

Name and Date	Description
Coalition for Responsible Regulation v. EPA (D.C. Cir., filed April 2, 2010)	Mining and agriculture groups filed suit challenging an EPA rule that allows the agency to limit greenhouse gases emitted by power plants and other stationary sources starting in January 2011. The petition seeks court review of a March 29, 2010 EPA final action that said that the agency had completed its reconsideration of the December 18, 2008 memorandum entitled "EPA's Interpretation of Regulations that Determine Pollutants Covered by Federal Prevention of Significant Deterioration (PSD) Permit Program"--the so-called Johnson memo. Pursuant to the final action, EPA not begin enforcing greenhouse gas limits for stationary sources until January 2, 2011, the same date it expects to begin enforcing similar limits for cars and light trucks.

Coalition for Responsible Regulation v. EPA

Name and Date	Description
Coalition for Responsible Regulation, Inc. v. EPA (D.C. Cir., filed Dec. 23, 2009)	A beef industry group filed a petition challenging EPA's endangerment finding concerning greenhouse gases. Among other things, the petition alleges that the endangerment finding jeopardizes large farms' ability to remain competitive in the global marketplace and could force many farms to get permits to emit greenhouse gases or slow operations, which could force many out of business.

Chamber of Commerce v. EPA

Name and Date	Description
Chamber of Commerce v. EPA (D.C. Cir., filed June 1, 2010)	The U.S. Chamber of Commerce filed a lawsuit challenging the schedule by which EPA plans to regulate GHG emissions from new and modified sources. On April 2, 2010, EPA published a final rule that set January 2, 2010 as the date on which it will begin to enforce emission control requirements for GHG emissions at major stationary sources.

Chamber of Commerce v. EPA

Name and Date	Description
Chamber of Commerce v. EPA (D.C. Cir., filed Sept. 8, 2009)	The Chamber of Commerce and the National Automobile Dealers Association sued EPA in federal appeals court, challenging EPA's approval of limits on GHG emissions issued by California and adopted by 13 other states. On June 30, 2009, EPA announced that it had approved a Clean Air Act waiver for California to implement its own GHG emissions limits for vehicles. This followed an announcement by President Obama on May 19, 2009 that EPA and the National Highway Traffic Safety Administration will propose GHG emissions limits and new fuel economy standards for cars and light trucks that will mirror the California standards for model years 2012 and 2016. Under an agreement with EPA, California is free to enforce its standards from the 2009-11 model years.

Palm Beach Co. Env. Coalition v. Florida

Name and Date	Description
Palm Beach Co. Env. Coalition v. Florida (S.D. Florida July 27, 2009)	An environmental nonprofit group filed suit in federal court challenging the construction of a natural gas pipeline for a proposed power plant. Among other things, the plaintiffs challenged the construction of the pipeline on the grounds that it violated NEPA, the CAA, and other federal statutes. The defendants moved to dismiss on various jurisdictional grounds, contending that the environmental group failed to fulfill the 60-day notice requirement for citizen suits required under the CAA and that the state was immune from suit under the Eleventh Amendment. The court dismissed the suit on these grounds.

Palm Beach Co. Env. Coalition v. Florida

Name and Date	Description
Palm Beach Co. Env. Coalition v. Florida (S.D. Florida Nov. 18, 2008)	An environmental coalition brought an action against state and county officials which sought a temporary injunction against the construction of a coal-fired power plant on the grounds that the plant would emit over 12.5 million tons of GHGs and would "greatly exacerbate global warming." The district court denied the motion, holding that the defendants had not been served with process, nor did the plaintiffs provide the federal defendants with the required 60 day notice of intent to sue. The court stated that even if the jurisdictional defects did not exist, it would still have denied the motion because plaintiffs did not show a substantial likelihood of success on the merits.

National Association of Manufacturers v. EPA

Name and Date	Description
National Association of Manufacturers v. EPA (D.C. Cir., filed June 1, 2010)	An industry group filed a lawsuit challenging the schedule by which EPA plans to regulate GHG emissions from new and modified sources. On April 2, 2010, EPA published a final rule that set January 2, 2010 as the date on which it will begin to enforce emission control requirements for GHG emissions at major stationary sources.

Mirant Mid-Atlantic LLC v. Montgomery County

Name and Date	Description
Mirant Mid-Atlantic LLC v. Montgomery County (D. Md., filed June 1, 2010)	An electric utility filed a lawsuit against Montgomery County, Maryland, challenging its new tax on local carbon dioxide emitters that effectively applies only to the utility's coal-fired power plant. The lawsuit contends that the tax constitutes a bill of attainder and that it violates the Fourteenth Amendment's guarantee of equal protection and the Eighth Amendment's ban on excessive fines. In May 2010, the county enacted a law that imposes a $5-per-ton tax on carbon dioxide emissions from stationary sources emitting more than one million tons of carbon dioxide annually.
Mirant Mid-Atlantic LLC v. Montgomery County (D. Md. July 12, 2010)	The county moved to dismiss. The district court granted the motion in an unpublished decision, rejecting the plant's arguments that the tax violated the 14th and 8th Amendments.
GenOn Mid-Atlantic LLC v. Montgomery County (4th Cir. June 20, 2011)	The Fourth Circuit held that the federal Tax Injunction Act does not prevent the owner of a power plant from challenging a county excise tax on carbon dioxide emissions which is only levied on the plant. The court, overturning a district court decision which held that the county fee was a tax and the power plant was thus barred from challenging it in federal court by the Tax Injunction Act, held that the fee was actually a "punitive regulatory matter" and that single entities subject to such punitive financial strikes should be able to challenge them in federal court.

Competitive Enterprise Institute v. NASA

Name and Date	Description
Competitive Enterprise Institute v. NASA (D.D.C. May 27, 2010)	The Competitive Enterprise Institute (CEI), a free market advocacy group, filed a lawsuit against NASA under the Freedom of Information Act (FOIA) seeking documents related to alleged errors in temperature readings and a scientist involved in the so-called "climategate" controversy. The Goddard Institute of Space Studies (GISS), a component of NASA, had revised global temperature data sets after a statistician brought to NASA's attention an error that he alleged caused the agency to overstate U.S. temperatures from 2000 onward.
Competitive Enterprise Institute v. National Aeronautics and Space Administration (D.D.C. Oct. 29, 2013)	The district court for the District of Columbia granted in part and denied in part NASA's motion for summary judgment. The court directed NASA to produce responsive documents from a certain directory on GISS's computer system, including computer programs and data files that would require a computer program or commercial visualization tool in order to be intelligible. The court also ruled that a GISS scientist's e-mails relating to the blog RealClimate, to which he contributed, constituted agency records to the extent that they "traveled" on the NASA e-mail domain and related to agency business, regardless of whether the scientist used his RealClimate or NASA e-mail account. The court otherwise found that the NASA/GISS search for responsive records had been adequate, determining, among other things, that the scientist's e-mails located only on an "@columbia.edu" domain were not in the agency's control and therefore not susceptible to a FOIA request.

The University of Virginia v. Attorney General of Virginia

Name and Date	Description
The University of Virginia v. Attorney General of Virginia (Virginia Cir. Ct., filed May 27, 2010)	The University of Virginia filed a lawsuit objecting to the "civil investigative demands" served by the Virginia Attorney General on the University concerning five government grants received by a professor previously employed by the University who was involved in the so-called "climategate" controversy.
The University of Virginia v. Attorney General of Virginia (Virginia Cir. Ct., Aug. 30, 2010)	A Virginia state court held that four of the five grants were issued by the federal government and thus the Attorney General could not question the professor regarding these grants. In addition, the court held that the document requests were not specific enough because they did not show sufficient reason to believe incriminating documents existed. With regard to the state grant, the court held that the Attorney General could question the professor about it.
The University of Virginia v. Attorney General of Virginia (Virginia Sup. Ct. March 11, 2011)	The Virginia Supreme Court agreed to consider the Virginia Attorney General's request for documents concerning the so-called "climategate" controversy concerning grant applications of a former University of Virginia climate change scientist.
The University of Virginia v. Attorney General of Virginia (Virginia Sup. Ct. March 2, 2012)	The Virginia Supreme Court set aside subpoenas issued by the Virginia Attorney General, holding that he did not have authority to demand records related to a former University of Virginia climate researcher's work. The Supreme Court agreed to hear arguments related to the state grant, concluding that the University was not a "person" under the Virginia Fraud Against Taxpayers Act (FATA) and thus the subpoenas, which were predicated on enforcement of FATA, were invalid.

American Iron and Steel Institute v. EPA

Name and Date	Description
American Iron and Steel Institute v. EPA (D.C. Cir., filed May 26, 2010)	A steel industry group and a steel company filed separate actions challenging a rule issued by EPA that will cover GHG emissions from new and modified stationary sources starting January 2, 2011. The lawsuits ask the court to review EPA's reconsideration of the so-called "Johnson memorandum" concerning the timing of the regulation of such sources.

GerdauAmeristeel US Inc. v. EPA

Name and Date	Description
GerdauAmeristeel US Inc. v. EPA (D.C. Cir., filed May 26, 2010)	A steel company filed an action challenging a rule issued by EPA that will cover GHG emissions from new and modified stationary sources starting January 2, 2011. The lawsuits ask the court to review EPA's reconsideration of the so-called "Johnson memorandum" concerning the timing of the regulation of such sources.

Friends of the Earth v. EPA

Name and Date	Description
Friends of the Earth v. EPA (D.C. Cir., filed May 25, 2010)	Several environmental organizations filed a lawsuit challenging an EPA final rule that established criteria for determining which biofuels meet the renewable fuels standard. The lawsuit alleges that the regulations would increase greenhouse gas emissions. Specifically, the lawsuit objects to provisions in the final rule which said that most corn-based ethanol would reduce GHG emissions over its lifetime. To qualify as renewable, a fuel must reduce life-cycle GHG emissions by at least 20 percent compared with gasoline. The rule implements provisions of the Energy Independence and Security Act and required EPA to analyze indirect emissions arising from farmers' converting forests to cropland overseas due to food shortages resulting from using corn and other food grains for energy in the U.S.

National Chicken Council v. EPA

Name and Date	Description
National Chicken Council v. EPA (D.C. Cir., filed May 25, 2010)	A coalition of meat industry groups filed alawsuit challenging EPA criteria for determining which biofuels meet the U.S. renewable fuels standard. The meat industry lawsuit objected to provisions in the rule that deem some ethanol facilities at which construction commenced in 2008 and 2009 to be compliant with the standard. The final rule exempted ethanol produced from corn at facilities in or at which construction commenced before December 17, 2007 from the requirement that a renewable fuel must reduce life-cycle GHG emissions by at least 20 percent compared with gasoline. In the final rule, EPA extended the exemption to ethanol produced at facilities that use natural gas or biofuels as an energy source at which construction began before December 31, 2009.
National Chicken Council v. EPA (D.C. Cir. July 20, 2012)	In July 2012, the D.C. Circuit dismissed the lawsuit, holding that plaintiffs did not have standing to maintain the lawsuit given that that even if the rule was overturned, there was no evidence that ethanol producers would reduce their production and thus they could not show substantial probably of injury redress.

Pinnacle Ethanol v. EPA

Name and Date	Description
Pinnacle Ethanol v. EPA (D.C. Cir., filed May 25, 2010)	A group of ethanol producers filed lawsuits challenging EPA criteria for determining which biofuels meet the U.S. renewable fuels standard. The final rule exempted ethanol produced from corn at facilities in or at which construction commenced before December 17, 2007 from the requirement that a renewable fuel must reduce life-cycle GHG emissions by at least 20 percent compared with gasoline. In the final rule, EPA extended the exemption to ethanol produced at facilities that use natural gas or biofuels as an energy source at which construction began before December 31, 2009.

Clean Air Implementation Project v. EPA

Name and Date	Description
Clean Air Implementation Project v. EPA (D.C. Cir., filed May 17, 2010)	An association of companies in the petroleum, chemical, pharmaceutical, and glass sectors filed a petition for review of EPA's March 2010 decision that the Clean Air Act's Prevention of Significant Deterioration (PSD) permitting requirements would apply to GHG emissions from stationary sources. The petition alleges that PSD requirements can only apply to pollutants for which EPA has established air quality criteria under the National Ambient Air Quality Standards program of the Clean Air Act.

Northern Plains Res. Council, Inc. v. Montana Bd. of Land Commr's

Name and Date	Description
Northern Plains Resource Council, Inc. v. Montana Board of Land Commissioners (Montana Dist. Ct., filed May 13, 2010)	A coalition of farmers and ranchers filed a lawsuit challenging the lease of 8,300 acres of state school trust land in southeastern Montana, alleging that it would become the country's largest new surface coal mine. Among other things, the lawsuit alleges that the lease should not have been exempted from environmental analysis under the Montana Environmental Policy Act given that the coal will emit 2.4 billion tons of GHGs.
Northern Plains Resource Council, Inc. v. Montana Board of Land Commissioners (Montana Dist. Ct. Jan. 7, 2011)	A state court in Montana held that this and another lawsuit may proceed against Montana's land board for leasing 8,300 acres of state-owned land for surface coal mining without an environmental review. The plaintiffs are seeking a declaratory judgment that the Montana Board of Land Commissioners violated the state constitution by failing to conduct an environmental review when it leased the land in southeastern Montana to a coal company in 2010. In 2003, an exemption from a provision of the Montana Environmental Policy Act was passed by the state legislature specifically to facilitate the lease. The exemption defers environmental review from the leasing stage to the later mine permitting stage. The plaintiffs allege that the exemption is unconstitutional and denies the land board its right to place mitigating conditions on the lease.
Northern Plains Resource Council, Inc. v. Montana Board of Land Commissioners (Montana Dist. Ct. Feb. 2012)	A Montana state court dismissed a challenge to the Montana State Land Board's decision to lease access to 1.2 billion tons of coal without first complying with the Montana Environmental Policy Act (MEPA). The plaintiffs argued that a state law exempting coal leases from environmental review under MEPA violated the Montana Constitution. The court disagreed, holding that the exemption only delayed the environmental review until a more detailed mining plan was presented at the permitting stage.
Northern Plains Resource Council v. Montana Board of Land Commissioners (Montana Sup. Ct. Oct. 23, 2012)	The Montana Supreme Court affirmed the dismissal of a challenge to the Montana State Land Board's decision to lease access to 1.2 billion tons of coal without first complying with the Montana Environmental Policy Act (MEPA), holding that the state's lease of mineral interests to a coal company was not a major government action affecting the quality of the human environment as would trigger the requirement for the preparation of an environmental impact statement under MEPA. In addition, the court held that a rational basis existed for the deferral of the EIS until there was a specific proposal to consider.

Montana Env. Info. Center v. Montana Board of Land Commissioners

Name and Date	Description
Montana Environmental Information Center v. Montana Board of Land Commissioners (Montana Dist. Ct., filed May 14, 2010)	Environmental groups filed a lawsuit challenging the lease of 8,300 acres of state school trust land in southeastern Montana, alleging that it would become the country's largest new surface coal mine. Among other things, the lawsuit alleges that the lease should not have been exempted from environmental analysis under the Montana Environmental Policy Act given that the coal will emit 2.4 billion tons of GHGs.
Montana Environmental Information Center v. Montana Board of Land Commissioners (Montana Dist. Ct. Jan. 7, 2011)	A state court in Montana held that this and another related lawsuit may proceed against Montana's land board for leasing 8,300 acres of state-owned land for surface coal mining without an environmental review. The plaintiffs are seeking a declaratory judgment that the Montana Board of Land Commissioners violated the state constitution by failing to conduct an environmental review when it leased the land in southeastern Montana to a coal company in 2010. In 2003, an exemption from a provision of the Montana Environmental Policy Act was passed by the state legislature specifically to facilitate the lease. The exemption defers environmental review from the leasing stage to the later mine permitting stage. The plaintiffs allege that the exemption is unconstitutional and denies the land board its right to place mitigating conditions on the lease.

Friends of the Chattahoochee v. Georgia Dept. of Natural Resources

Name and Date	Description
Friends of the Chattahoochee v. Georgia Dept. of Natural Resources (Georgia Dept. of Adm. Hearings, filed May 10, 2010)	Several environmental groups filed court challenges to block the construction of two coal-fired power plants in Georgia. With respect to one of the plants, the petitions alleged that state regulators failed to classify the plants as a "major" source of air pollution, meaning that it would only have to meet a basic set of requirements as opposed to more stringent regulation. With respect to the other, the petitions alleged that it would harm water resources for downstream communities along the Oconee River while emitting harmful pollutants into the air.
Friends of the Chattahoochee v. Georgia Dept. of Natural Resources (Georgia Dept. of Adm. Hearings April 19, 2011)	A state administrative judge in Georgia ruled that the Georgia Department of Natural Resources improperly issued a permit to operate a coal-fired power plant, concluding that some of the permit's pollution limits were not enforceable. The judge remanded the case to the state agency, requiring it to re-examine the permit after finding that gaps in its monitoring and reporting requirements could leave some hazardous air pollutants unaccounted for. Specifically, the judge found that the methods approved by the agency for measuring certain pollutants were unlikely to produce reliable data, and the permit lacked any monitoring provisions for emissions from storage tanks, boilers, and other equipment at the plant. However, the judge upheld a majority of the other provisions in the permit over the objections of two environmental nonprofits.

NRDC v. Bureau of Land Management

Name and Date	Description
NRDC v. Bureau of Land Management (D.D.C., filed May 6, 2010)	Several environmental groups filed suit against the Bureau of Land Management, alleging that it failed to consider the environmental impact of its plan to authorize oil and gas development on more than three million acres of federal land in Wyoming, including its effect on climate change. The plan was approved in December 2008. According to the complaint, of the three million acres managed by the plan, only slightly more than 100,000 acres is closed to oil and gas drilling.

NRDC v. U.S. Army Corps of Engineers

Name and Date	Description
NRDC v. U.S. Army Corps of Engineers (N.D. Ohio March 31, 2010)	Plaintiffs filed a lawsuit challenging a permit issued by the U.S. Army Corps of Engineers to a company to build a coal-to-liquid fuel plant in Ohio. Among other things, plaintiffs alleged that the Corps violated NEPA, the Clean Water Act, and the Administrative Procedure Act in issuing the permit. The Corps moved to dismiss. With respect to NEPA, the Corps limited its review to the filling of U.S. waters to construct the plant and issued a "finding of no significant impact" under NEPA. Consequently, it did not complete an environmental impact statement (EIS). Plaintiffs alleged that the Corps erred in limiting its scope of review and that it should have considered all of the environmental impacts of the project, including greenhouse gas emissions from the plant. The court disagreed, finding that the Corps properly conducted its review given that its jurisdiction was limited to review of U.S. waters and granted the motion to dismiss.

Communities for a Better Environment v. City of Richmond

Name and Date	Description
Communities for a Better Environment v. City of Richmond (Cal. Super. Ct., filed Sept. 4, 2008)	Three environmental groups sued Richmond, California over its decision to grant a subsidiary of Chevron permission to expand a local oil refinery, which the groups allege will emit at least 898,000 metric tons of greenhouse gases annually and disproportionately affect nearby minority communities. The groups allege that the city certified the environmental impact report without providing a specific plan for mitigating greenhouse gas emissions.
Communities for a Better Environment v. City of Richmond (Cal. Super. Ct. June 5, 2009)	A state court in California held on June 5, 2009 that the City of Richmond's environmental impact report pursuant to the California Environmental Quality Act (CEQA) concerning a major expansion of an oil refinery in the City violated CEQA's greenhouse gas requirements. The court held that although the City identified a standard of no net increases in greenhouse gas emissions, it failed to identify any means of achieving that standard. In addition, the court held that the City improperly deferred its formulation of greenhouse gas mitigation measures until a future date. The court also found that the environmental impact report (EIR) failed to clearly state whether the expansion project will allow the refinery to process heavier crude oil than itis currently processing.
Communities for a Better Environment v. City of Richmond (Cal. Ct. App. April 26, 2010)	A California state appellate court held that the EIR for upgrades to a refinery located in Richmond, California failed to consider the project's greenhouse gas emissions impacts as required under the California Environmental Quality Act (CEQA). The decision affirmed the June 2009 decision by the lower court that the environmental assessment fell short of the requirements of CEQA. The appellate court found that the EIR merely proposed a generalized goal of no net increase in greenhouse gas emissions and then set out vaguely described future mitigation measures. The court stated that greater specificity was required.

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Communities for a Better Environment v. City of Richmond

Name and Date	Description
Communities for a Better Environment v. City of Richmond, No. MSN08-1429 (Cal. Super. Ct., stipulation and order discharging peremptory writ of mandate filed Apr. 13, 2015)	A California Superior Court discharged the writ of mandate that barred Chevron Products Company (Chevron) from proceeding with an expansion project at its oil refinery in the City of Richmond in northern California. The writ was granted in 2009, when the court held that the City's review under the California Environmental Quality Act had been inadequate. Among the shortcomings identified by the court was a failure to mitigate greenhouse gas emissions. After an appellate court affirmed the Superior Court's decision in 2010, the City conducted another review. A final environmental impact report was certified in July 2014.

Leavell v. New Mexico Environmental Improvement Board

Name and Date	Description
Leavell v. New Mexico Environmental Improvement Board (D. N.M, filed Jan. 13, 2010)	Plaintiffs, which include state legislators, businesses, agricultural interests and others, filed a complaint seeking to stop state regulators from adopting a cap on greenhouse gas emissions, alleging that New Mexico's Environmental Improvement Board lacks statutory authority to consider or adopt an emissions cap. In April 2009, the New Mexico Environmental Improvement Board (EIB)voted to classify greenhouse gas emissions as air pollutants under the New Mexico Air Quality Control Act and make them subject to rulemaking by the Board.
Leavell v. New Mexico Environmental Improvement Board (N.M. Dist. Ct. April 13, 2010)	A New Mexico state court issued a preliminary injunction that halted state regulators' plans for regulations to cap greenhouse gas emissions. The injunction was requested by a group representing New Mexico legislators, as well as business, agricultural, and other interests.
New Energy Economy, Inc. v. Leavell (Sup. Ct. N.M. June 7, 2010)	The New Mexico Supreme Court issued a ruling allowing the EIB to proceed with a rulemaking for GHG regulations. The court vacated a preliminary injunction issued in April 2010 by a lower court, holding that the injunction would harm the agency's ability to do its job. The court remanded the case to the EIB so it could resume public hearings on the proposed regulations.
New Energy Economy v. Shoobridge (Sup. Ct. N.M. Nov. 10, 2010)	The New Mexico Supreme Court, reversing a lower court, held that a court may not intervene when the state legislature delegates authority to a state agency to promulgate rules and regulations before that agency has adopted such rules and regulations.
New Energy Economy v. Martinez (Sup. Ct. N.M. Jan. 26, 2011)	The New Mexico Supreme Court held that Governor Susana Martinez's administration violated the state Constitution by blocking regulations designed to reduce the state's GHG emissions from being published as codified in the New Mexico State Register. The court issued a writ of mandamus against the state records administrator for failing to publish finalized regulations concerning a state cap on GHG emissions. Governor Martinez had imposed a 90-day delay in the implementation of the regulations to allow for a review to determine whether they were business friendly. This decision is discussed in more detail on CCCL's climate blog **here**.
New Energy Economy v. Vanzi (Sup. Ct. N.M. July 26, 2011)	The New Mexico Supreme Court upheld an appellate court decision concerning a rule adopted by the EIB concerning GHG emissions. The appellate court had remanded the case to the EIB for resolution. The court also held that an environmental group, New Energy Economy, had the right to intervene in the proceeding before the EIB to defend a the rule, which was adopted by the agency in December 2010 and required large producers of GHGs in the state to reduce their emissions by 3 percent annually from 2010 levels. Several utilities appealed the rule. New Energy Economy had filed the appeal to the Supreme Court, asking that the court not remand the case back to the EIB because it claimed that the agency was allegedly colluding with the utilities to repeal the rule.

Sierra Club v. Southwest Washington Clean Air Agency

Name and Date	Description
Sierra Club v. Southwest Washington Clean Air Agency (Wash. Pollution Control Hearings Board April 19, 2010)	Several environmental groups filed an appeal with the Washington State Pollution Control Hearings Board challenging the Southwest Washington Clean Air Agency's issuance of an air permit to a coal-fired power plant. The Board rejected arguments that the air permit was required to establish emissions limitation and impose Reasonably Available Control Technology (RACT) requirements for carbon dioxide.

Central Valley Chrysler-Jeep, Inc. v. Goldstene

Name and Date	Description
Central Valley Chrysler-Jeep, Inc. v. Goldstene (9th Cir., motion to dismiss filed April 6, 2010)	The automobile industry voluntarily dismissed three lawsuits challenging California regulations to limit greenhouse gas emissions from vehicles. The lawsuits filed in Vermont and Rhode Island were challenging state enactments that adopted the California regulations. Automobile manufacturers had pledged to drop the lawsuits after the Obama administration finalized national greenhouse gas regulations and fuel economy standards. The Obama administration issued such final regulations on April 1, 2010.

Lincoln-Dodge, Inc. v. Sullivan

Name and Date	Description
Lincoln-Dodge, Inc. v. Sullivan (D. R.I. Nov. 25, 2008)	Automobile manufacturers and associations, as well as a number of automobile dealers, commenced an action seeking a declaration that Rhode Island's GHG emission standards for new vehicles, based upon California's regulations, are preempted by the Clean Air Act and the Energy Policy and Conservation Act (EPCA). The defendants moved to dismiss on collateral estoppel grounds based on previous decisions in California and Vermont, both of which rejected identical CAA and EPCA preemption claims. The court granted the motion in part, holding that collateral estoppel applied to the manufacturers and associations given that they were parties to the Vermont and California cases. However, the court denied the motion with respect to the dealers given that they were not parties to these cases.
Lincoln-Dodge, Inc. v. Sullivan (D. R.I., motion to dismiss filed April 7, 2010)	The automobile industry voluntarily dismissed three lawsuits challenging California regulations to limit greenhouse gas emissions from vehicles. Automobile manufacturers had pledged to drop the lawsuits after the Obama administration finalized national greenhouse gas regulations and fuel economy standards. The Obama Administration issued such final regulations on April 1, 2010.

Green Mountain Chrysler-Plymouth-Dodge-Jeep v. Crombie

Name and Date	Description
Green Mountain Chrysler-Plymouth-Dodge-Jeep v. Crombie (D. Vt., motion to dismiss filed April 7, 2010)	The automobile industry voluntarily dismissed three lawsuits challenging California regulations to limit greenhouse gas emissions from vehicles. The lawsuits filed in Vermont and Rhode Island were challenging state enactments that adopted the California regulations. Automobile manufacturers had pledged to drop the lawsuits after the Obama administration finalized national greenhouse gas regulations and fuel economy standards. The Obama Administration issued such final regulations on April 1, 2010.

Virginia v. EPA

Name and Date	Description
Virginia v. EPA (D.C. Cir., filed April 15, 2010)	The attorneys general from Virginia and Alabama filed a motion seeking an order requiring EPA to reopen its December 2009 finding that greenhouse gas emissions from cars and light trucks endanger public health and welfare. The motion filed with D.C. Circuit seeks to compel EPA to hold public hearings on the science it used to back up the endangerment finding. The petition filed by the attorneys general contends that much of the science used to justify the finding is based on data from the Climate Research Unit at the United Kingdom's University of East Anglia and that the Unit sought to suppress information contradicting its conclusion that human emissions of greenhouse gases are causing climate change.

National Petrochemical and Refiners Association v. EPA

Name and Date	Description
National Petrochemical and Refiners Association v. EPA (D.C. Cir., filed March 29, 2010)	Two petroleum industry associations sued the EPA over provisions in a final rule requiring motor fuel producers to include certain percentages of renewable fuels in their products. EPA published the final rule on March 25, 2010, which changes EPA regulations to include renewable fuel requirements for motor fuels established by Energy Independence and Security Act (EISA) in 2007. The EISA requires the industry to supply 12.95 billion gallons of renewable fuel in 2010. EPA's final rule puts this requirement into EPA regulations retroactive to January 1, 2010. The associations are challenging these retroactive requirements.
National Petrochemical and Refiners Association v. EPA (D.C. Cir. Dec. 21, 2010)	The D.C. Circuit rejected a challenge by two petroleum industry associations to EPA requirements for blending renewable fuels, such as ethanol, in transportation fuels, agreeing with EPA that the EISA authorized the agency to establish mandates for fuel producers to blend renewable fuel into their products for the entire year. The court also held that the agency acted within the law when it set the requirement for biodiesel in 2010 by combining the requirements contained in the law for 2009 and 2010. The law required 500 million gallons of biodiesel in 2009 and 650 million gallons in 2010. The EPA rule combines the annual amounts, requiring 1.15 billion gallons in 2010.
National Petrochemical and Refiners Association v. EPA (D.C. Cir. April 22, 2011)	The D.C. Circuit rejected a petition for a rehearing *en banc*.
National Petrochemical and Refiners Association v. EPA (U.S. Sup. Ct. Nov. 7, 2011)	The Supreme Court rejected a petition for certiorari concerning a **decision** by the D.C. Circuit which upheld a final rule requiring motor fuel producers to include certain percentages of renewable fuels in their products.

Association of Taxicab Operators v. City of Dallas

Name and Date	Description
Association of Taxicab Operators v. City of Dallas (N.D. Tex., filed April 15, 2010)	An organization representing taxicab operators in Dallas, Texas filed suit against the city alleging that a new ordinance giving preference to taxis that run on compressed natural gas is preempted by the Clean Air Act. The ordinance allows taxis running on compressed natural gas to automatically move to the front of the line in taxi queues at Dallas Love Field Airport. The same day the lawsuit was filed, the court granted the plaintiff's request for a temporary restraining order preventing the city from enforcing the ordinance.
Association of Taxicab Operators v. City of Dallas (N.D. Tex. Aug. 30, 2010)	On August 30, 2010, the court denied the organization's motion for a preliminary injunction, holding that the ordinance did not amount to a "standard" under Section 209(a) because it did not mandate quantitative emissions levels, establish manufacturer requirements, establish purchase requirements, mandate emissions control technology, or establish a penalty or fee system.
Association of Taxicab Operators v. City of Dallas (N.D. Tex. Mar. 28, 2012)	The district court granted the City's motion for summary judgment.
Association of Taxicab Operators USA v. City of Dallas (5th Cir. June 13, 2013)	The Fifth Circuit affirmed the district court decision granting summary judgment to the City. The Fifth Circuit concluded that the ordinance did not on its face impose an emissions standard—the ordinance was "a compelling offer, not a compelled restraint." The court also agreed with the district court that plaintiff had not offered evidence to show that the law indirectly compelled a particular course of action (i.e., the purchase of CNG vehicles).

NRDC v. Michigan Dept. of Natural Resources and Environment

Name and Date	Description
NRDC v. Michigan Dept. of Natural Resources and Environment (Mich. Cir. Court, filed March 25, 2010)	NRDC and the Sierra Club filed a lawsuit in Michigan state court challenging an air permit issued by the Michigan Department of Natural Resources and Environment to a proposed coal-fired power plant. The complaint alleges that the proposed plant violates the Clean Air Act for, among other reasons, not regulating emissions of carbon dioxide from the plant and for rejecting cleaner energy alternatives.

Connecticut v. American Electric Power Co.

Name and Date	Description
Connecticut v. American Electric Power (2d Cir. Sept. 16, 2009)	The Second Circuit vacated a lower court decision and reinstated a lawsuit by eight states and New York City against six large electric power generators that sought to limit the generators' GHG emissions by claiming that these emissions contributed to the public nuisance of climate change. In 2005, the district court dismissed the lawsuit, holding that the claims represented "non-judiciable political questions." The Second Circuit reversed, holding that although Congress has enacted laws affecting air pollution, none of those laws has displaced federal common law. The court stated that there may be a time where federal laws and regulations pre-empt the the field of common law nuisance, but that this had not yet occurred.
Connecticut v. American Electric Power Co. (2d Cir. March 5, 2010)	The Second Circuit denied a motion for rehearing or a rehearing *en banc* concerning its September 2009 decision.
Connecticut v. American Electric Power Co. (Sup. Ct., petition for cert. filed Aug. 2, '10)	Defendants filed a petition for certiorari with the U.S. Supreme Court to review the Second Circuit's September 2009 ruling.
Connecticut v. American Electric Power Co. (Sup. Ct., petition for cert. filed Aug. 24, 2010)	On August 24, 2010, the federal government, appearing on behalf of one of the named defendants (Tennessee Valley Authority), filed a cert petition also seeking to overturn the Second Circuit's decision. The brief questioned whether the plaintiffs had standing to bring the lawsuit and whether recent actions by EPA to regulate GHG emissions supplant the reason given by the Second Circuit for allowing the case to proceed.
Connecticut v. American Electric Power Co. (Sup. Ct., cert granted Dec. 6, 2010)	On Dec. 6, 2010, the U.S. Supreme Court granted certiorari. Justice Sotomayor recused herself; she had been on the Second Circuit panel that heard the argument below, though she had been promoted to the Supreme Court before the Second Circuit issued its ruling allowing the case to proceed.
Connecticut v. American Electric Power Co. (Sup. Ct., TVA brief filed Jan. 31, 2011)	The federal government, on behalf of the Tennessee Valley Authority, asked the U.S. Supreme Court to overturn the Second Circuit decision allowing several states to continue with their public nuisance lawsuit against several utility companies for their GHG emissions. According to the government, courts should not adjudicate such general grievances absent statutory authority, particularly since EPA has begun regulating GHGs under the Clean Air Act. On February 7, 2011, the Supreme Court scheduled oral arguments in the case for April 19, 2011. A blog entry analyzing the claims raised by TVA and AEP in their briefs is available here.
Connecticut v. American Electric Power Co. (Sup. Ct., state briefs filed March 11, 2011)	Several states and New York City filed a brief with the U.S. Supreme Court urging it to uphold the rights of states to sue power companies as a major contributor to climate change. The parties, who are respondents in the lawsuit, argued that the power companies are major contributors to climate change and are collectively responsible for ten percent of the nation's GHG emissions. A blog entry describing these arguments in more detail is available **here**.
Connecticut v. American Electric Power Co. (Sup. Ct. June 20, 2011)	In an 8-0 decision authored by Justice Ginsburg, the court dismissed the lawsuit on the grounds that federal common law in this area is displaced by the Clean Air Act. The Court found that Congress had entrusted EPA in the first instance to decide how GHGs should be regulated, and it's not for the federal courts to issue their own rules. A blog entry analyzing the decision is available **here**.

Jones v. Regents of the University of California

Name and Date	Description
Jones v. Regents of the University of California (Cal. Ct. App. March 12, 2010)	Several individuals filed a petition in state court challenging the certification of an environmental impact report (EIR) issued pursuant to the California Environmental Quality Act (CEQA) regarding the renovation of the Lawrence Berkeley National Laboratory. The trial court held that the Board of Regents of the University of California violated CEQA by amending the EIR in response to public comments about greenhouse gas emissions without recirculating the final EIR for public review. On appeal, the appellate court reversed, holding that a lead agency was not required to provide an opportunity for the public to review a final EIR.

Powder River Basin Resource Council v. Wyoming Dept. of Env. Quality

Name and Date	Description
Powder River Basin Resource Council v. Wyoming Dept. of Env. Quality (Wyoming March 5, 2010)	The Wyoming Supreme Court upheld the Wyoming Department of Environmental Quality's permit issued to a coal-fired power plant, holding that carbon dioxide is not subject to regulation under the Clean Air Act and therefore utility permits need not include CO2 limits. The Court held that such permits need only address pollutants "subject to regulation" under the Clean Air Act and that carbon dioxide is not currently subject to such regulation.

Citizens for Environmental Inquiry v. Dept. of Environmental Quality

Name and Date	Description
Citizens for Environmental Inquiry v. Dept. of Environmental Quality (Mich. Ct. App. Feb. 9, 2010)	A state appellate court in Michigan upheld a lower court's finding that the Michigan Department of Environmental Quality is not required to promulgate rules regulating carbon dioxide emissions. In 2008, Citizens for Environmental Inquiry sued the Department, seeking to force it to issue rules regarding carbon dioxide emissions with respect to the construction of a power plant. In rejecting the challenge, the Court held that the group did not have standing--*i.e.* that it did not demonstrate that it would suffer harm as a result of the construction of the plant beyond what would be experienced by the public at large.

Sierra Club v. Clinton

Name and Date	Description
Sierra Club v. Clinton (D. Minn. Feb. 3, 2010)	A coalition of environmental groups commenced an action alleging that several federal agencies violated NEPA concerning the permitting of the Alberta Clipper Pipeline, which, when built, will run from Alberta, Canada to Wisconsin. The pipeline will transport heavy crude oil extracted from tar sands in Canada. Among other things, plaintiffs alleged that the State Department violated NEPA by issuing an environmental impact statement (EIS) did not address impacts of increased greenhouse gas emissions. The coalition moved for a preliminary injunction concerning the permitting of the Alberta Clipper Pipeline. The court denied the motion, holding that the EIS adequately addressed impacts concerning the possible effects of the pipeline on climate change and thus that plaintiffs did not show a substantial probability of success necessary to obtain a preliminary injunction.
Sierra Club v. Clinton (D. Minn. Feb. 24, 2010)	The defendants moved to dismiss. The court denied the motion, holding that the EIS prepared by the State Department constituted a final agency action that was reviewable under the Administrative Procedure Act and that the allegations that the EIS did not sufficiently address indirect and cumulative impacts of the project on climate change were sufficient to withstand a motion to dismiss.
Sierra Club v. Clinton (D. Minn. Oct. 19, 2010)	A district court dismissed with prejudice a lawsuit brought by environmental groups against the United States seeking to halt construction of a pipeline extending from Alberta, Canada to Wisconsin. The court held that the EIS supported the need for the pipeline. In addition, the court held that the Canadian oil sands were being developed separately from the pipeline and, thus, there was an insufficient causal relationship between the pipeline and the oil sands such that the EIS was not deficient in its failure to consider the transboundary impacts of increased greenhouse gases caused by increased exploitation of the tar sands.

Amigos Bravos v. U.S. Bureau of Land Management

Name and Date	Description
Bravos v. Bureau of Land Management (D.N.M., filed Jan. 21, 2009)	Plaintiffs, represented by the Western Environmental Law Center, filed suit in New Mexico federal court alleging that a 2008 grant by the Bureau of Land Management (BLM) of 92 oil and gas leases in New Mexico violated federal law by failing to address GHG emissions. The complaint also alleges that BLM failed to adopt policies designed to make drilling more efficient. Plaintiffs allege that BLM's grants of the leases were improper under the Federal Land Policy and Management Act, the Mineral Leasing Act, the National Environmental Policy Act (NEPA), and a 2001 order by the Department of the Interior. Plaintiffs base their standing to sue on the alleged impairment of their use and enjoyment of lands affected by the leases.
Amigos Bravos v. U.S. Bureau of Land Management (D.N.M. Feb. 9, 2010)	The court denied BLM's motion to dismiss.
Amigos Bravos v. U.S. Bureau of Land Management (D.N.M. Aug. 3, 2011)	BLM moved to dismiss on standing grounds. The district court granted the motion, holding that plaintiffs failed to demonstrate that their members suffered any injury in fact given that they produced no scientific evidence concerning statements in members' declarations that climate change will lead to less water, decreased biodiversity, siltier rivers, and more forest fires. Thus, these statements were excluded as inadmissible hearsay. The court further held that even it were to accept such statements, none of the alleged effects of climate change created a risk of imminent environmental harm. In addition, the court held that none of the plaintiffs demonstrated that their members used the lands that would be subject to the leases. Finally, the court held that plaintiffs also failed to demonstrate causation concerning these alleged effects and the granting of the leases.

Center for Biological Diversity v. Town of Yucca Valley

Name and Date	Description
Center for Biological Diversity v. Town of Yucca Valley (Cal. Sup. Ct. San Bernardino Co. May 15, 2009)	A California state court overturned a town's approval of a 185,000 square foot Wal-Mart Supercenter near Joshua Tree National Park, holding that an environmental impact review pursuant to the California Environmental Quality Act (CEQA) did not take into account the impacts of the project's projected greenhouse gas emissions. The court found that the review violated CEQA because it did not provide evidence that the proposed store complied with strategies to reduce climate change as required by state law. The court ordered the town to revise its environmental impact review to include an analysis of climate change impacts from the proposed store and ways to mitigate greenhouse gas emissions.
Center for Biological Diversity v. Town of Yucca Valley (Cal. Sup. Ct. March 5, 2010)	Wal-Mart entered into a settlement whereby it agreed to install rooftop solar systems and take other steps to reduce the carbon footprint of their stores in a settlement resolving two lawsuits filed by CBD. The retailer agreed to installing a rooftop solar system of at least 250 kW each at three proposed stores, to build state-of-the-art energy efficiency measures into the design of each of the planned stores, to conduct an audit to measure the energy efficiency of refrigeration units in existing stores in California, and to contribute $120,000 to the Mojave Desert Land Trust for land conservation purposes. As part of the settlements, both cases were dismissed.

Montana Environmental Information Center v. Bureau of Land Management

Name and Date	Description
Montana Environmental Information Center v. Bureau of Land Management (D. Montana March 18, 2010)	The Bureau of Land Management (BLM) agreed to a settlement with several environmental organizations concerning its alleged duty under NEPA to consider the climate impacts of oil and gas leasing decisions. According to the settlement, BLM will immediately suspend 61 oil and gas leases it issued covering more than 30,000 acres in Montana. During the suspension, BLM will review its obligations under NEPA. The plaintiffs commenced the lawsuit in December 2008, alleging that BLM violated NEPA, the Federal Land Policy and Management Act, the Mineral Leasing Act, and an Interior Department Secretarial Order which allegedly requires all Department of Interior agencies to conduct climate analyses in parallel with planning and decision making.

Center for Biological Diversity v. Dept. of Interior

Name and Date	Description
Center for Biological Diversity v. Dept. of Interior (N.D. Cal., filed March 9, 2010)	CBD filed a complaint against the Department of the Interior, alleging that it has missed the deadline mandated by the Endangered Species Act to make a final determination listing seven penguin species as endangered or threatened because of climate change. In December 2008, the Fish and Wildlife Service recommended endangered status for the African penguin and threatened status for the yellow-eyed penguin, the white-flippered penguin, the Fiorland crested penguin, the erect-crested penguin, the Humboldt penguin and a portion of the range of the southern rockhopper penguin. According to the complaint, the federal government had one year from this date to reach a final decision pursuant to the Endangered Species Act.

Center for Biological Diversity v. Dept. of Interior

Name and Date	Description
Center for Biological Diversity v. U.S. Department of Interior (D.C. Cir. April 17, 2009)	The District of Columbia Circuit Court of Appeals held that the U.S. Supreme Court's decision in *Massachusetts v. EPA* does not grant standing to citizens to sue on the merits of their climate claims. CBD challenged a leasing plan for oil and gas development on the Outer Continental Shelf in the Beaufort, Bering and Chukchi Seas off the coast of Alaska, alleging that the Department of Interior failed to consider the climate change impacts of the plan under NEPA. The court held that CBD's NEPA claims were unripe and did not rule on the substantive standing issue. However, it included a lengthy discussion on standing in the ruling, stating that CBD only had standing to bring procedural rather than substantive climate claims. The court found that CBD failed to show that the harm from climate change caused by leasing was actual or imminent and failed to show that the generalized harm of climate change would hurt its members more than the rest of the population. In addition, the court found that CBD failed to show how the leasing would be a proximate cause of climate change.

Center for Biological Diversity v. Dept. of Interior

Name and Date	Description
Center for Biological Diversity v. Department of Interior (D.D.C. Jan. 15, 2009)	CBD filed suit against six federal agencies alleging that they failed to protect endangered species from climate change. The lawsuit alleges that the federal agencies failed to respond to a petition filed by CBD in 2007 seeking a federal conservation plan for species that were threatened by climate change. The petition asked the agencies for, among other things, a review of all threatened, endangered, and candidate species to determine which are threatened by climate change; a review of all federal recovery plans to ensure endangered species are able to adapt to a warming environment; a requirement for all federal agencies to implement endangered species recovery plans; and a review of the climate change contribution of all federal projects and mitigation of impacts on imperiled species.

Judicial Watch v. Dept. of Energy

Name and Date	Description
Judicial Watch v. Dept. of Energy (D. D.C., filed Feb. 18, 2010)	A government watchdog group filed a Freedom of Information Act (FOIA) lawsuit against the Department of Energy and the EPA seeking documents related to White House "climate czar" Carol Browner's part in crafting U.S. climate policy. The group asked the agencies to turn over records of any communication, contact or correspondence between Browner and the Dept. of Energy or EPA pertaining to White House negotiations with the auto industry and the State of California on fuel standards and auto emissions standards between January 20, 2009 and June 1, 2009, and additional negotiations pertaining to a proposed cap-and-trade scheme to limit greenhouse gas emissions from between June 2009 and October 2009.

Center for Biological Diversity v. City of Perris

Name and Date	Description
Center for Biological Diversity v. City of Perris (Cal. Ct. App. March 5, 2010)	Wal-Mart agreed to install rooftop solar systems and take other steps to reduce the carbon footprint of their stores in a settlement resolving two lawsuits filed by CBD. The retailer agreed to installing a rooftop solar system of at least 250 kW each at three proposed stores, to build stat-of-the-art energy efficiency measures into the design of each of the planned stores, to conduct an audit to measure the energy efficiency of refrigeration units in existing stores in California, and to contribute $120,000 to the Mojave Desert Land Trust for land conservation purposes. The lawsuits alleged that the cities which approved the stores violated the California Environmental Quality Act (CEQA) by not taking into account the greenhouse gas impacts of planned stores. As part of the settlements, both cases were dismissed.

Sierra Club v. U.S. Army Corps of Engineers

Name and Date	Description
Sierra Club v. U.S. Army Corps of Engineers (W.D. Ark., filed Feb. 11, 2010)	The Sierra Club and three chapters of the Audubon Society filed suit against the U.S. Army Corps of Engineers, seeking an injunction to halt construction of a power plant in Hempstead County, Arkansas. The plaintiffs allege that the Corps violated NEPA and the Clean Water Act when it issued the permit allowing the company to take water from the Little River and fill wetlands during project construction.
Sierra Club v. U.S. Army Corps of Engineers (W.D. Ark. Oct. 24, 2010)	A federal court in Arkansas granted the Sierra Club's request for an injunction that would prevent a coal-fired power plant, holding that it and other plaintiffs made a sufficient showing that environmental damage was likely to occur. The permit would have allowed the company to fill in eight acres of wetlands, divert large amounts of water from the Little River, and build three new power lines.
Sierra Club v. U.S. Army Corps of Engineers (W.D. Ark. Nov. 2, 2010)	A federal court refused to grant a company constructing a power plant a stay of an October 2010 preliminary injunction blocking construction of the plant.
Sierra Club v. U.S. Army Corps of Engineers (8th Cir. July 14, 2011)	The Eighth Circuit affirmed the grant of an injunction imposed by a district court which halted work at the site of a new coal-fired power plant in Arkansas.
Sierra Club v. U.S. Army Corps of Engineers (W.D. Ark. July 25, 2011)	The owner of a coal-fired power plant in Arkansas agreed to partially settle this case. As part of the settlement, the owner agreed not to construct any additional generation units at the plant, and not to propose any new coal-fired plants within 30 miles of the facility. The owner will also provide funding to preserve the local environment, to complete a baseline mercury study of the area, and to install new liners at its landfill. However, the Sierra Club and the National Audubon Society are continuing to challenge the air permit and the Corps permit in state and federal court.
Sierra Club v. U.S. Army Corps of Engineers (W.D. Ark. Nov. 16, 2011)	After the plaintiffs settled with several defendants, the owner of the power plant moved to dismiss on standing and mootness grounds. The district court denied the motion, holding that the plaintiffs had standing to proceed with their case and that the case was not moot even though the construction of the plant was nearly complete.
Sierra Club v. U.S. Army Corps of Engineers (W.D. Ark., consent decree filed Dec. 22, 2011)	A power company and environmental groups reached a settlement that resolves a lawsuit challenging the construction of a 600-megawatt coal-fired power plant in Arkansas. Among other things, the company agreed to build no other generating units at the site and no other power plants within 30 miles of the facility. The company also agreed to construct or secure 400 megawatts of renewable energy resources by the end of 2014, use low-sulfur coal at the plant, and conduct additional stack testing at the plant to determine whether it could comply with more stringent emissions limits for coarse particulate matter.

Center for Biological Diversity v. Kempthorne

Name and Date	Description
Center for Biological Diversity v. Kempthorne (N.D. Cal. Aug. 13, 2008)	The court granted the motions of two industry groups to intervene in a case challenging the Department of Interior's (DOI's) decision to list the polar bear as "threatened" rather than "endangered." The court limited the participation of both groups to issues in which they have a concrete interest.
Center for Biological Diversity v. Kempthorne (N.D. Cal. Nov. 18, 2008)	Several other industry groups moved to intervene in the case. The plaintiffs did not challenge the motions, but requested that the intervenors' involvement in the case be subject to certain limitations. The court held that the groups could intervene with respect to the plaintiffs' ESA claims challenging DOI's decision to classify the polar bear as a threatened species, but not with respect to plaintiffs' claim that DOI did not comply with the National Environmental Policy Act or the Administrative Procedure Act in doing so.

Center for Biological Diversity v. Kempthorne

Name and Date	Description
Center for Biological Diversity v. Kempthorne (D. Alaska Jan. 8, 2010)	A federal court in Alaska upheld a rule by the U.S. Department of the Interior (DOI) that allows the incidental take of polar bears and Pacific walruses during oil and gas exploration in Alaska's Chukchi Sea. The court dismissed the lawsuit brought by the Center for Biological Diversity (CBD) seeking to revoke the rule, holding that it was similar to another agency rule concerning Alaska's Beaufort Sea, which was recently upheld by the Ninth Circuit. The court concluded that DOI had properly considered the impact of climate change when it approved the removal of otherwise protected polar bears and walruses from oil and gas exploration sites in an Arctic body of water under U.S. jurisdiction.

Center for Biological Diversity v. Kempthorne

Name and Date	Description
Center for Biological Diversity v. Kempthorne (9th Cir. Dec. 2, 2009)	The Ninth Circuit held that companies exploring for oil and gas in the Beaufort Sea may accidently disturb polar bears and Pacific walruses without violating federal law. The court held that the incidental take rules for the animals in and around the sea, which is on Alaska's north coast, were carefully and properly issued by the U.S. Fish and Wildlife Service in 2006. The court ruled that the climate change evidence presented by the Center for Biological Diversity (CBD) showed only a "generalized threat to polar bear populations" and did not show a significant impact.

Center for Biological Diversity v. Kempthorne

Name and Date	Description
Center for Bio. Diversity v. Kempthorne (E.D. Cal. filed Aug. 19, 2008)	Conservation group sought protection for the American pika, a small member of the rabbit family, under both the federal and California's Endangered Species Act. The lawsuit against the California Fish and Game Commission challenges an April 2008 decision by the agency denying a request to list the pika as a "threatened" species under the state Act. The lawsuit against the Fish and Wildlife Service alleges that the federal agency did not issue a timely finding on the group's petition to list the pika as a "threatened" species under the federal Act.

Save the Plastic Bag Coalition v. City of Manhattan Beach

Name and Date	Description
Save the Plastic Bag Coalition v. City of Manhattan Beach (Cal. App. 2 Dist. Jan. 27, 2010)	The City of Manhattan Beach issued a negative declaration under the California Environmental Quality Act (CEQA) in connection with an ordinance prohibiting certain retailers from providing plastic bags to customers. A coalition of retail groups commenced an action seeking to invalidate the ordinance. A state trial court vacated the ordinance pending an environmental impact report (EIR). On appeal, the appellate court affirmed, holding that the City should have prepared an EIR given that the ordinance could have a significant environmental impact.
Save the Plastic Bag Coalition v. City of Manhattan Beach (Cal. Sup. Ct. July 14, 2011)	The California Supreme Court reversed two lower courts in holding that the City of Manhattan Beach did not violate the California Environmental Quality Act (CEQA) by failing to conduct a full-scale environmental impact analysis before adopting an ordinance prohibiting certain retailers from providing plastic bags to customers, concluding that the ordinance would have no significant environmental effect.

Underwriter of Lloyd's of London v. NFC Mining Inc.

Name and Date	Description
Underwriter of Lloyd's of London v. NFC Mining, Inc. (E.D. Kentucky, Jan. 27, 2010)	A federal court held that Lloyd's of London does not have to defend or indemnify a Kentucky coal processing facility against most of the claims of a personal injury and property damage suit because the pollution exclusion of the insurance policy provides the insurer immunity from the underlying claims. The court held that the insurance company's duty to defend the plant extended only to bodily injuries and property damages caused by noise, but not with respect to punitive damages or damages to air, land or water.

San Luis & Delta-Mendota Water Authority v. Salazar

Name and Date	Description
San Luis Water Authority v. Salazar (E.D. Cal., filed March 2, 2009)	Two water districts in California's Central Valley filed suit challenging a U.S. Fish and Wildlife Service (FWS) biological opinion that was issued in December 2008 with respect to the delta smelt, an endangered fish. The lawsuit alleges that the biological opinion, which imposes restrictions on the pumping of Sacramento-San Joaquin River Delta water through the Central Valley, will put farmers out of business and do little to protect the delta smelt. Specifically, the lawsuit alleges that the FWS failed to consider the best available scientific data and was selective in its use of the data, as well as failing to assess the effects of the proposed restrictions as required under the Endangered Species Act. The pumping restrictions would cut water deliveries already reduced as a result of three years of dry weather.
San Luis & Delta-Mendota Water Authority v. Salazar (E.D. Cal., May 29, 2009)	The court granted a preliminary injunction in favor of the water authority to prevent until June 30 any federal river flow restrictions aimed at protecting the endangered Delta smelt.The order, which found that plaintiffs are likely to succeed on their claim that the opinion violates the National Environmental Policy Act, enjoins FWS from implementing "unnecessarily restrictive" flow restrictions under its biological opinion "unless and until" it considers the harm its decisions "are likely to cause humans, the community, and the environment."
San Luis & Delta-Mendota Water Authority v. Salazar (E.D. Cal. Dec. 16, 2009)	Plaintiffs filed a motion seeking to supplement the administrative record to include scientific reports and articles concerning the fish and its habitat, including documents concerning climate change and the future of the species. The court denied the motion as to these documents.

United States v. Sholtz

Name and Date	Description
United States v. Sholtz (C.D. Cal. Dec. 15, 2009)	Two U.S. Congressmen filed suit to unseal pleadings in a criminal case concerning an alleged fraudulent pollution credit trading scheme carried out in the context of the Southern California Regional Clean Air Incentives Market. According to the Congressman, they sought the information to aid in Congress's consideration of federal cap and trade legislation and to shed light on the possibility of fraud in such a system. The court ordered the pleadings to be unsealed, but allowed the defendant to submit proposed redactions concerning private or privileged information.

WildEarth Guardians v. Jackson

Name and Date	Description
WildEarth Guardians v. Jackson (D. Col, filed Jan. 13, 2010)	EPA agreed to review by March 25, 2010 the operating permit for a coal-fired power plant in Colorado pursuant to a proposed consent decree. The decree would resolve a lawsuit alleging that the agency failed to act in a timely manner with respect to objections filed by the plaintiff organization to the plant's operating permit for particulate matter and carbon monoxide.
WildEarth Guardians v. Jackson (D. Col. Nov. 30, 2010)	The EPA agreed to respond to petitions objecting to Colorado's issuance of operating permits to three coal-fired power plants in Colorado. The proposed agreement would settle a lawsuit filed by WildEarth Guardians alleging that EPA failed to fulfill a Clean Air Act (CAA) mandate to respond within 60 days to the organization's objections to the permits.
WildEarth Guardians v. Jackson (D. Col., settlement dated Jan. 10, 2011)	EPA finalized the settlement agreement whereby it agreed to respond to three administrative petitions submitted by WildEarth Guardians requesting that EPA object to Colorado's issuance of Clean Air Act permits to three coal-fired power plants. The consent decree settles a lawsuit filed by the group in July 2010 alleging that EPA failed to perform a duty mandated by the CAA to grant or deny the three petitions within 60 days. Pursuant to the terms of the settlement, EPA has agreed to respond to one petition by June 30, 2011, the second petition by September 30, 2011, and the third petition by October 31, 2011.

United States v. Cinergy

Name and Date	Description
United States v. Cinergy (S.D. Indiana, filed Dec. 22, 2009)	In a settlement, Duke Energy/Cinergy agreed to spend $85 million to reduce air pollution at an Indiana power plant and pay a $1.75 million civil penalty pursuant to a settlement to resolve violations of the Clean Air Act. The settlement is expected to reduce sulfur dioxide emissions at the plant by almost 35,000 tons every year. The company is also required to spend $6.25 million on environmental mitigation projects. The settlement also requires the company to repower two of the operating units with natural gas or shut them down and to install new pollution controls for sulfur dioxide at the other two units.
United States v. Cinergy (7th Cir. Oct. 12, 2010)	The Seventh Circuit reversed and remanded a lower court decision finding a coal-fired power plant in Indiana liable for making major modifications to the plant without first obtaining a permit from EPA in violation of the Clean Air Act. In a unanimous decision, the court held that the plant acted in accordance with Indiana's state implementation plan, which had been approved by EPA, when it made modifications between 1989 and 1992. The court held that the plant did not need a new source review permit to perform the modifications because the changes did not increase the plant's hourly emissions output as stipulated by the state's plan.

National Petrochemical & Refiners Association v. Goldstene

Name and Date	Description
National Petrochemical & Refiners Association v. Goldstene (E.D. Cal, filed Feb. 2, 2010)	Industry and business groups filed a lawsuit challenging California's low-carbon fuel standard, alleging that it violates the commerce clause of the U.S. Constitution because it interferes with interstate commerce. The California Air Resources Board adopted the standard in April 2009, which measures the level of greenhouse gas emissions associated with the production, distribution, and consumption of gasoline and diesel fuels and their alternatives. It is designed to cut the average carbon intensity of fuels by 10 percent over the next 11 years.
National Petrochemical and Refiners Association v. Goldstene (E.D. Cal. June 16, 2010)	A federal district court in California denied California's motion to dismiss a lawsuit challenging the state's low-carbon fuel standard, finding that the Clean Air Act does not grant California unfettered authority to regulate fuels. The lawsuit alleges that that both the Commerce Clause and the Energy Independence and Security Act of 2007 preempt California's low-carbon fuel standard. The standard was adopted by the California Air Resources Board in 2009 and establishes a methodology for calculating the life-cycle emissions of all vehicle fuels. The standard is designed to reduce the average carbon intensity of fuels by 10 percent over the next 11 years.

Center for Biological Diversity v. California Dept. of Forestry and Fire Protection

Name and Date	Description
Center for Biological Diversity v. California Dept. of Forestry and Fire Protection (Cal. Superior Ct., filed Jan. 27, 2010)	CBD filed a lawsuit alleging that state forestry officials violated CEQA by approving a logging company's plan to clear-cut 5,000 acres of forests without properly analyzing the project's greenhouse gas impacts. The complaint alleges that state officials arbitrarily and unlawfully concluded that greenhouse gas emissions resulting from the logging projects would be minimal.

Savoy Energy LLC v. New Mexico Institute of Mining and Technology

Name and Date	Description
Savoy Energy LLC v. New Mexico Institute of Mining and Technology (D. Utah, filed Jan. 4, 2010)	An energy company filed suit against the New Mexico University, alleging that the university fraudulently backed out of a $10 million contract for the company to operate a Utah gas field as part of a government-sponsored carbon sequestration project. According to the complaint, the university used the company as a "stop-gap contractor" in order to maintain funding from the U.S. Department of Energy, which later awarded the project to the school. The complaint alleges that the university breached the contract between the entities given that the partnership could only be ended "for cause."

Rocky Mountain Farmers Union v. Goldstene

Name and Date	Description
Rocky Mountain Farmers Union v. Goldstene (E.D. Cal., filed Dec. 23, 2009)	Industry and business groups filed a lawsuit challenging California's low-carbon fuel standard, alleging that it violates the Commerce Clause of the U.S. Constitution because it interferes with interstate commerce, specifically because it discriminates against products made in other states such as corn-based ethanol.
Rocky Mountain Farmers Union v. Goldstene (E.D. Cal. Jan. 14, 2011)	The plaintiffs subsequently moved for summary judgment. The defendants moved to deny or continue the motions pursuant to Federal Rule of Civil Procedure 56(d), seeking additional time to serve additional documents and interrogatories and to depose one additional individual. The district court granted the motion except as to one plaintiff and set a new discovery schedule.
Rocky Mountain Farmers Union v. Goldstene (E.D. Cal. Dec. 29, 2011)	The court granted a preliminary injunction, holding that because the standard assigns more favorable carbon intensity values to corn-derived ethanol in California than to ethanol derived in California, it impermissibly discriminates against out-of-state entities. In addition, the court held that the standard impermissibly regulates channels of interstate commerce. The court further held that although the standard serves a legitimate local purpose, that purpose could be accomplished through other nondiscriminatory means. In addition, the court held that the plaintiffs' preemption claim raises a serious question as to whether the standard is preempted by the CAA.
Rocky Mountain Farmers Union v. Goldstene (E.D. Cal. Jan. 23, 2012)	A federal district court in California denied a motion by the California Air Resources Board (CARB) to lift an injunction blocking enforcement of the state's low-carbon fuel standard, concluding that it lacked authority to do so because CARB appealed the orders and thus it was without jurisdiction to do so.
Rocky Mountain Farmers Union v. Goldstene (9th Cir. Apr. 23, 2012)	The Ninth Circuit held that California could continue to enforce its low-carbon fuel standard pending the state's appeal of a December 2011 district court **decision** holding that the standard was unconstitutional. The decision in effect lifted an injunction issued by the district court pending appeal.

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Rocky Mountain Farmers Union v. Goldstene

Name and Date	Description
Rocky Mountain Farmers Union v. Goldstene (9th Cir. Sept. 18, 2013)	The Ninth Circuit reversed the portions of the 2011 district court decision that found California's low carbon fuel standard (LCFS) to be in violation of the dormant Commerce Clause. The Ninth Circuit ruled that the LCFS's ethanol regulation did not facially discriminate against out-of-state commerce, that its initial crude oil provisions did not discriminate against out-of-state crude oil in purpose or practical effect, and that the LCFS did not violate the dormant Commerce Clause prohibition on extraterritorial regulation. The Ninth Circuit vacated the preliminary injunction imposed by the district court and remanded for consideration of whether the LCFS's ethanol provisions discriminate in purpose or practical effect and for application of the *Pike v. Bruce Church, Inc.* balancing test to determine whether the crude oil provisions impose a burden on interstate commerce that is "clearly excessive" in relation to their local benefits. The Ninth Circuit instructed that if the district court finds the ethanol provisions to be discriminatory in purpose or practical effect, it should apply strict scrutiny to those provisions, but that it must otherwise apply the *Pike* balancing test to the ethanol provisions. The Ninth Circuit affirmed the district court's ruling that section 211(c)(4)(b) of the Clean Air Act does not foreclose Commerce Clause scrutiny of the LCFS. The Ninth Circuit did not express an opinion regarding whether the federal Renewable Fuel Standard preempts the LCFS.
Rocky Mountain Farmers Union v. Corey (9th Cir. Oct. 2, 2013)	Two separate petitions for rehearing *en banc* were filed. The Rocky Mountain Farmers Union plaintiffs—representing farming and ethanol interests—filed one petition, in which they argued that the Ninth Circuit had contravened Supreme Court precedent by "invok[ing] the state's purported nondiscriminatory purposes to avoid strict scrutiny of a facially discriminatory regulatory regime" and that the court "also failed to recognize that the LCFS by design impermissibly regulates conduct occurring in other states." Similarly, the American Fuels & Petrochemical Manufacturers Association (AFPM) plaintiffs—representing petrochemical, energy, and trucking industry groups—argued in their petition that the Ninth Circuit had impermissibly abandoned the strict scrutiny framework for assessing "regulations that, on their face, impose discriminatory burdens on imported products based on 'state boundaries'" and that the LCFS's lifecycle analysis regulated "interstate and foreign commerce—the production and transportation of fuels—occurring wholly outside of California." The AFPM plaintiffs also argued that the Ninth Circuit's conclusion that the LCFS's crude oil provisions did not violate the dormant Commerce Clause was in conflict with Supreme Court and other federal circuit court precedents. The AFPM plaintiffs contended that the crude oil provisions, which benefited a certain California crude oil while burdening imported and Alaskan crude oils, were not immune from challenge merely because they also burdened other California crude oils.

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Rocky Mountain Farmers Union v. Goldstene

Name and Date	Description
Rocky Mountain Farmers Union v. Corey Nos. 12-15131, 12-15135 (9th Cir. Jan. 22, 2014)	The Ninth Circuit denied the petitions for rehearing en banc over the dissent of seven judges, including the partial dissent of Judge Mary H. Murguia. She joined the portion of the dissent from the denial of rehearing that addressed facial discrimination. The dissent, authored by Judge Milan D. Smith, Jr., pointed to at least three ways in which the court had erred. One, the majority had found "at least facially constitutional a protectionist regulatory scheme that threatens to Balkanize our national economy." Two, the majority "compound[ed] its error" by finding that the legitimate local concern of combating climate change justified the LCFS ethanol provisions when the state had admitted that they would have little to no effect on climate change. Three, the LCFS ethanol provisions clearly impermissibly sought to control conduct in other states. Although the court denied the petition for rehearing without an opinion, Judge Ronald M. Gould, who wrote the court's September 2013 majority opinion, wrote a concurrence supporting the September opinion and countering the "overstatements" of the dissent. Of particular note to those who may be wondering what will happen next in this case, Judge Gould stated: "the tone and substance of the dissent is perhaps aimed at encouraging Supreme Court review. A petition for writ of certiorari from the parties who sought rehearing is likely forthcoming, but our court properly declines to give its judicial imprimatur to the dissent's position. Because Supreme Court review is possible, however, I set forth my own views on that prospect. On the one hand, the Supreme Court's considered judgment could be helpful to clarify as soon as practical what states may do of their own accord to deter or slow global warming....On the other hand, the record in this case is incomplete and thus unsuitable for understanding the full scope of the issues presented.... The issues raised by the dissent ... may be rendered moot by the district court's decision [on remand], and in any event there will be a more complete record, including findings on purpose and effect, on which to make a ruling about the controlling legal principles."

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Rocky Mountain Farmers Union v. Goldstene

Name and Date	Description
Rocky Mountain Farmers Union v. Corey, No. 13-1148 (U.S. Mar. 20, 2014); American Fuel & Petrochemical Manufacturers Association v. Corey, No. 13-1149 (U.S. Mar. 20, 2014	Two petitions for writs of certiorari were filed in the U.S. Supreme Court seeking review of the Ninth Circuit decision that revived California's Low Carbon Fuel Standard (LCFS). The petition filed by the Rocky Mountain Farmers Union and other parties associated with the ethanol industry presents two questions: (1) whether the Ninth Circuit erred "in concluding that the [LCFS] does not facially discriminate against interstate commerce" and (2) whether the Ninth Circuit erred "in concluding that the [LCFS] is not an extraterritorial regulation." The petition filed by the American Fuel & Petrochemical Manufacturers Association, American Trucking Associations, and Consumer Energy Alliance presents one question: "Whether [the LCFS] is unconstitutional because it discriminates against out-of-state fuels and regulates interstate and foreign commerce that occurs wholly outside of California."
Rocky Mountain Farmers Union v. Corey, No. 13-1148; American Fuel & Petrochemical Manufacturers Association, No. 13-1149; Corey v. Rocky Mountain Farmers Union, No. 13-1308 (U.S. cert. denied June 30, 2014)	The U.S. Supreme Court denied three petitions seeking review of the Ninth Circuit decision that reversed district court rulings that California's Low Carbon Fuel Standard (LCFS) violated the dormant Commerce Clause. Two of the petitions (Rocky Mountain Farmers Union, American Fuel & Petrochemical Manufacturers Association) had been filed by the parties who had challenged the LCFS; their petitions sought review of the Ninth Circuit's conclusions that the LCFS did not facially discriminate against interstate commerce and did not constitute extraterritorial regulation. The third was a conditional cross-petition filed by the State of California defendants, who sought review on the issues of whether Section 211(c)(4)(B) of the Clean Air Act (authorizing California to set emissions requirements) barred petitioners' challenges and whether changes to the LCFS regulations' treatment of 2011 California crude oil sales rendered some aspects of petitioners' challenges moot.

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Rocky Mountain Farmers Union v. Goldstene

Name and Date	Description
Rocky Mountain Farmers Union v. Goldstene, No. 1:09-cv-02234 (E.D. Cal. Dec. 10, 2014)	The district court for the Eastern District of California granted in part and denied in part a motion by plaintiffs to amend their complaint in their constitutional challenge to California's Low Carbon Fuel Standard (LCFS). The court will be addressing the remaining pieces of this challenge after the Ninth Circuit Court of Appeals largely rejected the contention that the LCFS violated the dormant Commerce Clause. The court rejected the request to amend claims of extraterritorial regulation in violation of the Commerce Clause as well as a claim of a violation of principles of interstate federalism embodied in the Constitution (plaintiffs called this latter theory their "horizontal federalism claim"). The court said the Ninth Circuit resolved any claim premised on extraterritorial regulation when it explicitly held that the LCFS did not regulate conduct outside California. The district court also found that the law of the case barred plaintiffs' claim that the LCFS's ethanol provisions facially discriminated. The court found, however, that law of the case did not bar the claim of discrimination in purpose and effect since the Ninth Circuit did not reach that issue. The court also held as a matter of law that the LCFS did not implicate the Import-Export Clause because it did not provide for anything that reasonably could be construed as a tax; the court therefore denied plaintiffs' request to add a claim of impermissible discrimination in violation of the Import-Export Clause. The court granted leave to amend to challenge 2012 amendments to the LCFS crude oil provisions and to drop federal preemption and "*Pike* balancing" claims under the dormant Commerce Clause.

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Rocky Mountain Farmers Union v. Goldstene

Name and Date	Description
American Fuels & Petrochemical Manufacturers Association v. Corey, Nos. 1:09-cv-2234, 1:10-cv-163 (E.D. Cal. Aug. 13, 2015)	The federal district court for the Eastern District of California issued a ruling that narrowed to one the claims that survive against California's Low Carbon Fuel Standard (LCFS) following the Ninth Circuit's 2013 decision that reversed the district court's earlier determination that the LCFS violated the dormant Commerce Clause. Finding that the Ninth Circuit's mandate was "explicit and unambiguous," the district court granted summary judgment to the defendants on the claim that the original LCFS that went into effect in 2011 was an impermissible extraterritorial regulation. The court further applied the law of the case doctrine to dismiss plaintiffs' extraterritoriality claim regarding the LCFS as amended in 2012. The court noted that the basis for the extraterritoriality challenge to the amended LCFS was the same as for the unsuccessful challenge to the original LCFS—namely, that the use of a life-cycle analysis to determine a fuel's carbon intensity regulated activities occurring wholly outside California. The court also determined that the plaintiffs could not state a claim that the amended LCFS for crude oil discriminated in purpose and effect. The court found no precedent to support a dormant Commerce Clause claim where a challenged law—like the amended LCFS crude oil provisions—burdened and benefitted in-state and out-of-state interests alike. The district court allowed plaintiffs to proceed with their claim that the original LCFS's ethanol provisions discriminated against interstate and foreign commerce in purpose and effect. The court agreed with plaintiffs that they had not abandoned or disavowed this claim. The court dismissed claims against Governor Jerry Brown on immunity grounds, but granted plaintiffs leave to amend.

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Rocky Mountain Farmers Union v. Goldstene

Name and Date	Description
Rocky Mountain Farmers Union v. Corey, No. 1:09-cv-2234-LJO-BAM (E.D. Cal. order for supplemental briefing May 13, 2016)	The federal district court for the Eastern District of California asked the parties to an action challenging California's Low Carbon Fuel Standard (LCFS) to provide additional briefing on the issue of whether the plaintiffs could make "as-applied" constitutional challenges to LCFS amendments finalized in November 2015. The plaintiffs had requested leave to amend their complaints to add challenges to the 2015 LCFS, but the defendants objected to addition of the as-applied constitutional claims based on the court's prior rulings and statements made by the plaintiffs. The court determined that it would need additional briefing to understand whether the 2015 LCFS was materially different from the original LCFS, and to determine whether its prior rulings concerning the plaintiffs' lack of standing to make certain claims applied and whether the law of the case or other doctrine barred the as-applied claims.
Rocky Mountain Farmers Union v. Corey, No. 1:09-CV-2234 (E.D. Cal. June 13, 2016)	The federal district court for the Eastern District of California granted in part motions by two sets of plaintiffs to amend their complaints in their "years-long and complex challenge" to California's Low Carbon Fuel Standard (LCFS). The plaintiffs sought to add constitutional challenges to the current version of the LCFS, which the California Air Resources Board (CARB) amended in November 2015 in response to a state court lawsuit. The court noted that the defendants had not objected to the amendments, except with respect to as-applied constitutional claims made by one set of plaintiffs. The court agreed with the defendants that, despite the intervening changes to the LCFS, the law of the case foreclosed standing for all but one of the plaintiffs wishing to add the as-applied claims.

American Chemistry Council v. EPA

Name and Date	Description
American Chemistry Council v. EPA (D.C. Cir., filed Dec. 28, 2009)	An industry group filed apetitionwith the D.C. Circuit seeking review of EPA's ruling that certain emitters of greenhouse gases must report their emissions.
American Chemistry Council v. EPA (D.C. Cir., settlement dated July 20, 2010)	The parties settled the lawsuit, whereby EPA agreed to make changes to monitoring and reporting requirements sought by the Council for emissions from fluorinated GHG production.

Energy Recovery Council v. EPA

Name and Date	Description
Energy Recovery Council v. EPA (D.C. Cir., filed Dec. 28, 2009)	An industry group filed apetitionwith the D.C. Circuit seeking review of EPA's ruling that certain emitters of greenhouse gases must report their emissions.
Energy Recovery Council v. EPA (D.C. Cir., settlement dated July 20, 2010)	The parties entered into a settlement agreement whereby EPA agreed to propose and finalize changes to reporting requirements for general stationary fuel combustion sources.

Fertilizer Institute v. EPA

Name and Date	Description
Fertilizer Institute v. EPA (D.C. Cir., filed Dec. 29, 2009)	An industry group filed apetitionwith the D.C. Circuit seeking review of EPA's ruling that certain emitters of greenhouse gases must report their emissions.
Fertilizer Institute v. EPA (D.C. Cir., settlement dated July 20, 2010)	The parties entered into a settlement agreement where EPA agreed to modify monitoring and reporting requirements to the way GHG emissions from a plant are calculated.

Conservation Northwest v. Rey

Name and Date	Description
Conservation Northwest v. Rey (W.D. Wash. Dec. 17, 2009)	A coalition of environmental groups filed a lawsuit challenging a plan prepared by the U.S. Forest Service concerning forest areas where the northern spotted owl is located. The plan covers 24.5 million acres of federal land in three states in the Northwest. The plan was amended in 2001 based on a 2000 supplemental environmental impact statement (SEIS). After the SEIS was challenged, a new SEIS was prepared in 2004, which was finalized in 2007 (FEIS). The FEIS was challenged on the grounds that it violated NEPA, including that it did not take the requisite "hard look" at the impact of increased logging on climate change and vice versa. The district court held that the agencies which prepared the FEIS were only obligated to disclose opposing viewpoints in the FEIS and explain their decision, which they did.

Utah Chapter of the Sierra Club v. Air Quality Board

Name and Date	Description
Utah Chapter of the Sierra Club v. Air Quality Board (Utah Sup. Ct., Dec. 4, 2009)	The Utah Chapter of the Sierra Club and other groups challenged the Utah Air Quality Board's approval of an extension to a power plant's air pollution permit. The court found that the only documentation in state records concerning the review was a post-it not that someone was contacted regarding a review and held that this was "woefully inadequate" to convince a reasonable person that a review took place.

Center for Biological Diversity v. Lubchenco

Name and Date	Description
Center for Biological Diversity v. Lubchenco (N.D. Cal., filed Sept. 3, 2009)	Two environmental organizations filed suit against the National Oceanic and Atmospheric Administration (NOAA) and other agencies based on their failure to list the ribbon seal as threatened because of climate change. On December 23, 2008, the NOAA rejected the Center's petition to list the species, stating that although the loss of sea ice looms as a problem for ribbon seals, it was likely that enough summer ice would remain in the seals' habitat such that population extinction was not a risk in the foreseeable future. The lawsuit alleged that the NMFS used an improperly truncated time frame of 43 years as the "foreseeable future" when determining that the ribbon seals' sea-ice habitat was expected to continuing forming annually for the foreseeable future, failed to consider whether there might be a distinct population segment of ribbon seals that should be listed, and failed to consider whether the seals might be threatened or endangered in a significant portion of their range.
Center for Biological Diversity v. Lubchenco (N.D. Cal. Nov. 30, 2009)	The defendants moved to transfer the action to Alaska. The magistrate judge assigned to the case denied the motion, holding that local interests in Alaska did not outweigh the CBD's choice of forum in California.
Center for Biological Diversity v. Lubchenco (N.D. Cal. Dec. 21, 2010)	After discovery, both sides moved for summary judgment. The district court granted the government's motion, holding that the agencies' decision was supported by the evidence and was not arbitrary or capricious.

Indeck Corinth, L.P. v. Paterson

Name and Date	Description
Indeck Corinth, L.P. v. Paterson (Saratoga Co. Sup. Ct., filed Jan. 29, 2009)	Plaintiff, a 128-megawatt natural gas-fired cogeneration plant, sued New York to overturn the state regulations that implement the Regional Greenhouse Gas Initiative (RGGI). In its complaint, the company claims that the regulations are unconstitutional and were implemented without the necessary statutory authority from the state legislature. In addition, the lawsuit alleges that RGGI should be declared void because it was never approved by Congress and is therefore in violation of the Commerce Clause of the U.S. Constitution. The company's main claim is that, under the RGGI regulations, it is unable to pass through the costs for purchasing CO2 allowances because it is obligated to a long-term fixed-price contract for electricity with Consolidated Edison.
Indeck Corinth, L.P. v. Paterson (N.Y. Sup. Ct., settled Dec. 23, 2009)	A settlement was reached concerning a lawsuit that had been brought by a New York power company against several New York State agencies concerning the state's implementation of the Regional Greenhouse Gas Initiative (RGGI). According to NYSERDA and DEC, the settlement leaves intact the mechanisms to achieve the goals of the RGGI program. Under the settlement, the plaintiff company will withdraw the lawsuit and in return Con Edition will pay the company and other power producers for the amount of pollution allowances that they do not receive directly from DEC from a pool of allowances that were set aside under the regulations for qualifying power generators bound by long-term contracts. In addition, NYSERDA will allot a portion of the RGGI proceeds to offset Con Edison's costs.

Sierra Club v. EPA

Name and Date	Description
Sierra Club v. EPA (D.C. Cir, filed Dec. 7, 2009)	A coalition of environmental advocates filed a lawsuit to force the EPA to reconsider performance standards for coal preparation and processing facilities and require fugitive coal dust controls. The lawsuit alleges that EPA failed to require the facilities to take additional steps to prevent fugitive dust emissions from roadways as required by the Clean Air Act. The lawsuit also challenges EPA's decision not to require that the facilities' fugitive dust control plans be reviewed and approved by state or federal permitting authorities.

Sierra Club v. EPA

Name and Date	Description
Sierra Club v. EPA (D.D.C. June 8, 2009)	The federal court reviewing a lawsuit filed by the Sierra Club against EPA over a permit for a coal-fired power plant entered an order June 8, 2009 rejecting a motion to dismiss and sending the lawsuit to federal district court in Kentucky for further proceedings. The court rejected an EPA motion to dismiss Sierra Club's lawsuit over a new generating unit in Maysville, Kentucky and ordered the lawsuit transferred to the U.S. District court for the Eastern District of Kentucky. In August 2006, the Sierra Club petitioned EPA to object to a Title V operating permit for the proposed new generating unit. In August 2007, EPA objected to the permit. Kentucky proposed a revised permit in March 2008. The Sierra Club sued EPA in September 2008, alleging that the agency had failed to perform a mandatory duty to rule on the proposed permit.

Sierra Club v. EPA

Name and Date	Description
Sierra Club v. EPA (D.C. Cir., filed Jan. 15, 2009)	TheSierra Club and other environmental groups filed a lawsuit in the District of Columbia Circuit Court of Appeals challenging a memo issued by EPA Administrator Stephen Johnson stating that power plants and other major industrial sources do not need to limit CO2 emissions.

Sierra Club v. EPA

Name and Date	Description
Sierra Club v. EPA (11th Cir. Sept. 2, 2008)	The 11th Circuit held that the EPA did not violate the Clean Air Act when it refused to object to the issuance of state air pollution permits from Georgia regulators covering two coal-fired power plants, concluding that EPA had wide discretion in overseeing state regulators who issue operating permits under Title V. Both plants maintained for years that they were exempt from prevention of significant deterioration (PSD) requirements under the 1997 CAA amendments. Sierra Club argued that, given the fact that EPA issued a violation notice to the plants in 1997, it should have objected in 2004 when the plants sought to renew operating permits that omitted any PSD requirements.

United States v. DeChristopher

Name and Date	Description
United States v. DeChristopher (D. Utah Nov. 16, 2009)	A federal court in Utah held that an individual will not be allowed to present the "necessity defense" in a criminal proceeding. The individual was indicted for submitting several bids for oil and gas drilling leases on federal land that he did not intend to pay for. He argued that he did so to prevent the leases from being used in a way that would worsen the effects of climate change. The court held that the government's motion *in limine* to prevent the individual from using the defense should be granted because the individual did not meet the criteria for allowing such a defense.
United States v. DeChristopher (10th Cir. Sept. 14, 2012)	On appeal, the 10th Circuit upheld the conviction, holding that the evidence was sufficient to sustain the conviction and that the district court did not err in disallowing the individual from presenting the necessity defense, holding that the first prong, that there was no legal alternative to violating the law, was not present in this case given that the individual could have taken other steps, such as filing a lawsuit to stop the issuance of the leases.

Center for Biological Diversity v. California Fish and Game Commission

Name and Date	Description
Center for Biological Diversity v. California Fish and Game Commission (Cal. Sup. Ct., filed Oct. 28, 2009)	CBD filed a lawsuit challenging the California Fish and Game Commission's rejection of its petition to protect the American pika under the California Endangered Species Act. The complaint alleges that the Commission ignored scientific evidence showing that climate change pose a threat to the pika, a hamster-like mammal that lives near mountain peaks in the western U.S. On October 1, 2009, the Commission finalized a decision that found that listing the pika as endangered or threatened was unwarranted. In May 2009, the same court found that the Commission had applied the wrong legal standard in rejecting the CBD's petition in 2008 and ordered it to reconsider the request.
Center for Biological Diversity v. California Fish and Game Commission (Cal. Sup. Ct. Oct. 19, 2010)	For the second time, a state court ordered California's Fish and Game Commission to study whether the America pika has become endangered under California's Endangered Species Act because of climate change, holding that the Commission improperly refused to consider new scientific studies since environmental groups first petitioned for the species' protection.
Center for Biological Diversity v. California Fish and Game Commission (Cal. Ct. App. April 8, 2011)	An appellate court reversed a lower court ruling awarding attorneys fees in the amount of $258,000 to the plaintiffs. The underlying lawsuit concerned designation of the American pika under California's endangered species act. The appellate court held that the Center for Biological Diversity did not meet the definition of being "a successful party" under state law given that the remand was for a perceived procedural defect and resulted in no demonstrable substantive change in the agency's position.

Center for Biological Diversity v. California Fish and Game Commission

Name and Date	Description
Center for Bio. Diversity v. California Fish and Game Comm. (Cal. Super Ct., filed Aug. 19, 2008)	A conservation group sought protection for the American pika, a small member of the rabbit family, under both the federal and California's Endangered Species Act. The lawsuit against the California Fish and Game Commission challenges an April 2008 decision by the agency denying a request to list the pika as a "threatened" species under the state Act. The lawsuit against the Fish and Wildlife Service alleges that the federal agency did not issue a timely finding on the group's petition to list the pika as a "threatened" species under the federal Act.

Chamber of Commerce v. Servin

Name and Date	Description
Chamber of Commerce v. Servin (D. D.C., filed Oct. 26, 2009)	The U.S. Chamber of Commerce sued the individuals that make up the "Yes Men," a comedic group that often parodies certain industry groups. On October 19, 2009, a press release from the group but purporting to be from the Chamber said that the Chamber was "throwing its weight behind strong climate legislation." Numerous mainstream news outlets ran stories about the release, but later had to retract or correct the stories after the Chamber confirmed that the release was a hoax. In addition to the press release, the group staged a fake press conference. The suit demands that the group take down a website that mimics the Chamber's site and seeks a ban on any further attempts by the group to impersonate the Chamber or any of its representatives.

Public Citizen v. Texas Commission on Environmental Quality

Name and Date	Description
Public Citizen v. Texas Commission on Environmental Quality (Texas Dist. Ct., filed Oct. 6, 2009)	A Texas environmental group filed a lawsuit seeking to force the Texas Commission on Environmental Quality to regulate GHGs when it approves new coal-fired power plants and other facilities in the state. The group alleged that existing Commission rules unlawfully eliminate all opportunity for people facing significant harm to present facts about climate change in permit proceedings on coal- and petroleum coke-fired power plants. The group seeks a judgment declaring Commission rules invalid under the federal Clean Air Act and the Texas Clean Air Act.

American Petroleum Institute v. Kempthorne

Name and Date	Description
American Petroleum Institute v. Kempthorne (D.D.C., filed Aug. 27, 2008)	Five business and industry trade groups seek to overturn one paragraph of an interim final rule meant to protect polar bears under the Endangered Species Act, alleging that the interim rule subjects operations in Alaska to stricter permitting and regulations than other states. The lawsuit does not challenge the Department of Interior's listing of the polar bear as threatened.

New York v. EPA

Name and Date	Description
New York v. EPA (D.C. Cir., filed Aug. 25, 2008)	Twelve states, New York City and the District of Columbia allege that EPA violated the Act by declining to add greenhouse gas emissions to the new source performance standards for petroleum refineries. EPA declined to regulate greenhouse gas emissions from refineries when it issued the performance standards in June, saying that the pending rulemaking on regulating such gases under the Act would address whether emissions from refineries and other stationary sources should be regulated.
New York v. EPA (D.C. Cir., settled Dec. 23, 2010)	EPA announced that it had reached agreements in two lawsuits to propose sector-wide GHG emissions controls for electric utilities and petroleum refineries. The agreements call for EPA to propose revisions to new source performance standards and emissions guidelines for the industries, which include limits on GHGs. The new source performance standards will apply to new and modified facilities, while the emissions guidelines will apply to existing facilities. Under the **agreement** concerning electric power plants (*New York v. EPA*), EPA must propose the new standards by July 26, 2011 and finalize them by May 26, 2012. Under the **agreement** with refineries (*American Petroleum Institute v. EPA*), EPA must propose the new standards by December 15, 2011 and finalize them by November 15, 2012.

Sierra Club v. U.S. Department of Agriculture Rural Utilities Service

Name and Date	Description
Sierra Club v. U.S. Dept. of Agric. Rural Util. Serv. (D.D.C., filed Oct. 16, 2007)	Plaintiffs challenged USDA's Rural Utilities Service's use of low-interest loans to finance the construction of new generating units at a coal-fired power plant in western Kansas, alleging that the agency did not prepare an environmental impact statement (EIS) for the plant and failed to analyze impacts of climate change and renewable energy alternatives.
Sierra Club v. U.S. Dept. of Agric. Rural Util. Serv. (D.D.C. March 29, 2011)	The court granted a summary judgment motion by the Sierra Club, holding that USDA should have prepared an EIS concerning the USDA's Rural Utilities Service's use of low-interest loans to finance the construction of new generating units at a coal-fired power plant in western Kansas.
Sierra Club v. U.S. Dept. of Agric. Rural Util. Serv. (D.D.C. Jan. 31, 2012)	A federal district court in the District of Columbia held that USDA's Rural Utilities Service violated NEPA by failing to prepare an environmental impact statement (EIS) in connection with its involvement in the expansion of a coal-fired power plant in Kansas. The court held that because the Service provided approvals and financial support to the project, its involvement amounted to a "major federal action" within the meaning of NEPA. The court held that the Service cannot issue any approvals or arrangements directly related to the project until an EIS is complete.
Sierra Club v. U.S. Dept. of Agric. Rural Util. Serv. (D.C. Cir. May 28, 2013)	The D.C. Circuit dismissed the appeal by intervenor Sunflower Electric Power Corporation. The D.C. Circuit determined that the district court's order was a non-final remand order that was not immediately appealable by a private party and therefore dismissed Sunflower's appeal for lack of jurisdiction.

National Audubon Society v. Kempthorne

Name and Date	Description
National Audubon Society v. Kempthorne (D. Alaska Sept. 25, 2006)	Plaintiffs challenged the Bureau of Land Management's (BLM's) final EIS that opened up land to oil and gas development, alleging that it did not analyze the effects of these activities on climate change. The court upheld the EIS's climate change-related analysis, holding that agency's methodology was reasonable and that plaintiff's affidavits did not contain any evidence of the cumulative effects of climate change. The EIS, however, was invalidated on other grounds, and BLM's sale of oil and gas development rights was enjoined.

National Environmental Advocates v. National Marine Fisheries Service

Name and Date	Description
National Environmental Advocates v. National Marine Fisheries Service (9th Cir. Aug. 23, 2006)	The Ninth Circuit held that the U.S. Army Corps of Engineers' EIS associated with a project to dredge and deepen the Columbia River navigation channel was adequate. One judge dissents, stating that the Corps' analysis of the salinity impacts of the project was deficient because it did not contain any analysis of the impacts of climate change on the Pacific Ocean and Columbia River and how this would affect salinity.

Friends of the Earth v. Watson

Name and Date	Description
Friends of the Earth v. Watson (N.D. Cal. Aug. 23, 2005)	A federal district court held that an environmental organization had standing to challenge Overseas Private Investment Corporation's loans to projects in developing countries, denying the Corporation's motion for summary judgment. Plaintiffs alleged that the Corporation invested in overseas projects that contribute to climate change without complying with the requirements of NEPA or the Administrative Procedure Act.

Senville v. Peters

Name and Date	Description
Senville v. Peters (D. Vermont May 10, 2004)	A federal district court rejected a challenge to the Federal Highway Administration's approval of one segment of a 16.7 mile highway that alleged that the EIS failed to analyze the project's effect on climate change, holding that plaintiffs did not establish that small increase in vehicle congestion would lead to significant air quality impacts. However, the court held that the EIS was inadequate for other reasons.

Center for Biological Diversity v. California Dept. of Forestry

Name and Date	Description
Center for Biological Diversity v. California Dept. of Forestry (Tehama Co. Sup. Ct., filed Aug. 13, 2009)	CBD filed a lawsuit against the California Department of Forestry over the agency's failure to analyze the GHG impacts when it approved a logging plan in the Sierra Nevada. CBD alleged that the Department was required to analyze and mitigate the GHG emissions of the project pursuant to CEQA but failed to do so.

Native Village of Kivalina v. ExxonMobil Corp.

Name and Date	Description
Native Village of Kivalina v. ExxonMobil Corp. (N.D. Cal. Sept. 30, 2009)	A federal court granted a motion to dismiss in a lawsuit brought against 24 oil, energy and utility companies by Inupiat Eskimos from Kivalina, Alaska. In dismissing the case for lack of subject matter jurisdiction, the court held that the question of how best to address climate change is a political question not appropriate for a federal trial court to decide. The court also held that the plaintiffs could not demonstrate that the companies had caused them injury. The lawsuit alleged that as a result of climate change, the Arctic sea ice that protects the Kivalina coast from storms has been diminished and that resulting erosion will require relocation of the residents at a cost of between $95 and $400 million.
Native Village of Kivalina v. ExxonMobil Corp. (9th Cir. Sept. 21, 2012)	The Ninth Circuit affirmed the dismissal of a lawsuit by Inupiat Native Alaskans seeking to recover money damages from a number of energy companies for GHG emissions from the companies' products that plaintiffs alleged eroded sea ice where the village is located. The appeals court held that plaintiffs could not sue under a theory of public nuisance given that it had been displaced by the Clean Air Act.
Native Village of Kivalina v. ExxonMobil Corp. (9th Cir. Nov. 11, 2012)	The Ninth Circuit denied a motion for a rehearing en banc concerning its decision affirming the dismissal of a lawsuit by Inupiat Native Alaskans seeking to recover money damages from a number of energy companies for GHG emissions from the companies' operations that plaintiffs alleged eroded sea ice where the village is located.
Native Village of Kivalina v. ExxonMobil Corp. (U.S., filed Feb. 25, 2013)	An Alaskan Village whose village is threatened by climate change filed a petition for certiorari with the U.S. Supreme Court seeking a review of a Ninth Circuit's decision finding that its lawsuit seeking damages under state common law was displaced by the Clean Air Act.
Native Village of Kivalina v. ExxonMobil Corp. (U.S. May 2013)	The Supreme Court denied the Native Village of Kivalina's petition for a writ of certiorari without comment.

NRDC v. U.S. State Dept.

Name and Date	Description
NRDC v. U.S. State Dept. (D.D.C. Sept. 29, 2009)	A federal district court denied a motion by NRDC to block a planned pipeline that would carry oil from Canadian tar sands to the United States. NRDC claimed that the State Department violated NEPA by issuing a permit to a company to build a cross-border oil pipeline. The court held that the group had no legal right to intervene in a permitting action carried out by a federal agency, holding that the President had complete, unfettered discretion over the permitting process.

Greater Yellowstone Coalition v. Servheen

Name and Date	Description
Greater Yellowstone Coalition v. Servheen (D. Montana Sept. 21, 2009)	A federal district court in Montana restored threatened-status protection for grizzly bears in and around Yellowstone National Park, citing a decline in food supplies caused in part by climate change. The court vacated a March 2007 decision by the Fish and Wildlife Service to remove the grizzly bear from the list of threatened species. Specifically, the court held that the FWS's decision did not adequately consider the impact of climate change and other factors on whitebark pine nuts, a major food source for the animals.
Greater Yellowstone Coalition v. Servheen (9th Cir. Nov. 22, 2011)	The 9th Circuit held that the U.S. Fish and Wildlife Service failed to justify its Endangered Species Act (ESA) delisting of the grizzly bears in the Yellowstone region because it did not consider the impact of climate change on a key source of the bear's food supply. The court reversed the agency's 2007 ruling to remove the bear's "threatened" status under the ESA. The decision affirms a lower court ruling that the FWS did not adequately consider the impacts of climate change on whitebark pine nuts, a major source of food for the bears. The decision stated that FWS's delisting decision did not articulate a rational connection between the data before it and its conclusion that whitebark pine declines were not likely to threaten the Yellowstone grizzly bear.

Hanosh v. King

Name and Date	Description
Hanosh v. King (N.M. Sept. 10, 2009)	The New Mexico Supreme Court affirmed a state appeals court's decision allowing plaintiffs to bring a declaratory judgment action against the New Mexico Environmental Improvement Board instead of filing an administrative appeal. The plaintiffs commenced the action in state court in 2007 after the Board signed off on emissions regulations that were tougher than federal standards. New Mexico is one of 13 states to adopt California's emissions laws after EPA granted the state a waiver under the Clean Air Act in June 2009 to enact its own regulations. The plaintiffs alleged that the Board did not have the power under state law to approve the stricter standards. The state court dismissed the complaint, holding that plaintiffs had to pursue an administrative appeal and could not file a separate declaratory judgment action. A state appellate court reversed, holding that the plaintiffs could raise a purely legal challenge to the Board's statutory authority through a declaratory judgment action. The Supreme Court agreed and remanded the case back to the lower court.

Shenandoah Valley Network v. Capka

Name and Date	Description
Shenandoah Valley Network v. Capka (W.D. Vir. Sept. 3, 2009)	Plaintiffs filed suit challenging the Federal Highway Administration's issuance of a "record of decision" concerning a highway improvement plan in Virginia. Among other things, the plaintiffs' complaint alleged that FHA failed to take the requisite "hard look" at the plan's contribution to climate change and oil dependence. In their complaint, plaintiffs alleged that FHA prematurely issued the record of decision. The defendants moved for summary judgment. The court granted the motion, holding that the record of decision was not issued prematurely and that plaintiffs' due process rights were otherwise not violated.
Shenandoah Valley Network v. Capka (W.D. Vir. June 17, 2010)	Plaintiffs filed suit challenging the Federal Highway Administration's issuance of a "record of decision" concerning a highway improvement plan in Virginia. Among other things, the plaintiffs' complaint alleged that FHA failed to take the requisite "hard look" at the plan's contribution to climate change and oil dependence. In their complaint, plaintiffs alleged that FHA prematurely issued the record of decision. The defendants moved for summary judgment. The court granted the motion, holding that the record of decision was not issued prematurely and that plaintiffs' due process rights were otherwise not violated. The plaintiffs subsequently moved for leave to amend the judgment and to file a second amended complaint. The court denied the motion, finding that the plaintiffs did not show grounds for amending the judgment and that permitting the requested amendments to the complaint would be futile.

Center for Biological Diversity v. Office of Management and Budget

Name and Date	Description
Center for Biological Diversity v. Office of Management and Budget (N.D. Cal. Aug. 25, 2009)	In 2007, the Center for Biological Diversity filed suit against the Office of Management and Budget, alleging violations of the Freedom of Information Act (FOIA) in connection with a lawsuit that sought documents in connection with rulemaking concerning CAFE standards for light trucks. In July 2009, the district judge assigned to the case referred the matter to a magistrate judge for an "in camera" review of certain documents that were claimed by OMB to be privileged, including those addressing greenhouse gases. In this decision, the magistrate listed each document at issue and determined whether it remained privileged.

Humane Society v. Jackson

Name and Date	Description
Humane Society v. Jackson (EPA, filed Sept. 21, 2009)	The Humane Society and other organizations petitioned EPA to limit emissions of the GHGs methane and nitrous oxide, as well as emissions from other air pollutants, from concentrated animal feeding operations (CAFOs). The petition asked EPA to list the emissions from the CAFOs as air pollutants that endanger public health and welfare and issue new source performance standards under Section 111 of the CAA. According to the petition, livestock raising produces 27% of the nation's methane emissions and 16% of its nitrous oxide emissions.

Friends of the Chattahoochee v. Longleaf Energy Associates

Name and Date	Description
Longleaf Energy v. Friends of the Chattahoochee (Georgia Ct. App., rev. granted Aug. 20, 2008)	The Georgia Court of Appeals granted review of a lower court's rejection of a state permit for construction of a coal-fired power plant on the Chattahoochee River. In that decision, the court held that the Georgia Environmental Protection Division must limit the amount of carbon dioxide from the proposed plant before construction can begin, overruling an administrative law judge's decision upholding the agency's approval of the plant.
Longleaf Energy Associates LLC v. Friends of the Chattahoochee (Ga. Ct. App., July 7, 2009)	The Georgia Court of Appeals reversed a lower court ruling that had vacated a state permit for the construction of a 1,200-watt coal-fired power plant on the Chattahoochee River because it did not limit CO2 emissions. The Court held that the lower court erred by ruling in June 2008 that under the CAA, the Georgia Environmental Protection Division was required to include CO2 emissions limitations in its permitting process, finding that it would compel the state agency to limit these emissions even though no provision of the CAA or state law or regulation actually controls or limits them.
Friends of the Chattahoochee v. Longleaf Energy Associates (Georgia Sup. Ct. Sept. 28, 2009)	The Georgia Supreme Court denied an appeal by environmental groups regarding a decision that found a proposed coal-fired power plant was not required to limit its CO2 emissions.

Southern Alliance for Clean Energy v. Duke Energy Carolinas, Inc.

Name and Date	Description
Southern Alliance for Clean Energy v. Duke Energy Carolinas, Inc. (W.D.N.C., filed July 16, 2008)	Plaintiffs filed suit seeking to prevent Duke Energy from building an 800-megawatt coal-fired plant in North Carolina, alleging that the plant has not received a final determination that it will achieve a level of hazardous air pollutant emissions control that satisfies the Maximum Achievable Control Technology requirements of the Clean Air Act.
Southern Alliance for Clean Energy v. Duke Energy Carolinas, Inc. (W.D.N.C. Dec. 2, 2008)	The company moved to dismiss on jurisdiction and standing grounds. The court denied the motion, holding that the environmental groups had standing and that the venue was proper. The court further held that the company must initiate and participate in a full MACT public process within 10 days.
Southern Alliance for Clean Energy v. Duke Energy Carolinas, Inc. (W.D.N.C. July 2, 2009)	A federal court ruled that North Carolina's administrative appeals process is the proper venue to review a challenge to Duke Energy's plans for expansion of a power plant. In granting the motion to dismiss, the court held that the issues raised and relief sought in the two actions "are either identical or essentially the same" and that the administrative process was an adequate avenue for such a challenge.
Southern Alliance for Clean Energy v. Duke Energy Carolinas, Inc. (4th Cir. April 14, 2011)	The Fourth Circuit affirmed a decision awarding nearly $500,000 in attorneys' fees to environmental groups that challenged approval of a coal-fired power plant in North Carolina. Although the district court dismissed the case in July 2009 because regulators had taken over handling the file, the court held that defendant company was required to pay some of the attorneys' fees that plaintiffs had incurred to that point. The Fourth Circuit affirmed, holding that that the plaintiffs need only achieve some success to qualify for an award under the CAA.

Minnesota Center for Environmental Advocacy v. Holsten

Name and Date	Description
Minn. Center for Env. Advocacy v. Holsten (Minn. Co. Ct. Oct. 15, 2008)	The plaintiff, an environmental advocacy group, filed suit in state court against the Minnesota Department of Natural Resources alleging that it did not adequately consider the amount of greenhouse gases a proposed $1.65 billion direct taconite-to-steel plant would produce when it approved an environmental impact statement (EIS) concerning the plant. The state court upheld the EIS, holding that the state agency followed the law when drafting the EIS. The environmental advocacy group has appealed the ruling.
Minnesota Center for Environmental Advocacy v. Holsten (Minn. Ct. App. Sept. 22, 2009)	The Minnesota Court of Appeal rejected a challenge to the environmental impact statement (EIS) for a proposed steel production plant, which alleged that the EIS was inadequate since did not include a substantial discussion of the project's projected GHG emissions. The court held that the plaintiffs' challenge was without merit, holding that the EIS adequately addressed the plant's projected GHG emissions and its effect on climate change. The court found that the EIS included a carbon footprint section that acknowledged the proposed plant's CO2 emissions and that there were no regulations concerning GHG emissions.

Ophir v. City of Boston

Name and Date	Description
Ophir v. City of Boston (D. Mass July 23, 2009)	A federal district court in Boston issued a temporary injunction prohibiting the city from requiring taxicab companies to purchase new hybrid cars by 2015. A taxicab owners association filed suit alleging that the city's requirement that taxicab owners purchase 2008 or 2009 or later-model vehicles is prohibited under the preemption provisions of the CAA and the Energy Policy and Conservation Act. The plaintiffs argued that local regulation of air quality is preempted by federal law and that the CAA preempts not only regulations targeted at vehicle manufactures and sellers, but also regulations targeted at the purchase of vehicles.
Ophir v. City of Boston (D. Mass. Aug. 14, 2009)	The court enjoined the city from requiring taxicab companies to purchase new hybrid cars by 2015. The plaintiffs argued that local regulation of air quality is preempted by federal law and that the CAA preempts not only regulations targeted at vehicle manufactures and sellers, but also regulations targeted at the purchase of vehicles. The court agreed and enjoined the city from enforcing the requirement.

Sunflower Electric Power Corp. v. Sebelius

Name and Date	Description
Sunflower Electric Power Corp. v. Sebelius (D. Kansas, filed Nov. 17, 2008)	A company seeking to construct two 700 MW coal-fired power plants filed a lawsuit against state officials alleging that its 14th amendment rights to fair and equal treatment under the law were violated and that the officials illegally restricted interstate commerce. In 2007, a state agency denied the company air quality permits for construction of the plants and subsequent bills introduced in the state legislature allowing construction of the plants were vetoed by Governor Kathleen Sebelius.
Sunflower Electric Power Corp. v. Sebelius (Kan. Dist Ct. , filed July 16, 2009)	Sunflower filed a lawsuit in federal court alleging that then-governor Kathleen Sebelius and officials in her administration violated the company's right to fair and equal treatment by blocking its air quality permits over concerns about greenhouse gases. The suit also accuses the defendants of unlawfully prohibiting interstate commerce. Sunflower has sought to build two coal-fired power plants since 2007. In July 2009, EPA Region 7 stated that a comprehensive analysis of the new project would be needed in light of design changes in the new proposal. The analysis would be needed to establish that emissions from the new plant would not violate the prevention of significant deterioration (PSD) requirements of the CAA. However, the review would not take into account emissions of CO2.

Franklin County Power of Illinois LLC v. Sierra Club

Name and Date	Description
Sierra Club v. Franklin Co. Power of Illinois, LLC (7th Cir. Oct. 27, 2008)	The State of Illinois granted Franklin Co. Power a Prevention of Significant Deterioration (PSD) permit in 2001 to build a new power plant. However, the company failed to commence construction within the 18 month window required under the permit and then, after commencing construction, discontinued it for almost two years during a payment dispute. In May 2005, the Sierra Club filed a citizen suit under the CAA seeking an injunction to halt further construction due to the expired permit. The district court held that the PSD permit expired and that the company would have to obtain a new permit before continuing construction. The Seventh Circuit affirmed the district court's decision, holding that the company both failed to commence construction within the 18 month window and discontinued construction activities for more than 18 months.
Franklin County Power of Illinois LLC v. Sierra Club (U.S. Sup. Ct. June 29, 2009)	The U.S. Supreme Court denied a request to review a decision barring the construction of a coal-fired power plant in Southern Illinois whose permit under the Clean Air Act (CAA) had expired, leaving intact the lower court decision which blocked construction of the plant because its Prevention of Significant Deterioration (PSD) permit had expired.

Sierra Club v. Two Elks Generation Partners

Name and Date	Description
Sierra Club v. Two Elks Generation Partners (D. Wyoming, filed Jan. 29, 2009)	The Sierra Club filed suit against a proposed tar sands oil project, alleging that it will harm human health by, among other things, increasing greenhouse gas emissions. Specifically, the complaint alleges that the Department of the Interior (DOI) and other defendants violated the National Environmental Policy Act (NEPA) and the Administrative Policy Act by failing to prepare an Environmental Impact Statement (EIS) and failing to allow for public participation in DOI's decision. The complaint further alleges that the project anticipates the construction of 288 closely-spaced new oil wells. According to the Sierra Club, greenhouse gas emissions from tar sands production are three times those of conventional oil and gas production.

Sierra Club v. U.S. Dept. of State

Name and Date	Description
Sierra Club v. U.S. Dept. of State (N.D. Cal., filed Sept. 3, 2009)	Sierra Club and other groups filed a lawsuit seeking to stop construction of a cross-border pipeline that would bring large volumes of oil from Canadian tar sands into the United States for refining and marketing. The plaintiffs allege that the State Department's EIS did not adequately consider the environmental impact of tar sands production. According to the plaintiffs, such production accounts for three times the amount of GHGs as normal production. On Sept. 23, 2009, the district court ruled on a motion to transfer venue to Minnesota (the decision has been added to the "NEPA" slide). The court granted the motion, holding that most of the plaintiffs did not reside in California, the decisions were made outside of California and the district had little interest in the subject matter. The court held that the majority of activities underlying the lawsuit took place in Minnesota.

Blue Skies Alliance v. Texas Commission on Environmental Quality

Name and Date	Description
Blue Skies Alliance v. Texas Commission on Environmental Quality (Tex. App. Ct. Jan. 29, 2009)	A Texas state appellate court upheld the Texas Commission on Environmental Quality's approval of a permit to operate a coal-fired power plant. The court held that the plant would have no significant impact on compliance with federal air quality standards in the Dallas-Fort Worth area to the north. It also held that "best available control technology" must be a technology that can be installed at the plant, and that Clean Air Act technology requirements cannot require a redesign of a plant. The court rejected an argument from plaintiffs that the Commission should have required the integrated gasification combined cycle coal conversion process, holding that they offered no evidence showing that this process could be used by the plant developer .

Friends of the Earth v. Spinelli

Name and Date	Description
Friends of the Earth v. Spinelli *(formerly Friends of the Earth v. Mosbacher)* (N.D. Cal., settled Feb. 6, 2009)	The Overseas Private Investment Corp. (OPIC) and the U.S. Export-Import Bank (Ex-Im Bank) settled a lawsuit filed by several city governments and environmental groups, agreeing to consider GHG emissions that would result from the projects they finance. The lawsuit was filed by Friends of the Earth and several other plaintiffs in 2002 and alleged that OPIC and Ex-Im Bank, both independent government entities, provide monetary assistance to projects without assessing the CO2 emissions of these projects as mandated by NEPA and the Administrative Procedure Act. In 2005, the district court held that the plaintiffs had the right to sue the two agencies to force compliance. Under the terms of the settlement, the Ex-Im Bank, which provides financing for exports from the U.S., and OPIC, which offers insurance and loan guarantees for projects in developing countries, will revise their policies regarding the environment in consultation with representatives of the plaintiffs. Additionally, the bank will be required, whenever possible, to post environmental documents online for public comment and will, in conjunction with representatives of the plaintiffs, "develop and implement a carbon policy." Further, the settlement requires the bank to assume a "leadership role" by taking actions such as encouraging transparency with regard to GHG emissions and "proposing common greenhouse gas mitigation standards for financed projects." The settlement with OPIC requires that any project that emits more than 100,000 tons of CO2 equivalent a year be subject to an environmental impact assessment that takes into account GHG emissions. In addition, the settlement requires OPIC to report the emissions from such projects to the public on a yearly basis and to reduce the number of projects by 20% over the next 10 years.

California v. EPA

Name and Date	Description
California v. EPA (N.D. Cal. Nov. 22, 2008)	The State of California filed a lawsuit seeking documents under the Freedom of Information Act (FOIA) concerning statements made by officials at the National Highway Transportation Safety Administration (NHTSA) that the state's regulation of CO2 is preempted by federal law. Specifically, the state sought documents concerning NHTSA's discussion of California's regulations and preemption with certain officials as well as certain meetings and phone conversations where these topics were discussed. NHTSA contended that many of these documents were exempt from disclosure under the deliberative process privilege. Both sides moved for summary judgment. The magistrate judge assigned to the case issued a ruling recommending that some of the documents in dispute were not covered by the privilege and thus should be disclosed.

Ash Grove Texas LP v. City of Dallas

Name and Date	Description
Ash Grove Texas, LP v. City of Dallas (N.D. Texas, filed Nov. 26, 2008)	A cement manufacturer filed a lawsuit against several Texas municipalities that passed "green cement" resolutions, which favor cement companies that use dry process kilns, which emit less pollution than old-style, wet process kilns. Plaintiff Ash Grove has only wet process kilns. The resolutions have been adopted by Dallas, Plano, Arlington and Fort Worth. The company alleges in its complaint that these resolutions violate Texas law regarding competitive bidding and public contracts, and that they also violate the company's constitutional rights.

American Nurses Association v. EPA

Name and Date	Description
American Nurses Association v. EPA (D.C. Cir., filed Dec. 18, 2008)	A coalition of environmental groups filed a lawsuit against EPA seeking to force the agency to comply with a six-year-old mandate to reduce toxic chemical emissions from coal-fired power plants. The suit seeks a court order requiring EPA to set limits for mercury and other hazardous air pollutants. EPA was required under Section 112(d) of the CAA to issue final national emissions standards for hazardous air pollutants emitted by new and existing coal- and oil-fired electric utility steam generating units by December 2002 under its maximum achievable control technology (MACT) program. In March 2005, the EPA issued a rule removing these plants from the list of industries for which MACT standards were required. However, this rule was vacated in March 2008.

Center for Biological Diversity v. FWS

Name and Date	Description
Center for Biological Diversity v. FWS (D. Alaska, filed Dec. 3, 2008)	CBD sued the FWS for failing to issue a decision regarding its petition to list the Pacific walrus as a threatened or endangered species under the Endangered Species Act because of climate change. CBD filed its petition in February 2008.

Sevier Power Co. LLC v. Board of Sevier Co. Commissioners

Name and Date	Description
Sevier Power Co. LLC v. Board of Sevier Co. Commissioners (Utah Supreme Ct., Oct. 17, 2008)	Individuals who were opposed to the construction of a coal-fired power plant in their county attempted to modify a county zoning ordinance regarding such facilities to require voter approval. The initiative was approved by the Board of County Commissioners for placement on the ballot for the November 2008 general election. Sevier Power brought an action in state court, alleging that this amounted to a land use ordinance which could not be changed by voter initiative pursuant to the Election Code. On appeal, the Utah Supreme Court reversed, holding that that portion of the Election Code that limited citizen initiatives was unconstitutional given that the Utah Constitution allowed citizens the right to initiate "any desired legislation" to voters for approval or rejection unless otherwise forbidden by the Utah Constitution.

Citizen Action Coalition of Indiana v. PSI Energy

Name and Date	Description
Citizen Action Coalition of Indiana v. PSI Energy (Indiana Ct. App., Oct. 16, 2008)	In 2007, the Indiana Utility Regulatory Commission approved the construction of a 630 MW power plant in southwest Indiana. Several environmental groups appealed the Commission's approval, alleging that it erred by failing to reopen proceedings to admit new evidence, failing to consider the potential future costs and that state laws favoring the use of Indiana coal violated the Commerce Clause. The Indiana Court of Appeals upheld approval of the project, finding that the evidence of increased construction costs did not require that the proceedings be reopened, that the Commission had anticipated the potential costs that might be imposed by federal greenhouse gas regulations and that the use of Indiana coal did not violate the Commerce Clause.

CleanCOALition v. TXU Power

Name and Date	Description
CleanCOALitionv. TXU Power (5th Cir., July 21, 2008)	Environmental groups brought a citizen suit against several utility entities to enjoin their construction of a pulverized coal-fired power plant in their community, based on various violations of the preconstruction permit process of the Clean Air Act. The district court dismissed the suit for lack of subject matter jurisdiction, holding that held that Sections 7604(a)(1) and (a)(3) did not authorize citizen suits to redress alleged pre-permit, preconstruction, pre-operation CAA violations. The Fifth Circuit upheld the district court's decision. The environmental groups filed a petition for a writ of *certiorari* with the U.S. Supreme Court on October 20, 2008.

Center for Biological Diversity v. San Joaquin Valley Air Pollution Control District

Name and Date	Description
Center for Biological Diversity v. San Joaquin Valley Air Pollution Control District (Fresno Co. Sup. Ct., filed Oct. 16, 2008)	The complaint challenged the September 2008 decision of the District to approve a 3,200 cow dairy project and certify the Environmental Impact Report for it. The complaint alleged that the EIR violates the California Environmental Quality Act because it understated the number of cows and arbitrarily concluded that the project's climate change impacts were insignificant, thus avoiding an obligation to consider mitigation measures.

Steadfast Insurance Co. v. The AES Corporation

Name and Date	Description
Steadfast Insurance Co. v. The AES Corporation (Arlington Co. Cir. Court, filed July 9, 2008)	The complaint seeks a declaratory judgment that Steadfast, which issued a series of general liability insurance policies to AES, is not liable for any damages AES is obligated to pay in the *Native Village of Kivalina v. ExxonMobil Corp*. lawsuit filed in federal court. Plaintiffs in *Kivalina* seek to recover damages from AES and other parties caused by climate change that threatens their village in Alaska. The complaint alleges several bases for non-coverage, including that the policies only apply to claims arising from an "accident" which is not alleged by the *Kivalina* plaintiffs, that the damages occurred prior to September 2003 when the policies were issued, and because greenhouse gases are considered a pollutant which is subject to the pollution exclusion clauses in the policies.
Steadfast Insurance Co. v. The AES Corporation (Arlington Co. Cir. Court Feb. 5, 2010)	In February 2010, a state court denied the defendant's motion for summary judgment without comment.
Steadfast Insurance Co. v. The AES Corporation (Va. Sup. Ct. Sept. 16, 2011)	The trial court held that the insurance company had no duty to defend or indemnify the energy company. On appeal, the Virginia Supreme Court affirmed an earlier decision of the trial court, which held that the insurance company had no duty to defend or indemnify the energy company. In its decision, the Supreme Court held that the relevant policies only provide coverage against claims for damages caused by an accident or occurrence, and the release of GHGs did not qualify as either.
Steadfast Insurance Co. v. The AES Corporation (Va. Sup. Ct. Jan. 17, 2012)	The Virginia Supreme Court granted a motion for a new hearing in a lawsuit in which the court previously held that an insurance company did not have a duty to defendant an energy company being sued for its alleged contribution to climate change. In the motion, AES argued that the court's decision was overly broad and could impair the administration of insurance claims for negligence in Virginia.
Steadfast Insurance Co. v. The AES Corporation (Va. Sup. Ct. April 20, 2012)	The Virginia Supreme Court reaffirmed its **previous holding** that an insurance company has no obligation to defend or indemnify an energy company against a lawsuit alleging that its greenhouse gas emissions led to the destruction of an Alaskan village. Upon rehearing, the court reaffirmed its prior holding, stating that the allegations by the village were that its damages were the result of AES's intentional actions and not an accident or other occurrence covered by the policy.

Center for Biological Diversity v. Hall

Name and Date	Description
Center for Biological Diversity v. Hall (D.D.C., entered Sept. 8, 2008)	CBD entered into a settlement with the U.S. Fish and Wildlife Service concerning its lawsuit seeking to compel the agency to determine whether 12 penguin species should be listed as endangered under the ESA because of climate change. The lawsuit was filed in February 2008 after the agency missed a statutory deadline to determine if listing the species was warranted. Under the terms of the settlement, the agency has until December 19, 2008 to make such a determination.

Sustainable Trans. Advocates of Santa Barbara v. S.B. Co. Assoc. of Governments

Name and Date	Description
Sustainable Transportation Advocates of Santa Barbara v. Santa Barbara County Association of Governments (Cal. Super. Ct., Santa Barbara Co. June 30, 2009)	In 2008, the Santa Barbara County Association of Governments approved an updated regional transportation plan, which included an Environmental Impact Review (EIR) under the California Environmental Quality Act (CEQA). Sustainable Transportation Advocates filed an action alleging that the EIR was inadequate because, among other things, it failed to discuss statewide energy use patterns within the traffic impacts analysis and the potential for "induced traffic" that would occur from freeway expansion. The court granted the petition and suspended approval of the plan until the Association provided sufficient detail in the EIR regarding information on consumption and use patterns within the county, as well as information on the energy impacts of the plan and the potential for "induced traffic" resulting from freeway expansion.

Transportation Solutions Defense and Education Fund v. Cal. Dept. of Transportation

Name and Date	Description
Transportation Solutions Defense and Education Fund v. Cal. Dept. of Transportation (Sac. Co. Sup. Ct., filed Aug. 26, 2009)	An environmental nonprofit group filed a lawsuit against the California Department of Transportation, alleging that the agency's EIS, which is required pursuant to the California Environmental Quality Act (CEQA), with respect to a highway widening project is flawed. The lawsuit alleges that while the EIS discloses that the project will increase GHG emissions on the highway by 27% annually, it does not analyze the significance of that impact on climate change, and it does not consider alternative means of accomplishing the project's goals in a way that would avoid climate impacts.

North Slope Borough v. Minerals Management Service

Name and Date	Description
North Slope Borough v. Minerals Management Service (9th Cir. Aug. 27, 2009)	The Ninth Circuit upheld a federal agency's decision not to prepare a supplemental environmental impact statement for a proposed oil and gas lease sale on a tract of the outer continental shelf in the Beaufort Sea. The court upheld the lower court's decision holding that the agency did not act arbitrarily in determining that the risks posed to polar bears by the cumulative effects of climate change could be mitigated.

The Wilderness Society v. Department of Interior

Name and Date	Description
The Wilderness Society v. Department of Interior (N.D. Cal., filed July 7, 2009)	Fourteen environmental nonprofit groups sued the Department of Interior, alleging that it violated NEPA and other environmental laws in designating 6,000 miles of electricity transmission corridors on public lands in the West. The corridors were designated in January 2009, just one week before former President Bush left office. The plan covers 3.2 million acres of federal lands in 11 western states and creates a network of right-of-ways known as the "West-Wide Energy Corridor." The plaintiffs allege that the plan ignores the renewable electricity standards that have been adopted by 9 of the 11 states, which call for the increased use of the region's wind, solar and geothermal resources. The lawsuit alleges that the plan failed to consider the environmental impacts or analyze alternatives.

Mirant Potomac River LLC v. EPA

Name and Date	Description
Mirant Potomac River LLC v. EPA (4th Cir. Aug. 12, 2009)	The Fourth Circuit held that a power plant in Virginia may not use emissions trading to meet its obligations under a state implementation plan approved by the EPA as part of the Clean Air Interstate Rule (CAIR). The court held that the company could not use the emissions allowances because of nonattainment provisions in Virginia state air pollution regulations. While CAIR allows emissions trading, Virginia state law does not allow such trading in state nonattainment areas. Because the plant was located in such a nonattainment area, the court found a lack of subject matter jurisdiction and dismissed the lawsuit.

U.S. v. Ohio Edison

Name and Date	Description
U.S. v. Ohio Edison (D. Ohio, proposed consent decree filed Aug. 11, 2009)	A proposed consent decree was filed in federal court, settling a lawsuit brought against an Ohio power plant over CAA violations. The decree requires the plant to reduce greenhouse gases at the facility by 1.3 million tons per year. According to a press release from the Department of Justice, the plant will be the largest coal-fired power plant in the U.S. to repower with renewable biomass fuels and the first such plant at which greenhouse emissions will be reduced under a CAA consent decree. The proposed decree modifies an original 2005 settlement that gave the company three options: shut down the plant, install a scrubber or re-power by natural gas by 2010. The decree stems from a 1999 new source review lawsuit that alleged that the company made unlawful modifications to its plant that resulted in excess SO2 and NOx emissions.

California Business Properties Association v. California Air Resources Board

Name and Date	Description
California Business Properties Association v. California Air Resources Board (Cal. Sup. Ct. Sacramento Co., filed May 7, 2009)	A coalition of business and taxpayers filed suit in state court alleging that California has violated the state's public records act by failing to turn over certain documents relating to a pending greenhouse gas emissions fee. The plaintiffs claim that the documents are necessary for substantiating the basis for the amount of fees and the nexus between the fees, fee payers and the regulatory activity to be funded. The groups first requested the documents in February 2009 and allege that CARB has failed after repeated requests to provide all relevant documents related to the development of the GHG "administrative fee" which is scheduled to be adopted this summer. The fee aims to collect about $56 million from a variety of major GHG-emitting sources in the state to pay for the first two years of implementing AB 32, the state's 2006 climate change bill, and a projected $39 million per year after that.

Appalachian Voices v. Virginia State Corporation Commission

Name and Date	Description
Appalachian Voices v. Virginia State Corporation Commission (Va. Sup. Ct. April 17, 2009)	The Virginia Supreme Court rejected a challenge to the constitutionality of the state utility law, upholding state approval for construction of a coal-fired power plant in the southwest portion of the state. The lawsuit alleged that the requirements of Title 56 of the Virginia Code that power plants "utilize Virginia" coal violated the dormant Commerce Clause because it discriminated against out-of-state coal. The Supreme Court disagreed, holding that the Code did not violate the Commerce Clause because it did not require the plant to only use Virginia coal.

Hapner v. Tidwell

Name and Date	Description
Hapner v. Tidwell (D. Montana, Oct. 30, 2008)	Environmental groups filed a lawsuit challenging a U.S. Forest Service decision to remove timber for fire protection purposes on the ground that the Environmental Assessment prepared by the agency did not look at the effects of climate change would have on the decision. The court disagreed, finding that no such analysis was required because the action would not have a direct effect on climate change.
Hapner v. Tidwell (9th Cir. Sept. 15, 2010)	On appeal, the 9th Circuit affirmed the district court's decision, holding that the brief discussion of climate change in the EA was appropriate given that the project involved a small amount of land and it would thin rather than clear cut trees.

Center for Biological Diversity v. National Highway Traffic Safety Administration

Name and Date	Description
Center for Biological Diversity v. NHTSA (9th Cir. Aug. 18, 2008)	The 9th Circuit rejected the federal government's request to revisit its November 2007 ruling that struck down new fuel economy standards for sport utility vehicles and other light-duty trucks, reaffirming its decision that NHTSA did not adequately consider carbon dioxide emissions when developing new corporate average fuel economy (CAFE) standards for these vehicles, but slightly revising the relief granted.
Center for Biological Diversity v. NHTSA (9th Cir., filed April 2, 2009)	CBD sued the Department of Transportation over fuel economy standards, alleging that they were not the maximum feasible required by law. On March 27, 2009, the Obama Administration announced that it was raising fuel economy standards for passenger cars and light trucks to a combined average of 27.3 miles per gallon for the 2011 model year, a 2 mpg increase over the 2010 model year. The Bush administration had proposed a combined average standard of 27.8 mpg in model year 2011. According to CBD, European and Japanese fuel economy standards are 43.3 mpg and 42.6 mpg, respectively.

Environmental Defense Fund v. South Carolina Board of Health and Env. Control

Name and Date	Description
Environmental Defense Fund v. South Carolina Board of Health and Env. Control (S. Car. Adm. Law Court, filed April 9, 2009)	Environmental Defense Fund and other environmental groups sued South Carolina regulators seeking to block an air pollution permit for a proposed coal-fired power plant along the Great Pee Dee River. The lawsuit alleges that the state agency violated the Clean Air Act by granting a permit that will emit more than 10 million tons of carbon dioxide and that the agency did not require the maximum mercury controls required by law.

Center for Biological Diversity v. City of Desert Hot Springs

Name and Date	Description
Center for Biological Diversity v. City of Desert Hot Springs (Riverside Co. Sup. Ct., August 6, 2008)	A California state court found that an environmental impact report (EIR) required under the California Environmental Quality Act for a large residential and commercial development was inadequate because, among other things, it failed to make a meaningful attempt to determine the project's effect on global warming before determining that any attempt would be speculative.

Santa Clarita Oak Conservatory v. City of Santa Clara

Name and Date	Description
Santa Clarita Oak Conservatory v. City of Santa Clara (L.A. Co. Sup. Ct. Aug. 15, 2007)	A California state court held that an EIR analysis for a proposed industrial park project adequately evaluated the impact of climate change on water supply for the project. The analysis concluded that the impact of climate change on water supply was too speculative to conduct a quantitative review of the specific impacts.

El Charro Vista v. City of Livermore

Name and Date	Description
El Charro Vista v. City of Livermore (Alameda Co. Sup. Ct. July 28, 2008)	A California state court rejected a climate change challenge to an EIR on jurisdictional grounds but notes that there is substantial evidence in the record to support the city's determination that such impacts are too speculative for further evaluation.

In re Tongue River Railroad Co.

Name and Date	Description
In re Tongue River Railroad Co. (Surface Transportation Bd., filed July 26, 2010)	Petitioners, including the Northern Plains Resource Council, moved to reopen a proceeding before the Surface Transportation Board concerning a proposed railroad that would access coal in the Powder River Basin in Montana and Wyoming. Among other things, the petition alleges that the final Environmental Impact Statement prepared in October 2006 pursuant to NEPA did not consider the emergence of new scientific evidence concerning accelerating effects of climate change and the need to reduce greenhouse gas emissions from the burning of coal and other fossil fuels.
In re Tongue River Railroad Co. (Surface Transportation Board June 18, 2012)	In a June 2012 decision, the Board agreed to reopen the record and require the company building the railroad to submit a new EIS.

Laidlaw Energy v. Town of Ellicottville

Name and Date	Description
Laidlaw Energy v. Town of Ellicottville (N.Y. App. Div. Feb. 6, 2009)	A company that sought to convert a cogeneration facility from natural gas to biomass commenced an action after the Town planning board denied site plan approval for the facility. The board based its denial largely on the company's claim that the biomass plant would be carbon neutral. The board found that biomass plants can only be carbon neutral if the plan provides for sustainable fuel source management. However, the company stated that it would not be operating a companion wood growth management plan. In addition, the board found that the company failed to consider the impacts of transporting the fuel source over the 100 mile harvest area. The board found these impacts to be unacceptable. On appeal, the court found that under New York's State Environmental Quality Review Act (SEQRA), the board had taken the requisite "hard look" at the evidence and made a reasonable elaboration for its determination.

North Carolina v. Tennessee Valley Authority

Name and Date	Description
North Carolina v. Tennessee Valley Authority (W.D.N.C., Jan. 13, 2009)	North Carolina filed a public nuisance action against the Tennessee Valley Authority over air pollution caused by eleven of TVA's coal-fired power plants in other states. The state sought an injunction and attorneys' fees. After the court denied motions for summary judgment filed by both parties, a 12 day trial was held in July 2008. The court subsequently issued a decision finding that the state had demonstrated that four of TVA's plants (one in Alabama and three in Tennessee) constituted a public nuisance. However, it held that the state had not demonstrated that the plants located in other states constituted a public nuisance because they were not located in close proximity to North Carolina. Accordingly, the court issued an injunction requiring TVA to promptly install or retrofit "scrubbers" at the four plants to decrease emissions of certain air pollutants.

South Yuba River Citizens League v. National Marine Fisheries Service

Name and Date	Description
South Yuba River Citizens League v. National Marine Fisheries Service (E.D. Cal. July 8, 2010)	Two environmental groups filed suit against the National Marine Fisheries Service (NMFS), alleging that a biological option issued by the agency concluding that two dams on the Yuba River that are operated by the U.S. Army Corps of Engineers is arbitrary and capricious and that the Corp's operations are causing take of protected salmon and steelhead. Among other things, the plaintiffs alleged that the biological opinions failed to discuss the impact of climate change on the species. Both sides moved for summary judgment. The court found that the plaintiffs had standing and ordered. The court found that the NMFS acted arbitrarily and capriciously in failing to address this issue in its biological opinion.

San Diego Navy Broadway Complex Coalition v. City of San Diego

Name and Date	Description
San Diego Navy Broadway Complex Coalition v. City of San Diego (Cal. App. Ct., June 17, 2010)	A California appellate court held that a local development agency was not required to prepare a subsequent or supplemental environmental impact report (EIR) under the California Environmental Quality Act (CEQA) regarding the potential impact of a redevelopment project on global climate change. CEQA requires a public agency to prepare an EIR whenever the agency undertakes a discretionary project that may have a significant impact on the environment. The "touchstone" for determining whether an agency has undertaken such a discretionary action is whether the agency would be able to meaningfully address the environmental concerns that might be identified in the EIR. The court held that in this instance, the development agency lacks authority to address the project's impact on climate change, and thus environmental review would thus be a meaningless exercise.

American Petroleum Institute v. EPA

Name and Date	Description
American Petroleum Institute v. EPA (D.C. Cir., settlement dated July 20, 2010)	EPA has agreed to modify monitoring and reporting requirements for oil refinery, fertilizer production, and for suppliers of natural gas.

American Public Gas Association v. EPA

Name and Date	Description
American Public Gas Association v. EPA (D.C. Cir., settlement dated July 20, 2010)	EPA has agreed to modify monitoring and reporting requirements for oil refinery, fertilizer production, and for suppliers of natural gas.

WildEarth Guardians v. Jewell

Name and Date	Description
WildEarth Guardians v. Salazar (D.D.C., filed July 13, 2010)	Several environmental groups filed suit against the U.S. Department of the Interior (DOI) concerning its decision to offer coal leases in Wyoming's Powder River Basin. In March 2010, DOI's Bureau of Land Management decided to sell the coal leases, which cover a region with more than 406 million tons of coal. The lawsuit alleges that the agency's authorization of the leases violates NEPA by not analyzing the regional environmental impacts, particularly climate change impacts, of increased emissions.
WildEarth Guardians v. Salazar (D.D.C. May 8, 2011)	The court dismissed the portion of the lawsuit that alleged that the decision by the Bureau of Land Management in March 2010 to issue two coal leases was inappropriate because the agency never recertified the area as a coal production region, holding that this was a challenge to BLM's decision to decertify the Powder River Basin in 1990, and that the six-year statute of limitations had passed. The court held that the plaintiffs could petition BLM to recertify the basin as a coal production region (the plaintiffs have done this, and BLM rejected their suit; they filed a separate action on April 18, mentioned below, challenging this). The remaining claims, which allege that BLM violated NEPA by, among other things, failing to address climate change impacts once the coal is burned, remain.
WildEarth Guardians v. Salazar (D.D.C. July 30, 2012)	Both sides moved for summary judgment. The district court granted BLM's motion, holding that the plaintiffs did not have standing to maintain the action because they could not show that leasing of the lands in question will lead to climate change impacts resulting in specific adverse consequences to their articulated recreational, aesthetic, or economic interests in the discrete areas where they have concrete plans to work or pursue recreational activities.
WildEarth Guardians v. Jewell (D.C. Cir. Dec. 24, 2013)	The D.C. Circuit reversed the holding on standing, finding that the district court "sliced the salami too thin" when it required that the specific type of pollution causing the environmental groups' injury be the same type that was considered inadequately in the final environmental impact statement (FEIS). The D.C. Circuit concluded that the harm to the groups' members' recreational and aesthetic interests caused by local pollution was a sufficient injury in fact to challenge all of the alleged deficiencies in the FEIS, including those related to global climate change. On the merits, however, the D.C. Circuit called the alleged climate change-related inadequacies "of the flyspecking variety" and concluded that BLM had satisfied its obligations to consider climate change under the National Environmental Policy Act.

Erickson v. Gregoire

Name and Date	Description
Erickson v. Gregoire (Washington Sup. Ct., filed July 21, 2010)	A conservative legal foundation filed a lawsuit challenging a 2009 executive order by Washington Governor Christine Gregoire. The executive order directed the Washington Department of Ecology to, among other things, continue participating in the Western Climate Initiative, to contact industrial facilities to determine a baseline for GHG emissions, and to develop information for large facilities to determine how they could help meet GHG emissions goals in 2020. The lawsuit claims that the executive order is unconstitutional because it has the force and effect of law and that such an obligation cannot be created through an executive order.
Erickson v. Gregoire (Washington Sup. Ct. Oct. 22, 2010)	A state court in Washington dismissed a lawsuit challenging an executive order by Governor Christine Gregoire that laid the groundwork for a greenhouse gas emissions control program, holding that the executive order fell within the Governor's constitutional and statutory authority to issue policy statements and directives to state agencies.

Competitive Enterprise Institute v. EPA

Name and Date	Description
Competitive Enterprise Institute v. EPA (D.C. Cir., filed June 29, 2010)	Two industry groups filed lawsuits challenging EPA's GHG emissions rules for cars and light trucks. The rules set the first GHG emissions standard for cars and light trucks of 250 grams per mile of carbon dioxide-equivalent.

Ohio Coal Association v. EPA

Name and Date	Description
Ohio Coal Association v. EPA (D.C. Cir., filed June 29, 2010)	Two industry groups filed lawsuits challenging EPA's GHG emissions rules for cars and light trucks. The rules set the first GHG emissions standard for cars and light trucks of 250 grams per mile of carbon dioxide-equivalent.

Ohio Coal Association v. EPA

Name and Date	Description
Ohio Coal Association v. EPA (D.C. Cir., filed June 29, 2010)	Three industry groups filed lawsuits challenging EPA's GHG tailoring rule, which is intended to shield small businesses, schools, hospitals, and other small entities from GHG emissions control requirements that will take effect on January 2, 2011.

American Iron and Steel Institute v. EPA

Name and Date	Description
American Iron and Steel Institute v. EPA (D.C. Cir., filed June 29, 2010)	Three industry groups filed lawsuits challenging EPA's GHG tailoring rule, which is intended to shield small businesses, schools, hospitals, and other small entities from GHG emissions control requirements that will take effect on January 2, 2011.

GerdauAmeristeel U.S. Inc. v. EPA

Name and Date	Description
GerdauAmeristeel U.S. Inc. v. EPA (D.C. Cir., filed June 29, 2010)	Three industry groups filed lawsuits challenging EPA's GHG tailoring rule, which is intended to shield small businesses, schools, hospitals, and other small entities from GHG emissions control requirements that will take effect on January 2, 2011.

Sierra Club v. Mississippi Public Service Commission

Name and Date	Description
Sierra Club v. Mississippi Public Service Commission (Mississippi Chancery Ct., filed June 17, 2010)	The Sierra Club filed an appeal of the Mississippi Public Service Commission (PSC), which voted to allow the construction of a proposed 582-megawatt power plant in Kemper County Mississippi. The PSC voted to allow the construction after first voting to block it, citing cost overruns. In its first ruling on April 29, 2010, the PSC unanimously found that the plant would only be in the public interest if it capped its cost at $2.4 billion and did not charge for the customers up front. The plant filed a motion for reconsideration. On May 26, 2010, two PSC commissioners changed their votes to allow the plant to be built.
Sierra Club v. Mississippi Public Service Commission (Mississippi Chancery Ct. Feb. 28, 2011)	A state court in Mississippi rejected a challenge from the Sierra Club seeking to block the construction of a coal-fired power plant in eastern Mississippi, holding that state regulators committed no error in approving the project. The court rejected the group's argument that the Mississippi Public Service Commission's orders lacked specific findings concerning the balancing of the environmental and economic risks of the facility, holding that the decision could not be reversed on that ground alone.
Sierra Club v. Mississippi Public Service Commission (Mississippi Sup. Ct. March 15, 2012)	In a unanimous decision, the Mississippi Supreme Court reversed a 2010 decision by the Mississippi Public Service Commission that permitted a company to construct a $2.4 billion dollar coal-fired power plant in Kemper County. The Supreme Court, in a short opinion, held that the Commission's approval was not supported by substantial evidence and thus remanded the case for further proceedings. A CCCL blog post examining this ruling is available here.

Sierra Club v. Otter Tail Power Co.

Name and Date	Description
Sierra Club v. Otter Tail Power Co. (8th Cir. Aug. 12, 2010)	The Eighth Circuit held that the Sierra Club failed to establish violations by a coal-fired power plant in South Dakota under the prevention of significant deterioration (PSD) provisions of the Clean Air Act. In 2008, the Sierra Club challenged three modifications at the plant that occurred in 1995, 1998, and 2001 respectively, alleging that the plant violated the CAA by failing to obtain PSD permits before making the three modifications. The district court dismissed the lawsuit on statute of limitations grounds. The Eighth Circuit affirmed the district court, holding that the lawsuit was barred by the applicable five-year statute of limitations and on jurisdictional grounds given that the group failed to raise its claims during the permitting process to EPA.

North Carolina v. Tennessee Valley Authority

Name and Date	Description
North Carolina v. Tenn. Valley Authority (4th Cir. July 26, 2010)	The Fourth Circuit held that public nuisance laws cannot be used to control transboundary air pollution, overturning a January 2009 decision by the district court (*North Carolina v. TVA*, W.D.N.C. Jan. 13, 2009) that held that TVA's plant emissions impacting North Carolina were a public nuisance. In that ruling, the district court held that four of TVA's 11 coal-fired power plants had to meet specific emission caps and install control technologies by the end of 2013. The 4th Circuit reversed, holding that an activity expressly permitted and extensively regulated by federal and state government could not constitute a public nuisance. In the lawsuit, North Carolina alleged that emissions of sulfur dioxide, nitrogen oxides, mercury, and particulate matter from TVA plants migrate into North Carolina and that TVA failed to take reasonable measures to control such emissions.

Appalachian Voices v. Chu

Name and Date	Description
Appalachian Voices v. Chu (D.D.C. July 26, 2010)	A federal district court in the District of Columbia held that an environmental group challenging federal tax credits issued to Duke Energy for a "clean" coal project was not entitled to a preliminary injunction because it failed to demonstrate the likelihood of imminent harm as a result of the project. Appalachian Voices alleged that the Departments of Energy and the Treasury failed to consider the environmental consequences of its clean coal tax credit program, violating both the Endangered Species Act and the National Environmental Policy Act. The court held that because Appalachian Voices did not expect an injunction to prevent Duke from proceeding with the project and the plant is not expected to begin operating until 2012, the injury was not imminent.

Coupal v. Bowen

Name and Date	Description
Coupal v. Bowen (Cal. Sup. Ct., filed July 27, 2010)	Proponents of a ballot initiative to suspend implementation of California's Global Warming Solutions Act of 2006 (AB 32) filed a lawsuit in state court to amend the legal title and summary of the proposed measure. The complaint alleges that the title Attorney General Edmund "Jerry" Brown prepared for the measure, Proposition 23, is misleading and unfair. When submitted to the Attorney General, the measure was titled "California Jobs Initiative." After reviewing the measure, the Attorney General changed the title to "Suspends Air Pollution Control Laws Requiring Major Polluters to Report and Reduce Greenhouse Gas Emissions That Cause Global Warming Until Employment Drops Below Specified Level for Full Year." On August 3, 2010, the state court issued an order making certain revisions to the title and summary of the initiative.

Chamber of Commerce v. EPA

Name and Date	Description
Chamber of Commerce v. EPA (D.C. Cir., filed Aug. 13, 2010)	The U.S. Chamber of Commerce filed a lawsuit against EPA following EPA's July 29, 2010 rejection of its petition to reconsider its 2009 endangerment finding. On that date, EPA denied 10 petitions challenging the validity of the climate science used as the basis of its 2009 finding that GHG emissions endanger public health and welfare and thus can be regulated under the Clean Air Act. The petitions alleged that emails stolen from University of East Anglia's Climate Research Unit indicated that scientists had manipulated data to make climate change more dramatic than it really is. Several investigations of the emails have concluded that the scientists have not manipulated the data. In its denial, EPA said it conducted a thorough review of the science it used and concluded that "climate science is credible, compelling, and growing stronger."

Georgia Coalition for Sound Env. Policy v. EPA

Name and Date	Description
Georgia Coalition for Sound Env. Policy v. EPA (D.C. Cir., filed Aug. 12, 2010)	Between July 30 and August 2, 2010, 19 lawsuits were filed challenging EPA's GHG tailoring rule. On August 12, 2010, the court issued an order consolidating these challenges. The lawsuits that are part of this consolidation order are set forth on this chart. On June 3, 2010, EPA published the final GHG tailoring rule, which limits the scope of the emissions control requirements for new and modified stationary sources to those emitting 100,000 tons or more per year and modified sources with emissions greater than 75,000 tons per year beginning in January 2011. The deadline for challenging the rule was August 2, 2010.

Arkema Inc. v. EPA

Name and Date	Description
Arkema Inc. v. EPA (D.C. Cir. Aug. 27, 2010)	The D.C. Circuit vacated portions of EPA's cap-and-trade program for reducing ozone-depleting substances, holding that the agency illegally invalidated credit transfers. The lawsuit concerned EPA regulations designed to meet U.S. commitments under the Montreal Protocol, which requires member countries to phase out production and consumption of a range of ozone depleting substances, including hydrochlorofluorocarbons (HCFCs), a potent greenhouse gas. In 2003, EPA set rules for HCFC production and consumption between 2004 and 2009 that allowed allowances to be transferred between and within companies for one year or permanently through baseline credit transfers. In December 2009, EPA issued a rule governing 2010-14 credits that determined that the Clean Air Act bars permanent baseline transfers. In the lawsuit, plaintiffs alleged that EPA's 2009 rule illegally invalidated baseline emissions transfers within companies. The district court held that the rule was illegally retroactive because it altered transactions approved under the 2003 rule that were intended to be permanent. The Circuit Court affirmed the district court's ruling and invalidated the 2009 rule.

Sierra Club v. Energy Future Holdings Corp.

Name and Date	Description
Sierra Club v. Energy Future Holdings Corp., (E.D. Texas, filed Sept. 2, 2010)	The Sierra Club filed a lawsuit in federal court against the owners of a power plant near Longview, Texas, alleging that it has committed more than 50,000 violations under the Clean Air Act concerning mercury and other toxic air emissions. The complaint alleges that the plant has the highest total air pollution out of more than 2,000 industrial plants across the state and accounted for more than 13 percent of all industrial air pollution in Texas in 2008 and 20 percent of all coal-fired power plant pollution.
In re Energy Future Holdings Corp., No. 14-10979 (Bankr. D. Del. order approving settlement Dec. 17, 2014; EFHC motion regarding settlement agreement Nov. 24, 2014)	In a settlement agreement with Energy Future Holdings Corporation, Sierra Club agreed to withdraw from *Sierra Club v. Energy Future Holdings Corp.* The District of Delaware bankruptcy court approved the settlement agreement.

Sierra Club v. Duke Energy Indiana, Inc.

Name and Date	Description
Sierra Club v. Duke Energy Indiana, Inc. (S.D. Ind. Sept. 14, 2010)	A federal court in Indiana granted summary judgment in favor of a power company, holding that the Sierra Club filed its lawsuit after the applicable five-year statute of limitations expired. The Sierra Club filed a lawsuit in 2008, alleging that Duke Energy had modified its power plant in Knox County, Indiana between 1993 and 2001 without obtaining the necessary prevention of significant deterioration (PSD) permits. Duke Energy moved for summary judgment, arguing that the action was time-barred. In granting the motion, the court rejected the Sierra Club's argument that the company's failure to obtain the necessary permits constituted an ongoing violation under the Clean Air Act (CAA) such that the statute of limitations had not run. However, the court stayed its decision pending the outcome of an appeal before the Seventh Circuit that addresses the same issue (***United States v. Cinergy Corp.***, No. 09-3344 (7th Cir., filed Sept. 21, 2009)).

Sierra Club v. Wisconsin Power & Light Co.

Name and Date	Description
Sierra Club v. Wisconsin Power & Light Co. (W.D. Wis., filed Sept. 9, 2010)	The Sierra Club filed a lawsuit in federal court against a Wisconsin power company alleging that the company violated the CAA and Wisconsin's state implementation plan by modifying and operating boilers at two of its plants without obtaining necessary permits authorizing such construction. The lawsuit also accuses the company of failing to meet emissions limits through the use of best available control technology (BACT) and by generally failing to install technology to control emissions.

Texas v. EPA

Name and Date	Description
Texas v. EPA (D.C. Cir., filed Sept. 7, 2010)	Texas filed a lawsuit against EPA challenging the agency's rejection of Texas' petition requesting that EPA reconsider its finding that greenhouse gases (GHGs) from cars and light trucks endanger human health and welfare. In its earlier petition for reconsideration, Texas alleged that the endangerment finding relied on flawed science. This petition follows a similar petition filed by the U.S. Chamber of Commerce on Aug. 13, 2010. The deadline for filing lawsuits based on EPA's rejection of reconsideration is Oct. 12, 2010.

Sierra Club v. U.S. Defense Energy Support Center

Name and Date	Description
Sierra Club v. U.S. Defense Energy Support Center (N.D. Cal., filed June 18, 2010)	The Sierra Club filed a lawsuit seeking to stop the U.S. military from buying fuels derived from Canadian oil sands, alleging that the fuels violate Section 526 of the Energy Independence and Security Act (EISA), which states that for federal agency purchases of fuels produced from nonconventional sources like oil sands, "the lifecycle greenhouse gas emissions associated with the production and combustion of the fuel supplied under the contract must, on an ongoing basis, be less than or equal to such emissions from the equivalent conventional fuel produced from conventional petroleum sources." Sierra Club contends that given the higher GHG emissions associated with oil sands production, the Defense Department is violating the EISA as well as the Administrative Procedure Act and NEPA. On September 29, 2010, several business and energy trade groups sought to intervene in the case, arguing that because oil sands fuels are often blended by refiners from other types of crude oil, it would be virtually impossible to apply the EISA restriction to Canadian oil imports.
Sierra Club v. U.S. Defense Energy Support Center (N.D. Cal. Jan. 11, 2011)	The district court granted a motion to transfer venue to the Eastern District of Virginia, holding that the plaintiffs had met their burden in meeting the elements required to transfer the case.
Sierra Club v. U.S. Defense Energy Support Center (E.D. Va. July 29, 2011)	A federal district court dismissed a lawsuit brought by the Sierra Club against a government agency on standing grounds. In its dismissal, the district court held that the Sierra Club failed to establish a causal connection between the alleged injuries and continued procurement of crude from the Canadian oil sands given that climate change is a global problem.

In re Application of Middletown Coke Co.

Name and Date	Description
In re Application of Middletown Coke Co. (Sup. Ct. Ohio Dec. 1, 2010)	The Ohio Supreme Court held that the Ohio Power Siting Board has jurisdiction to review a proposed power plant's environmental impact, regardless of its declaration to the contrary. In approving the power plant's application, the Board claimed that it had no jurisdiction to review construction permits requiring environmental impact assessments. The Supreme Court disagreed, holding that state law required it to assess whether the plant would have minimal adverse environmental impacts.

Sierra Club v. Sandy Creek Energy Associates

Name and Date	Description
Sierra Club v. Sandy Creek Energy Associates (5th Cir. Nov. 23, 2010)	The Fifth Circuit reversed a district court decision, holding that construction of a coal-fired power plant in Waco, Texas violated the CAA because, as a major source of a hazardous air pollutant, it lacked a determination by a regulatory authority on required emissions control technology. According to the court, because the plant will emit more than 10 tons of mercury per year, it falls under the construction requirements of Section 112(g) of the CAA, which governs hazardous air pollutants. This section prohibits construction of any major source of hazardous air pollutants unless a state or federal authority has determined that the source will meet maximum achievable control technology (MACT) emissions limits for new sources.
Sierra Club v. Sandy Creek Energy Associates (W.D. Tex., settled Dec. 9, 2011)	The owner of a coal-fired power plant in Texas agreed to reduce mercury and particulate matter emissions in return for environmental groups dropping their challenge to its air permit.

In re Russell City Energy Center LLC

Name and Date	Description
In re Russell City Energy Center LLC (EPA Env. App. Board Nov. 18, 2010)	The EPA Environmental Appeals Board denied petitions to review a CAA permit issued by San Francisco Bay area regulators for a natural gas-fired power plant that includes a cap on greenhouse gas emissions. The challenges rejected by the Appeals Board addressed non-greenhouse gas-related provisions in the permit for the facility. None of the petitions objected to the greenhouse emissions cap. The order gives the go-ahead for the first ever CAA pre-construction permit issued with limits on greenhouse gas emissions.

In re WildEarth Guardians

Name and Date	Description
In re WildEarth Guardians (Interior Dept. Board of Land Appeals Oct. 28, 2010)	The Interior Department's Board of Land Appeals denied a request for a stay of a previous decision allowing the sale of 2,695 acres adjoining coal mines in northwestern Wyoming, effectively allowing the Bureau of Land Management (BLM) to complete the sales. In August 2010, the BLM agreed to offer the land at issue for leasing purposes. WildEarth Guardians, along with several other environmental groups, appealed the decision, alleging that BLM failed to adequately analyze and assess the climate change impacts of the leases under NEPA.

Sierra Club v. EPA

Name and Date	Description
Sierra Club v. EPA (W.D. Wash., filed Nov. 17, 2010)	The Sierra Club, along with several other environmental organizations, filed a lawsuit alleging that EPA violated the CAA by failing to respond to objections concerning an operating permit issued by the agency for an existing coal-fired power plant in Washington state. The Southwest Clean Air Agency, which is responsible for administering the state's Title V permit program, published a draft Title V operating permit for the plant in May 2009. The plaintiffs lodged complaints in July 2009 and requested that EPA object to the draft permit. However, the complaint alleges that EPA provided no response to the comments within the required 45 days. The lawsuit alleges that EPA should have objected to the permit because it failed to require reasonably available control technology for the control of, among other things, carbon dioxide.

Southern Utah Wilderness Alliance v. Interior Dept.

Name and Date	Description
Southern Utah Wilderness Alliance v. Interior Dept. (D.D.C., filed Nov. 9, 2010)	Several environmental groups filed a lawsuit against the Interior Department, challenging three Bureau of Land Management's approvals authorizing oil and gas development on 4.5 million acres of public lands in southeast Utah. The lawsuit alleges that BLM's 2008 approval of resource management plans for this land violated NEPA because the agency failed to consider the environmental impacts of oil and gas development, off-road vehicle use, and other motor vehicle use on the lands, including their contribution to climate change.

Grocery Manufacturers Association v. EPA

Name and Date	Description
Grocery Manufacturers Association v. EPA (D.C. Cir., filed Nov. 9, 2010)	An industry association and several other representatives of the meat and pork industry filed an action challenging EPA's decision to grant a waiver allowing more ethanol in fuel for 2007 and newer vehicles, alleging that the agency exceeded its authority under the CAA. The decision raises from 10 percent to 15 percent the maximum ethanol level in gasoline used in these vehicles.
Alliance of Automobile Manufacturers v. EPA (D.C. Cir., filed Dec. 20, 2010)	A coalition of automobile manufacturers and engine makers sued EPA over a rule that would allow the use of gasoline with up to 15% ethanol in vehicles from model years 2007 and newer, alleging that it violates the Clean Air Act. Ethanol content in gasoline is currently limited to 10%. On October 13, 2010, EPA announced that it would grant a partial waiver allowing vehicles from model years 2007 and newer to use gasoline with up to 15% ethanol. The petitioners allege that the CAA does not allow such a partial waiver.
National Petrochemical & Refiners Association v. EPA (D.C. Cir., filed Jan. 3, 2011)	An organization representing the petrochemical industry also challenged EPA's decision to grant a waiver allowing more ethanol in fuel for 2007 and newer vehicles.

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Grocery Manufacturers Association v. EPA

Name and Date	Description
Alliance of Automobile Manufacturers v. EPA (D. C. Cir., filed Feb. 16, 2011)	Four industry groups sued EPA after it granted a waiver under the Clean Air Act allowing gasoline containing 15% ethanol (referred to as "E15") to be used in model year 2001-06 cars and light trucks. EPA approved E15 for use in model year 2001-06 cars and light trucks on January 26, 2011. The previous limit on ethanol in gasoline had been 10%. That limit still applies to vehicles older than model year 2001 due to concerns that the corrosive nature of ethanol would damage engines and emissions controls. However, testing by the Department of Energy has found that newer vehicles can use the fuel blend safely.
Grocery Manufacturers Association v. EPA (D.C. Cir., filed March 11, 2011) *National Petrochemical & Refiners Association v. EPA* (D.C. Cir., filed March 11, 2011)	Industry groups and various related organizations filed petitions for review of EPA's Clean Air Act waiver authorizing the use of gasoline containing 15 percent ethanol for use in model year 2001-06 cars and light trucks. The petitions supplement filings that challenged EPA's original waiver to allow so-called E15 in gasoline for model year 2007 and newer cars and light trucks.
Grocery Manufacturers Association v. EPA *Alliance of Automobile Manufacturers v. EPA* (D.C. Cir. Apr. 5, 2011)	After several earlier clerk's orders consolidating individual challenges, the D.C. Circuit issued an order consolidating these six related proceedings under *Grocery Manufacturers Association v. EPA*, No. 10-1380.

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Grocery Manufacturers Association v. EPA

Name and Date	Description
Grocery Manufacturers Association v. EPA (D.C. Cir. Aug. 17, 2012)	The D.C. Circuit dismissed lawsuits challenging EPA's decision to increase the allowable ethanol content in gasoline on standing grounds, holding that none of the industry groups that challenged the decision could show that they were harmed by the rule. In a 2-1 decision, the court held that, on its face, the waivers did not directly impose regulatory restrictions, costs, or other burdens on any of the groups.
Grocery Manufacturers Association v. EPA (D.C. Cir. Jan. 15, 2013)	The D.C. Circuit denied a motion from grocery producers to rehear lawsuits challenging EPA's decision allowing gasoline containing up to 15 percent ethanol (E15) allowed in gasoline for 2001 and newer automobiles.
Grocery Manufacturers Association v. EPA (U.S., cert. petition filed Feb. 21, 2013) *Alliance of Automobile Manufacturers v. EPA* (U.S. cert. petition filed Mar. 25, 2013) *American Fuel & Petrochemical Manufacturers v. EPA* (U.S. cert. petition filed Apr. 10, 2013)	A number of industry groups filed petitions for writs of certiorari with the U.S. Supreme Court.
Grocery Manufacturers Association v. EPA *Alliance of Automobile Manufacturers v. EPA* *American Fuel & Petrochemical Manufacturers v. EPA* (U.S., cert. denied June 24, 2013)	The U.S. Supreme Court denied the three petitions for writs of certiorari.

Defenders of Wildlife v. Jackson

Name and Date	Description
Defenders of Wildlife v. Jackson (D.D.C, filed Nov. 8, 2010)	The Sierra Club filed a lawsuit against the EPA, alleging that it has failed to revise wastewater limits for coal-fired power plants in violation of the Clean Water Act. The lawsuit alleges that despite EPA data showing high concentrations of toxic metals in power plant wastewater, there are no national standards regarding coal-combustion effluent.

Sierra Club v. EPA

Name and Date	Description
Sierra Club v. EPA (D.C. Cir., filed Nov. 8, 2010)	The Sierra Club filed a lawsuit seeking restrictions on greenhouse gas emissions from Portland cement plants. The lawsuit challenges new source performance standards for Portland cement plants announced by EPA. In September 2010, EPA published a final rule regarding standards for the plant which did not include limits on greenhouse gas emissions.

United States v. DTE Energy Co.

Name and Date	Description
United States v. DTE Energy Co. (E.D. Mich., filed Aug. 5, 2010)	The federal government filed a lawsuit against a company, alleging that it modified a coal-fired power plant in Michigan without a permit and failed to install proper pollution controls. Specifically, the government claims that the company modified a unit without installing the equipment needed to limit nitrogen oxide and sulfur dioxide emissions in violation of the New Source Review provisions of the CAA. In November 2010, the court granted a motion to intervene filed by the Natural Resources Defense Council and the Sierra Club.

Sierra Club v. Vilsack

Name and Date	Description
Sierra Club v. Vilsack (D.D.C., filed June 15, 2010)	The Sierra Club filed a lawsuit challenging a regulation pursuant to which the federal Rural Utilities Service (RUS) granted approval for a company to construct a new coal-fired power plant without requiring environmental review under the National Environmental Policy Act. In July 2009, the RUS granted the company a lien accommodation to allow it to obtain private financing for the construction of a new unit. In November 2010, the court granted the company's motion to intervene.

Texas v. EPA

Name and Date	Description
Texas v. EPA (5th Cir. Dec. 29, 2010) *Texas v. EPA* (D.C. Cir. Dec. 30, 2010)	On December 23, 2010, EPA announced the publication of rules that would allow it to issue permits for new and modified sources of GHG emissions in Texas. The agency stated that it was taking this action because Texas refused to implement GHG emissions permits as it was required to do under prevention of significant deterioration (PSD) provisions of the Clean Air Act starting January 2, 2011. Earlier, on December 15, 2010, Texas filed a motion to challenging the PSD provisions with respect to GHGs and requesting a stay of their implementation. On December 29, 2010, the Fifth Circuit denied the motion, holding that the state had not met its burden in satisfying the legal requirements for a stay. Texas then sought an emergency stay in the D.C. Circuit, which granted an "administrative stay" on December 30, 2010. In its order, the court stated that it did not rule on the merits and granted the stay only so it had an adequate opportunity to consider the motion and so EPA had an adequate opportunity to respond.
Texas v. EPA (D.C. Cir. Jan. 12, 2011)	The D.C. Circuit lifted an emergency stay that had blocked EPA from taking over Texas's GHG permitting program, holding that the state did not satisfy the standards required for a stay pending review. The decision allows EPA to issue permits for large stationary sources of GHG emissions in Texas pending a review of the merits of the lawsuit.
Texas v. EPA (5th Cir. Feb. 24, 2011)	The Fifth Circuit transferred a case brought by Texas challenging a final rule by EPA, referred to as the "SIP Call," requiring states to adopt laws and regulations allowing them to issue permits to new and modified stationary sources for GHG emissions. In deciding the transfer the case to the D.C. Circuit, the court held that centralized review of national issues was preferable and that Texas did not convincingly argue that the Fifth Circuit should hear the case because the state was challenging a local aspect of the rule.

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Texas v. EPA

Name and Date	Description
Texas v. EPA (D.C. Cir. July 26, 2013)	The federal Court of Appeals for the District of Columbia Circuit dismissed, on standing grounds, challenges by Texas, Wyoming, and industry groups to United States Environmental Protection Agency (EPA) rules that imposed federal permitting requirements for greenhouse gases. The D.C. Circuit concluded that section 165(a) of the Clean Air Act (CAA) was "self-executing," finding that the provision requires that major emitting facilities obtain Prevention of Significant Deterioration (PSD) preconstruction permits with best available control technology for every pollutant regulated under the CAA regardless of whether a pollutant is included in a given state's implementation plan. The D.C. Circuit therefore held that industry petitioners lacked standing because their purported injury—that they would be subject to PSD permitting requirements for greenhouse gases—was caused not by the challenged EPA rules, but by "automatic operation" of the CAA. With respect to the state petitioners, the court ruled that a successful challenge to the EPA rules would result in a "construction moratorium," not restoration of the states' permitting powers. The states therefore lacked standing because their challenge would not redress the alleged harm to their "quasi-sovereign interests in regulating air quality within their borders." Judge Kavanaugh dissented.
Texas v. EPA (D.C. Cir. Aug. 21, 2013)	Petitioners filed a motion seeking to extend their deadline to file a petition for rehearing. Petitioners asked that the deadline for filing the petition and for issuing the mandate be extended until 30 days after the Supreme Court's disposition of pending petitions for a writ of certiorari that seek review of *Coalition for Responsible Regulation v. EPA*, in which the D.C. Circuit upheld EPA's regulation of greenhouse gas emissions under the Clean Air Act. The motion papers assert that deferral of the deadline would not significantly delay issuance of the mandate because the petitions for writ of certiorari have been distributed for conference on September 30, only two weeks after the mandate is currently scheduled to issue. The motion is unopposed.

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Texas v. EPA

Name and Date	Description
Texas v. EPA (D.C. Cir. Sept. 4, 2013)	The D.C. Circuit granted the unopposed motion seeking to extend the deadline to file petitions for rehearing.
Texas v. EPA, No. 10-1425 (D.C. Cir., SIP/FIP Advocacy Group petition for panel rehearing or rehearing en banc Sept. 22, 2014; State of Wyoming et al. petition for panel rehearing Sept. 22, 2014)	Two states, along with trade associations and other organizations representing various industrial sectors, filed petitions for rehearing. The petitions argued that rehearing was necessary because the Supreme Court's decision in *Utility Air Regulatory Group v. EPA* negated the D.C. Circuit's dismissal of the proceedings on standing grounds. The D.C. Circuit's ruling was grounded in its interpretation of the Clean Air Act's Prevention of Significant Deterioration (PSD) permitting requirements were "self-executing" for stationary sources that emitted greenhouse gases—the D.C. Circuit therefore reasoned that petitioners' injuries were caused by the statute itself and not by EPA's actions. Petitioners argued in their petitions for rehearing that since the Supreme Court expressly rejected this interpretation, the D.C. Circuit's ruling should be vacated and the petitions for review should be granted or the matter reheard. EPA and respondent-intervenors filed papers opposing the petitions for rehearing in November 2014.
Texas v. EPA, Nos. 10-1425 et al. (D.C. Cir. order denying panel rehearing and order denying rehearing en banc May 4, 2015)	The D.C. Circuit issued orders denying the petitions for rehearing. The denial of the petitions for rehearing came after the D.C. Circuit ordered EPA in April 2015 to rescind regulations that required PSD and Title V permits solely based on a source's greenhouse gas emissions.

Hempstead Co. Hunting Club v. SW Electric Power Co.

Name and Date	Description
Hempstead Co. Hunting Club v. SW Ele. Power Co. (8th Cir. Dec. 21, 2010)	The Eighth Circuit upheld an injunction blocking a power company from continuing construction on a coal-fired power plant in Arkansas, vacating its November 24, 2010 interim judgment staying a preliminary injunction granted by a federal district court judge. The court held that the district court's issuance of the preliminary injunction was not plainly contrary to law concerning the requirement that plaintiffs must show irreparable harm in the absence of a preliminary injunction.
Hempstead Co. Hunting Club v. SW Ele. Power Co. (8th Cir. July 25, 2011)	The owner of a coal-fired power plant in Arkansas agreed to partially settle two cases concerning the construction of a new plant. The plant was approved by the U.S. Army Corps of Engineers, but was later challenged by the Sierra Club and other groups who alleged that the Corps failed to comply with the National Environmental Policy Act, the Clean Water Act, and other federal and state laws. As part of the settlement, the owner agreed not to construct any additional generation units at the plant, and not to propose any new coal-fired plants within 30 miles of the facility. The owner will also provide funding to preserve the local environment, to complete a baseline mercury study of the area, and to install new liners at its landfill. However, the Sierra Club and the National Audubon Society are continuing to challenge the air permit and the Corps permit in state and federal court.

Fall-Line Alliance for a Clean Env. v. Barnes

Name and Date	Description
Fall-Line Alliance for a Clean Environment v. Barnes (Georgia Office of State Adm. Hearings Dec. 16, 2010)	A Georgia administrative law judge rejected a state air quality permit for a proposed coal-fired power plant, ruling that the state's Environmental Protection Division (EPD) set pollutant limits for the facility based on the limits in other facilities' permits rather than on the amount of pollution actually reduced at those plants. The judge held that the EPD erred by basing the maximum achievable control technology (MACT) emissions floor for non-mercury hazardous metals and hazardous organic pollutants on the permitted levels of the best controlled similar sources, rather than on the emission reductions actually achieved by those sources. In doing so, EPD failed to determine whether the permitted emissions limitations reasonably reflected the level of control achieved at the facilities.

Minnesota Center for Env. Advocacy v. Minn. Pub. Util. Comm.

Name and Date	Description
Minnesota Center for Env. Advocacy v. Minn. Pub. Utililities Commission (Minn. Ct. App. Dec. 14, 2010)	An environmental nonprofit filed a lawsuit challenging a 313-mile long crude oil pipeline in Minnesota, alleging that the Minnesota Public Utilities Commission (MPUC) violated the Minnesota Environmental Protection Act (MEPA) by, among other things, not considering the GHG emissions from refining the tar sands from which the petroleum would be extracted. A state district court granted summary judgment in favor of MPUC. The appellate court affirmed, holding that the state regulations did not require that MPUC take into account emissions from the tar sands.

Olmstead County Concerned Citizens v. Minn. Pollution Control Agency

Name and Date	Description
Olmstead County Concerned Citizens v. Minnesota Pollution Control Agency (Minn. Ct. App. Dec. 7, 2010)	A company sought to construct and operate a 75-million-gallon-per-year ethanol plant which would rely on process water from two production wells for its water needs. The process water would be recycled on-site and reused. A citizens' group challenged the Minnesota Pollution Control Agency's decision not to require an environmental impact statement (EIS) for the project. Among other things, the citizens' group alleged that the environmental assessment did not adequately address increased greenhouse gas emissions from indirect impacts like corn production used for ethanol. The state district court granted summary judgment on behalf of the agency. The appellate court affirmed, holding that it was not arbitrary or capricious not to include such an analysis given that the long-term effects of ethanol production were relatively unknown.

Climate Solutions v. Cowlitz County

Name and Date	Description
Climate Solutions v. Cowlitz Co. (Washington State Shorelines Hearings Bd., filed Dec. 13, 2010)	Several environmental groups filed an appeal to the Washington State Shorelines Hearings Board, seeking to delay the opening of a major coal export facility. The petition alleges that county commissioners erred in determining that the project would not have a significant enough effect on the environment to require an environmental impact statement under the State Environmental Policy Act (SEPA). The petition alleges that the county should have examined, among other things, the GHG emissions that would be emitted by the coal. The facility is expected to export 5.7 million tons of coal annually.

U.S. v. Northern Indiana Public Service Co.

Name and Date	Description
U.S. v. Northern Indiana Public Service Co. (N.D. Cal., settlement dated Jan. 13, 2011)	A power company in northern Indiana agreed to spend approximately $600 million over the next eight years to improve pollution controls as part of a settlement of a case alleging that the company violated the Clean Air Act. The settlement requires that the company spend $9.5 million on environmental mitigation projects and pay a $3.5 million fine. Under the agreement, the company will make improvements at three of its four coal-fired power plants to meet emission rates and annual tonnage limitations. The company is also required to permanently retire its fourth plant, which is currently out of service.

Holland v. Michigan Dept. of Natural Resources & Env.

Name and Date	Description
Holland v. Michigan Dept. of Natural Resources & Env. (Ottawa Co. Mich. Cir. Ct. Dec. 15, 2010)	A state trial court in Michigan held that the Michigan Department of Natural Resources and Environment acted outside its constitutional and statutory authority in denying a company's expansion of its coal-fired power plant. The court found that the agency's decision was based on an executive order by former Governor Jennifer Granholm which required regulators to deny permits for coal-fired plants unless the utilities can show no alternatives are available. Because the decision was based on the Governor's "capricious" policy change and not on compliance with air quality standards as outlined under state law, the agency's decision was arbitrary.

Sierra Club v. Moser

Name and Date	Description
Sierra Club v. Moser (Kan. Ct. App., filed Jan. 14, 2011)	The Sierra Club petitioned a Kansas appellate court seeking to overturn a permit allowing Sunflower Electric Power Corporation to build a coal-fired power plant. The petition alleges that the Kansas Department of Health and Environmental violated the Clean Air Act and accepted bogus data when it approved the plant's permit in December 2010.
Sierra Club v. Moser (Kan. Oct. 4, 2013)	The Kansas Supreme Court granted in part the Sierra Club's petition for judicial review of the issuance of an air emissions source construction permit for an 895-megawatt coal-fired power plant in Holcomb, Kansas. The court remanded the proceeding on the ground that the Kansas Department of Health and Environment should have applied EPA regulations regarding one-hour emission limits for nitrogen dioxide and sulfur dioxide that became effective before the permit was issued.

United States v. EME Homer City Generation LP

Name and Date	Description
United States v. EME Homer City Generation LP (W.D. Penn., filed Jan. 6, 2011)	The U.S. Justice Department filed a lawsuit in federal court alleging that current and former owners and operators of a coal-fired power plant in western Pennsylvania violated the Clean Air Act by making major modifications to two electric generating units without obtaining required permits or installing proper emissions controls. According to the complaint, the defendants made major modifications to one boiler unit in 1991 and to another unit in 1994, which resulted in significantly increased pollutant emissions. The complaint alleges that sulfur dioxide emissions at the plant total 100,000 tons a year, making it one of the largest air pollution sources in the nation.
United States v. EME Homer City Generation LP (W.D. Penn. Oct. 12, 2011)	In October 2011, the court granted the defendant's motion to dismiss, holding that the five year statute of limitations had passed for the government to seek civil penalties, and that the government cannot hold the current owners liable for alleged Clean Air Act violations by the former owners.

Koch Industries v. John Does 1-25

Name and Date	Description
Koch Industries v. John Does 1-25 (D. Utah, filed Dec. 28, 2010)	Koch Industries filed a lawsuit seeking to punish anonymous pranksters who claimed in a fake press release posted on the internet that it was discontinuing funding to climate denial groups. The lawsuit alleges that defendants issued the fake press release and set up a fake website with the intent to deceive and confuse the public, to disrupt and harm Koch Industries' business and reputation, and that as a result the company's business and reputation were harmed.
Koch Industries v. John PPorFeDoes 1-25 (D. Utah May 9, 2011)	A federal court in Utah dismissed the lawsuit. In its decision, the court held that the company could not disclose the identities of any of the members of the organization, Youth for Climate Truth, that had put out the fake news release. In addition, the court held that the company's trademarks had not been violated because there was no commercial competition between it and Youth for Climate Truth. It also dismissed the company's claim that the copying of its website violated anti-computer hacking laws and the terms of use it posted.

Utility Air Regulatory Group v. EPA

Name and Date	Description (squib)
▪*Coalition for Responsible Regulation v. EPA* (D.C. Cir. No. 09-1322) ▪*National Mining Association v. EPA* (D.C. Cir. No. 10-1024) ▪*Peabody Energy Co. v. EPA* (D.C. Cir. No. 10-1025) ▪*American Farm Bureau Federation v. EPA* (D.C. Cir. No. 10-1026) ▪*Chamber of Commerce v. EPA* (D.C. Cir. No. 10-1030) ▪*Southeastern Legal Foundation v. EPA* (D.C. Cir. No. 10-1035) ▪*Virginia v. EPA* (D.C. Cir. No. 10-1036) ▪*Gerdau Ameristeel v. EPA* (D.C. Cir. No. 10-1037) ▪*American Iron and Steel Institute v. EPA* (D.C. Cir. No. 10-1038) ▪*Alabama v. EPA* (D.C. Cir. No. 10-1039) ▪*Ohio Coal Association v. EPA* (D.C. Cir. No. 10-1040) ▪*Texas v. EPA* (D.C. Cir. No. 10-1041) ▪*Utility Air Regulatory Group v. EPA* (D.C. Cir. No. 10-1042) ▪*National Association of Manufacturers v. EPA* (D.C. Cir. No. 10-1044) ▪*Competitive Enterprise Institute v. EPA* (D.C. Cir. No. 10-1045) ▪*Portland Cement Association v. EPA* (D.C. Cir. No. 10-1046) ▪*Alliance for Natural Climate v. EPA* (D.C. Cir. No. 10-1049)	These 17 lawsuits were filed by states and industry groups on or before the deadline for challenging EPA's December 2009 **finding** that greenhouse gas emissions endanger public health and welfare. They have been consolidated under one case name, ***Coalition for Responsible Regulation v. EPA*** (D.C. Cir. 09-1322). There have been numerous intervening parties. On June 18, 2010, the D.C. Circuit Court of Appeals ruled that these consolidated appeals would be held in abeyance until EPA resolved pending **petitions** to reconsider its endangerment finding. The D.C. Circuit set a deadline of August 16, 2010 for EPA to issue such a reconsideration (see below). On July 19, 2010, EPA **denied** the petitions that asked the agency to reconsider its December 2009 **endangerment finding**. On June 26, 2012, the D.C. Circuit dismissed all challenges to EPA's greenhouse gas regulations. The ruling upheld four aspects of the rules, including the endangerment finding rule, the tailpipe rule, the tailoring rule and the timing rule. In particular, the court concluded that the endangerment finding and tailpipe rule were neither arbitrary nor capricious; EPA's interpretation of the governing CAA provisions was unambiguously correct; and no petitioner had standing to challenge the timing and tailoring rules. The court dismissed for lack of jurisdiction all petitions for review of the timing and tailoring rules, and denied the remainder of the petitions. A blog entry analyzing the decision is available here. On December 20, 2012, the court denied a motion to rehear lawsuits challenging EPA's greenhouse gas regulations, voting 6-2 against hearing the case *en banc,* holding that there was no basis for such review. Numerous petitions for writs of certiorari have been filed in the U.S. Supreme Court seeking review of the D.C. Circuit's decision.

Utility Air Regulatory Group v. EPA

Name and Date	Description (squib)
▪*Coalition for Responsible Regulation v. EPA* (D.C. Cir. No. 10-1092) ▪*Southeastern Legal Foundation v. EPA* (D.C. Cir. No. 10-1094) + ▪*American Iron and Steel Institute v. EPA* (D.C. Cir. No. 10-1134) ▪*Competitive Enterprise Institute v. EPA* (D.C. Cir. No. 10-1143) + ▪*Ohio Coal Association v. EPA* (D.C. Cir. No. 10-1144) + ▪*Mark Levin v. EPA* (D.C. Cir. No. 10-1152) ▪*Gerdau Ameristeel U.S. Inc. v. EPA* (D.C. Cir. No. 10-1156) ▪*Energy Intensive Manufacturers Working Group v. EPA* (D.C. Cir. No. 10-1158) ▪*Portland Cement Association v. EPA* (D.C. Cir. No. 10-1159) ▪*U.S. Chamber of Commerce v. EPA* (D.C. Cir. No. 10-1160) ▪*Utility Air Regulatory Group v. EPA* (D.C. Cir. No. 10-1161) ▪*National Mining Association v. EPA* (D.C. Cir. No. 10-1162) ▪*Peabody Energy Co. v. EPA* (D.C. Cir. No. 10-1163) ▪*American Farm Bureau Association v. EPA* (D.C. Cir. No. 10-1164) ▪*National Association of Manufacturers v. EPA* (D.C. Cir. No. 10-1166) ▪*American Forest and Paper Association v. EPA* (D.C. Cir. No. 10-1172) ▪*Texas v. EPA* (D.C. Cir. No. 10-1182)	These 17 lawsuits were filed by states and industry groups challenging EPA's final rule establishing GHG emissions from cars and light trucks. EPA published the emission limits and fuel economy increase on **May 7, 2010** in a final joint rulemaking with the National Highway Traffic Safety Administration (75 Fed. Reg. 25324). On August 20, 2010, these cases were consolidated under ***Coalition for Responsible Regulation v. EPA***, Index No. 10-1092 (D.C. Cir.). On June 26, 2012, the D.C. Circuit dismissed all challenges to EPA's greenhouse gas regulations. The ruling upheld four aspects of the rules, including the endangerment finding rule, the tailpipe rule, the tailoring rule and the timing rule. In particular, the court concluded that the endangerment finding and tailpipe rule were neither arbitrary nor capricious; EPA's interpretation of the governing CAA provisions was unambiguously correct; and no petitioner had standing to challenge the timing and tailoring rules. The court dismissed for lack of jurisdiction all petitions for review of the timing and tailoring rules, and denied the remainder of the petitions. A blog entry analyzing the decision is available here. On December 20, 2012, the court denied a motion to rehear lawsuits challenging EPA's greenhouse gas regulations, voting 6-2 against hearing the case *en banc,* holding that there was no basis for such review. Numerous petitions for writs of certiorari have been filed in the U.S. Supreme Court seeking review of the D.C. Circuit's decision.

Utility Air Regulatory Group v. EPA

Name and Date	Description (squib)
▪*Georgia Coalition for Sound Env. Policy v. EPA* (D.C. Cir. No. 10-1200) ▪*National Mining Association v. EPA* (D.C. Cir. No. 10-1201) ▪*American Farm Bureau Fed. v. EPA* (D.C. Cir. No. 10-1202) ▪*Peabody Energy Company v. EPA* (D.C. Cir. No. 10-1203) ▪*Center for Biological Diversity v. EPA* (D.C. Cir. No. 10-1205) ▪*Energy Intensive Manufacturers v. EPA* (D.C. Cir. No. 10-1206) ▪*South Carolina Public Service v. EPA* (D.C. Cir. No. 10-1207) ▪*Mark Levin v. EPA* (D.C. Cir. No. 10-1208) ▪*National Alliance of Forest Owners v. EPA* (D.C. Cir. No. 10-1209) ▪*National Env. Developers v. EPA* (D.C. Cir. No. 10-1210) ▪*Alabama v. EPA* (D.C. Cir. No. 10-1211) ▪*Utility Air Regulatory Group v. EPA* (D.C. Cir. No. 10-1212) ▪*Missouri Joint Mun. Ele. Util. Commission v. EPA* (D.C. Cir. No. 10-1213) ▪*Sierra Club v. EPA* (D.C. Cir. No. 10-1215) ▪*Clean Air Implementation Project v. EPA* (D.C. Cir. No. 10-1216) ▪*National Association of Manufacturers v. EPA* (D.C. Cir. No. 10-1218) ▪*National Federation of Independent Businesses v. EPA* (D.C. Cir. No. 10-1219) ▪*Portland Cement Association v. EPA* (D.C. Cir. No. 10-1220) ▪*Louisiana Department of Env. Quality v. EPA* (D.C. Cir. No. 10-1221) ▪*Perry v. EPA* (D.C. Cir. No. 10-1222)	These 20 lawsuits were filed by states, nonprofits, and industry groups challenging EPA's **greenhouse gas tailoring rule** under the Clean Air Act which was issued on June 3, 2010, which limits federal regulation to large stationary GHG sources. The deadline to file a challenge was August 2, 2010. These 20 cases were consolidated under ***Georgia Coalition for Sound Environmental Policy, Inc. v. EPA*** (D.C. Cir. No. 10-1200) on August 12, 2010. On September 3, 2010, this case was consolidated with ***Southeastern Legal Foundation v. EPA*** (D.C. Cir. No. 10-1131). The consolidated case was named ***Southeastern Legal Foundation v. EPA*** (D.C. Cir. No. 10-1131). In November 2010, the consolidated case ***Southeastern Legal Foundation v. EPA*** (D.C. Cir. No. 10-1131) was further consolidated under ***Coalition for Responsible Regulation v. EPA*** (D.C. Cir. Index No. 10-1073). On June 26, 2012, the D.C. Circuit dismissed all challenges to EPA's greenhouse gas regulations. The ruling upheld four aspects of the rules, including the endangerment finding rule, the tailpipe rule, the tailoring rule and the timing rule. In particular, the court concluded that the endangerment finding and tailpipe rule were neither arbitrary nor capricious; EPA's interpretation of the governing CAA provisions was unambiguously correct; and no petitioner had standing to challenge the timing and tailoring rules. The court dismissed for lack of jurisdiction all petitions for review of the timing and tailoring rules, and denied the remainder of the petitions. A blog entry analyzing the decision is available here. On December 20, 2012, the court denied a motion to rehear lawsuits challenging EPA's greenhouse gas regulations, voting 6-2 against hearing the case *en banc,* holding that there was no basis for such review. Numerous petitions for writs of certiorari have been filed in the U.S. Supreme Court seeking review of the D.C. Circuit's decision.

Utility Air Regulatory Group v. EPA

Name and Date	Description (squib)
▪***Southeastern Legal Foundation v. EPA*** **(D.C. Cir. No. 10-1131)** ▪***Coalition for Responsible Regulation v. EPA*** **(D.C. Cir. No. 10-1132)** ▪***American Iron and Steel Institute v. EPA*** **(D.C. Cir. No. 10-1147)** ▪***Gerdau Ameristeel U.S. Inc. v. EPA*** **(D.C. Cir. No. 10-1148)** ▪***Ohio Coal Association v. EPA*** **(D.C. Cir. No. 10-1145)** ▪***Chamber of Commerce v. EPA*** **(D.C. Cir. No. 10-1199)**	These six lawsuits were filed by states, nonprofits, and industry groups challenging EPA's **greenhouse gas tailoring rule** under the Clean Air Act which was issued on June 3, 2010, which limits federal regulation to large stationary GHG sources. The deadline to file a challenge was August 2, 2010. These 6 cases were initially consolidated under ***Southeastern Legal Foundation v. EPA*** (D.C. Cir. No. 10-1131). On September 3, 2010, this case was consolidated with ***Georgia Coalition for Sound Environmental Policy, Inc. v. EPA*** (D.C. Cir. No. 10-1200). The consolidated case was named ***Southeastern Legal Foundation v. EPA*** (D.C. Cir. No. 10-1131). In November 2010, the consolidated case ***Southeastern Legal Foundation v. EPA*** (D.C. Cir. No. 10-1131) was further consolidated under ***Coalition for Responsible Regulation v. EPA*** (D.C. Cir. Index No. 10-1073). On June 26, 2012, the D.C. Circuit dismissed all challenges to EPA's greenhouse gas regulations. The ruling upheld four aspects of the rules, including the endangerment finding rule, the tailpipe rule, the tailoring rule and the timing rule. In particular, the court concluded that the endangerment finding and tailpipe rule were neither arbitrary nor capricious; EPA's interpretation of the governing CAA provisions was unambiguously correct; and no petitioner had standing to challenge the timing and tailoring rules. The court dismissed for lack of jurisdiction all petitions for review of the timing and tailoring rules, and denied the remainder of the petitions. A blog entry analyzing the decision is available here. On December 20, 2012, the court denied a motion to rehear lawsuits challenging EPA's greenhouse gas regulations, voting 6-2 against hearing the case *en banc,* holding that there was no basis for such review. Numerous petitions for writs of certiorari have been filed in the U.S. Supreme Court seeking review of the D.C. Circuit's decision.

Utility Air Regulatory Group v. EPA

Name and Date	Description (squib)
▪ ***Coalition for Responsible Regulation v. EPA*** **(D.C. Cir. No. 10-1073)** ▪ ***Southeastern Legal Foundation v. EPA*** **(D.C. Cir. No. 10-1083)** ▪ ***Clean Air Implementation Project v. EPA*** **(D.C. Cir. No. 10-1099)** ▪***American Iron and Steel Institute v. EPA*** **(D.C. Cir. No. 10-1109)** ▪***Gerdau Ameristeel U.S. Inc. v. EPA*** **(D.C. Cir. No. 10-1110)** ▪***Energy Intensive Manufacturers v. EPA*** **(D.C. Cir. No. 10-1114)** ▪***Center for Biological Diversity v. EPA*** **(D.C. Cir. No. 10-1115)** ▪***Peabody Energy Company v. EPA*** **(D.C. Cir. No. 10-1118)** ▪***Am. Farm Bureau Federation v. EPA*** **(D.C. Cir. No. 10-1119)** ▪***National Mining Association v. EPA*** **(D.C. Cir. No. 10-1120)** ▪***Utility Air Regulatory Group v. EPA*** **(D.C. Cir. No. 10-1122)** ▪***Chamber of Commerce v. EPA*** **(D.C. Cir. No. 10-1123)** ▪***Missouri Joint Mun. Ele. Util. Commission v. EPA*** **(D.C. Cir. No. 10-1124)** ▪***National Env. Dev. v. EPA*** **(D.C. Cir. No. 10-1125)** ▪***Ohio Coal Association v. EPA*** **(D.C. Cir. No. 10-1126)** ▪***National Association of Manufacturers v. EPA*** **(D.C. Cir. No. 10-1127)** ▪***Texas v. EPA*** **(D.C. Cir. No. 10-1128)** ▪***Portland Cement Association v. EPA*** **(D.C. Cir. No. 10-1129)**	These 18 lawsuits were filed by states, nonprofits, and industry groups challenging **a rule** issued by EPA that will cover GHG emissions from new and modified stationary sources starting January 2, 2011. These 18 cases were consolidated on September 8, 2010 under ***Coalition for Responsible Regulation v. EPA*** (D.C. Cir. No. 10-1073). In November 2010, this case was consolidated with ***Southeastern Legal Foundation v. EPA*** (D.C. Cir. Index No. 10-1131 with the consolidated case name of ***Coalition for Responsible Regulation v. EPA*** (D.C. Cir. Index No. 10-1073). On January 28, 2011, the D.C. Circuit granted Arizona's motion to withdraw from a case challenging EPA's authority to regulate GHG emissions from large new and modified stationary sources. Arizona had initially defended EPA's authority to do so. However, Arizona's new Attorney General, citing a need to protect states' rights, filed a motion to withdraw from the case. On June 26, 2012, the D.C. Circuit dismissed all challenges to EPA's greenhouse gas regulations. The ruling upheld four aspects of the rules, including the endangerment finding rule, the tailpipe rule, the tailoring rule and the timing rule. In particular, the court concluded that the endangerment finding and tailpipe rule were neither arbitrary nor capricious; EPA's interpretation of the governing CAA provisions was unambiguously correct; and no petitioner had standing to challenge the timing and tailoring rules. The court dismissed for lack of jurisdiction all petitions for review of the timing and tailoring rules, and denied the remainder of the petitions. A blog entry analyzing the decision is available here. On December 20, 2012, the court denied a motion to rehear lawsuits challenging EPA's greenhouse gas regulations, voting 6-2 against hearing the case *en banc,* holding that there was no basis for such review. Numerous petitions for writs of certiorari have been filed in the U.S. Supreme Court seeking review of the D.C. Circuit's decision.

Utility Air Regulatory Group v. EPA

Name and Date	Description (squib)
▪*Coalition for Responsible Regulation v. EPA* (D.C. Cir. No. 10-1234) ▪*Chamber of Commerce v. EPA* (D.C. Cir. No. 10-1235) ▪*Southeastern Legal Foundation v. EPA* (D.C. Cir. No. 10-1239) ▪*Peabody Energy Company v. EPA* (D.C. Cir. No. 10-1245) ▪*Texas v. EPA* (D.C. Cir. No. 10-1281) ▪*Pacific Legal Foundation v. EPA* (D.C. Cir. No. 10-1310) ▪*Competitive Enterprise Institute v. EPA* (D.C. Cir. No. 10-1318) ▪*Virginia v. EPA* (D.C. Cir. No. 10-1319) ▪*Utility Air Regulatory Group v. EPA* (D.C. Cir. No. 10-1320) ▪*Ohio Coal Association v. EPA* (D.C. Cir. No. 10-1321)	These 10 lawsuits were filed by states and industry groups challenging EPA's denial of petitions to reconsider its 2009 endangerment finding. These 10 cases were consolidated under ***Coalition for Responsible Regulation v. EPA*** (D.C. Cir. No. 10-1234). In Nov. 2010, these cases were consolidated under ***Coalition for Responsible Regulation v. EPA*** (D.C. Cir. Index No. 09-1322). On December 10, 2010, the D.C. Circuit **denied** all pending motions to stay EPA's regulations of greenhouse gases, some of which are scheduled to take effect on January 2, 2011. The court also directed that the cases be scheduled for oral argument on the same day before the same panel. On June 26, 2012, the D.C. Circuit dismissed all challenges to EPA's greenhouse gas regulations. The ruling upheld four aspects of the rules, including the endangerment finding rule, the tailpipe rule, the tailoring rule and the timing rule. In particular, the court concluded that the endangerment finding and tailpipe rule were neither arbitrary nor capricious; EPA's interpretation of the governing CAA provisions was unambiguously correct; and no petitioner had standing to challenge the timing and tailoring rules. The court dismissed for lack of jurisdiction all petitions for review of the timing and tailoring rules, and denied the remainder of the petitions. A blog entry analyzing the decision is available here. On December 20, 2012, the court denied a motion to rehear lawsuits challenging EPA's greenhouse gas regulations, voting 6-2 against hearing the case *en banc,* holding that there was no basis for such review. Numerous petitions for writs of certiorari have been filed in the U.S. Supreme Court seeking review of the D.C. Circuit's decision.

Utility Air Regulatory Group v. EPA

Name and Date	Description (squib)
The following petitions for writs of certiorari were filed seeking review of the D.C. Circuit's June 2012 decision:	
U.S. Chamber of Commerce v. EPA (U.S., petition for writ of certiorari filed April 19, 2013)	The U.S. Chamber of Commerce, the American Farm Bureau Federation, and Alaska filed a petition for writ of certiorari seeking to reverse the D.C. Circuit's upholding of EPA's 2009 endangerment finding, which serves as the basis for EPA's regulation of GHG emissions under the Clean Air Act, and EPA's GHG permitting program for large stationary sources. More broadly, the petition seeks review of the question of whether EPA, having identified "absurd" consequences posed by regulation of GHG under the Clean Air Act, may deem the absurdity "irrelevant" to construction of some statutory provisions and a "justification for rewriting others."
Coalition for Responsible Regulation, Inc. v. EPA (U.S., petition for writ of certiorari filed April 19, 2013)	A coalition that included the Coalition for Responsible Regulation, Alpha Natural Resources, Inc. and the National Cattlemen's Beef Association raised the broad question of whether the Clean Air Act and *Massachusetts v. EPA* prohibit EPA from considering whether regulations addressing GHG emissions under Section 202 of the Clean Air Act "would meaningfully mitigate the risks identified as the basis for their adoption."
Southeastern Legal Foundation, Inc. v. EPA (U.S., petition for writ of certiorari filed April 19, 2013)	A coalition that included members of Congress, a number of businesses and various policy and advocacy groups filed a petition for a writ of certiorari that presented several questions challenging EPA's authority to regulate GHG emissions under the Clean Air Act in general and its tailoring rule, in particular.
Energy-Intensive Manufacturers Working Group on Greenhouse Gas Regulation v. EPA (U.S., petition for writ of certiorari filed on April 19, 2013)	This petition raises the question of whether EPA was statutorily required to regulate GHG emissions under the Clean Air Act's Prevention of Significant Deterioration (PSD) and Title V programs, as well as related questions in connection with EPA's obligation to consider alternative regulatory programs for GHG emissions from stationary sources and with the timeliness of challenges to the application of the PSD program to GHG emissions.

Utility Air Regulatory Group v. EPA

Name and Date	Description (squib)
The following petitions for writs of certiorari were filed seeking review of the D.C. Circuit's June 2012 decision:	
Texas v. EPA (U.S., petition for writ of certiorari filed April 19, 2013)	Citing the regulatory burden imposed on state regulators, a group of states seeks review of EPA's GHG permitting program for large stationary sources.
American Chemistry Council v. EPA (U.S., petition for writ of certiorari file April 18, 2013)	A group of industry-affiliated organizations seeks review of EPA's GHG permitting program for large stationary sources.
Utility Air Regulatory Group v. EPA (U.S., petition for writ of certiorari filed March 20, 2013)	The Utility Air Regulatory Group filed a petition for writ of certiorari seeking to reverse the D.C. Circuit's upholding of EPA's GHG permitting program for large stationary sources.
Pacific Legal Foundation v. EPA (U.S., petition for writ of certiorari filed March 20, 2013)	This petition seeks reversal of the D.C. Circuit's upholding of EPA's 2009 endangerment finding.
Virginia v. EPA (U.S., petition for writ of certiorari filed March 20, 2013)	This petition also seeks reversal of the D.C. Circuit's upholding EPA's 2009 endangerment finding.
• ***Utility Air Regulatory Group v. EPA*** • ***American Chemistry Council v. EPA*** • ***Energy-Intensive Manufacturers Working Group on Greenhouse Gas Regulation v. EPA*** • ***Southeastern Legal Foundation, Inc. v. EPA*** • ***Texas v. EPA*** • ***U.S. Chamber of Commerce v. EPA*** (U.S., cert. granted Oct. 15, 2013) • ***Virginia v. EPA*** • ***Pacific Legal Foundation v. EPA*** • ***Coalition for Responsible Regulation, Inc. v. EPA*** (U.S., cert. denied Oct. 15, 2013)	The U.S. Supreme Court granted certiorari with respect to six petitions. The Supreme Court's grant of certiorari is limited to one question: "Whether EPA permissibly determined that its regulation of greenhouse gas emissions from new motor vehicles triggered permitting requirements under the Clean Air Act for stationary sources that emit greenhouse gases." Certiorari was denied with respect to other questions raised by petitions challenging the D.C. Circuit's decision, including issues relating to EPA's endangerment finding and tailpipe emissions standards. Oral arguments were heard on February 24, 2014. A sampling of reporting on the oral argument: *New York Times*, SCOTUSblog, *Washington Post*, *Los Angeles Times*, AP.

Utility Air Regulatory Group v. EPA

Name and Date	Description (squib)
Utility Air Regulatory Group v. EPA, Nos. 12–1146, 12–1248, 12–1254, 12–1268, 12–1269, and 12–1272 (U.S. June 23, 2014)	The United States Supreme Court ruled that EPA had impermissibly interpreted the Clean Air Act as compelling or permitting a facility's potential greenhouse gas emissions to trigger Prevention of Significant Deterioration (PSD) and Title V permitting requirements. The Court upheld, however, EPA's determination that "anyway" sources (facilities subject to PSD permitting due to their conventional pollutant emissions) could be required to employ "best available control technology" (BACT) for greenhouse gases. The majority opinion, written by Justice Scalia, concluded that subjecting sources to the PSD and Title V programs solely based on their greenhouse gas emissions "would place plainly excessive demands on limited governmental resources" and "bring about an enormous and transformative expansion in EPA's regulatory authority without clear congressional authorization." The Court rejected EPA's attempt to fix these problems by "rewriting" statutory emissions thresholds, which the Court said "would deal a severe blow to the Constitution's separation of powers." The Court went on to hold, however, that the Clean Air Act's text clearly supported an interpretation that required BACT for "anyway" sources and that applying BACT to greenhouse gases "is not so disastrously unworkable" and "need not result in such a dramatic expansion of agency authority" as to make the interpretation unreasonable. Justice Breyer wrote an opinion, joined by Justices Ginsburg, Sotomayor, and Kagan, concurring with the BACT portion of the majority opinion but dissenting from the conclusion that EPA could not interpret the PSD and Title V programs to be triggered solely by a source's greenhouse gas emissions. Justice Breyer said that a more sensible way to avoid the absurdity of sweeping an unworkable number of sources into the permitting programs was to imply an exception to the numeric statutory thresholds, rather than to imply a greenhouse gas exception to the phrase "any air pollutant." Justice Alito, in an opinion joined by Justice Thomas, concurred with the ruling on the triggers for the permitting programs, but dissented from the BACT holding. Justice Alito found it "curious" that the Court departed from a literal interpretation of "pollutant" in striking down greenhouse gas triggers for PSD and Title V permitting, but embraced literalism in upholding the application of BACT for "anyway" sources.

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Utility Air Regulatory Group v. EPA

Name and Date	Description (squib)
Coalition for Responsible Regulation v. EPA, Nos. 09-1322 et al. (D.C. Cir., industry/states/public interest groups' motion, EPA motion, environmental respondent-intervenors' motion Oct. 21, 2014)	On October 21, 2014, parties weighed in on how the D.C. Circuit should proceed after the Supreme Court's decision. Industry groups, along with states and public interest groups aligned with industry, argued that greenhouse gas emissions were not and could not be subject to Prevention of Significant Deterioration (PSD) or Title V requirements without further EPA rulemaking. EPA asked that its PSD and Title V regulations be vacated only to the extent that they required permits where greenhouse gases were the only pollutant that exceeded applicable major source thresholds or required EPA to consider phasing sources into the permitting programs that met lower greenhouse gas emission thresholds. EPA (and also environmental organization respondent-intervenors) said that best available control technology requirements for greenhouse gases should continue to apply—without need for further rulemaking—to sources whose emissions of other pollutants met the applicable thresholds.
Coalition for Responsible Regulation v. EPA, Nos. 09-1322 et al.; ***Coalition for Responsible Regulation v. EPA***, Nos. 10-1073 et al.; ***Coalition for Responsible Regulation v. EPA***, Nos. 10-1092 et al.; ***American Chemistry Council v. EPA***, Nos. 10-1167 et al. (D.C. Cir. order Apr. 10, 2015)	In an order governing further proceedings after the Supreme Court's 2014 decision in *Utility Air Regulatory Group v. EPA*, the D.C. Circuit accepted EPA's view that *UARG v. EPA* did not require EPA to start from scratch to establish a greenhouse gas permitting regime for stationary sources. Instead, the D.C. Circuit ordered EPA to act "as expeditiously as practicable" to rescind Clean Air Act regulations that required Prevention of Significant Deterioration (PSD) and Title V permits solely based on a source's greenhouse gas emissions. The court also ordered EPA to rescind regulations that would have required EPA to consider lowering the greenhouse gas emissions thresholds for permitting and to "consider whether any further revisions to its regulations are appropriate in light of *UARG v. EPA*." On April 30, the EPA Administrator signed a direct final rule that authorized rescission of PSD permits upon requests from applicants who demonstrate that they would not have been subject to PSD permitting but for their greenhouse gas emissions. The regulation is also to be published as a proposed rule in case adverse comments are received.

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Utility Air Regulatory Group v. EPA

Name and Date	Description (squib)
Coalition for Responsible Regulation v. EPA, Nos. 09-1322 et al.; ***Coalition for Responsible Regulation v. EPA***, Nos. 10-1073 et al.; ***Coalition for Responsible Regulation v. EPA***, Nos. 10-1092 et al.; ***American Chemistry Council v. EPA***, Nos. 10-1167 et al. (D.C. Cir., petition for rehearing May 26, 2015)	After the D.C. Circuit determined in April 2015 that the Supreme Court's decision in *Utility Air Regulatory Group v. EPA* did not require vacating EPA's permitting regulations for greenhouse gas emissions from stationary sources, petitioners asked for panel rehearing and rehearing en banc. The petitioners contended that the D.C. Circuit should have vacated EPA's regulations requiring sources subject to the Prevention of Significant Deterioration permit program solely due to their emissions of other pollutants to use best available control technology (BACT) to reduce greenhouse gas emissions. The petitioners argued that the Supreme Court in *UARG v. EPA* had held that these BACT provisions were defective because, among other reasons, they did not establish a *de minimis* level of greenhouse gas emissions below which BACT would not be required. It therefore was inappropriate, the petitioners said, for the D.C. Circuit to allow EPA "merely to 'consider,' per its own ruminations, whenever it feels so inclined," the extent to which *UARG v. EPA* required revisions to the BACT provisions. The petitioners also contended that the D.C. Circuit's amended judgment was at odds with its own precedent concerning when remand without vacatur is appropriate.
Coalition for Responsible Regulation v. EPA, Nos. 09-1322 et al.; ***Coalition for Responsible Regulation v. EPA***, Nos. 10-1073 et al.; ***Coalition for Responsible Regulation v. EPA***, Nos. 10-1092 et al.; ***American Chemistry Council v. EPA***, Nos. 10-1167 et al. (D.C. Cir., orders denying panel rehearing & rehearing en banc Aug. 7, 2015)	The D.C. Circuit Court of Appeals issued two orders denying—without comment—rehearing or rehearing en banc of its judgment remanding but not vacating portions of EPA's permitting regulations for greenhouse gas emissions from stationary sources.

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Utility Air Regulatory Group v. EPA

Name and Date	Description (squib)
Energy-Intensive Manufacturers Working Group on Greenhouse Gas Regulation v. EPA, No. 15-637 (U.S., filed Nov. 5, 2015)	The Energy-Intensive Manufacturers Working Group on Greenhouse Gas Regulation (Group) filed a petition seeking Supreme Court review of the D.C. Circuit's decision on remand from the Supreme Court's decision in *Utility Air Regulatory Group v. EPA*. In April 2015, the D.C. Circuit issued an order governing further proceedings in which it accepted EPA's view that *UARG v. EPA* did not require EPA to start from scratch to establish a greenhouse gas permitting regime for stationary sources. The D.C. Circuit said that EPA should rescind its regulations requiring Prevention of Significant Deterioration (PSD) or Title V permits solely based on a source's greenhouse gas emissions and that the agency should "consider whether any further revisions to its regulations are appropriate in light of *UARG v. EPA*." In its petition for a writ of certiorari, the Energy-Intensive Manufacturers Working Group argued that EPA should be required to conduct new rulemaking if it wants to regulate greenhouse emissions from "anyway" sources (i.e., sources that meet PSD and Title V emissions thresholds for other air pollutants) and that the D.C. Circuit should have vacated the existing regulations.
Energy-Intensive Manufacturers Working Group on Greenhouse Gas Regulation v. EPA, No. 15-637 (U.S. cert. denied Jan. 19, 2016)	The United States Supreme Court denied certiorari to the Energy-Intensive Manufacturers Working Group on Greenhouse Gas Regulation, which sought review of the D.C. Circuit's order governing further proceedings after the Supreme Court's 2014 decision in *Utility Air Regulatory Group v. EPA*. In its April 2015 order, the D.C. Circuit did not vacate EPA's regulations concerning greenhouse gas permitting for stationary sources in their entirety. Instead, the D.C. Circuit ordered EPA to rescind the portions of the regulations that required permits based solely on a source's greenhouse gas emissions, but left in place regulations that required sources subject to Prevention of Significant Deterioration (PSD) requirements due to other types of emissions (often referred to as "anyway" sources) to use best available control technology to control greenhouse gas emissions.

Building Industry Association of Washington v. Washington State Building Code Council

Name and Date	Description
Building Industry Association of Washington v. Washington State Building Code Council (W.D. Wash. Feb. 7, 2011)	A federal district court in Washington state granted summary judgment in favor of the Washington State Building Code Council and several intervenors concerning claims that proposed amendments to the Washington State Energy Code are preempted by various federal regulations on the basis that they would require homes to have HVAC, plumbing, or water heating equipment whose efficiency exceeds controlling federal standards. Specifically, the court found that the Energy Policy and Conservation Act's "building code exception" applies to the disputed amendments. This exception allows state and local governments to set energy efficiency targets for new residential construction which can be reached with equipment or products whose efficiencies exceed federal standards, provided the enabling legislation also includes other means to achieve the targets with products that do not exceed the federal standards.
Building Industry Association of Washington v. Washington State Building Code Council (9th Cir. June 25, 2012)	The Ninth Circuit affirmed a district court decision that found that an energy efficient building energy code adopted by the Washington Building Code Council in 2009 met the requirements for obtaining an exemption under the Energy Policy and Conservation Act (EPCA). Specifically, the court held that the 2009 Code met all seven requirements for obtaining a building code exemption under the statute. A blog post analyzing the decision is available here.

Alaska Community Action on Toxics v. Aurora Energy Services, LLC

Name and Date	Description
Aurora Community Action on Toxics v. Aurora Energy Services, LLC (D. Alaska, Jan. 10, 2011)	A district court denied an energy company's motion to dismiss, holding that several environmental groups may maintain their action alleging that coal-contaminated dust, slurry, water and snow is being discharged from a coal loading facility into a bay in violation of the CWA. Although the facility has a NPDES permit, the plaintiffs alleged that the permit applies to storm water discharges and that it fails to cover discharges stemming from the facility's conveyor system as well as from wind and snow. In denying the motion to dismiss, the court held that the fact that the pollutants travel for some distance through the air did not defeat liability under the CWA.

Environmental Integrity Project v. Lower Colorado River Authority

Name and Date	Description
Environmental Integrity Project v. Lower Colorado River Authority (S.D. Texas, filed March 7, 2011)	Three environmental groups filed a lawsuit against a public utility, alleging that it emitted excessive levels of particulate matter from its coal-fired electricity generating plant without making pollution control upgrades as required by the Clean Air Act. The complaint alleges that the facility is violating the CAA's prevention of significant deterioration requirements under new source review by making major modifications to the power plant's main units and failing to obtain necessary permits, install best available control technology, reduce emissions, and comply with requirements for monitoring, recordkeeping, and reporting.

Alaska Oil and Gas Association v. Jewell
Arctic Slope Regional Corp. v. Jewell

Name and Date	Description
Alaska Oil and Gas Association v. Salazar (D. Alaska, filed March 1, 2011)	An oil and gas association filed a lawsuit against the Interior Department seeking to overturn its December 2010 decision designating 187,157 square miles of area as critical habitat for polar bears, alleging that it will impede oil company operations without providing meaningful benefits to polar bears. The complaint alleged that the designation of so much habitat was not supported by science and violated the ESA and the Administrative Procedure Act.
Arctic Slope Regional Corp. v. Salazar (D. Alaska, filed May 13, 2011)	Eleven Alaska Native organizations and the local government for the Inupiat Eskimo district of northernmost Alaska filed a lawsuit against the Department of Interior challenging the designation of critical habitat for threatened polar bears. The lawsuit alleges that the designation will unfairly restrict Alaska Natives' traditional cultural activities and important economic development--primarily oil development--while doing nothing to counter climate change that has threatened the species. In November 2010, the U.S. Fish and Wildlife Service designated 187,157 square miles as critical habitat for polar bears.

Alaska Oil and Gas Association v. Jewell
Arctic Slope Regional Corp. v. Jewell

Name and Date	Description
Alaska Oil and Gas Association v. Salazar *Arctic Slope Regional Corp. v. Salazar* (D. Alaska Jan. 11, 2013)	A federal district court in Alaska overturned the U.S. Fish and Wildlife Service's designation in 2011 of 187,157 square miles of coastal lands, barrier islands, and ice-dotted marine waters as critical habitat for the polar bear, concluding that the area in question was too big to be justified. The court further held that the agency failed to show sufficient evidence that much of the land and barrier islands included in the designation held polar bear dens, included features suitable for dens, or had areas suitable for maternal bears rearing newly emerged cubs. The court held that the agency could not speculate as to the existence of such features. The court remanded the designation to the agency for further studies.
Alaska Oil and Gas Association v. Jewell, No. 11-cv-0025; *State of Alaska v. Jewell*, No. 11-cv-0036; *Arctic Slope Regional Corp. v. Jewell*, No. 11-cv-0106 (D. Alaska May 15, 2013)	The district court denied motions to alter or amend its January 2013 judgment. The court rejected arguments that there were errors in its judgment and noted that defendants and defendants-intervenors could not raise new arguments or previously known and available evidence or rehash arguments previously made. The court also ruled that vacating and remanding FWS's final rule was a proper remedy even though the court found nothing wrong with 96 percent of the designated area. The decision noted that polar bears "are presently abundant" and "face no immediate or precipitous decline" and cited plaintiffs' showing that they would be harmed if the critical habitat designation were left in place. The court also indicated that vacating and remanding was appropriate because it would give FWS another opportunity to involve Alaska Native villages, corporations and the State of Alaska in the designation process.

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Alaska Oil and Gas Association v. Jewell
Arctic Slope Regional Corp. v. Jewell

Name and Date	Description
Alaska Oil & Gas Association v. Jewell, Nos. 13-35619 et al. (9th Cir. Feb. 29, 2016)	The Ninth Circuit Court of Appeals upheld the United States Fish and Wildlife Service's (FWS's) designation of critical habitat for polar bears. The Ninth Circuit reversed a decision by the district court for the District of Alaska that vacated the entire designation. The Ninth Circuit said that the district court had improperly required that FWS identify specific elements within the designated critical habitat areas that were essential to polar bear conservation and currently in use by polar bears. The Ninth Circuit said this requirement was directly counter to the Endangered Species Act's conservation purposes. The Ninth Circuit instead considered whether the designated areas "contained the constituent elements required for sustained preservation of polar bears," and found that FWS's designation of terrestrial denning habitat and barrier island habitat was not arbitrary and capricious. In reaching this conclusion, the Ninth Circuit said that FWS had properly taken future climate change into account in designating the critical habitat. The Ninth Circuit also said that FWS had satisfied its obligations to consider concerns raised by the State of Alaska.
Alaska Oil & Gas Association v. Jewell, Nos. 13-35619 et al. (9th Cir. petition for rehearing May 6, 2016)	The State of Alaska, Alaska Native organizations, oil and gas industry trade groups, and an Alaska municipality submitted a petition for rehearing en banc to the Ninth Circuit Court of Appeals, which in February reinstated the United States Fish and Wildlife Service's (FWS's) designation of critical habitat for polar bears. The petitioners said that rehearing was "urgently needed" because the February opinion conflicted with precedent requiring that the Endangered Species Act's best scientific data available standard required decisions based on "substantial evidence." The petitioners also said that the February opinion improperly relied on "post hoc explanations." The petition contended that the opinion mischaracterized the district court's decision—which vacated the critical habitat designation—as requiring "current use" by polar bears in order for designation to be warranted. (The Ninth Circuit had said that the FWS had properly taken future climate change into account in designating the critical habitat.)

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Alaska Oil and Gas Association v. Jewell
Arctic Slope Regional Corp. v. Jewell

Name and Date	Description
Alaska Oil & Gas Association v. Jewell, Nos. 13-35619 (9th Cir. June 8, 2016)	The Ninth Circuit Court of Appeals denied a petition for rehearing en banc of its ruling upholding the United States Fish and Wildlife Service's (FWS's) designation of critical habitat for polar bears. The court said no judge had requested a vote on whether to rehear the matter en banc.
Alaska Oil & Gas Association v. Salazar, Nos. 3:11-cv-00025-RRB et al. (D. Alaska Aug. 8, 2016)	The federal district court for the District of Alaska entered final judgment dismissing three actions that sought to undo critical habitat designation for polar bears under the Endangered Species Act. The dismissal came several months after the Ninth Circuit Court of Appeals reversed the district court's earlier decision vacating the designation.

Utility Air Regulatory Group v. EPA

Name and Date	Description
Utility Air Regulatory Group v. EPA (D.C. Cir., Index No. 11-1037, filed Feb. 28, 2011)	An electric power company trade group and several other entities challenged two EPA rules to facilitate GHG emissions permitting in seven states. The rules allow EPA to impose a federal implementation plan on seven states whose on laws and regulations would have prevented them from initiating GHG emissions permitting on January 2, 2011, the date on which GHG emissions permitting took effect. The seven states are Arizona, Arkansas, Florida, Idaho, Kansas, Oregon, and Wyoming. The other entities challenging these rules are Texas, SIP/FIP Advocacy Group, and various mining and energy industry coalitions.
Utility Air Regulatory Group v. EPA (D.C. Cir. July 26, 2013)	The federal Court of Appeals for the District of Columbia Circuit dismissed, on standing grounds, challenges by Texas, Wyoming, and industry groups to United States Environmental Protection Agency (EPA) rules that imposed federal permitting requirements for greenhouse gases. The D.C. Circuit concluded that section 165(a) of the Clean Air Act (CAA) was "self-executing," finding that the provision requires that major emitting facilities obtain Prevention of Significant Deterioration (PSD) preconstruction permits with best available control technology for every pollutant regulated under the CAA regardless of whether a pollutant is included in a given state's implementation plan. The D.C. Circuit therefore held that industry petitioners lacked standing because their purported injury—that they would be subject to PSD permitting requirements for greenhouse gases—was caused not by the challenged EPA rules, but by "automatic operation" of the CAA. With respect to the state petitioners, the court ruled that a successful challenge to the EPA rules would result in a "construction moratorium," not restoration of the states' permitting powers. The states therefore lacked standing because their challenge would not redress the alleged harm to their "quasi-sovereign interests in regulating air quality within their borders." Judge Kavanaugh dissented.

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Utility Air Regulatory Group v. EPA

Name and Date	Description
Utility Air Regulatory Group v. EPA (D.C. Cir. Aug. 21, 2013)	Petitioners filed a motion seeking to extend their deadline to file a petition for rehearing of the D.C. Circuit's rejection of their challenge to EPA rules imposing federal permitting requirements for greenhouse gas emissions. Petitioners asked that the deadline for filing the petition and for issuing the mandate be extended until 30 days after the Supreme Court's disposition of pending petitions for a writ of certiorari that seek review of *Coalition for Responsible Regulation v. EPA*, in which the D.C. Circuit upheld EPA's regulation of greenhouse gas emissions under the Clean Air Act. The motion papers assert that deferral of the deadline would not significantly delay issuance of the mandate because the petitions for writ of certiorari have been distributed for conference on September 30, only two weeks after the mandate is currently scheduled to issue. The motion is unopposed.
Utility Air Regulatory Group v. EPA (D.C. Cir. Sept. 4, 2013)	The D.C. Circuit granted the unopposed motion seeking to extend the deadline to file petitions for rehearing.
Utility Air Regulatory Group v. EPA, No. 11-1037 (D.C. Cir., SIP/FIP Advocacy Group petition for panel rehearing or rehearing en banc Sept. 22, 2014; State of Wyoming et al. petition for panel rehearing Sept. 22, 2014)	Two states, along with trade associations and other organizations representing various industrial sectors, filed petitions for rehearing. The petitions argued that rehearing was necessary because the Supreme Court's decision in *Utility Air Regulatory Group v. EPA* negated the D.C. Circuit's dismissal of the proceedings on standing grounds. The D.C. Circuit's ruling was grounded in its interpretation of the Clean Air Act's Prevention of Significant Deterioration (PSD) permitting requirements were "self-executing" for stationary sources that emitted greenhouse gases—the D.C. Circuit therefore reasoned that petitioners' injuries were caused by the statute itself and not by EPA's actions. Petitioners argued in their petitions for rehearing that since the Supreme Court expressly rejected this interpretation, the D.C. Circuit's ruling should be vacated and the petitions for review should be granted or the matter reheard.

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Utility Air Regulatory Group v. EPA

Name and Date	Description
Utility Air Regulatory Group v. EPA, Nos. 11-1037 et al. (D.C. Cir. order denying panel rehearing and order denying rehearing en banc May 4, 2015)	The D.C. Circuit issued orders denying the petitions for rehearing. The denial of the petitions for rehearing came after the D.C. Circuit ordered EPA in April 2015 to rescind regulations that required PSD and Title V permits solely based on a source's greenhouse gas emissions.

Chase Power Development, LLC v. EPA

Name and Date	Description
Chase Power Development, LLC v. EPA (D.C. Cir., filed Feb. 28, 2011)	A company in Texas filed a lawsuit challenging EPA's takeover of GHG emissions permitting in Texas. The lawsuit challenges a rule known as the "greenhouse gas SIP Call," which requires states to change their air quality state implementation plans to allow them to issue permits for GHG emissions from large new and modified stationary sources such as power plants. The rule allows EPA to issue federal implementation plans in states that either would not or were unable to change their own laws and regulations and their state implementation plans by January 2, 2011 to allow PSD permitting for GHG emissions.

Sierra Club v. EPA

Name and Date	Description
Sierra Club v. EPA (N.D. Cal., filed Feb. 23, 2011)	The Sierra Club sued EPA seeking to recover 350,000 pages of documents that allegedly demonstrate Clean Air Act violations by five coal-fired power plants in Texas, contending that EPA failed to respond to its Freedom of Information Act (FOIA) request in a timely manner. The complaint alleges that the documents demonstrate the power company's knowing violation of the CAA and, as such, release of the documents is in the public interest, and a balance of the equities demonstrates that the organization should have access to the documents.

Texas v. EPA
Utility Air Regulatory Group v. EPA
SIP/FIP Advocacy Group v. EPA

Name and Date	Description
Texas v. EPA (D. C. Cir., filed Feb. 11, 2011) *Utility Air Regulatory Group v. EPA* (D.C. Cir., filed Feb. 11, 2011) *SIP/FIP Advocacy Group v. EPA* (D.C. Cir., filed Feb. 11, 2011)	Texas and two industry groups filed lawsuits challenging an EPA rule that requires states to adopt laws and regulation allowing them to issue permits for large new and modified stationary sources for GHG emissions. The lawsuits challenge a rule known as the "greenhouse gas SIP Call," which requires states to change their air quality state implementation plans to allow them to issue permits for GHG emissions from large new and modified stationary sources such as power plants. The rule allows EPA to issue federal implementation plans in states that either would not or were unable to change their own laws and regulations and their state implementation plans by January 2, 2011 to allow PSD permitting for GHG emissions. Texas has refused to implement PSD permitting requirements for GHG emissions, and EPA has assumed PSD permitting for GHG emissions in the state.

Montana Environmental Information Center v. BLM

Name and Date	Description
Montana Environmental Information Center v. BLM (D. Mont., filed Feb. 7, 2011)	A coalition of environmental groups sued the Bureau of Land Management (BLM) for allegedly failing to consider the climate change impacts of oil and gas leasing on public lands in Montana and the Dakotas. The groups alleged that the Interior Department failed to control the release of methane from oil and gas development on nearly 60,000 acres of leases sold in 2008 and December 2010 in violation of NEPA. The environmental groups settled an earlier action under which BLM agreed to suspend the 2008 leases and conduct a supplement EIS of their climate change impacts. In August 2010, BLM said that emissions from developing these leases could not be tied to specific climate change impacts and decided to move forward with issuing the 2008 leases and a new round of 2010 leases.
Montana Environmental Information Center v. BLM (D. Mont. June 14, 2013)	The court granted defendants' motion for summary judgment and dismissed the lawsuit on standing grounds, finding that plaintiffs had failed to establish injury-in-fact. Noting that plaintiffs' recreational and aesthetic interests were "uniformly local" and the effects of greenhouse gas emissions "diffuse and unpredictable," the court found that plaintiffs had presented "no scientific evidence or recorded scientific observations to support their assertions that BLM's leasing decisions will present a threat of climate change impacts on lands near the lease sites." The court further held that plaintiffs had made no effort to show that methane emissions from the lease sites would make a "meaningful contribution" to global warming and had thus failed to show that potential climate change impacts to the local environment were "fairly traceable" to greenhouse gas emissions associated with the challenged leases.

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Montana Environmental Information Center v. BLM

Name and Date	Description
Montana Environmental Information Center v. BLM, No. 13-35688 (9th Cir. Aug. 31, 2015)	The Ninth Circuit Court of Appeals reversed the district court's dismissal on standing grounds of environmental groups' lawsuit challenging federal approvals for oil and gas leasing on federal lands in Montana. The Ninth Circuit's unpublished decision said that the Montana district court had erred when it failed to consider surface harms caused by the development of the leases and instead focused only on climate change-related effects, which the district court said did not create a concrete and redressable injury. The Ninth Circuit remanded to the district court with instructions to determine which lease sales would harm the areas of land enjoyed by the environmental groups' members. The Ninth Circuit directed that this determination "should include consideration of any actual injury stemming from surface harms fairly traceable to the challenged action."
Montana Environmental Information Center v. United States Bureau of Land Management, No. 11-15-GF-SHE (D. Mont. May 18, 2016)	Four trade groups—the American Petroleum Institute, Montana Petroleum Association, Montana Chamber of Commerce, and Western Energy Alliance—notified the federal district court for the District of Montana that they opposed an anticipated settlement between environmental groups and the United States Bureau of Land Management and other federal defendants concerning the sale of oil and gas leases in Montana and the Dakotas. The court had permitted the trade groups to intervene in the action on behalf of the defendants. The trade groups said that they had not been allowed to participate in the settlement discussions and that as parties to the action, whose members had bid successfully in the challenged lease sales, they believed that the settlement would substantially infringe on their lease rights. The trade groups also said that the settlement would not be in the public interest because it would restrict BLM's discretion. On May 26, 2016, the court ordered the federal defendants and environmental groups to file a final settlement by June 17, 2016, and said that the defendant-intervenors would have until June 24 to file a brief opposing any terms of the settlement.

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Montana Environmental Information Center v. BLM

Name and Date	Description
Montana Environmental Information Center v. United States Bureau of Land Management, No. 11-15-GF-SHE (D. Mont. order July 7, 2016; intervenors' response June 24, 2016; stipulated agreement June 17, 2016)	In a lawsuit brought by environmental groups to challenge authorizations for federal oil and gas lease sales in Montana, the federal district court for the District of Montana approved a stipulated agreement between federal defendants and environmental groups and dismissed the action. In the stipulated agreement, the federal defendants agreed to notify the plaintiffs and hold public comment periods when applications for permits to drill (APDs) were submitted on the leases. The federal defendants also agreed to consider requiring measures to account for and reduce natural gas emissions as conditions of approval of the APDs. The stipulated agreement also noted that the United States Bureau of Land Management was proposing to update its regulations to reduce the waste of natural gas from flaring, venting, and leaks from oil and gas production operations on public and Indian lands. It left open the possibility that the plaintiffs could seek attorney fees under the Equal Access to Justice Act. Four trade groups that had intervened in the lawsuit said they would not object to dismissal of the action, but that they believed the federal defendants would have prevailed on the National Environmental Policy Act claims and that the plaintiffs were not entitled to attorney fees.

Semiconductor Industry Association v. EPA

Name and Date	Description
Semiconductor Industry Association v. EPA (D.C. Cir., filed Jan. 31, 2011)	An industry association filed a petition in the D.C. Circuit seeking a review of the EPA greenhouse gas reporting rule for sources of fluorinated GHGs. The final rule, which was published on December 1, 2010, applies to electronics production, fluorinated gas production, imports, and exports of pre-charged equipment or closed-cell foams containing fluorinated GHGs, and the use and manufacture of electricity transmission and distribution equipment. Facilities in these categories that emit at least 25,000 tons of CO2e of fluorinated GHGs are required to report these emissions. Data collection was required to begin January 1, 2011 and the first reports are due by March 31, 2012. According to the association, the rule in its current form requires semiconductor companies to measure emissions in a technically infeasible manner and also gives EPA access to highly valuable proprietary data which could compromise critical trade secrets and other sensitive information.

American Gas Association v. EPA
Gas Processors Association v. EPA
Interstate Natural Gas Association v. EPA

Name and Date	Description
American Gas Association v. EPA (D. C. Cir., filed Jan. 28, 2011) *Gas Processors Association v. EPA* (D.C. Cir., filed Jan. 28, 2011) *Interstate Natural Gas Association v. EPA* (D.C. Cir., filed Jan. 31, 2011)	Three industry groups filed petitions seeking to change elements of an EPA rule that will require oil and natural gas companies to report their GHG emissions. The final rule, announced by EPA November 9, 2010, requires oil and natural gas systems that emit at least 25,000 metric tons per year of CO2e to collect data on their emissions. Data collection was required beginning on January 1, 2011 and the first reports are due to EPA by March 31, 2012.
American Gas Association v. EPA, Nos. 11-1020, 12-1108 (D.C. Cir., motion for voluntary dismissal Feb. 4, 2015); *Interstate Natural Gas Association of America*, No. 11-1027 (D.C. Cir., motion for voluntary dismissal Feb. 20, 2015)	The American Gas Association and the Interstate Natural Gas Association of America moved to voluntarily withdraw their challenges to EPA's greenhouse gas reporting rule.

Pacific Merchant Shipping Association v. EPA

Name and Date	Description
Pacific Merchant Shipping Association v. EPA (9th Cir. March 28, 2011)	The Ninth Circuit upheld California rules requiring oceangoing vessels traveling within 24 miles of the state's coastline to switch to low-sulfur fuels, rejecting the shipping industry's argument that the state lacked legal authority to impose the rules on vessels outside of its three-mile coastal jurisdiction. Affirming the district court, the circuit court held that the plaintiff failed to establish that the Submerged Lands Act preempts the state rules. In a previous decision in 2008 (*Pacific Merchant Shipping Association v. Goldstene* (9th Cir. 2008)), the Ninth Circuit held that the state could not enforce a rule that established emissions standards for auxiliary engines that oceangoing vessels use for producing steam and heating water and heavy fuel oil without a waiver under the Clean Air Act.

Valley Advocates v. City of Atwater

Name and Date	Description
Valley Advocates v. City of Atwater (Cal. Ct. App. March 23, 2011)	A nonprofit group that advocates for responsible development filed a lawsuit challenging the adequacy of an environmental review under the California Environmental Quality Act of a project to construct and operate a wastewater treatment plant. The nonprofit alleged, among other things, that the final environmental impact report failed to analyze the project's greenhouse gas emissions. The trial court dismissed the lawsuit on the grounds that the nonprofit did not exhaust its administrative remedies. The appellate court affirmed on the same grounds.

United States v. Midwest Generation LLC

Name and Date	Description
United States v. Midwest Generation LLC (N.D. Ill. March 16, 2011)	A federal court for the second time dismissed claims that a power company is responsible for Clean Air Act (CAA) violations at five plants it owns in Illinois in 1999, holding that the government had not offered any new facts to support its arguments. The government alleged that the company should be liable for prevention of significant deterioration (PSD) requirements at the five plants that occurred before the company purchased them. The court dismissed these claims in March 2010 but allowed the government to file an amended complaint offering new evidence of the company's liability.

Power Inn Alliance v. County of Sacramento Env. Management Dept.

Name and Date	Description
Power Inn Alliance v. County of Sacramento Env. Management Dept. (Cal. Ct. App. March 15, 2011)	A coalition of businesses and property owners brought suit against Sacramento County alleging that the county violated CEQA when it issued a negative declaration concerning a permit to reopen a solid waste facility. Among other things, the coalition alleged that a study prepared by the county did not sufficiently discuss the project's GHG emissions. The trial court dismissed the challenge. On appeal, the appellate court affirmed, holding that the project was small enough such that it was unnecessary to engage in further discussion of its GHG emissions.

United States v. Alabama Power Co.

Name and Date	Description
United States v. Alabama Power Co., No. 2:01-CV-152-VEH (N.D. Ala. Mar. 14, 2011)	A federal court granted a power company's motion for summary judgment, holding that the United States had relied on inadequate export reports when it reclassified the state's repaired coal-fired power plants as new sources of pollution subject to more stringent standards under the CAA. The court rejected the methodology used by the experts in calculating emissions resulting from the modifications, and drew a distinction between equipment that operates continuously and cycling equipment used by the power company, which operates on a regular basis but not continuously.
U.S. v. Alabama Power Co., No. 2:01-CV-152-VEH (N.D. Ala. Feb. 5, 2014)	After the Eleventh Circuit ruled in September 2013 that the exclusion of the expert testimony was an abuse of discretion and remanded the action, the district court judge denied a motion by the federal government to recuse herself based on her mother's ownership of shares in the parent company of the defendant and her own ownership of shares in a utility sector mutual fund that had holdings in the defendant's parent company.

Sierra Club v. Wyoming Dept. of Env. Quality

Name and Date	Description
Sierra Club v. Wyoming Dept. of Env. Quality (Wyoming March 9, 2011)	The Wyoming Supreme Court upheld a state-issued air quality permit authorizing a power plant's construction of a proposed coal-to-liquid facility and an associated underground coal mine, rejecting the Sierra Club's claims that the permit failed to consider sulfur dioxide emissions from flares in determining the potential to emit.

Sierra Club v. Texas Commission on Env. Quality

Name and Date	Description
Sierra Club v. Texas Commission on Env. Quality (Texas Dist. Ct. March 7, 2011)	A Texas trial court rejected the Sierra Club's claim that the Texas Commission on Environmental Quality violated state law when it granted air quality permits for a coal-fired power plant in Limestone County without considering any evidence concerning GHG emissions. The Sierra Club argued that the agency violated state air quality laws because it refused to consider carbon dioxide as a contaminant, as it was required to do under state law. The court did not explain its reasoning in upholding the agency's decision.

Wyoming v. EPA

Name and Date	Description
Wyoming v. EPA (10th Cir., filed Feb.10, 2011)	Wyoming challenged EPA rules that allow the agency to assume permitting responsibilities from states unwilling or unable to establish their own permitting responsibilities concerning the CAA's PSD requirements for GHG emissions. After EPA required states to amend their state PSD programs to incorporate GHG emissions, 13 states failed to do so by the required deadline. EPA then found that the states' state implementation plans (SIPs) were inadequate and directed these states to submit corrective SIP revisions. Seven states, including Wyoming, did not do so. EPA then assumed GHG permitting authority for these states through a federal implementation plan. Wyoming alleges that EPA has exceeded its authority and required the state to meet an unreasonable deadline. Texas has also filed suit against EPA on similar grounds. A blog entry analyzing these legal challenges is available **here**.
Wyoming v. EPA (10th Cir. August 17, 2011)	Several related cases challenging EPA's GHG permitting program were transferred from the 10th Circuit to the District of Columbia Circuit. The lawsuits challenge EPA rules that allow the agency to assume permitting responsibilities from states unwilling or unable to establish their own permitting responsibilities concerning the CAA's PSD requirements for GHG emissions.

Woodward Park Homeowners' Association v. City of Fresno

Name and Date	Description
Woodward Park Homeowner's Association v. City of Fresno (Cal. Ct. App. Feb. 9, 2011)	A California state appellate court affirmed a lower court decision which denied a petition by a homeowner's association concerning the environmental review of a commercial development under the California Environmental Quality Act. Among other things, the association alleged that the city should have required solar panels as a way to reduce the project's greenhouse gas emissions. The lower court held that the city properly analyzed the project's impacts and did not have to consider solar panels.

Grocery Manufacturers Association v. EPA
National Petrochemical & Refiners Association v. EPA

Name and Date	Description
Grocery Manufacturers Association v. EPA (D.C. Cir., filed March 11, 2011) *National Petrochemical & Refiners Association v. EPA* (D.C. Cir., filed March 11, 2011)	Industry groups and various related organizations filed petitions for review of EPA's Clean Air Act waiver authorizing the use of gasoline containing 15 percent ethanol for use in model year 2001-06 cars and light trucks. The petitions supplement filings that challenged EPA's original waiver to allow so-called E15 in gasoline for model year 2007 and newer cars and light trucks.
Grocery Manufacturers Association v. EPA (D.C. Cir. Aug. 17, 2012)	The D.C. Circuit dismissed lawsuits challenging EPA's decision to increase the allowable ethanol content in gasoline on standing grounds, holding that none of the industry groups that challenged the decision could show that they were harmed by the rule. In a 2-1 decision, the court held that, on its face, the waivers did not directly impose regulatory restrictions, costs, or other burdens on any of the groups.

Sierra Club v. U.S. Dept. of Energy

Name and Date	Description
Sierra Club. v. U.S. Dept. of Energy (D.D.C., filed March 10, 2011)	The Sierra Club filed a lawsuit against the Department of Energy, alleging that the agency violated NEPA when it awarded federal funding to a coal-fired power plant in Mississippi. The complaint alleges that DOE failed to properly weigh reasonable alternatives, fully disclose the plant's environmental impacts, or consider the cumulative impact of GHG emissions from the plant. The complaint alleges that the plant, along with a nearby strip mine which would supply the coal, would emit 5.7 million tons of carbon dioxide annually.
Sierra Club. v. U.S. Dept. of Energy (D.D.C. Nov. 18, 2011)	A district court denied the Sierra Club's motion to preliminarily enjoin the Department of Energy (DOE) from providing funding assistance for the construction and operation of a coal-fired power plant in Mississippi on the grounds that the agency's EIS was legally insufficient. The court held that alleged harm is not from DOE's disbursement of funds, but from the power company's construction and operation of the plant. In addition, the court held that although the Sierra Club produced evidence that the project was unlikely to have commenced without federal funding, it did not make such a showing regarding the continued viability of the project without federal funding. Moreover, the company provided a sworn affidavit indicating that it will proceed with the project with or without federal assistance or a loan guarantee. Hence, the group failed to meet its burden of showing that it will likely succeed on the merits of its claims.

Alaska v. Salazar

Name and Date	Description
Alaska v. Salazar (D. Alaska, filed March 9, 2011)	Alaska filed a lawsuit seeking to overturn the Department of Interior's establishment of critical habitat for polar bears. The lawsuit alleges that the designation of 187,157 square miles of habitat is unnecessary and will not provide any new protections for the species. In 2008, DOI found that polar bears are "threatened" because of a loss of sea ice habitat caused by climate change.

Chamber of Commerce v. EPA

Name and Date	Description
Chamber of Commerce v. EPA (D.C. Cir. April 29, 2011)	The D.C. Circuit dismissed a lawsuit filed by the U.S. Chamber of Commerce and a trade group representing car dealers on standing grounds, upholding an EPA waiver allowing California to set standards for greenhouse gas (GHG) emissions from cars and light trucks. The petitioners argued that the California standards would make it harder for manufacturers to make light trucks and other high-emitting but popular vehicles, and that the standards would cause sales to drop by making cars more expensive. In a unanimous decision, the court rejected this argument as too speculative and that, in any event, the claim was moot because California has agreed to synchronize its own rules with federal fuel economy standards for model year 2012 and beyond. Because the petitioners could not show how their members would be injured, they lacked standing to maintain the action.

Alabama v. TVA

Name and Date	Description
Alabama v. TVA (E.D. Tenn., settled April 14, 2011)	The Tennessee Valley Authority agreed to invest between $3-5 billion in new air pollution controls and retire almost one-third of its coal-fired generating united as part of a settlement reached with EPA, several states, and a number of public interest groups. The agreement resolves allegations by EPA that TVA violated Clean Air Act rules at 11 coal-fired power plants in Alabama, Kentucky, and Tennessee. Under the agreement, TVA will be required to reduce emissions of nitrogen oxides by 69 percent and sulfur dioxide by 67 percent from 2008 emissions levels. As part of the agreement, TVA will invest $350 million over the next five years in clean energy projects. The agreement also requires TVA to pay a civil penalty of $10 million.
Alabama v. TVA (E.D. Tenn., settlement approved June 30, 2011)	A settlement of a lawsuit brought by a number of states and EPA against the Tennessee Valley Authority (TVA) was judicially approved on June 30.

Western Watersheds Project v. BLM

Name and Date	Description
Western Watersheds Project v. BLM (D. Nevada March 28, 2011)	A federal district court in Nevada denied a motion filed by several environmental nonprofits to preliminarily enjoin the BLM from authorizing the site clearing and construction of a wind energy facility in the state, holding that the groups were not likely to succeed on their claim that an EIS was required under NEPA. The court held that BLM's decision to forego issuing an EIS was justified by the adoption of significant mitigation measures to offset potential environmental impacts. In addition, BLM sufficiently considered the cumulative impacts of the project and took the requisite "hard look" as required. Further, the court held that denial of the motion would not result in irreparable harm to several species and that a delay of the program would harm federal renewable energy goals.

United States v. Pacific Gas and Electric

Name and Date	Description
United States v. Pacific Gas & Electric (N.D. Cal. March 3, 2011)	An environmental nonprofit sought to intervene for purposes of objecting to a proposed consent decree concerning a power plant located near Antioch, California. In 2009, EPA filed a complaint alleging that Pacific Gas & Electric constructed and operated the plant in violation of the New Source Review program under the CAA. The parties entered into settlement negotiations and requested that the court approve a consent decree. The nonprofit group moved to intervene, alleging that the decree is a federal agency action that requires EPA to consult with the Fish and Wildlife Service regarding the possible effect of the decree on the endangered Lange Metalmark butterfly. The district court denied the motion, holding that the motion was not timely given that the group waited for 15 months after public notice of the settlement and the decree was not an agency action under the Endangered Species Act.

Sierra Club v. Texas Commission on Env. Quality

Name and Date	Description
Sierra Club v. Texas Commission on Env. Quality (Texas Dist. Ct., Travis Co., filed May 9, 2011)	Two environmental nonprofits filed a lawsuit challenging a Texas state agency's approval of a coal-fired power plant in Corpus Christi, alleging that the state incorrectly evaluated possible air pollution from the facility and is in violation of CAA regulations.
Sierra Club v. Texas Commission on Env. Quality (Texas Dist. Ct., Travis Co. May 14, 2011)	On May 14, 2012, in a letter to the parties, the judge assigned to the case indicated that he would reversed the agency's approval given that it had made several significant errors when issuing the permit, including not specifying the location, control, and method of material handling. In addition, the permit did not require compliance with several EPA rules, including the NAAQS for 1-hour sulfur dioxide and nitrogen oxide, as well as the mercury and air toxics standards.

Texas v. EPA

Name and Date	Description
Texas v. EPA (D.C. Cir., filed May 4, 2011)	Texas filed suit against the EPA, challenging a final rule issued by the agency extending its takeover of the state's GHG permitting authority under the CAA. The lawsuit challenges an EPA final rule under Section 110 of the CA that removed the agency's prior approval of Texas' state implementation plan for the prevention of significant deterioration after the state said that it would not implement a GHG permitting program. The lawsuit alleges that EPA's rule is arbitrary and capricious, an abuse of discretion, and contrary to the CAA. The final rule allows the state to continue issuing permits for other pollutants such as sulfur dioxide and nitrogen oxides. In 2010, Texas sued EPA challenging the interim final rule (Texas v. EPA, Index No. 10-1425 (D.C. Cir.)).
Texas v. EPA (D.C. Cir. Dec. 1, 2011)	After asking the parties to brief whether the case should be held in abeyance while challenges to EPA's endangerment finding, emissions standards for cars and trucks, and a ruling limiting GHG permitting to the largest industrial sources were resolved, the court held that this case could proceed.

Alec L. v. McCarthy

Name and Date	Description
Alec L. v. Jackson (N.D. Cal., filed May 4, 2011)	A nonprofit group filed a lawsuit in California federal court (as well as several states) against the federal government, alleging that the public trust doctrine required it to reduce GHG emissions and implement reforestation programs to fight climate change. The lawsuit is seeking a 6 percent reduction in global GHG emissions every year, along with widespread global reforestation.
Alec L. v. Jackson (N.D. Cal. Dec. 6, 2011)	The court transferred the lawsuit to a federal court in Washington, DC. Federal officials named as defendants in the lawsuit sought a change of venue on grounds that the lawsuit challenged broad, nationwide policies that are prepared by federal agencies in the nation's capital.
Alec L. v. Jackson (D.D.C. April 2, 2012)	The court issued a decision allowing business groups to intervene in a lawsuit that seeks to require the federal government to establish a plan for an immediate cap on greenhouse gas emissions and start lowering these emissions by 6 percent a year beginning in 2013.
Alec L. v. Jackson (D.D.C. May 31, 2012)	Defendants and intervenors argued in a motion to dismiss that plaintiffs failed to state a federal claim for relief. The district court agreed and dismissed the suit. The court rejected plaintiffs' federal public trust doctrine claim. Relying on the Supreme Court's decision in *PPL Montana, LLC v. Montana*, 565 U.S. __, 132 S. Ct. 1213 (2012), the court held that the public trust doctrine is a matter of state, not federal, law. It further held that even if the public trust doctrine were a federal common law claim, such a claim has been displaced in this case by the Clean Air Act (as was similarly held in the 2011 Supreme Court case *American Electric Power Co. v. Connecticut*, 131 S. Ct. 2527).
Alec L. v. Perciasepe (D.D.C. May 22, 2013)	On May 22, 2013, the district court denied reconsideration. The court rejected plaintiffs' arguments that they had not been given an adequate opportunity to address the 2012 Supreme Court decision. The district court further found that plaintiffs' arguments in the motion for reconsideration merely "repackage[d]" arguments that the court had already rejected, or attempted to make new arguments that could and should have been raised previously.

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Alec L. v. McCarthy

Name and Date	Description
Alec L. v. Perciasepe (D.D.C., June 27, 2013)	Plaintiffs filed a notice of appeal to the D.C. Circuit for review of the district court decisisons dismissing their action and denying their motion for reconsideration.
Alec L. v. McCarthy, No. 13-5192 (D.C. Cir. June 5, 2014)	In an unpublished opinion, the D.C. Circuit Court of Appeals affirmed the district court's 2012 and 2013 orders that dismissed plaintiffs' lawsuit for lack of subject matter jurisdiction because it failed to raise a federal question. Plaintiffs argued that the federal defendants violated their obligation to protect the atmosphere under the public trust doctrine. The D.C. Circuit, like the district court, ruled that the public trust doctrine is a matter of state law.
Alec L. v. McCarthy, No. 14-405 (U.S., pet. for cert. filed Oct. 3, 2014)	Plaintiffs filed a petition for certiorari in the U.S. Supreme Court. They asked the Court to review the D.C. Circuit's opinion affirming the dismissal of their action for lack of subject matter jurisdiction. Petitioners said their certiorari petition raised the questions of whether the public trust doctrine applies to the federal government and whether federal courts have jurisdiction to enforce the public trust against the federal government.
Alec L. v. McCarthy, No. 14-405 (U.S. cert. denied Dec. 8, 2014)	The U.S. Supreme Court denied certiorari.

National Wildlife Federal v. EPA

Name and Date	Description
National Wildlife Federation v. EPA (D.C. Cir., filed April 18, 2011)	An environmental nonprofit sued EPA following the agency's denial of its petition to reconsider a rule that sets criteria for renewable fuels. The lawsuit alleged that the rule violates a provision of the Energy Independence and Security Act (EISA) that is meant to protect native grasslands from being converted into feedstocks for biofuel production. The nonprofit and other environmental groups petitioned EPA's March 2010 rule that sets criteria for determining which biofuels meet the renewable fuels standard, arguing that the rule failed to require producers to verify that crops and crop residues used to produce renewable fuel complied with applicable land-use restrictions.

WildEarth Guardians v. Salazar

Name and Date	Description
WildEarth Guardians v. Salazar (D.D.C., filed April 4, 2011)	Three environmental groups filed suit against the Department of the Interior (DoI), alleging that it failed to properly plan leasing in the Powder River Basin in Wyoming. The lawsuit alleges that that DoI and BLM violated the Administrative Procedure Act by refusing tomanage the area as a "coal producing region." Such a designation would put more regulatory requirements on BLM to plan the management of leases instead of managing them under the current competitive leasing process. According to the complaint, the basin produces about 42 percent of the country's coal. The complaint was filed two weeks after DoI announced four further lease sales for 758 million tons of coal, as well as four records of decision offering for development coal tracts in the basin estimated to produce 1.6 million tons of coal.

Barhaugh v. State

Name and Date	Description
Barhaugh v. State (Montana Supreme Court May 17, 2011)	In a petition seeking a court declaration that the state holds the atmosphere in trust for the present and future citizens of Montana and that it must take steps to protect and preserve the atmosphere by enforcing limits on greenhouse gas emissions, the Montana Supreme Court ordered state officials to respond to the petition. The petition is part of a nationwide campaign by Our Children's Trust and iMatter, groups that seek to combat climate change on behalf of future generations. The groups filed lawsuits in every state on May 4, 2011. The petition at issue was filed in the Montana Supreme Court and alleges that the court had original jurisdiction because it concerns constitutional issues of major statewide importance, the case involves purely legal questions of constitutional construction, and emergency factors make the normal litigation process inadequate. According to the petition, the Montana Constitution recognizes a right to a "clean and healthful environment."
Barhaugh v. State (Montana Supreme Court June 15, 2011)	The Montana Supreme Court denied a petition asking it to find that the state was constitutionally required to prevent climate change by regulating greenhouse gas emissions. The petition alleged that the Supreme Court had original jurisdiction because it concerns constitutional issues of major statewide importance, the case involves purely legal questions of constitutional construction, and emergency factors make the normal litigation process inadequate. The court disagreed, holding that the petition did not meet the standards to be heard directly by the court given that the claim required factual inquiry, that emergency circumstances were not present, and that it was not constitutionally based.

Sierra Club v. Two Elk Generation Partners

Name and Date	Description
Sierra Club v. Two Elk Generation Partners (10th Cir. May 31, 2011)	The 10th Circuit upheld the dismissal of a lawsuit filed by the Sierra Club against a Wyoming power company on the grounds of issue preclusion. The Sierra Club filed the lawsuit in 2009 under the citizen suit provision of the Clean Air Act, alleging that the company's prevention of significant deterioration permit for a proposed power plant was invalid. The district court dismissed the lawsuit, holding that the Wyoming Department of Environmental Quality had already ruled on the matter and thus the issue had already been decided. The 10th Circuit affirmed on the same grounds. At issue in the lawsuit was whether the company had begun construction at the site as required by May 2005, and whether the permit had become invalid because construction was discontinued for two years.

American Tradition Institute v. Rector &Visitors of the University of Virginia

Name and Date	Description
American Tradition Institute v. Rector &Visitors of the University of Virginia (Vir. Cir. Ct. May 24, 2011)	A non-profit organization filed a lawsuit under the Virginia Freedom of Information Act seeking documents related to the work of former professor Michael Mann, who was involved in the so-called "climategate" email controversy. The university stated that it had turned over approximately 20% of the 9,000 pages of documents it says are responsive to the request. After the organization filed the petition in state court seeking the remaining documents, the court issued an order granting the request and giving the university until August 22, 2011 to supply the remaining documents.
American Tradition Institute v. Rector &Visitors of the University of Virginia (Vir. Cir. Ct. Nov. 1, 2011)	A Virginia state court ruled that climate scientist Michael Mann can intervene in a lawsuit seeking emails and other documents he authored while a professor at the University of Virginia.
American Tradition Institute v. Rector &Visitors of the University of Virginia (Vir. Cir. Ct. Sept. 17, 2012)	In a decision from the bench, the court held that the email correspondence was exempt from disclosure under the Virginia Freedom of Information Act. In particular, the court held that although the emails qualified as public records, they were exempt from disclosure under an exclusion concerning information produced by facility or staff of public institutions of higher education as a result of study or research on medical, scientific, technical or scholarly issues where such data has not been publicly released.

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American Tradition Institute v. Rector &Visitors of the University of Virginia

Name and Date	Description
American Tradition Institute v. Rector &Visitors of the University of Virginia (Va. Apr. 17, 2014)	The Supreme Court of Virginia affirmed a lower court ruling that shielded certain documents produced or received by climate scientist Michael Mann while he was a professor at the University of Virginia (UVA) from disclosure under Virginia's Freedom of Information Act (VFOIA). The case turned on the meaning of "proprietary" in VFOIA's exemption for "[d]ata, records or information of a proprietary nature produced or collected by or for faculty or staff of public institutions of higher education … in the conduct of or as a result of study or research on medical, scientific, technical or scholarly issues." The Virginia Supreme Court rejected the American Tradition Institute's (ATI's) "narrow construction" of "proprietary," which ATI said required financial competitive advantage. The court said this interpretation was not consistent with legislative intent to protect public educational institutions from being placed at a competitive disadvantage compared to private universities and colleges. The court concluded that the legislative concern was motivated by a "broader notion" of competitive disadvantage that extended beyond financial injury to "harm to university-wide research efforts, damage to faculty recruitment and retention, undermining of faculty expectations of privacy and confidentiality, and impairment of free thought and expression." The court cited at length the affidavit of a UVA administrator who had also served as an administrator at a private university, who said that "[i]f U.S. scientists at public institutions lose the ability to protect their communications with faculty at other institutions, their ability to collaborate will be gravely harmed."

Citizens for Responsible Equitable Environmental Development v. City of San Diego

Name and Date	Description
Citizens for Responsible Equitable Env. Dev. v. City of San Diego (Cal. Ct. App. May 19, 2011)	A citizens' group filed a lawsuit challenging San Diego's certification of an addendum to a 1994 final environmental impact report for a proposed residential development. Among other things, the group alleged that the city did not take into account new information concerning the effect of greenhouse gases on the climate, and that a supplemental environmental impact report under the California Environmental Quality Act (CEQA) was required. The trial court dismissed the lawsuit for failure to exhaust administrative remedies. On appeal, a state appellate court affirmed, holding that the group failed to raise this issue to the city and thus it was not preserved for appeal.

Friends of the Earth v. Dept. of State

Name and Date	Description
Friends of the Earth v. Dept. of State (N.D. Cal., filed May 18, 2011)	Several environmental groups filed a lawsuit seeking to force the Department of State to release documents and information detailing communications with a lobbyist for TransCanada Pipelines under the Freedom of Information Act (FOIA). The lawsuit involves the company's application for a permit to build and operate a proposed 1,700 mile pipeline to transport oil extracted from Canadian oil sands in Alaska to refineries in Texas. The lawsuit alleges that the lobbyist worked as national deputy director on Secretary Hilary Clinton's presidential campaign and that it needs the records so it can submit comments on the supplemental environmental impact statement that was released on April 15, 2011.

Arctic Slope Regional Corp. v. Salazar

Name and Date	Description
Arctic Slope Regional Corp. v. Salazar (D. Alaska, filed May 13, 2011)	Eleven Alaska Native organizations and the local government for the Inupiat Eskimo district of northernmost Alaska filed a lawsuit against the Department of Interior challenging the designation of critical habitat for threatened polar bears. The lawsuit alleges that the designation will unfairly restrict Alaska Natives' traditional cultural activities and important economic development--primarily oil development--while doing nothing to counter climate change that has threatened the species. In November 2010, the U.S. Fish and Wildlife Service designated 187,157 square miles as critical habitat for polar bears.

NRDC v. Mich. Dept. of Env. Quality

Name and Date	Description
NRDC v. Mich. Dept. of Env. Quality (Mich. Cir. Ct., filed May 11, 2011)	NRDC and the Sierra Club filed a lawsuit seeking review of the Michigan Department of Environmental Quality's (MDEQ) issuance of an air permit for the expansion of a coal-fired power plant in Holland, Michigan. The lawsuit alleges that the permit does not comply with federal regulations requiring that modification permits address greenhouse gas emissions. The state agency issued the permit in February 2011 following a court decision finding that the agency had overstepped its authority in denying the permit.
NRDC v. Mich. Dept. of Env. Quality (Mich. Ct. App. March 21, 2013)	The circuit court affirmed MDEQ's issuance of the permit, and plaintiffs appealed, contending that the circuit court applied the wrong standard of review and that the permit was not authorized by law because the "best achievable controls technology" (BACT) analysis in support of the permit did not adequately consider clean fuels and therefore did not comply with the Clean Air Act (CAA). The court of appeals ruled that the circuit court had reviewed the permit's compliance with the CAA de novo and had not improperly deferred to MDEQ. The court of appeals stated that although the circuit court may have improperly reviewed the record evidence in a situation where there was no contested case hearing, such an error was harmless. In its own de novo review of CAA compliance, the court of appeals held that MDEQ's BACT analysis was adequate because it provided a reasoned analysis of each type of fuel that the facility could utilize without major modifications. The court stated that the CAA does not generally require a facility to be redesigned to use the *cleanest* fuel.

Earth Island Institute v. Gibson

Name and Date	Description
Earth Island Institute v. Gibson (E.D. Cal. July 13, 2011)	Two environmental nonprofits filed a lawsuit challenging the Forest Service's fire restoration project in a national forest, alleging that the agency violated NEPA by failing to take a hard look at the project's impact on climate change. Specifically, the plaintiffs alleged that the agency failed to describe the methodology it used to calculate greenhouse gas emissions and failed to evaluate all direct and indirect emissions from the project. The district court upheld the agency's analysis, finding that an environmental assessment (EA) issued as part of the project sufficiently addressed this issue and was entitled to deference.

In re Polar Bear Endangered Species Act Litigation

Name and Date	Description
In re Polar Bear Endangered Species Act Litigation (D.D.C. June 30, 2011)	A federal district court dismissed challenges to the listing of the polar bear as a threatened species under the Endangered Species Act. Environmental groups had sued to have the bear classified as endangered, a more protective classification, while Alaska, hunting groups, and others had asked the court to block any listing. The court, deferring to the U.S. Fish and Wildlife Service, which made the determination, held that plaintiffs failed to demonstrate that the agency acted irrationally in making its listing decision, noting that the agency considered more than 160,000 pages of documents and over 670,000 comment submissions before making its final decision.
In re Polar Bear Endangered Species Act Litigation (D.D.C. Oct. 17, 2011)	A district court in Washington, DC held that the Fish and Wildlife Service (FWS) violated NEPA but not the Endangered Species Act (ESA) when it issued a special rule that specifies the protective mechanisms that apply to the polar bear as a result of its threatened status. In May 2008, the FWS listed the polar bear as threatened under the ESA and then issued a special rule that, among other things, addressed the threat of direct impacts to individual bears and their habitat from oil and gas exploration and development activities within the species' current range. Environmental groups filed suit, arguing that the FWS purposely and unlawfully crafted the rule in such a way as to avoid addressing the threat of climate change and that the FWS cannot effectively provide for the conservation of the polar bear without addressing global GHG emissions. The court held that climate change poses unprecedented challenges of science and policy on a global scale that entitles the agency to great deference, and that, based on the evidence before it, the FWS reasonably concluded that the ESA is not a useful or appropriate tool to alleviate the particular threat to the polar bear from climate change caused by global GHG emissions. However, the court agreed with the environmental groups that the FWS violated NEPA by failing to analyze the potential environmental impacts of its special rule. The FWS was required to conduct at least an initial assessment to determine whether the rule warranted a full EIS.
In re Polar Bear Endangered Species Act Litigation (D.C. Cir. Mar. 1, 2013)	The D.C. Circuit upheld the U.S. Fish and Wildlife's "threatened" designation given to polar bears under the Endangered Species Act as a result of climate change, holding that the FWS engaged in reasonable decision-making and adequately explained the scientific basis for its decision.

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In re Polar Bear Endangered Species Act Litigation

Name and Date	Description
In re Polar Bear Endangered Species Act Litigation (D.C. Cir. Apr. 29, 2013)	The D.C. Circuit issued orders denying requests for a panel rehearing and for rehearing en banc on the Fish and Wildlife Service decision to list the polar bear as threatened under the Endangered Species Act (ESA).
Safari Club International v. Jewell (U.S. July 29, 2013)	A number of hunting groups and individuals filed a petition for writ of certiorari seeking Supreme Court review of the D.C. Circuit's decision upholding the U.S. Fish and Wildlife Service's designation of polar bears as a threatened species under the Endangered Species Act (ESA).
Safari Club International v. Jewell (U.S. Oct. 7, 2013)	The Supreme Court denied Safari Club International's petition.

Hillsdale Env. Loss Prevention, Inc. v. U.S. Army Corps of Engineers

Name and Date	Description
Hillsdale Env. Loss Prevention, Inc. v. U.S. Army Corps of Engineers (D. Kansas June 28, 2011)	Several environmental groups filed an action challenging the U.S. Army Corps of Engineers' decision to issue a permit under the Clean Water Act in connection with the construction and development of an intermodal facility consisting of a rail yard and logistics park in Kansas. Among other things, plaintiffs alleged that the Corps violated the National Environmental Policy Act (NEPA) by failing to prepare an Environmental Impact Statement (EIS) concerning project-related greenhouse gas emissions. The district court upheld the Corps' decision not to prepare an EIS, holding that the agency made a reasoned determination that such a quantification was unnecessary given that EPA has not yet determined whether such GHGs should be regulated and given that there was no certain method to quantify estimates of GHG emissions.

League of Wilderness Defenders v. Martin

Name and Date	Description
League of Wilderness Defenders v. Martin (D. Oregon June 23, 2011)	An environmental group challenged a timber sale in a national forest under NEPA, alleging that the Forest Service should have prepared an EIS instead of an environmental assessment (EA) before deciding whether the timber sale would significantly impact the forest. Among other things, the plaintiffs alleged that the EA inadequately addressed the timber sale's impact on climate change. The district court upheld the EA, holding that the Forest Service adequately addressed the impact of the sale on carbon sequestration and climate change.

Citizens for Responsible Equitable Development v. City of Chula Vista

Name and Date	Description
Citizens for Responsible Equitable Development v. City of Chula Vista (Cal. Ct. App. June 10, 2011)	A citizens group commenced a lawsuit in California state court challenging a project to replace an existing Target store with a larger Target store. In particular, the group alleged that the City of Chula Vista violated CEQA by adopting a negative declaration with respect to the project by not taking into account its greenhouse gas emissions and its effect on climate change. The trial court denied the petition. On appeal, the state appellate court partially reversed, holding that the plaintiffs had made a "fair argument" that the project may have a significant impact due to contaminated soil and thus the trial court was required to determine whether the corrective action plan addressed this issue. However, with respect to greenhouse gas emissions, the court held that there was no fair argument that the project will have a significant greenhouse gas emissions or climate change impact.

Commonwealth of Massachusetts v. Mount Tom Generating Co.

Name and Date	Description
Commonwealth of Massachusetts v. Mt. Tom Generating Co. (Mass. Sup. Ct., settlement filed June 28, 2011)	The owners of a power plant in Massachusetts agreed to install a system to provide continuous monitoring of the facility's emissions, settling a lawsuit brought by Massachusetts that the plant repeatedly exceeded emissions limits pursuant to the Clean Air Act over the past several years. The agreement requires the plant to meet substantially stricter emissions limits for particulate matter and install a continuous emissions monitoring system to ensure compliance with those limits.

WildEarth Guardians v. EPA

Name and Date	Description
WildEarth Guardians v. EPA (D. Colo., consent decree announced June 15, 2011)	Pursuant to a proposed consent decree, EPA has agreed to meet deadlines to act on plans to address power plant emissions and regional haze in several Western states. The decree settles two lawsuits that alleged that EPA failed to act on state and federal implementation plans as required by the Clean Air Act. Under the agreement, EPA will finalize either a State Implementation Plan (SIP) or a federal regional haze plan by September 2012 for Colorado, by June 2012 for Montana, by January 2012 for North Dakota, and by October 2012 for Wyoming.

Utility Air Regulatory Group v. EPA
Chase Power Dev. LLC v. EPA
SIP/FIP Advocacy Group v. EPA

Name and Date	Description
Utility Air Regulatory Group v. EPA (D.C. Cir., filed July 5, 2011) *Chase Power Dev. LLC v. EPA* (D.C. Cir., filed July 5, 2011) *SIP/FIP Advocacy Group v. EPA* (D.C. Cir., filed July 5, 2011)	Several industry groups filed petitions challenging EPA's takeover of the Texas greenhouse gas permitting authority for industrial facilities. The lawsuit challenges a May 3, 2011 final rule that revises EPA's approval of Texas's SIP for the prevention of significant deterioration (PSD) program. The plan did not include provisions addressing greenhouse gases. The final rule, in effect, granted only partial approval of the Texas plan, allowing the state to continue issuing PSD permits for other pollutants, but requiring that EPA remain the greenhouse gas permitting authority for the state. Texas filed a petition challenging the rule on May 4, 2011.

Thrun v. Cuomo

Name and Date	Description
Thrun v. Cuomo (N.Y. Sup. Ct., filed June 27, 2011)	Three taxpayers in New York filed a lawsuit alleging that the state had no authority to enter into the Regional Greenhouse Gas Initiative (RGGI) without authorizing legislation from the State legislature. The plaintiffs allege that they have suffered economic damages in the form of higher electricity rates due to the program. The lawsuit alleges that New York's participation in the program constitutes a tax that can only be approved by the State legislature and that it is unconstitutional because it infringes on federal authority to regulate air pollution and transmission of electric power across state lines.
Thrun v. Cuomo (N.Y. Sup. Ct. June 13, 2012)	A New York state court dismissed a lawsuit that sought to block the state's participation in the Regional Greenhouse Gas Initiative (RGGI) on standing grounds. The court held that plaintiffs could not show standing because their alleged harm was no different than that of the general public. Because plaintiffs failed to establish that as ratepayers they suffered an injury distinct from that of the general public, they could not assert standing on the basis of that alleged harm. The court further held that even if the plaintiffs could assert standing, the case would be dismissed on laches grounds given that the state implemented its regulations in 2008 and the lawsuit was not filed until 2011.

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Thrun v. Cuomo

Name and Date	Description
Thrun v. Cuomo (N.Y. App. Div. Dec. 5, 2013)	The Appellate Division affirmed the dismissal on other grounds. The appellate court assumed without deciding that plaintiffs had standing, but ruled that the causes of action challenging the validity of RGGI regulations issued by the New York State Department of Environmental Conservation and the New York State Energy Research and Development Authority were time barred because, as challenges to "quasi-legislative" acts, they could have been brought in an Article 78 proceeding despite their constitutional underpinnings, and were thus governed by the four-month statute of limitations for Article 78 proceedings. The claims therefore were made two and a half years too late. The appellate court further ruled that the challenges to then-Governor George Pataki's signing of the RGGI memorandum of understanding (MOU) were moot because the MOU did not effectuate the RGGI program or New York's participation in it, and undoing the MOU would not redress the claimed injuries.
Thrun v. Cuomo, Mo. No. 2014-138 (N.Y. Apr. 3, 2014)	The New York Court of Appeals denied a motion for leave to appeal the Appellate Division decision.

American Tradition Institute v. NASA

Name and Date	Description
American Tradition Institute v. NASA (D.D.C., filed June 2011)	A conservative nonprofit organization filed a lawsuit under the Freedom of Information Act (FOIA) seeking to force NASA to release ethics records for Dr. James Hansen, specifically records that pertain to his outside employment, revenue generation, and advocacy activities. In January 2011, the organization filed a FOIA request with NASA, which refused to release the records on the grounds that it would constitute an unwarranted violation of Dr. Hansen's privacy rights.

Civil Society Institute, Inc. v. Dept. of Energy

Name and Date	Description
Civil Society Institute, Inc. v. Dept. of Energy (D. Mass., filed June 10, 2011)	A nonprofit organization that supports renewable energy sued the Department of Energy pursuant to FOIA for allegedly blocking the release of a report on energy and water supplies, which was drafted by individuals at Sandia National Laboratories and sent to the agency in 2006 but has never been made publically available. According to the complaint, the report shows that U.S. energy policy has not given adequate consideration to the nation's limited water resources. According to plaintiffs, the U.S. electric sectors use more than 200 billion gallons of water a day, and water withdrawals from thermoelectric power sources accounted for almost half of total water withdrawals.

Barnes v. Dept. of Transportation

Name and Date	Description
Barnes v. Dept. of Transportation (9th Cir. Aug. 25, 2011)	Several individuals challenged an order of the Federal Aviation Administration (FAA), relieving the Department of Transportation (DOT) from preparing an environmental impact statement (EIS) concerning the proposed construction of an airport runway. After preparing an Environmental Assessment (EA), the FAA determined that an EIS was not necessary because, among other things, there would not be a significant increase in air emissions. Among other things, the plaintiffs alleged that the EA was deficient because its analysis of GHG emissions was not specific to the locale. The court disagreed, finding that given that GHG emissions are a global problem, it was adequate for the agency to discuss the GHG emissions from the construction of this runway by using percentages and comparing this percentage to all U.S. emissions.

Coalition for a Sustainable Future in Yucaipa v. City of Yucaipa

Name and Date	Description
Coalition for a Sustainable Future in Yucaipa v. City of Yucaipa (Cal. Ct. App. Aug. 25, 2011)	An environmental group filed a lawsuit challenging the City of Yucaipa's approval of a shopping center on land owned by the City. Among other things, the petition alleged that the project failed to properly consider GHG emissions as required under the California Environmental Quality Act (CEQA). The trial court denied the petition and dismissed the proceeding. On appeal, the appellate court dismissed the case on mootness grounds given that the project had been abandoned and the City had rescinded its approval for it.
Coalition for a Sustainable Future in Yucaipa v. City of Yucaipa, No. E057589 (Cal. Ct. App. June 8, 2015)	In an unpublished opinion, the California Court of Appeal affirmed denial of attorney fees to a group that challenged the City of Yucaipa's approvals for a shopping center. The group had contended that the City failed to fulfill California Environmental Quality Act (CEQA) obligations, including by failing to consider greenhouse gas impacts. The trial court dismissed the group's challenge, and the group's appeal was dismissed as moot after the shopping center's developer abandoned the project and the City revoked its approvals. The group argued that it was entitled to attorney fees because its lawsuit was a catalyst for the City's revocation of the approvals. The Court of Appeal said that evidence indicated the approvals were rescinded because the developer abandoned the project, not because the environmental review violated CEQA. The Court of Appeal also agreed with the trial court that the group was not a prevailing party.

NRDC v. Wright-Patterson Air Force Base

Name and Date	Description
NRDC v. Wright-Patterson Air Force Base (S.D.N.Y. Aug. 3, 2011)	A district court granted a motion for summary judgment in a case brought by NRDC, which alleged that the Air Force failed to conduct an adequate search for records responsive to a Freedom of Information Act (FOIA) request concerning a $6 billion coal-to-liquid facility to be built in Ohio by a private company. NRDC alleged that the facility would emit more than 26 million tons of GHGs and sought records concerning the federal government's agreement to purchase any fuel generated by the facility. After receiving the FOIA request, the Air Force sent the NRDC a response stating that no records had been found. After no records were produced in response to subsequent FOIA requests, NRDC filed an action in federal court. The Air Force moved for summary judgment on the ground that it had conducted an adequate search for responsive documents. The district court granted the motion, holding that the agency had conducted an adequate search.

Santa Clarita Organization for Planning the Env. v. City of Santa Clarita

Name and Date	Description
Santa Clarita Organization for Planning the Env. v. City of Santa Clarita (Cal. Ct. App. June 30, 2011)	An environmental organization commenced an action seeking to set aside the City of Santa Clarita's approval of a master plan to allow an existing hospital to expand to approximately double its size. Among other things, the environmental organization alleged that the City violated CEQA by failing to sufficiently analyze and explain the project's impact on climate change in the environmental impact report (EIR). The trial court denied the petition and dismissed the proceeding. On appeal, the appellate court affirmed, holding that the City's analysis was adequate and that its findings were supported by substantial evidence.

Filippone v. Iowa DNR

Name and Date	Description
Kids v. Global Warming (Iowa Dept. of Nat. Resources June 22, 2011)	In 2011, an environmental group, Our Children's Trust, filed administrative petitions in several states, including Iowa, requesting that the environmental agencies in these states adopt rules to reduce statewide GHG emissions from fossil fuels pursuant to the Public Trust Doctrine. The petitions are part of a nationwide campaign by Our Children's Trust and iMatter, groups that seek to combat climate change on behalf of future generations. Glori Dei Filippone was added as a petitioner. The Iowa Department of Natural Resources (DNR) denied the petition, stating that it had already adopted state regulations regarding a GHG inventory of statewide emissions and also citing existing and impending federal regulation of GHG emissions from certain sources in the state.
Filippone v. Iowa DNR (Iowa Ct. App. March 13, 2013)	Filippone filed a petition for judicial review of DNR's denial of the petition. The district court affirmed DNR's determination. Filippone again appealed, and the court of appeals upheld the denial. The court of appeals declined to expand Iowa's public trust doctrine to include the atmosphere, noting that the doctrine has a "narrow scope." The court of appeals also held that DNR had given fair consideration to the petition and that denial of the petition was not unreasonable, arbitrary, capricious or an abuse of discretion, and that Filippone had failed to preserve error on her Inalienable Rights Clause claim. One judge issued a concurring opinion stating that he felt that there was a "sound public policy basis" for extending the public trust doctrine to air but that the court was constrained by Iowa Supreme Court precedent limiting the doctrine's scope. Filippone has filed an appeal in the Iowa Supreme Court.

Bonser-Lain v. Tex. Comm'n on Envtl. Quality

Name and Date	Description
***In re* Bonser-Lain** (Texas Comm'n on Envtl. Quality June 27, 2011)	In May 2011, an environmental group, Our Children's Trust, filed administrative petitions in several states, including Texas, requesting that the environmental agencies in these states adopt rules to reduce statewide GHG emissions from fossil fuels pursuant to the Public Trust Doctrine. The petitions are part of a nationwide campaign by Our Children's Trust and iMatter, groups that seek to combat climate change on behalf of future generations. The Texas Commission on Environmental Quality denied the petition, stating that Texas was currently in litigation with EPA concerning the regulation of GHGs, and that the use of the Public Trust Doctrine in the state had been limited to waters and did not extend to GHGs.
Bonser-Lain v. Tex. Comm'n on Envtl. Quality (Travis Co. Dist. Ct. July 19, 2012)	In July 2011, the group filed a lawsuit in state court challenging the denial. In July 2012, the judge hearing the case issued a letter order holding that the Commission's conclusion that the Public Trust Doctrine is limited to waters was legally invalid, and that the doctrine includes all natural resources of the state. The judge also held that the Commission's conclusion that it is prohibited from regulating air quality pursuant to Section 109 of the Clean Air Act was also legally erroneous, holding that the CAA was a floor, not a ceiling.
Bonser-Lain v. Tex. Comm'n on Envtl. Quality (Travis Co. Dist. Ct. Aug. 2, 2012)	In a subsequent judgment, the court repeated its earlier conclusions, but held that "in light of other state and federal litigation, the Court finds that it is a reasonable exercise of [the Commission's] rulemaking discretion not to proceed with the requested petition for rulemaking at this time," effectively dismissing the case.
Tex. Comm'n on Envtl. Quality v. Bonser-Lain, No. 03-12-00555-CV (Tex. Ct. App. July 23, 2014)	The Texas Court of Appeals ruled that the district court erred in concluding that it had subject matter jurisdiction. The appellate court concluded that neither the Texas Administrative Procedure Act nor the Texas Water Code waived sovereign immunity for judicial review of denials of rulemaking petitions.

Sierra Club v. Portland General Electric

Name and Date	Description
Sierra Club v. Portland General Electric (D. Oregon, settlement dated July 14, 2011)	In 2006, several environmental organizations filed a citizen suit against the only coal-fired power plant in Oregon, alleging multiple violations of the Clean Air Act. After several years of litigation, the parties agreed to settle the case. As part of the settlement decree, the plan agreed to shut down by 2020, and to reduce sulfur dioxide emissions beginning in 2015 by 3,000 tons beyond what is called for under federal law. The plant also agreed to establish a $2.5 million fund at the Oregon Community Foundation, which provides for land acquisition and habitat restoration as well as renewable energy projects.

WildEarth Guardians v. BLM

Name and Date	Description
WildEarth Guardians v. BLM (D.D.C., filed Aug. 18, 2011)	Several environmental groups filed an action concerning the Bureau of Land Management's (BLM) decision to auction off several leases in the Powder River Basin, a region in northeastern Wyoming and southeastern Montana that includes all ten of the highest-producing coal mines in the United States. The lawsuit alleges that the agency violated NEPA by failing to adequately analyze the impacts of increased GHG emissions resulting from the sale of the leases.
WildEarth Guardians v. BLM (D.D.C. May 10, 2012)	The district court dismissed the action, holding that the groups lacked standing. Plaintiffs appealed the decision.

Center for Biological Diversity v. EPA

Name and Date	Description
Center for Biological Diversity v. EPA (D.C. Cir., filed Aug. 15, 2011)	Several environmental groups filed a lawsuit against EPA, challenging an agency rule that exempts facilities burning biomass from the requirement to obtain GHG emissions permits for three years. The lawsuit alleges that the exemption will encourage development of more facilities burning wood and grasses without having to control GHG emissions. The rule exempts facilities that burn wood, various crop residues, grass, and other biomass from the requirement to obtain PSD permits and Title V operating permits under the Clean Air Act. EPA granted the deferral in response to a petition by the National Alliance of Forest Owners (NAFO). According to the agency, the additional three years will allow it to conduct further studies of GHG emissions from biomass. A similar lawsuit was filed in April 2011 challenging the agency's decision to grant the petition from NAFO.

Burton v. Dominion Nuclear Connecticut, Inc.

Name and Date	Description
Burton v. Dominion Nuclear Connecticut, Inc. (Conn. April 19, 2011)	An individual commenced an action against the operator of a nuclear power plant, seeking injunctive relief to prohibit the operator from increasing the plant's generating capacity. The complaint alleged violations of the Connecticut Environmental Protection Act (CEPA) and contained other common law causes of action. Specifically, the complaint alleged that increasing the capacity of the plant, combined with warming seawater caused by climate change, would impact marine species. The trial court dismissed the action on standing grounds. On appeal, the Supreme Court affirmed, holding that the Atomic Energy Act preempted the plaintiff's CEPA and state law claims. In addition, the court held that the plaintiff lacked standing to bring a claim under common law nuisance because she did not allege that she would suffer harm different from the general public.

Center for Biological Diversity v. U.S. State Department

Name and Date	Description
Center for Biological Diversity v. U.S. State Department (D. Neb., filed Oct. 5, 2011)	Several environmental groups filed a lawsuit seeking to halt the construction of the Keystone XL oil sands pipeline. The lawsuit alleges that the pipeline construction violates NEPA because it allows for the clearing of rare, native grasses and the trapping and relocating of the endangered American burying beetle without carrying out a required environmental review.

NRDC v. EPA

Name and Date	Description
NRDC v. EPA (D.C. Cir., filed Sept. 19, 2011)	NRDC filed an action in the D.C. Circuit challenging EPA's decision to defer for three years the requirement that facilities burning biomass fuels obtain GHG permits under the Clean Air Act. The rule, which was adopted July 20, exempts facilities that burn wood, various crop residues, grass, and other biomass from the requirements to obtain prevention of significant deterioration permits and Title V operating permits for their GHG emissions. EPA granted the deferral in response to a petition by the National Alliance of Forest Owners. According to the agency, the three years will allow it to conduct further studies of GHG emissions from biomass.

Washington Environmental Council v. Bellon

Name and Date	Description
Washington Environmental Council v. Sturdevant (W.D. Wash., filed Mar. 10, 2011)	Two environmental nonprofit groups filed a lawsuit alleging that the Washington State Department of Ecology, Northwest Clean Air Agency, and the Puget Sound Clean Air Agency were in violation of the Clean Air Act because they failed to implement mandatory provisions of Washington's State Implementation Plan relating to the control of GHGs from oil refineries. The complaint alleged that four of the five companies that operate oil refineries in the state were operating under expired Title V permits, and that none of the permits contained requirements for controlling GHG emissions.
Washington Environmental Council v. Sturdevant (W.D. Wash. Dec. 1, 2011)	Both sides moved for summary judgment. The district court granted the plaintiffs' motion, holding that the law was clear that the state agencies were required to establish reasonably available control technologies (RACT) for GHGs and to apply the RACT standards to oil refineries.
Washington Environmental Council v. Bellon (9th Cir. Oct. 17, 2013)	On appeal, defendant-intervenor Western States Petroleum Association argued for the first time that plaintiffs lacked Article III standing, and in a decision issued on October 17, 2013, the Ninth Circuit agreed. The Ninth Circuit held that even assuming that plaintiffs established injury in fact resulting from climate changes, they had not provided evidence sufficient to establish the causality or redressability elements of standing at the summary judgment stage. The court assumed without deciding that "that man-made sources of [greenhouse gas] emissions are causally linked to global warming and detrimental climate change" but held that plaintiffs' "vague, conclusory statements" connecting the failure to set RACT standards to their injuries failed to satisfy their evidentiary burden. The Ninth Circuit further noted that establishing "a causal nexus" might be "a particularly challenging task" because "there is limited scientific capability in assessing, detecting, or measuring the relationship between a certain [greenhouse gas] emission source and localized climate impacts in a given region." The court rejected plaintiffs' argument that the causal link should be inferred because they were seeking to enforce a regulatory obligation; the court noted that plaintiffs could not benefit from the relaxed standing rule for sovereign states carved out by the Supreme Court in *Massachusetts v. EPA*. In concluding that plaintiffs had also failed to establishing the redressability element of standing, the Ninth Circuit pointed to the absence of evidence in the record that RACT standards would reduce the pollution causing plaintiffs' injuries.

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Washington Environmental Council v. Bellon

Name and Date	Description
Washington Environmental Council v. Bellon (9th Cir. Oct. 31, 2013)	After a judge of the Ninth Circuit called for a vote to determine whether the case would be reheard en banc, the court issued an order on October 31, 2013 requiring the parties to submit briefs on whether the case should be reheard. Briefs were filed by the environmental groups, WDOE, and the Western States Petroleum Association on November 21.
Washington Environmental Council v. Bellon, No. 12-35323 (9th Cir. Feb. 3, 2014)	The Ninth Circuit denied rehearing en banc. Judge Ronald M. Gould, joined by two other judges, wrote a dissent from the denial calling the October ruling "overbroad" and warning that it would foreclose climate change-related citizen suits under the Clean Air Act and harm the public. Judge Gould wrote that the Supreme Court's 2007 opinion in *Massachusetts v. EPA*, in his view, did not limit standing in environmental lawsuits related to climate change to states. Instead, he wrote: "The Supreme Court's reasoning endorsed the principle that causation and redressability exist, independent of sovereign status, when some incremental damage is sought to be avoided. Accordingly, *Massachusetts v. EPA* also confers standing upon individuals seeking to induce state action to protect the environment." In a concurring opinion, Judge Milan D. Smith, Jr. (author of the October opinion) wrote that the conclusion that plaintiffs lacked standing was compelled by the Supreme Court's stringent requirements for standing in *Lujan v. Defenders of Wildlife*, as well as by *Massachusetts v. EPA*. Judge Smith reiterated the distinction between the instant case, in which private plaintiffs sought to compel promulgation of specific regulations, from *Massachusetts v. EPA*, in which sovereign states asserted a procedural right. Judge Smith rejected the dissent's suggestion that the court had erected "new and inappropriate barriers to environmental litigation." "Not so," wrote Judge Smith. Rather, "[o]ur decision rests on a straightforward application of *Lujan* and *Mass. v. EPA*."

NRDC v. Cal. Dept. of Transportation

Name and Date	Description
NRDC v. Cal. Dept. of Transportation (Cal. Ct. App. Nov. 22, 2011)	Several environmental groups filed a lawsuit challenging California Department of Transportation's approval of a new diesel truck expressway serving the Ports of Long Beach and Los Angeles, alleging that the final environmental impact review (EIR) pursuant to the California Environmental Quality Act (CEQA) did not, among other things, sufficiently address GHG emissions and associated climate change. The trial court denied the petition. On appeal, the appellate court affirmed, holding that the EIR adequately investigated and discussed the GHG impacts from the project, that the agency's conclusions that the impacts would be "less than significant" was supported by substantial evidence, and that the agency was not required to make a quantitative analysis of GHG emissions in the EIR.

Drewry v. Town Council for the Town of Dendron

Name and Date	Description
Drewry v. Town Council for the Town of Dendron, Virginia (Vir. Cir. Ct. Nov. 21, 2011)	A Virginia state court held that a Virginia town council unlawfully rezoned land to make way for a proposed coal-fired power plant. The lawsuit alleged that the Dendron Town Council failed to properly notify the public before it voted to approve four land use applications to the owner of the plant and amend the Town's zoning plan in February 2010. The court held that the rezoning was unlawful because the notice circulated by the Town before the meeting said it would receive public comments, but made no mention of a vote.

Save Strawberry Canyon v. U.S. Dept. of Energy

Name and Date	Description
Save Strawberry Canyon v. U.S. Dept. of Energy (D.D.C. Nov. 18, 2011)	The federal district court for the Northern District of California upheld the U.S. Department of Energy's (DOE's) review of the environmental impacts of the Computational Research and Theory Facility Project at Lawrence Berkeley National Laboratory under the National Environmental Policy Act (NEPA). The court found that DOE had taken a hard look at direct and indirect greenhouse gas emissions and had made a reasonable determination that they would not have a significant impact. The court also said that the plaintiff could not "shoehorn" standards applicable to reviews of greenhouse gas emissions under the California Environmental Quality Act into the federal NEPA review. The court also found that DOE's calculations of emissions were reasonable and not arbitrary and capricious.

WildEarth Guardians v. Jackson

Name and Date	Description
WildEarth Guardians v. Jackson (D. N.M., settled Nov. 9, 2011)	A federal court approved a settlement between EPA and WildEarth, requiring the agency to act on the group's petition to block an air pollution permit for a 1,800 MW coal plant in New Mexico. The New Mexico Environmental Department issued the permit in August 2010. Subsequently, WildEarth filed a petition with EPA urging the agency to reject the permit on the grounds that it did not comply with the Clean Air Act. The group then sued EPA after the agency missed the Clean Air Act's 60 day deadline to take final action on the petition.

Ballona Wetlands Land Trust v. City of Los Angeles

Name and Date	Description
Ballona Wetlands Land Trust v. City of Los Angeles (Cal. Ct. App. Nov. 9, 2011)	A land trust and several other parties challenged the certification of a revised EIR under CEQA concerning a proposed mixed-use real estate development. Among other things, the lawsuit challenged the EIR's analysis of sea level rise from climate change. A state trial court dismissed the challenge. On appeal, the state appellate court affirmed, holding that the EIR adequately discussed the impacts of sea level rise from climate change.

Town of Babylon v. Federal Housing Finance Agency

Name and Date	Description
Town of Babylon v. Federal Housing Finance Agency (E.D.N.Y. June 13, 2011)	A town commenced a lawsuit against the Federal Housing Finance Agency and several other related government agencies, seeking a declaration that the defendants' actions with respect to the town's Property Assessed Clean Energy (PACE) program on properties that had PACE liens violated several federal statutes, including NEPA. The town's PACE program allowed residential building owners to take out a low interest loan for energy efficiency upgrades and then repay these loans over time via an annual property tax assessment. Defendants moved to dismiss. The district court granted the motion, holding that it was without jurisdiction to review FHFA's actions in its role as a conservator and that the town lacked Article III standing since it could not demonstrate redressibility.
Town of Babylon v. Federal Housing Finance Agency (2d Cir. Oct. 24, 2012)	On appeal, the Second Circuit affirmed on identical grounds.

Cleveland National Forest Found. v. San Diego Ass'n of Governments

Name and Date	Description
Cleveland National Forest Foundation v. San Diego Association of Governments (Cal. Super. Ct., filed Nov. 28, 2011)	Several environmental groups filed a lawsuit challenging a regional transportation plan developed by the San Diego Association of Governments on the grounds that it failed to address, among other things, GHG emissions and climate change impacts. Specifically, the lawsuit alleges that the defendant violated CEQA by failing to address these issues in its draft EIR.
Cleveland National Forest Foundation v. San Diego Association of Governments (Cal. Super. Ct. Dec. 3, 2012)	Several environmental groups filed a lawsuit challenging a regional transportation plan developed by the San Diego Association of Governments on the grounds that it failed to address, among other things, GHG emissions and climate change impacts. The trial court agreed, holding that the EIR did not sufficiently analyze the GHG impacts of the plan through 2050.

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Cleveland National Forest Found. v. San Diego Ass'n of Governments

Name and Date	Description
Cleveland National Forest Foundation v. San Diego Association of Governments, No. D063288 (Cal. Ct. App. original Nov. 24, 2014; modified Dec. 16, 2014)	The California Court of Appeal agreed with the trial court that the approval of the regional transportation plan violated CEQA. The appellate court rejected the contention of the San Diego Association of Governments (SANDAG) that CEQA did not require it to analyze the transportation plan's consistency with greenhouse gas emissions reduction targets through 2050 that were set forth in Executive Order S-3-05, which was signed by Governor Arnold Schwarzenegger in 2005 and which the appellate court said "underpins all of the state's current efforts to reduce greenhouse gas emissions." The court said the decision not to conduct such an analysis "did not reflect a reasonable, good faith effort at full disclosure and is not supported by substantial evidence because [it] ignored the Executive Order's role in shaping state climate policy." The court said that omission of the analysis gave the false impression that the regional transportation plan furthered climate policy goals when "the trajectory of the transportation plan's post-2020 emissions directly contravenes it." The appellate court also said that because the environmental impact report (EIR) had not considered feasible mitigation alternatives that would substantially lessen the plan's greenhouse gas emissions, substantial evidence did not support SANDAG's determination that it had adequately considered mitigation for greenhouse gas impacts. In addition, the court found the EIR's assessment of alternatives, air quality impacts, and agricultural impacts to be insufficient. One justice issued a dissenting opinion in which she said the majority's opinion elevated the Executive Order to a "threshold of significance" and in doing so stepped overstepped the court's authority. SANDAG filed a petition for review in the California Supreme Court on January 29, 2015.
Cleveland National Forest Foundation v. San Diego Association of Governments, No. S223603 (Cal. Mar. 11, 2015)	The California Supreme Court granted SANDAG's petition for review. The Supreme Court granted review only on the issue of whether compliance with the California Environmental Quality Act (CEQA) required an analysis of the regional transportation plan's consistency with the 2005 executive order's goals.

Delta Construction v. EPA

Name and Date	Description
Delta Construction v. EPA (D.C. Cir., filed Nov. 4, 2011)	Several trucking and construction companies filed a lawsuit challenging EPA's rules regarding GHG emissions requirements for heavy-duty trucks. In September 2011, EPA and the National Highway Traffic Safety Administration established GHG emissions limits and fuel economy standards for model years 2014-18 on medium- and heavy-duty pickup trucks, delivery vehicles, and tractor trailers. The lawsuit alleges that EPA failed to send the proposed standards to the agency's Science Advisory Board for review as required under federal law.
Delta Construction Co. v. EPA (D.C. Cir. Nov. 14, 2013)	The parties submitted a joint motion seeking to sever the challenges that are dependent on the Supreme Court's determination in *Utility Air Regulatory Group v. EPA* regarding stationary source greenhouse gas permitting and to proceed with a briefing schedule for the remainder of the challenges to the rule and related cases.
Delta Construction Co. v. EPA (D.C. Cir. Dec. 12, 2013)	The D.C. Circuit granted petitioner Clean Energy Fuels Corp.'s unopposed motion to dismiss it from consolidated proceedings challenging the U.S. Environmental Protection Agency's (EPA's) September 2011 rule establishing greenhouse gas emissions and fuel efficiency standards for medium- and heavy-duty engines and vehicles. Clean Energy Fuels, which was described in the proceedings as "the leading provider of natural gas for transportation in North America," had objected to the use of a higher global warming potential (GWP) for methane from mobile sources than for methane from stationary sources. This discrepancy was rectified in EPA's November 2013 amendment to the Greenhouse Gas Reporting Rule.

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Delta Construction v. EPA

Name and Date	Description
Delta Construction Co. v. EPA, Nos. 11-1428, 11-1441, 12-1427 (D.C. Cir. Apr. 24, 2015)	The D.C. Circuit dismissed challenges to federal greenhouse gas emissions and fuel economy standards for cars and trucks. The regulations were issued by the U.S. Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA). The car standards were finalized in 2010, and the D.C. Circuit had already upheld them once in 2012. The truck standards were finalized in 2011. The D.C. Circuit said the petitioners who claimed that EPA had violated the Clean Air Act by failing to provide the car and truck regulations to the Science Advisory Board prior to publication had not established standing. The court said the plaintiffs had not demonstrated causation or redressability for the alleged injury—increased cost to purchase vehicles—because even in the absence of the EPA standards, the "substantially identical" NHTSA regulations would continue to apply. The court also dismissed challenges to the truck standards brought by "a business that promotes the use of vegetable oil in place of traditional diesel fuel"; the company alleged that the standards made its products economically infeasible and claimed that the regulations were arbitrary and capricious because, among other reasons, they ignored lifecycle greenhouse gas emissions. The D.C. Circuit said it did not have original jurisdiction over the company's claim against NHTSA because under NHTSA regulations, the company's request for reconsideration of the truck standards had been deemed a petition for rulemaking; jurisdiction for review of denials of petitions for rulemaking is in the district courts. With respect to the claim against EPA, the D.C. Circuit said that the company did not fall within the zone of interests protected by the statute.

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Delta Construction v. EPA

Name and Date	Description
Delta Construction Co., Inc. v. EPA, Nos. 11-1428, 11-1441, 12-1427 (D.C. Cir. June 4, 2015).	Petitioners who unsuccessfully challenged the greenhouse gas and fuel economy standards for new cars and trucks before the D.C. Circuit Court of Appeals asked the court for rehearing en banc. The court had found that these petitioners—who argued that EPA failed to comply with a statutory mandate to submit rules for peer review to the Science Advisory Board (SAB)—lacked standing. The court said the petitioners failed to establish causation or redressability because their alleged injury of increased cost to purchase vehicles would not be redressed since the standards, which were issued by the National Highway Traffic Safety Administration (NHTSA) as well as EPA, would continue to apply because the SAB requirement did not apply to NHTSA. In their petition for rehearing en banc, the petitioners argued that the standing determination conflicted with Supreme Court precedent on redressability. The petitioners also argued that the case involved a question of exceptional importance.
Delta Construction Co., Inc. v. EPA, No. 13-1076 (D.C. Cir. petition for rehearing en banc denied Aug. 3, 2015)	The D.C. Circuit Court of Appeals denied rehearing en banc to petitioners who unsuccessfully challenged greenhouse gas and fuel economy standards issued in 2010 and 2011 for new cars and trucks.

Sierra Club v. EPA

Name and Date	Description
Sierra Club v. EPA, No. 11-73342 (9th Cir., filed Nov. 3, 2011)	Several environmental groups filed a lawsuit challenging EPA's decision to grant an air permit to a planned 600-MW power plant in California. The permit exempts the facility from complying with permitting requirements for, among other things, GHG emissions because EPA received the permit application before GHG standards were proposed.
Sierra Club v. EPA, No. 11-73342 (9th Cir. Oct. 8, 2013)	The Ninth Circuit held oral argument on October 8, 2013. Environmental groups also challenged EPA's decision to extend the deadline for commencing construction.
Sierra Club v. EPA, Nos. 11-73342, 11-73356 (9th Cir. Aug. 12, 2014)	Despite agreeing that equities favored an applicant who waited more than three years for EPA to issue an air permit for a natural gas-fired power plant, the Ninth Circuit Court of Appeals concluded that the Clean Air Act's plain language required vacating the permit, which did not require compliance with regulatory standards in effect at the time the permit was issued. The case involved an application for a plant in Avenal, California, for which a permit application was submitted in 2008. Although the Clean Air Act requires permit determinations to be made within one year of an application, EPA did not issue its final determination until 2011, after a federal district court ordered it to do so. In the course of its deliberations on the permit application, EPA at first contended that it was required to apply new standards promulgated after the application was submitted, including the best available control technology standard for greenhouse gases, but the agency later reversed course and said that it could waive standards that became effective after the statutory one-year deadline for permit determinations. The Ninth Circuit ruled that the Clean Air Act clearly required EPA to apply the regulations in effect at the time of its permit determination and that the Clean Air Act did not allow EPA discretion to grandfather a permit application in under old air standards. The Ninth Circuit noted that this case involved an "ad hoc waiver" of applicable regulations and that its decision did not affect EPA's ability to grandfather permits through rulemaking (for example, by setting an operative date for new regulations so that a waiver for pending applications was built into the regulation itself).

North Dakota v. Heydinger

Name and Date	Description
North Dakota v. Swanson (D. Minn., filed Nov. 2, 2011)	North Dakota sued Minnesota over a Minnesota law designed to reduce GHG emissions, alleging that the law violated the Commerce Clause because it would prohibit North Dakota from selling electricity to Minnesota. The lawsuit alleges that Minnesota's Next Generation Energy Act, which took effect in 2009 and prohibits the importation of power from any new large energy facility that would contribute to state-wide carbon dioxide emissions, violates the Commerce Clause and the Supremacy Clause. According to the lawsuit, the law defines power sector carbon dioxide emissions to include carbon dioxide emitted from the generation of electricity generated outside of Minnesota but consumed in the state.
North Dakota v. Swanson (D. Minn. Sept. 30, 2012)	Minnesota moved to dismiss certain claims on various grounds. The district court granted the motion in part, holding that North Dakota had stated a *prima facie* claim that the Next Generation Energy Act was preempted by federal law. However, it dismissed claims alleging violations of the Privileges and Immunities Clause, holding that the law did not discriminate against North Dakota residents in obtaining employment in Minnesota. In addition, the court dismissed claims alleging violations of the Due Process Clause, holding that North Dakota failed to establish a constitutionally protected property interest.
North Dakota v. Heydinger (D. Minn. Dec. 21, 2012)	In November 2012, several environmental groups moved to intervene in the case. The federal magistrate judge denied the motion, holding that the groups could not intervene given that they could not demonstrate a sufficient interest in the outcome of the case and that generalized interests in the reduction of carbon dioxide emissions were not enough to confer standing.

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North Dakota v. Heydinger

Name and Date	Description
North Dakota v. Heydinger (D. Minn. Feb. 15, 2013)	A federal district court affirmed a magistrate judge's order denying several environmental groups' motion to intervene in an action concerning a Minnesota law designed to reduce GHG emissions, holding that the groups could not intervene given that they could not demonstrate a sufficient interest in the outcome of the case and that generalized interests in the reduction of carbon dioxide emissions were not enough to confer standing.
North Dakota v. Heydinger Case No. No. 11-cv-3232 (SRN/SER) (D. Minn. Apr. 18, 2014)	The federal district court for the District of Minnesota enjoined the State of Minnesota from enforcing provisions of the Next Generation Energy Act (NGEA) that barred both importing energy from a "new large energy facility" outside Minnesota and entering into new long-term power purchase agreements, where such activities would contribute to statewide carbon dioxide emissions. The court ruled that these prohibitions were a "classic example" of extraterritorial regulation in violation of the dormant Commerce Clause. The court said that due to how the electricity industry operates, the law could require out-of-state entities to comply with Minnesota requirements and even seek regulatory approval from Minnesota before engaging in power transactions outside Minnesota. The court noted that "[u]nlike … tangible products, electricity cannot be shipped directly from Point A to Point B. MISO [the Midcontinent Independent System Operator, the regional transmission organization of which Minnesota is a member] does not match buyers to sellers, and once electricity enters the grid, it is indistinguishable from the rest of the electricity in the grid. Therefore, a North Dakota generation-and-transmission cooperative cannot ensure that the coal-generated electricity that it injects into the MISO grid is used only to serve its North Dakota members and not its Minnesota members. Consequentially, in order to ensure compliance with [the NGEA provisions], out-of-state parties must conduct their out-of-state business according to Minnesota's terms—i.e., engaging in no transactions involving power or capacity that would contribute to or increase Minnesota's statewide power sector carbon dioxide emissions."

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North Dakota v. Heydinger

Name and Date	Description
North Dakota v. Heydinger, Nos. 14-2156, 14-2251 (8th Cir. June 15, 2016)	The Eighth Circuit Court of Appeals affirmed a district court's conclusion that Minnesota's Next Generation Energy Act (NGEA) was unlawful. The NGEA barred importing energy from a "new large energy facility" outside Minnesota or entering into new long-term power purchase agreements, where such activities would contribute to statewide carbon dioxide emissions. Only one judge on the Eighth Circuit panel agreed with the district court conclusion that the statute constituted impermissible extraterritorial regulation under the dormant Commerce Clause. The other two judges concluded that the law was preempted by the Federal Power Act, with one of the two judges also concluding that the law conflicted with the Clean Air Act. A blog post about this decision appears here.
North Dakota v. Heydinger, Nos. 14-2156, 14-2251 (8th Cir. June 29, 2016)	After the Eighth Circuit Court of Appeals ruled that Minnesota's low-carbon power law was unlawful, North Dakota and its co-plaintiffs asked the Eighth Circuit to remand the case to the federal district court for the District of Minnesota for a determination on their motion for attorney fees. The district court previously concluded that the plaintiffs were entitled to attorney fees under 42 U.S.C. § 1988, and the plaintiffs argued that they were also entitled to attorney fees and costs incurred during the appeal. The plaintiffs asserted that they had obtained all the relief they sought and prevailed in a case that asserted a substantial claim under 42 U.S.C. § 1983 (based on the dormant Commerce Clause), that they had succeeded on their Section 1983 claim (even though the Eighth Circuit "proffered additional rationales for affirmance" based on preemption and only one judge based affirmance on the dormant Commerce Clause), and that they had succeeded on other claims (i.e., the preemption claims) that arose from the same nucleus of operative fact. On July 22, *Law360* reported that Minnesota had decide to file a petition for writ of certiorari with the United States Supreme Court rather than seeking en banc rehearing from the Eighth Circuit.

Sierra Club v. Michigan Dept. of Env. Quality

Name and Date	Description
Sierra Club v. Michigan Dept. of Env. Quality (Mich. Cir. Ct., filed Sept. 26, 2011)	The Sierra Club and NRDC filed a lawsuit in Michigan state court, alleging that an air permit issued by the Michigan Department of Environmental Quality in June 2011 to a company for a proposed coal-fired power plant in Rogers City, Michigan violated the Clean Air Act because it failed to, among other things, establish emission limits that represent best available control technology (BACT) and establish emission limits that reflect maximum achievable control technology (MACT) for hazardous air pollutants.

West Virginia Highlands Conservancy v. Monongahela Power Co.

Name and Date	Description
West Virginia Highlands Conservancy v. Monongahela Power Co. (N.D. W. Vir. Jan. 3, 2012)	A district court denied a coal-fired power plant's motion to dismiss or stay an environmental group's Clean Water Act citizen suit against it for allegedly discharging impermissible amounts of arsenic into waters of the United States in violation of its state and federal permits. The plant sought to dismiss the lawsuit on the theory that it was an impermissible collateral attack on a permitting decision by the state. The court disagreed, finding that the case was an ordinary citizen suit under the CWA seeking to enforce state and federal permits.

Northern Plains Resources Council, Inc. v. Surface Transportation Board

Name and Date	Description
Northern Plains Resource Council, Inc. v. Surface Transportation Board (9th Cir. Dec. 29, 2011)	The Ninth Circuit reversed in part a decision by the Surface Transportation Board approving an application from a railroad company to build a 130-mile railroad line in southwestern Montana to haul coal, holding that the agency failed to take the requisite "hard look" at several environmental issues raised by the project. Specifically, the court held that the agency's environmental impact statement (EIS) concerning the proposed line adequately considered the cumulative effect of the coal bed methane wells and the railroad on air quality and wildlife. However, the court held that the EIS ignored the combined impacts of future well development and coal mining projects in the area, improperly relying on a five-year timeline which resulted in a faulty analysis. The court also held that the EIS did not provide baseline data for many wildlife and sensitive plant species.

Portland Cement Association v. EPA

Name and Date	Description
Portland Cement Association v. EPA (D.C. Cir. Dec. 9, 2011)	The D.C. Circuit held that EPA issued emissions standards for cement kilns without considering the effects of a related ongoing rulemaking to define solid waste incinerators. In particular, the court held that the rulemaking could have led to some kilns being classified as incinerators, which would mean that they would have different emissions limits. The court also dismissed arguments raised by environmental groups that the standards should include limits on greenhouse gases, holding that EPA is continuing to collect this information and thus the court did not have jurisdiction until the agency issues a final rule.

Center for Biological Diversity v. BLM

Name and Date	Description
Center for Biological Diversity v. BLM (N.D. Cal., filed Dec. 8, 2011)	Several environmental groups filed a lawsuit challenging the federal government's leasing of nearly 2,600 acres of public land in California to oil and gas developers, alleging that BLM failed to fully analyze the environmental impacts of high-pressure hydraulic fracturing, otherwise known as "fracking." In June 2011, BLM issued a final environmental assessment finding no significant environmental impact for the lease sale. The lawsuit alleges that the agency ignored or downplayed the impacts of the lease sale on endangered or sensitive species in the area and failed to address the impacts of fracking on water quality and other resources.
Center for Biological Diversity v. BLM, No. 11-CV-6174 (N.D. Cal. Mar. 31, 2013)	The court granted plaintiffs' motion for summary judgment as to their National Environmental Policy Act claims, finding that the potential use of horizontal drilling and hydraulic fracturing techniques in future well development had a "reasonably close causal relationship" to the action at issue even though single well development had been the norm in the past, and that BLM was unreasonable in categorically refusing to consider projections of drilling that included fracking operations. Rather than determining a remedy, the court ordered the parties to meet and confer and submit an appropriate judgment. The court denied plaintiffs' motion for summary judgment as to the Mineral Leasing Act of 1920 claims.
Center for Biological Diversity v. Bureau of Land Management, No. 11-cv-06174 (N.D. Cal., joint status report Oct. 16, 2014)	BLM and the Center for Biological Diversity and Sierra Club filed a joint status report in which BLM indicated that it had completed the public scoping process for its environmental impact review, published a Scoping Summary Report, funded a review of scientific and technical information on well stimulation technologies by the California Council on Science and Technology, and awarded a contract for preparation of the Resource Management Plan Amendment and environmental impact statement. BLM said that it anticipated that it will take two years to complete the review process and tentatively scheduled issuance of the record of decision for October 2016.

WildEarth Guardians v. U.S.F.S.
WildEarth Guardians v. BLM
Powder River Basin Resource Council v. Jewell

Name and Date	Description
WildEarth Guardians v. U.S.F.S. (D. Colo., filed Dec. 6, 2011)	Three environmental groups sued the U.S. Forest Service concerning the agency's consent to lease nearly 2,000 acres in the Thunder Basin National Grassland in Wyoming for coal mining, alleging violations of NEPA, the Administrative Procedure Act, the Surface Mining Control and Reclamation Act, and the National Forest Management Act. Under federal law, coal mining is prohibited on national grasslands without permission from USFS. The complaint alleges that the Bureau of Land Management's environmental impact statement concerning the coal leases was legally inadequate.
WildEarth Guardians v. Bureau of Land Management (D.D.C., filed May 2, 2012)	An environmental nonprofit group filed a lawsuit against BLM alleging that the agency's authorization of four large coal leases in the Power River Basin without fully analyzing the climate change impacts of increased carbon dioxide emissions in violation of NEPA. According to the complaint, collectively, the four leases have the potential to produce more than 1.8 billion tons of coal, resulting in over three billion metric tons of carbon dioxide emissions.
WildEarth Guardians v. Bureau of Land Management (D.D.C. Feb. 13, 2013)	A federal district court in the District of Columbia granted the Bureau of Land Management's motion to transfer a case involving challenges to coal leases to Wyoming, holding that the case could have been brought in Wyoming and public interests weighed decisively in favor of transfer.

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WildEarth Guardians v. U.S.F.S.
WildEarth Guardians v. BLM
Powder River Basin Resource Council v. Jewell

Name and Date	Description
WildEarth Guardians v. United States Forest Service, No. 12-cv-00085; ***WildEarth Guardians v. United States Bureau of Land Management***, No. 2:13-cv-00042; ***Powder River Basin Resource Council v. United States Bureau of Land Management***, No. 13-cv-90 (D. Wyo. opinion and order affirming agency actions Aug. 17, 2015)	The federal district court for the District of Wyoming upheld federal approvals for two large coal leases in the Powder River Basin in Wyoming. The court's decision in three consolidated cases rejected a number of claims by environmental groups, including that the review under NEPA had not given sufficient consideration to the leases' impact on climate change. Citing the "very deferential" stance it was required to take, the court said the disclosure of the effects of greenhouse emissions was adequate, but suggested that "today the analysis likely could have been better given the development and acquisition of new knowledge and continuing scientific study." The court noted that the agencies had not ignored the effects of coal combustion, but that uncertainty regarding such effects was created by the fact that the coal would enter the free marketplace rather than go to a particular power plant. The court also rejected claims under the Federal Land Policy Management Act, the National Forest Management Act, the Surface Mining Control and Reclamation Act, and the Mineral Leasing Act. The court did, however, reject an intervenor's argument that the petitioners did not have standing to make claims that the agencies had failed to adequately consider climate change or greenhouse gas emissions.
WildEarth Guardians v. United States Bureau of Land Management, No. 2:13-cv-00042 (D. Wyo. Oct. 7, 2015)	WildEarth Guardians and Sierra Club filed an appeal in the Tenth Circuit Court of Appeals of the decision of the federal district court for the District of Wyoming that upheld federal approvals for coal leases in the Powder River Basin in Wyoming. Among the claims rejected by the district court was a claim that the NEPA review had not given sufficient consideration to climate change impacts, including the effects of carbon dioxide from coal mining and combustion.

POET LLC v. California Air Resources Board

Name and Date	Description
POET, LLC v. California Air Resources Board (Cal. Super. Ct., Nov. 2, 2012)	In a companion case to several lawsuits filed in federal court challenging the state's low carbon fuel standard (LCFS), a corn ethanol producer filed a lawsuit in California state court challenging the LCFS. Among other things, the lawsuit alleges that CARB violated CEQA and the California Health and Safety Code in establishing the standard. The superior court denied the petition and complaint and granted judgment for the defendants. Plaintiff has appealed.
POET, LLC v. California Air Resources Board (Cal. Ct. App. June 3, 2013)	The appellate court issued a tentative disposition reversing the superior court's granting of judgment in favor of the defendants. With respect to the procedural challenges, the appellate court's tentative disposition found that the LCFS was approved for California Environmental Quality Act (CEQA) purposes on April 25, 2010 and that the decision-making function had been improperly split between the California Air Resources Board (CARB) and its executive officer. With respect to the substantive challenge, the tentative disposition determined that CARB violated CEQA by deferring the formulation of mitigation measures to address potential increases in NO_x emissions from the increased use of biodiesel fuels caused by the LCFS. The appellate court noted that its tentative disposition would not suspend operation of the LCFS and requested input from the parties as to the terms of its disposition of the proceeding, including as to deadlines for CARB actions, whether the LCFS should remain in effect pending CARB's actions in response to the disposition, whether the court should dictate that public comment be permitted on the issue of carbon intensity values attributed to land use changes, the proper framework for considering NO_x emissions, and whether CARB should be required to file an initial return setting forth how it will comply with the writ to be issued by the superior court. The parties were required to respond by June 11, 2013.

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POET, LLC v. California Air Resources Board

Name and Date	Description
POET, LLC v. California Air Resources Board (Cal. Ct. App., July 15, 2013)	The California Court of Appeal issued a final disposition reversing the trial court's denial of the challenge to the LCFS. While stating that CARB "satisfied a vast majority of the applicable legal requirements," the court concluded that CARB had committed procedural errors in its consideration of the LCFS by, among other things, prematurely approving the LCFS prior to completion of the environmental review. The court also ruled that CARB had improperly deferred the formulation of mitigation measures for potential increases in nitrogen oxide emissions from biodiesel without committing to specific performance criteria for judging the efficacy of the future mitigation measures. The appellate court directed the trial court to issue a writ of mandate directing CARB to set aside its approval of the LCFS but permitting the LCFS to remain in effect while CARB takes action to rectify the errors identified in the appellate court's decision.
POET, LLC v. California Air Resources Board (Cal. Ct. App. Aug. 8, 2013)	The California Court of Appeal denied CARB's petition for rehearing of the court's July 15 decision that found procedural and substantive defects in CARB's approval of the state's low carbon fuel standard. The court also certified the entire opinion filed on July 15 for publication.
POET, LLC v. California Air Resources Board (Cal. Ct. App. Aug. 8, 2013)	The California Supreme Court denied CARB's petition for review of the appellate court decision. The court also denied CARB's depublication request for the appellate court's decision.

Williamson v. Montana Public Service Commission

Name and Date	Description
Williamson v. Montana Public Service Commission (Cal. Sup. Ct., filed Jan. 22, 2010)	A group of individuals filed an administrative action with the Montana Public Service Commission concerning an electric utility company's provision of street lighting services. Specifically, the plaintiffs sought to have the Commission require the utility company to replace existing street lights with light emitting diode (LED) street lights, contending that adoption of LEDs would, among other things, reduce greenhouse gas emissions. The Commission denied the petition, stating that while LED technology was promising, it did not warrant a mandatory street and outdoor lighting conversion program. The individuals subsequently filed an action in state court, which dismissed on standing grounds. On appeal, the Montana Supreme Court reversed in part, holding that although the individuals named in the original complaint lacked standing because they failed to establish that they were directly affected by the Commission's decision not to require LED lights, an amended complaint naming individuals who were directly affected established standing. Thus, the court remanded the case to the Commission to determine whether to allow the amended complaint.

Conservation Law Foundation v. Dominion Energy New England

Name and Date	Description
Conservation Law Foundation v. Dominion Energy New England (D. Mass., consent decree filed Feb. 3, 2012)	The owner of the Salem Harbor Power Station, one of the oldest and most heavily polluting power plants in Massachusetts, agreed not to use coal at any new generating units at the plant after the current facility shuts down in 2014. The consent decree also requires the company to provide $275,000 for supplemental environmental projects designed to reduce air pollution in communities close to the plant and reduce demand for electricity in the region. Several environmental groups filed the lawsuit in 2010, alleging that the company had violated the Clean Air Act more than 300 times in a five-year period.

Peters v. Honda

Name and Date	Description
Peters v. Honda (Cal. Small Claims Ct. Feb. 1, 2012)	A small claims court in California awarded the owner of a 2006 Honda Civic Hybrid $9,867 in damages concerning claims that the company had negligently misled the owner concerning claims that the car could achieve as much as 50 miles per gallon. The plaintiff contended that her vehicle never achieved the fuel economy of 51 mpg on highways and 46 mpg in cities that Honda promoted, claiming that her car only achieved around 28 mpg. Under a fuel-economy testing procedure no longer used by the EPA, the Civic Hybrid scored as high as 51 mpg on highways. highway. The agency, after revising its testing methods, rated the current Civic Hybrid at 44 mpg city and highway. Although several class action lawsuits have been filed on behalf of disgruntled owners of the 2003-9 Civic Hybrid, the plaintiff opted out of the settlement class.

Aronow v. Minnesota

Name and Date	Description
Aronow v. Minnesota (Minn. Dist. Ct. Jan. 30, 2012)	Our Children's Trust, an environmental group based in Oregon, filed dozens of lawsuits in federal court and several states asserting that the federal government and state governments had an obligation under the public trust doctrine to regulate greenhouse gas emissions. In Minnesota, the group commenced a lawsuit against the Governor and the Minnesota Pollution Control Agency, which moved to dismiss. A state trial court granted the motion, holding first that the Governor was not a proper party because he had no legislative authority to implement the policies sought by the plaintiff. Turning to the merits, the court held that that the public trust doctrine only applies to navigable waters, not the atmosphere. In addition, the court held that the plaintiff had no viable claim under the Minnesota Environmental Rights Act given that he had not given the requisite notice and had not sued on behalf of the state, as the statute required.
Aronow v. Minnesota (Minn. Ct. of App. Oct. 1, 2012)	On appeal, a state appellate court affirmed the decision, holding that the doctrine only applied to navigable waters and did not apply to the atmosphere.

United States v. Ameren Missouri

Name and Date	Description
United States v. Ameren Missouri (E.D. Mo. Jan. 27, 2012)	A federal district court in Missouri dismissed an action filed by EPA seeking civil penalties from the owner of two coal-fired power plants concerning two modifications in 2002 and 2004, holding that the five-year statute of limitations had run. The complaint alleged that the company modified the plants in violation of significant deterioration requirements under the Clean Air Act, the Missouri state implementation plan, and the company's Title V operating permit. The court rejected EPA's arguments that the plants have continued to be in violation since 2002 and 2004, holding that these projects were finished in those years, and that the Title V permits, while prohibiting construction and beginning operation without a permit, do not prohibit ongoing operation without a permit into perpetuity.

American Petroleum Institute v. Cooper

Name and Date	Description
American Petroleum Institute v. Cooper (E.D.N.C. Dec. 16, 2011)	A federal district court in North Carolina granted a summary judgment motion dismissing a challenge by an industry group that a North Carolina law requiring oil refiners and producers to sell wholesalers gasoline unblended with ethanol is preempted by federal law. The dispute arose because a federal excise tax credit allows a party who blends ethanol with gasoline to claim a credit against its gasoline excise tax obligations to the IRS. The state statute has the effect of preventing suppliers from receiving the tax credit. The court held that the state law does not interfere with federal law and only requires that suppliers that import gasoline into North Carolina to give distributors and retailers the option to buy gasoline that is not pre-blended.

Shell Gulf of Mexico Inc. v. Greenpeace Inc.

Name and Date	Description
Shell Gulf of Mexico Inc. v. Greenpeace, Inc. (D. Alaska, filed Feb. 27, 2012)	Shell filed a lawsuit in Alaska federal court seeking to block environmental activists from barricading or occupying its drilling ship bound for the Arctic. The company alleged that Greenpeace members unlawfully boarded its ship in New Zealand and chained themselves to drilling equipment meant to stop the ship from reaching the Chukchi Sea. The company alleged causes for action for , among other things, nuisance, piracy, malicious mischief on the high seas, tortious interference with contractual relations, trespass, false imprisonment, and reckless endangerment.
Shell Gulf of Mexico Inc. v. Greenpeace, Inc. (D. Alaska May 30, 2012)	Greenpeace moved to dismiss. The court granted the motion in part, dismissing the public nuisance and tortious interference claims, but declined to dismiss the other causes of action. It also expanded a previously granted restraining order blocking activists from barricading or occupying the company's ships bound for the Arctic.

American Petroleum Institute v. EPA
American Gas Association v. EPA

Name and Date	Description
American Petroleum Institute v. EPA (D.C. Cir., filed Feb. 21, 2012) *American Gas Association v. EPA* (D.C. Cir., filed Feb. 21, 2012)	Several oil and natural gas industry groups filed a lawsuit in the D.C. Circuit challenging an EPA rule issued in December 2011 requiring petroleum and gas drilling operations to report 2011 greenhouse gas emissions from wells and storage tanks on a county level and by geologic formation. Among other things, the groups allege that the revisions to EPA's mandatory emissions reporting rule were not subject to a notice-and-comment period before they were finalized. The reporting rule requires old and natural gas systems that emit at least 25,000 metric tons per year of carbon dioxide-equivalent to collect data on their emissions, with 2011 emissions due to EPA by March 31, 2012.

Resisting Environmental Destruction on Indigenous Lands v. EPA

Name and Date	Description
Resisting Environmental Destruction on Indigenous Lands v. EPA (9th Cir., filed Feb. 17, 2012)	Several environmental and Alaska Native groups filed an action in the Ninth Circuit seeking to overturn two air quality permits issued by EPA to Shell for offshore Arctic drilling operations. The permits allow a ship owned by Shell and several support vessels to operate in both the Chukchi Sea and the Beaufort Sea. The authorizations are "major source" permits, which allow Shell to emit more than 250 tons of pollutants annually and to adhere to the Clean Air Act's prevention of significant deterioration requirements. Among other things, the plaintiffs contend that greenhouse gases and back carbon from the ships will accelerate the loss of snow and sea ice in the Arctic, to the detriment of members of the Alaska Native communities.

Independent Energy Producers Association v. County of Riverside

Name and Date	Description
Independent Energy Producers Association v. County of Riverside (Cal. Super. Ct., filed Feb. 3, 2012)	Several groups representing solar power plant developers filed a lawsuit challenging a $450 per acre annual fee on utility-scale solar projects by Riverside County. The county says that the fee is necessary to defray the costs of impacts and services related to the development of the facilities. The plaintiffs allege that the fee is an illegal tax and also violates the California Mitigation Fee Act.

Citizens for Open Government v. City of Lodi

Name and Date	Description
Citizens for Open Government v. City of Lodi (Cal. Ct. App. March 28, 2012)	Two citizen groups challenged the reapproval by the City of Lodi of a conditional use permit for a proposed shopping center project after the original environmental impact report (EIR) issued pursuant to the California Environmental Quality Act (CEQA) was revised and recertified. Among other things, the plaintiffs alleged that a stipulation entered into between them, the City, and the developer allowed them to litigate that would otherwise be barred by res judicata, including the alleged failure to adequately address the impacts of greenhouse gas emissions and climate change. The trial court dismissed the petition. On appeal, the appellate court affirmed. Although it held that the plaintiffs were not barred from raising the issue with respect to climate change and that the EIR failed to analyze this issue, it did not require recirculation of the EIR because this deficiency did not make it fatally flawed.

Public Service Co. of New Mexico v. EPA

Name and Date	Description
Public Service Co. of New Mexico v. EPA (10th Cir. March 1, 2012)	The 10th Circuit denied without comment a request from the Public Service Company of New Mexico and Governor Susana Martinez to delay implementing pollution control technology at the San Juan Generating Station in the state. EPA ordered the PSC, the state's largest utility and operator of the plant, to retrofit it with selective catalytic reduction technology to bring the plant into compliance with the CAA within five years. The PSC appealed EPA's order, calling its estimated $750 million price tag unnecessary and expensive. The 10th Circuit denied the request.

Citizens Climate Lobby v. CARB

Name and Date	Description
Citizens Climate Lobby v. CARB (Cal. Super. Ct, filed March 28, 2012)	Several citizens' groups filed a lawsuit against the California Air Resources Board (CARB), alleging that its carbon dioxide offset regulations violate AB 32, otherwise known as the California Global Warming Solutions Act. The lawsuit alleges that the offset protocols allow non-additional credits to qualify as offsets, that CARB's definitions for "conservative" and "business-as-usual" have the potential to be interpreted in more than one way, that the regulations themselves are not enforceable, and that the provisions violate AB 32's integrity standards.
Citizens Climate Lobby v. CARB (Cal. Super. Ct, filed Jan. 25, 2013)	A California state court upheld state regulators' authority to use carbon offset projects as a compliance tool under the state's economy-wide GHG cap-and-trade program. The lawsuit alleged, among other things, that the offset projects do not ensure that the emission reductions would be "additional" to those otherwise achieved under the law. The court rejected the petition, holding that the statute gave CARB vast discretion to develop regulations to curb GHG emissions and that the evidence demonstrated that the agency's use of the standards-based approach in developing the carbon offset protocol was consistent with the law.

Dine CARE v. EPA

Name and Date	Description
Dine CARE v. EPA (D.D.C., filed March 19, 2012)	The National Parks Conservation Association and a Navajo tribal environmental group filed a lawsuit alleging that EPA failed to require modern pollution controls for two power plants in Arizona. The complaint alleges that EPA should have issued federal implementation plans establishing best available retrofit technology (BART) for the plants. The complaint alleges that the agency issued a proposed BART determination for one of the plants in 2010 but never issued a final determination, and that it never issued a proposed or final determination for the other plant.

Utility Air Regulatory Group v. EPA

Name and Date	Description
Utility Air Regulatory Group v. EPA (D.C. Cir., filed March 16, 2012)	An industry group challenged EPA's mercury and air toxics standards for power plants. In addition to challenging the standards, the petition challenges EPA's denial of a petition to remove electric utility steam generating units from the list of source categories that are regulated under Section 112 of the CAA.

American Petroleum Institute v. EPA

Name and Date	Description
American Petroleum Institute v. EPA (D.C. Cir., filed March 9, 2012)	The American Petroleum Institute filed a lawsuit in the D.C. Circuit challenging EPA's renewable fuel standards for 2012, alleging that the requirements are unachievable. EPA's renewable energy standards for 2012 require 8.865 million gallons of cellulosic biofuel. The lawsuit alleges that these requirements are a "regulatory absurdity" because the fuel is not widely available, and that the agency should set the requirement by looking at the previous year's actual production volume.

Sierra Club v. County of Riverside

Name and Date	Description
Sierra Club v. County of Riverside (Cal. Super. Ct., filed March 7, 2012)	Sierra Club and the Center for Biological Diversity filed a lawsuit challenging a large, mixed-use development planned for the shores of the Salton Sea in California. The lawsuit alleges that Riverside County's Board of Supervisors failed to adequately analyze the project's greenhouse gas emissions, among other things. According to the complaint, the project, if completed, would involve 16,665 residential units and more than 5 million square feet of commercial space on 4,918 acres. It would take 35 years to complete all five phases. Among other things, the complaint alleges that residents of the project will be forced to drive long distances for jobs and basic services, which will result in increased air pollution and greenhouse gas emissions.

Koch v. Kato Institute

Name and Date	Description
Koch v. Kato Institute (Johnson Co. Kansas Dist. Ct., filed March 2, 2012)	The Koch brothers, billionaires who have funded a variety of groups that oppose efforts to regulate greenhouse gas emissions, filed a lawsuit concerning the ownership of the Cato Institute, a libertarian think tank founded by the brothers. The Koch brothers own 50 percent of the shares of the Institute. The lawsuit contends that 25 percent of the remaining shares of the Institute were owned by William Niskanen, who died in 2011, and that these shares should have been sold back to the Institute upon his death pursuant to shareholders' agreements.

Barnett v. Chicago Climate Futures Exchange, LLC

Name and Date	Description
Barnett v. Chicago Climate Futures Exchange, LLC (Cook Co. Dist. Ct, filed Dec. 16, 2011)	The founder of the Chicago Climate Futures Exchange, which is scheduled to close in 2012, was sued in Illinois state court for alleged fraud in luring two dozen individuals and companies into buying privileges with the environmental derivatives market. The plaintiffs allege that founder Richard Sandor and other agents with the Exchange falsely represented that only 250 trading privileges on the Exchange would be sold, after which their holders would be able to transfer or lease them. According to the complaint, the plaintiffs paid between $5,000 and $120,000 for trading privileges.

Conservancy of Southwest Florida v. U.S. FWS

Name and Date	Description
Conservancy of Southwest Florida v. U.S. Fish and Wildlife Service (11th Cir. April 18, 2012)	The 11th Circuit affirmed a district court decision dismissing a lawsuit challenging the U.S. Fish and Wildlife Service's denial of petitions to designate critical habitat for the Florida panther. In 2009, several environmental advocacy groups petitioned the FWS to initiate such rulemaking, contending that the species was suffering a decline in population due to fragmentation and degradation of its habitat caused, in part, by climate change. The FWS denied the petitions on the grounds that the measures it was already taking were sufficient. The groups subsequently filed suit in federal court alleged that the denial violated the Administrative Procedure Act and the Endangered Species Act. The district court granted the FWS' motion to dismiss, holding that the FWS' decision was committed to agency discretion by law and thus it could not be reviewed. On appeal, the 11th Circuit affirmed on identical grounds.

Neighbors for Smart Rail v. Exposition Metro Line Construction Auth.

Name and Date	Description
Neighbors for Smart Rail v. Exposition Metro Line Construction Auth. (Cal. Ct. App. April 17, 2012)	A California appellate court affirmed a ruling that held that a public authority responsible for constructing a light rail line connection downtown Los Angeles with Santa Monica did not violate the California Environmental Quality Act (CEQA) when it analyzed the impact of the project on, among other things, greenhouse gas emissions using as a baseline conditions projected for 2030. The court rejected the notion that CEQA forbids, as a matter of law, the use of projected conditions as a baseline. The petitioners had argued that CEQA required the authority to use baseline conditions that existed sometime when the notice of preparation of the construction phase was filed in 2007 and when the authority certified the final environmental impact report (EIR) in 2010. The appellate court disagreed, holding that that the project would not begin operating until 2015 at the earliest and thus its impact would yield no practical information to decision makers or the public until that time.

Cal. Bldg. Indus. Ass'n v. Bay Area Air Quality Mgmt. Dist.

Name and Date	Description
California Building Industry Association v. Bay Area Air Quality Management District (Cal. Super. Ct. Mar. 5, 2012)	A California state court issued a decision ordering the Bay Area Air Quality Management District to set aside, depublish, and stop the circulation of thresholds of significance for greenhouse gas emissions when conducting CEQA analyses. The thresholds were intended to be used by the District and other local agencies in the San Francisco Bay Area to determine whether a local land use project would have significant air quality impacts under CEQA. In 2010, the District adopted a resolution which included numeric air quality thresholds, including greenhouse gas emissions, for analyses by lead agencies under CEQA. If a project's emissions exceeded the thresholds, it would result in a finding of significant impact necessitating preparation of an EIR and adoption of mitigation measures. A building industry association filed suit, alleging that the District did not analyze the thresholds as a project under CEQA and failed to study their impact on future development patterns. The court agreed, holding that the thresholds should be set aside pending full CEQA compliance.
California Building Industry Association v. Bay Area Air Quality Management District (Cal. Ct. App. Aug. 13, 2013)	The California Court of Appeal reversed. The Court of Appeal concluded that the state's CEQA guidelines, which dictated the procedure for enacting "generally applicable thresholds of significance," did not require CEQA review of the thresholds, and that the environmental changes that petitioner contended would result from adoption of the thresholds were "speculative and not reasonably foreseeable" and did not provide a basis for requiring CEQA review. The court also determined that "receptor thresholds" had valid application regardless of whether CEQA required an analysis of how existing environmental conditions affect a project's future residents or users.

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Cal. Bldg. Indus. Ass'n v. Bay Area Air Quality Mgmt. Dist.

Name and Date	Description
California Building Industry Association v. Bay Area Air Quality Management District, No. S213478 (Cal. Dec. 17, 2015)	The California Supreme Court ruled that the California Environmental Quality Act (CEQA) does not generally require consideration of the effects of existing environmental conditions on a proposed project's future users or residents, but that CEQA does mandate analysis of how a project may exacerbate existing environmental hazards. The court said that portions of the CEQA guidelines that required consideration of the impacts of existing conditions were not valid. This decision was made in a case concerning the California Building Industry Association's (CBIA's) challenge of thresholds of significance for air pollutants, including greenhouse gases (though the particular issue before the Supreme Court did not concern the greenhouse gas thresholds). CBIA had argued that the thresholds for toxic air contaminants and fine particulate matter unlawfully required evaluation of the environment's impacts on a given project, potentially limiting urban infill projects. The California Court of Appeal had said that the receptor thresholds had valid application regardless of whether CEQA required analysis of impacts of existing environmental conditions on project users. The Supreme Court said that the Court of Appeal should address CBIA's arguments in light of this opinion's elaboration of CEQA's requirements with respect to existing conditions.

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Cal. Bldg. Indus. Ass'n v. Bay Area Air Quality Mgmt. Dist.

Name and Date	Description
California Building Industry Association v. Bay Area Air Quality Management District, Nos. A135335, A136212 (Cal. Ct. App. Aug. 12, 2016)	On remand from the California Supreme Court, the California Court of Appeal concluded that thresholds of significance based on impacts on a proposed project's occupants (receptor thresholds) could be used for some purposes in reviews under the California Environmental Quality Act (CEQA), though such thresholds could not be used to require an environmental impact report or mitigation measures based solely on the impacts of the existing environment on a proposed project. (The California Supreme Court held in December 2015 that portions of the statewide CEQA guidelines that required consideration of the impacts of existing conditions were not valid.) The California Court of Appeal considered how the Supreme Court's decision applied to receptor thresholds established by the Bay Area Air Quality Management District (BAAQMD) for toxic air contaminants and fine particulate matter. (BAAQMD's receptor thresholds for greenhouse gases were not specifically at issue in this case.) In its August 2016 decision, the appellate court said that permissible uses of the receptor thresholds included voluntary application by lead agencies when considering their own projects and when considering whether a proposed project would exacerbate existing environmental conditions, as well as for school projects and in connection with certain CEQA exemptions for housing developments. The appellate court left open whether the thresholds could be used for determining whether a proposed project is consistent with a general plan.

New Energy Economy v. Vanzi

Name and Date	Description
New Energy Economy v. Vanzi (New Mexico Sup. Ct. Feb. 16, 2012)	In a procedurally complex action, several nonprofit groups sought to participate in a proceeding challenging rules adopted by the New Mexico Environmental Improvement Board (EIB). Previously, New Energy Economy (NEE) petitioned the EIB to adopt a new rule, known as Rule 100, which cap greenhouse gas emissions from large power producers in the state. After the EIB adopted Rule 100 in December 2010, seven groups, including the New Mexico Public Service Commission (PSC) appealed EIB's adoption of the rule. None of the parties who appealed the rule named NEE or any of the nonprofit groups as a party. In April 2011, NEE and the other nonprofits sought to intervene as a party in the appeal. The appellate court ordered mediation between EIB and PSC but denied the motions to intervene. Thus, the mediation included the seven groups opposing Rule 100 and the newly appointed members of EIB, now composed of members appointed by New Mexico Governor Susana Martinez, who publically opposed the rule. After the mediation began, PSC and EIB requested that the proceeding be remanded to EIB for further proceedings. On remand, the seven groups opposing the rule filed a new petition with EIB, essentially taking the role of petitioners to rescind or amend Rule 100. The nonprofit groups filed an appeal with the New Mexico Supreme Court seeking a writ of superintending control to overturn the appellate court's decision denying their motions to intervene. The court granted the motions, holding that the appellate court did not have discretion to deny the motions given that the groups were proper parties to the proceeding and participated in a legally sufficient manner.

Consolidated Irrigation District v. City of Selma

Name and Date	Description
Consolidated Irrigation District v. City of Selma (Cal. Ct. App. Feb. 8, 2012)	An irrigation district in California petitioned for a writ of mandate challenging the City of Selma's use of a negative declaration under CEQA in approving a 160-unit, 44-acre residential development. The trial court granted the petition, holding among other things that the evidence presented supported a fair argument that the proposed development may have a significant effect on the environment. In particular, the court held that the negative declaration did not adequately address greenhouse gas emissions from the project. On appeal, the appellate court affirmed, holding that the irrigation district had standing to maintain the action and that the evidence in the record should not have been discounted by the city absent a credibility determination.
Consolidated Irrigation District v. City of Selma (Cal. Ct. App. April 26, 2012)	Subsequently, the district moved for leave to conduct limited discovery and to augment the administrative record. The trial court denied the motion. On appeal, the appellate court reversed, holding that the record should have been augmented to include, among other things, the 2007 Intergovernmental Panel on Climate Change, Fourth Assessment Report.

Stein v. Kyocera Mita America, Inc.

Name and Date	Description
Stein v. Kyocera Mita America, Inc. (Cal. Super. Ct. May 9, 2012)	A California state court partially dismissed a lawsuit brought by the actor Ben Stein, who alleged that a Japanese company breached a contract concerning a series of commercials Stein had contracted to do because of his belief that human activity plays no role in climate change. The court dismissed the breach of contract and related claims, holding that there was insufficient evidence that Stein had conclusively entered into an agreement with the company. However, the court allowed his claim for publicity rights misappropriation to go forward. The actor claims that after withdrawing his offer, the company hired an actor that looks like him to appear in the commercial in question.

Chabot-Las Positas Community College District v. EPA

Name and Date	Description
Chabot-Las Positas Community College District v. EPA (9th Cir. May 4, 2012)	The Ninth Circuit issued a ruling upholding the first power plant permit that includes a greenhouse gas emission limit, although the decision does not discuss the GHG requirement. A community group challenged the air permit for the Russell City Energy Center, a 600-megawatt natural gas facility in Hayward, California. In upholding the permit, the court found that EPA's decision not to require a 24-hour particulate matter standard in an area re-designated as a non-attainment area during the permitting process was supported by precedent.

Dominion Cove Point LLC v. Sierra Club

Name and Date	Description
Dominion Cove Point LLC v. Sierra Club (Md. Cir. Ct., filed May 18, 2012)	An energy company sought a declaratory judgment that an agreement between it and the Sierra Club pertaining to a liquefied natural gas (LNG) terminal allows it to covert the terminal into a LNG export facility. Specifically, the lawsuit seeks a declaratory judgment that the Sierra Club's effort to block the conversion has no basis under the agreement. Under a series of agreements between the two parties, major changes to the terminal and adjacent areas cannot be made without the environmental group's approval.

Diné Citizens Against Ruining Our Environment v. OSMRE

Name and Date	Description
Diné Citizens Against Ruining Our Environment v. OSMRE (D. Colo., filed May 15, 2012)	Several environmental groups filed a lawsuit in Colorado federal court alleging that the federal government did not analyze the overall environmental impact in approving a coal mine expansion permit in New Mexico. The mine at issue is the sole source of coal for the Four Corners Power Plant on the Navajo tribal reservation. The plant is the largest source of nitrogen oxide emissions nationwide.
Diné Citizens Against Ruining Our Environment v. OSMRE, No. 12-cv-01275 (D. Colo. Mar. 2, 2015)	In March 2015, the court ruled that the environmental review by the Office of Surface Mining Reclamation and Enforcement (OSM) should have considered the indirect effects of the mine's expansion—in particular, the impacts of mercury deposition in the area of the coal-fired Four Corners Power Plant.
Diné Citizens Against Ruining Our Environment v. OSMRE, No. 12-cv-01275 (D. Colo. Apr. 6, 2015)	The federal district court for the District of Colorado vacated the approval of a permit revision that authorized expansion of the Navajo Mine in New Mexico. The court also vacated the environmental assessment and finding of no significant impact (EA/FONSI) that OSM had prepared for the expansion. In its order vacating the EA/FONSI and permit review approval, the court found that prospective economic harm to the mine's operator did not outweigh "doubts concerning the validity of OSM's actions that are raised by the deficiencies in OSM's EA/FONSI and its approval" of the permit revision. The court also found that the operator and federal respondents had not demonstrated that vacatur was likely to result in closure of the mine or power plant.
Diné Citizens Against Ruining Our Environment v. OSMRE, No. 15-1126 (10th Cir. Apr. 16, 2015)	On April 16, 2015, the Tenth Circuit Court of Appeals rejected the request by the mine's operator for a stay.
Diné Citizens Against Ruining Our Environment v. OSMRE, No. 12-cv-01275 (D. Colo. June 5, 2015)	The United States Office of Surface Mining Reclamation and Enforcement (OSM) and other federal defendants joined the owner of the Navajo Mine in New Mexico in appealing March and April decisions by the federal district court for the District of New Mexico that vacated the federal approval of a permit revision.

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Diné Citizens Against Ruining Our Environment v. OSMRE

Name and Date	Description
Diné Citizens Against Ruining Our Environment v. United States Office of Surface Mining Reclamation and Enforcement, No. 15-1191 (10th Cir. motion for voluntary dismissal Aug. 18, 2015)	The U.S. Office of Surface Mining Reclamation and Enforcement voluntarily dismissed its appeal. An appeal by the mine's operator, Navajo Transitional Energy Company, LLC, is still pending in the Tenth Circuit Court of Appeals.
Diné Citizens Against Ruining Our Environment v. United States Office of Surface Mining Reclamation and Enforcement, No. 15-1126 (10th Cir. motion to dismiss Aug. 20, 2015)	The appellees asked the Tenth Circuit to dismiss the mine operator's appeal as premature.

Sierra Club v. Energy Future Holdings Corp.

Name and Date	Description
Sierra Club v. Energy Future Holdings Corp. (W.D. Tex., filed May 1, 2012)	The Sierra Club filed a lawsuit against a coal-fired power plant near Waco, Texas, alleging that the plant violated particulate standards thousands of times over a four-year period in violation of Texas state law. The lawsuit alleges that the plant violated the opacity limit in the Texas State Implement Plan and the emissions limit in its operating permit. The Sierra Club alleges that between July 2007 and December 2010, the plant's two units violated the opacity limit more than 6,500 times.
Sierra Club v. Energy Future Holdings Corp., No. 12-cv-108 (W.D. Tex. Feb. 26, 2014)	After a three-day bench trial, the judge ruled from the bench for the defendants on February 26, 2014. The court found that plaintiff had not established that a penalty should apply and denied all requested relief. Defendants submitted proposed findings of fact and conclusions of law on March 10, 2014. The court entered final judgment on March 28, 2014.
Sierra Club v. Energy Future Holdings Corp., No. 6:12-cv-00108-WSS (W.D. Tex. Aug. 29, 2014)	The court ordered Sierra Club to pay $6.4 million in attorney fees, expert witness fees and costs to the owners of a coal-fired power plant in Texas. The court found that Sierra Club's claims in the citizen suit, which alleged particulate matter and opacity violations of the Clean Air Act, were frivolous, unreasonable, or groundless. The court noted that Sierra Club knew prior to filing its suit that the power plant was exempted from particulate matter deviations during maintenance, startup, and shutdown; that Sierra Club at trial failed to prove injury or causation for its lone standing witness; that Sierra Club persisted in keeping the parent company of the owner of the plant as a defendant even though Sierra Club knew it had no role in the ownership or operations of the plant; and that Sierra Club failed to analyze Texas Commission on Environmental Quality investigation reports that documented that there were no particulate matter or opacity violations. The court also rejected Sierra Club's argument that defendants' fees were unreasonable. Sierra Club has filed notices of appeal of the granting of the motion for fees and also of the judgment itself.

[continued on next page]

Sierra Club v. Energy Future Holdings Corp.

Name and Date	Description
In re Energy Future Holdings Corp., No. 14-10979 (Bankr. D. Del. order approving settlement Dec. 17, 2014; EFHC motion regarding settlement agreement Nov. 24, 2014)	The District of Delaware bankruptcy court approved a settlement agreement between Sierra Club and Energy Future Holdings Corporation (EFHC) and related entities. The agreement resolved a number of pending litigation proceedings, including a $6.45-million attorney fees award against Sierra Club. The fee award was ordered by a Texas federal district court after Sierra Club unsuccessfully pursued a Clean Air Act citizen suit related to a coal-fired power plant located in Texas. In return for EFHC's abandonment of its claim to the fee award, Sierra Club agreed to withdraw and release certain pending and threatened litigation concerning coal-fired plants run by EFHC and its affiliates and to withdraw certain Freedom of Information Act requests. EFHC agreed not to oppose Sierra Club's motion to intervene in a pending New Source Review case brought by the United States concerning two Texas power plants, but Sierra Club agreed to restrictions on the scope of its intervention.

Shell Gulf of Mexico Inc. v. Center for Biological Diversity

Name and Date	Description
Shell Gulf of Mexico, Inc. v. Center for Biological Diversity., No. 3:12-cv-00096 (D. Alaska, filed May 2, 2012)	Shell Oil filed a lawsuit in Alaska federal court seeking a declaration that the National Oceanic and Atmospheric Administration (NOAA) and the National Marine Fisheries Service (NMFS) properly issued it an "incidental harassment authorization" in connection with its oil exploration activities in the Chukchi and Beaufort Seas. The complaint alleges that the Center for Biological Diversity and seven other environmental organization have sought to prevent the company from drilling on the Alaska Outer Continental Shelf "by any means necessary" and that it is a "virtual certainty" that these groups will litigate the approvals of this authorization. Later in 2012, the court denied defendants' motion to dismiss and then granted plaintiffs' motion to voluntarily dismiss.
Shell Gulf of Mexico Inc. v. Center for Biological Diversity, Inc., No. 3:12-cv-00096 (D. Alaska, mot. denied July 2012; dismissed Jan. 2013)	The district court denied a motion to dismiss in July 2012. In January 2013, the action was dismissed without prejudice.
Shell Gulf of Mexico Inc. v. Center for Biological Diversity, Inc., No. 12-36034 (9th Cir. Nov. 12, 2014)	The Ninth Circuit dismissed an appeal of the denial of defendants' motion to dismiss. The court said the appeal was moot because the action had been voluntarily dismissed and because the legal issues had been addressed in a related matter, *Shell Gulf of Mexico Inc. v. Center for Biological Diversity, Inc.*, No. 13-35835 (9th Cir. Nov. 12, 2014).

Sanders-Reed v. Martinez

Name and Date	Description
Sanders-Reed v. Martinez (N.M. Dist. Ct. July 14, 2012)	In May 2011, Our Children's Trust, an environmental group, filed lawsuits and administrative petitions in several states, including New Mexico, requesting that the environmental agencies in these states adopt rules to reduce statewide GHG emissions from fossil fuels pursuant to the Public Trust Doctrine. After the lawsuit was filed, New Mexico moved to dismiss. In a brief order, a state court denied the motion, holding that plaintiffs had made a substantive allegation that the state is ignoring the atmosphere with respect to GHG emissions.
Sanders-Reed v. Martinez (N.M. Dist. Ct. July 4, 2013)	The court ruled from the bench on June 26, 2013 that the public trust doctrine did not apply because the New Mexico Environmental Improvement Board had made findings that there was no need to regulate the state's greenhouse gas emissions because that would have no impact on the issue of global warming or climate change. On July 4, 2013, summary judgment was filed in favor of defendants. Plaintiffs have filed a notice of appeal.
Sanders-Reed v. Martinez, No. 33,110 (N.M. Ct. App. Mar. 12, 2015)	The New Mexico Court of Appeals ruled that courts could not require the state to regulate greenhouse gas emissions based on a common law duty arising from the public trust doctrine. The ruling affirmed the 2013 trial court decision granting summary judgment to the state. The appellate court concluded that although the New Mexico constitution recognized a public trust obligation to protect natural resources, including the atmosphere, the obligation had been incorporated into and implemented by state constitutional and statutory provisions, including New Mexico's Air Quality Control Act. Therefore, the plaintiffs could not use a separate common law cause of action to make their arguments regarding the state's duty to protect the atmosphere. The appellate court noted that the plaintiffs had not appealed the New Mexico Environmental Improvement Board's repeal of restrictions on greenhouse gas emissions; nor had the plaintiffs proposed other greenhouse gas regulations pursuant to Air Quality Control Act.

Healdsburg Citizens For Sustainable Solutions v. City of Healdsburg

Name and Date	Description
Healdsburg Citizens for Sustainable Solutions v. City of Healdsburg (Cal. Ct. App. June 4, 2012)	A California state court awarded attorneys fees to a citizens group after the court granted in part its petition for a writ of mandate challenging an environmental impact report (EIR) under the California Environmental Quality Act of a resort development. In particular, the court found that the EIR was defective for failing to study the water demand associated with vegetation to be planted as part of the mitigation measures, failing to consider the project's aesthetic effects on local vista points and trails, and failing to consider a sufficient range of viable alternatives. However, the court rejected the group's challenge to the EIR's analysis of greenhouse gas emissions, among other things. The group moved for attorney's fees under state law, which the trial court partially granted on the grounds that the action had enforced an important right affecting the public, had conferred benefits on a large group, and the necessity of the action and the financial burden made the award appropriate. On appeal, the California Court of Appeals affirmed, holding that the award of $382,189.73 was appropriate.

American Fuel & Petrochemical Manufacturers v. EPA

Name and Date	Description
American Fuel & Petrochemical Manufacturers v. EPA (D.C. Cir., filed June 12, 2012)	Two energy industry groups filed a lawsuit challenging EPA's renewable fuel standards, specifically the agency's decision to require refiners to blend fuel with ethanol or pay the agency for waiver credits. The lawsuit was filed after EPA denied a petition from the groups seeking a waiver of the 2011 cellulosic fuel requirements under the standard. According to the petition, EPA's data revealed that no cellulosic fuel was available during 2011. The lawsuit alleges that the waiver denial amounts to a hidden fuel tax to consumers because it forced refiners to purchase credits representing a fuel that was inaccessible. In denying the petition, EPA said that the organizations had ample opportunity to raise their arguments in response to the two notices of proposed rulemaking but failed to do so.

Las Brisas Energy Center LLC v. EPA

Name and Date	Description
Las Brisas Energy Center LLC v. EPA (D.C. Cir., filed June 11, 2012); *White Stallion Energy Center LLC v. EPA* (D.C. Cir., filed June 12, 2012); *Sunflower Electric Power Co. v. EPA* (D.C. Cir., filed June 12, 2012); Utility Air Regulatory Group v. EPA (D.C. Cir., filed June 12, 2012); *Tri-State Generation and Transmission Association v. EPA* (D.C. Cir., filed June 12, 2012); *CTS Corp. v. EPA* (D.C. Cir., filed June 13, 2012); *Power4Georgians v. EPA* (D.C. Cir., filed June 12, 2012)	Several power plants and industry groups filed challenges to EPA's proposed carbon dioxide emissions standards for new power plants. Although EPA has not finalized the rule, the petitioners alleged that the rule constitutes final agency action because new plants that begin construction after April 13, 2012, the date the rule was proposed, would be subject to the carbon dioxide limit. The proposed rule would set a carbon dioxide emissions limit of 1,000 pounds per megawatt hour for all new power plants.
Las Brisas Energy Center LLC v. EPA (D.C. Cir. Dec. 13, 2012)	The D.C. Circuit dismissed as premature power industry challenges to EPA's proposed carbon dioxide emissions limits for new fossil fuel-fired power plants. The court held that given that these proposed standards are not final actions subject to judicial review. The proposed standards issued pursuant to CAA Section 111 would limit new fossil fuel-fired power plants to 1,0000 pounds of carbon dioxide emissions per megawatt hour. The proposal would not apply to existing or modified sources.

Coalition for a Safe Environment v. California Air Resources Board

Name and Date	Description
Coalition for a Safe Environment v. California Air Resources Board (EPA, filed June 8, 2012)	Environmental justice advocates filed a complaint with EPA alleging that California's economy-wide greenhouse gas emissions cap-and-trade program violates Title VI of the Civil Rights Act of 1964 because it adversely impacts low-income and minority neighborhoods. Specifically, the groups contend that CARB discriminated against communities of color when it adopted the cap-and-trade program because the residents of those neighborhoods will not benefit from the reduction in emissions the program is designed to achieve. At issue is the basic design of the trading program, which allow emitters to reduce emissions or purchase credits. Petitioners allege that allowing emitters to purchase credits does not result in emission reductions in neighborhoods in and around industrial facilities to reduce harmful air toxics that are emitted along with carbon dioxide.

In re Regional Greenhouse Gas Initiative

Name and Date	Description
In re Regional Greenhouse Gas Initiative (RGGI) No. A-4878-11T4 (N.J. Super. Ct, filed June 6, 2012)	Two environmental advocacy groups filed a lawsuit in New Jersey state court, alleging that the state's withdrawal from RGGI violated state procedural requirements for regulatory actions. In particular, the plaintiffs alleged that the state's action ignored the public notice-and-comment requirements of the New Jersey Administrative Procedure Act. In May 2011, New Jersey Governor Chris Christie announced that the state would terminate its participation in RGGI at the end of 2011, stating that the program was not effective in cutting emissions of carbon dioxide and had contributed to higher energy prices.
In re Regional Greenhouse Gas Initiative (RGGI), No. A-4878-11T4 (N.J. Super. Ct. App. Div. Mar. 25, 2014)	The New Jersey Superior Court, Appellate Division, agreed with Environment New Jersey and the Natural Resources Defense Council that the New Jersey Department of Environmental Protection (NJDEP) should have followed formal rulemaking procedures to repeal or amend regulations implementing the State's participation in the Regional Greenhouse Gas Initiative (RGGI). After Governor Chris Christie announced in 2011 that the State would withdraw from RGGI's carbon dioxide cap-and-trade program, NJDEP did not initiate formal repeal procedures for its RGGI regulations but instead posted a notice on its website that power plants would no longer be required to comply with the regulations' requirements as of January 2012. The appellate court rejected NJDEP's contention that it was not necessary to repeal the regulations because their only purpose was to implement New Jersey's participation in RGGI. The court determined that formal rulemaking was required because the regulations "are worded quite broadly and can be read to require action by [NJDEP] absent participation in a regional greenhouse program."

Rialto Citizens for Responsible Growth v. City of Rialto

Name and Date	Description
Rialto Citizens for Responsible Growth v. City of Rialto (Cal. Ct. App. July 31, 2012)	A citizens group commenced a lawsuit challenging the City of Rialto's approval of a 230,000 square foot Wal-Mart "Supercenter." The lawsuit alleged that the city violated the California Environmental Quality Act (CEQA) by issuing a final Environmental Impact Report (EIR) that inadequately analyzed the project's cumulative impacts on, among other things, GHG emissions. The trial court granted the petition and issued a decision invalidating the approval. On appeal, the appellate court reversed, holding that the city did not abuse its discretion in issuing the EIR. With respect to GHG emissions, the court held that the EIR adequately addressed the project's cumulative impacts on such emissions and properly concluded that the impacts were too speculative to determine.

Coalition for a Sustainable 520 v. U.S. Dept. of Transportation

Name and Date	Description
Coalition for a Sustainable 520 v. U.S. Dept. of Transp. (W.D. Wash. July 2012)	A community organization filed a lawsuit challenging a Final Environmental Impact Statement (FEIS) concerning a bridge to be constructed to replace an existing floating bridge across Lake Washington. Among other things, the organization alleged that the FEIS violated NEPA and Washington state law concerning GHG emissions by not rigorously exploring and evaluating all reasonable alternatives. The court disagreed, holding that the FEIS adequately discussed such alternatives. With respect to state law claims concerning GHG emissions, Washington State Department of Transportation, which was named as a defendant, claimed that it was immune from suit pursuant to the Eleventh Amendment. The court agreed and dismissed the agency.

Black Mesa Water Coalition v. Salazar

Name and Date	Description
Black Mesa Water Coalition v. Salazar (D. Ariz. July 11, 2012)	A coalition of Navajo and non-Native American community and conservation organizations challenged the approval of a mining permit by the Federal Office of Surface Mining Control and Enforcement. The matter was assigned to an administrative law judge. The coalition moved for a summary decision, alleging that the permit violated NEPA because, among other things, it failed to adequately analyze impacts related to climate change. The judge granted another party's motion for summary decision and held that he need not address the merits of the coalition's motion because the relief it sought had already been granted. The coalition subsequently moved for an award of attorneys' fees, which was denied. The coalition appealed the decision to the Interior Board of Land Appeals, which upheld it. The coalition then filed an action in federal court challenging the Board's decision. The district court upheld the Board's decision, holding that its conclusion that the coalition had not made a substantial contribution to the determination of the issues was not arbitrary and capricious.

American Petroleum Institute v. EPA

Name and Date	Description
American Petroleum Institute v. EPA (D.C. Cir., filed July 24, 2012)	A petroleum industry group filed a lawsuit concerning EPA's denial of petitions to waive requirements for refiners to blend cellulosic biofuel into their fuels in 2011. Previously, the group had asked EPA to waive the requirement under the renewable fuel standard to blend 6.6 million gallons of cellulosic biofuels into their fuels in 2011 because not enough fuel was available. In May 2012, EPA denied petitions seeking such relief, holding that petitioners should have raised this concern when the 2011 fuel standards were proposed.
American Petroleum Institute v. EPA (D.C. Cir. Dec. 17, 2012)	The D.C. Circuit partially dismissed a lawsuit challenging EPA's renewable fuel standard for 2011, holding that the industry group that filed the lawsuit did not file it within 60 days as required. However, a portion of the lawsuit challenging the agency's decision to deny industry petitions to waive the cellulosic ethanol component of the renewable fuel standard for 2011 will be allowed to proceed.

Sierra Club v. San Diego County

Name and Date	Description
Sierra Club v. San Diego County (Cal. Super. Ct., filed July 20, 2012)	The Sierra Club filed a lawsuit challenging San Diego County's greenhouse gas review standards and a climate action plan. The lawsuit alleges that the county violated CEQA by approving a standard of review for future development concerning GHGs and a climate action plan that fail to support achieving minimum climate stabilization requirements, approving such documents without substantial supporting evidence, and doing so without properly involving or notifying the public.
Sierra Club v. San Diego County (Cal. Super. Ct. April 19, 2013)	In April 2013, the court set aside the County's approval of the CAP. The court held that the CAP was not properly approved because it should have been subject to a supplemental EIR. (The county had concluded in an addendum to the program EIR for the County's 2011 General Plan Update (GPU) that the CAP fell within the program EIR's scope.) The court further held that even if the CAP had been properly approved, it failed to meet the mitigation obligations in the program EIR for the GPU, which required the County to set detailed greenhouse gas emissions reduction targets and deadlines and to implement enforceable GHG emissions reduction measures. Noting that the CAP describes itself as a "living document" and as a "a platform for the County to build strategies to meet its emission-reduction targets," the court stated: "There is no time for 'building strategies' or 'living documents;' as the PEIR quite rightly found, enforceable mitigation measures are necessary now."
Sierra Club v. San Diego County, No. D064243 (Cal. Ct. App. Oct. 29, 2014)	The California Court of Appeal affirmed. The appellate court agreed with the trial court that the County had erred in assuming that the CAP was within the scope of the County's 2011 GPU. The 2011 GPU included mitigation measures, including one that committed the County to preparing a CAP that included detailed greenhouse gas emissions reduction targets and deadlines and enforceable emissions reductions measures. The appellate court ruled that the CAP did not comply with these requirements. Moreover, because the CAP itself was a "plan-level document" that would facilitate additional development that would not be required to undergo additional review, a supplemental EIR should have been prepared for the CAP and the CAP should have included enforceable mitigation measures. In March 2015, the California Supreme Court denied a petition for review.

WildEarth Guardians v. Public Service Co. of Colorado

Name and Date	Description
WildEarth Guardians v. Public Service Company of Colorado (10th Cir. August 10, 2012)	The Tenth Circuit dismissed as moot a lawsuit brought by an environmental group that alleged that Colorado's largest utility violated the Clean Air Act by failing to obtain a valid construction permit for a new coal-fired power plant in Pueblo, Colorado. Specifically, the court held that the company has come into compliance with the existing regulatory scheme, and thus the CAA allegations were moot. The group alleged that the construction of the plant violated the CAA because the company's construction permit lacked required provisions on mercury emissions. In 2008, the D.C. Circuit in *New Jersey v. EPA* rejected the agency's scheme for controlling mercury emissions from power plants and required regulators to impose additional CAA requirements for new plant construction. After this decision was issued, the company worked with the relevant agencies to come into compliance with the modified regulatory regime during the construction of the plant. As a result, the violations alleged by the environmental group were found to be not reasonably likely to recur, thus rendering the lawsuit moot.

Louisiana Dept. of Env. Quality v. EPA

Name and Date	Description
Louisiana Dept. of Env. Quality v. EPA (5th Cir., filed June 22, 2012)	The Louisiana Department of Environmental Quality filed a lawsuit alleging that EPA erroneously rejected state-issued CAA permits that for the first time include GHG limits. The lawsuit contests EPA's March 23, 2012 order disapproving Title V operating permits for a steel plant in St. James Parrish, Louisiana. The agency rejected the permits because it stated that the plant's cumulative emissions impacts were underestimated by dividing the plant's operations into two permits instead of aggregating them. Among other things, the lawsuit alleges that the permits meet the minimum requirements of the CAA and that EPA's objection was untimely.

American Petroleum Institute v. EPA

Name and Date	Description
Am. Petroleum Inst. v. EPA (D.C. Cir., filed Sept. 2012)	A coalition of industry groups filed a lawsuit challenging EPA's 2012 cellulosic ethanol requirements set under the renewable fuel program. The petitioners allege that the agency's projections for cellulosic biofuels are unrealistic, as they require refiners to blend 8.65 million gallons of such fuel into the national gasoline supply this year even though only a little over 20,000 gallons have thus far been produced. Refiners will be required to pay penalties for not purchasing the biofuel even if it is not commercially viable.
Am. Petroleum Inst. v. EPA (D.C. Cir. Jan. 25, 2013)	The D.C. Circuit vacated a decision by EPA that petroleum refiners blend 8.65 million gallons of cellulosic biofuel into the gasoline supply in 2012 as part of its renewable fuel standard, holding that the agency must set blending mandates that reflect actual production estimates and not ones that are merely aspirational. According to EPA, the industry produced only 20,069 gallons of such oil in 2012. According to petroleum refiners, the lack of such fuel would require them to purchase $8 million worth of renewable fuel credits from EPA because no such fuel was available. The court held that that Congress intended the Energy Independence and Security Act to drive the development of the cellulosic ethanol industry and that the statute required EPA to produce a projection that aims at accuracy. The law originally required that 500 million gallons be produced in 2012. This was lowered by the agency to 8.65 million gallons.

Luminant Generation Co. v. EPA

Name and Date	Description
Luminant Generation Co. v. EPA (5th Cir., filed Sept. 11, 2012)	The owner of two power plants in Texas filed a petition with the Fifth Circuit seeking a review of an EPA finding that violated Texas's clean air plan. EPA's review alleged that the company modified the two plants without obtaining appropriate permits under the Texas Title V permit process. EPA also alleged that the company failed to use best available control technology at the plants and that its actions resulted in significant emissions of sulfur dioxide and nitrogen oxides at the two facilities.
Luminant Generation Co. v. EPA, No. 12-60694 (5th Cir. July 3, 2014)	The Fifth Circuit Court of Appeals ruled that it did not have subject matter jurisdiction over petitions for review of notices of violation issued by the U.S. Environmental Protection Agency (EPA) to the operator of coal-fired power plants in Texas. The Fifth Circuit said that issuance of the notice did not commit EPA to any particular course of action, that the notice imposed no new legal obligations on the operator, that under the Clean Air Act a "notice" was distinct from an "order" (which could be a reviewable final action), and that the operator could challenge the adequacy of the notice as a defense in the pending enforcement action in federal district court.

American Petroleum Institute v. EPA

Name and Date	Description
American Petroleum Institute v. EPA (D.C. Cir., filed Sept. 2012)	A coalition of industry groups filed a lawsuit challenging an EPA rule that maintains the existing GHG emissions permitting thresholds concerning the agency's tailoring rule, which limits GHG permitting to the largest industrial sources. On July 12, EPA issued the third step of the tailoring rule, retaining the existing permitting thresholds of Title V and prevention of significant deterioration emissions permits. New facilities that emit 100,000 tons per year of carbon dioxide-equivalent and existing facilities that increase their emissions by 75,000 tons per year of carbon-dioxide equivalent will be required to obtain prevention of significant deterioration and Clean Air Act Title V operating permits. According to EPA, it is retaining those existing permitting thresholds because state permitting authorities need more time to develop the infrastructure necessary to issue GHG permits.
American Petroleum Institute v. EPA (D.C. Cir. May 10, 2013)	The D.C. Circuit granted a motion requesting that this action be held in abeyance pending the U.S. Supreme Court's disposition of *Utility Air Regulatory Group v. EPA* and related petitions. The Utility Air Regulatory Group and numerous other parties filed petitions for writs of certiorari for review of the D.C. Circuit's June 2012 decision in *Coalition for Responsible Regulation, Inc. v. EPA* that upheld EPA's GHG permitting program for stationary sources and other EPA regulation of GHG emissions.
American Petroleum Institute v. EPA, No. 12-1276 (D.C. Cir. Feb. 18, 2016)	The American Petroleum Institute and other petitioners voluntarily dismissed a petition filed in 2012 to challenge Step 3 in EPA's "tailoring rule," which addressed thresholds for regulating greenhouse gas emissions from large stationary sources. The proceeding had been held in abeyance since 2013. The Supreme Court's 2014 decision in *Utility Air Regulatory Group v. EPA* made the tailoring rule invalid.

Sierra Club v. 22nd District Agricultural Association

Name and Date	Description
Sierra Club v. 22nd District Agricultural Association (Cal. Super. Ct. Oct. 2, 2012)	A California state court held that an environmental impact report performed on a renovation project at a fairgrounds failed to describe all GHG emissions resulting from its operations. The lawsuit challenged the impact report, prepared pursuant to the California Environmental Quality Act (CEQA), which excluded the fairgrounds' baseline GHG emissions from its traffic assessment on the grounds that the portion of the roadway traffic attributable to the facility was unknown and thus could not be estimated. The court rejected this, holding that a good-faith effort, supported by factual data, was required.

Agriculture Business & Labor Educational Coalition of San Luis Obispo County v. County of San Luis Obispo

Name and Date	Description
Agriculture, Business & Labor Educational Coalition of San Luis Obispo County v. County of San Luis Obispo (Cal. Ct. App. Oct. 30, 2012)	A coalition of community groups commenced an action concerning San Luis Obispo County's negative declaration pursuant to CEQA concerning a series of amendments to the county's land use regulations concerning "smart growth" principles. The coalition alleged that an environmental impact statement was required given that the amendments would have a significant impact on the environment. Among other things, the coalition alleged that the amendments would lead to an increase in GHG emissions. After a trial, the trial court entered judgment in favor of the county. On appeal, the appellate court affirmed, holding that the coalition failed to cite to any evidence that would demonstrate that the amendments would have a significant environmental impact.

Chung v. City of Monterey Park

Name and Date	Description
Chung v. City of Monterey Park (Cal. Ct. App. Oct. 23, 2012)	An individual commenced a lawsuit challenging Monterey Park City Council's decision to place a measure on the ballot that would require the city to seek competitive bids for trash service without first performing an environmental review pursuant to CEQA. The trial court dismissed the suit, determining that the measure was not a "project" within the meaning of CEQA and therefore the measure did not require environmental review before being placed on the ballot. On appeal, the appellate court affirmed on identical grounds.

San Diego Navy Broadway Complex Coalition v. Dept. of Defense

Name and Date	Description
San Diego Navy Broadway Complex Coalition v. Dept. of Defense (S.D. Cal. Oct. 17, 2012)	A community group commenced a lawsuit against the Department of Defense concerning its revocation of Naval administrative facilities in downtown San Diego that included the development of 3.25 million square feet of space. Among other things, the coalition alleged that a 2009 environmental assessment prepared pursuant to NEPA failed to address climate change impacts related to the development, alleging that the project will emit approximately 69,000 metric tons of GHGs and that the assessment failed to quantify any proposed reduction in GHG emissions. The court granted defendant's motion for summary judgment, holding that the assessment set forth an 11-page discussion of climate change issues which included a discussion of actions to be taken to reduce the number of vehicle trips, building energy efficiency, vehicle fuel efficiency, and renewable energy.

Colorado River Cutthroat Trout v. Salazar

Name and Date	Description
Colorado River Cutthroat Trout v. Salazar (D.D.C. Oct. 16, 2012)	Several environmental groups commenced an against the Fish and Wildlife Service (FWS) concerning its finding that listing the Colorado River Cutthroat Trout as endangered or threatened under the Endangered Species Act was not warranted at this time. Among other things, plaintiffs alleged that the FWS did not consider the impact of climate change in assessing threats to the species. Both sides moved for summary judgment. The district court granted the FWS' motion, holding that the agency's finding was not contrary to the Endangered Species Act nor was it arbitrary and capricious. In particular, the court held that there was no requirement that the agency discuss climate change in its listing decisions and that it was reluctant to impose such a requirement where the issue was not raised in the plaintiffs' comments to the agency.

Bell v. Cheswick Generating Station

Name and Date	Description
Bell v. Cheswick Generating Station (W.D. Penn. Oct. 12, 2012)	A federal district court in Pennsylvania held that neighboring landowners of a coal-fired power plant are not entitled to monetary damages and injunctive relief for damage the plant allegedly caused to their property under common law tort theories because the Clean Air Act preempted their claims. Two individuals filed suit against the power plant on behalf of a putative class of at least 1,500 neighbors, alleging that emissions from the plant damaged their property and those living within a 1-mile radius of it. Specifically, the plaintiffs complained of odors and coal dust which allegedly required them to clean their properties constantly. The court granted the plaint's motion to dismiss, holding that to grant the plaintiffs' relief would require the court to alter the emissions standards for the plant under the Clean Air Act, something that would impermissibly encroach on and interfere with the CAA's regulatory scheme.

WildEarth Guardians v. Lamar Utilities Board

Name and Date	Description
WildEarth Guardians v. Lamar Utilities Board (D. Colo. Sept. 28, 2012)	A federal district court in Colorado held that a coal-fired power plant violated the Clean Air Act by not meeting the maximum achievable control technology (MACT) standard. In 2004, the authority that owned the plant decided to upgrade the plant and change it from a natural gas-fired plant to a coal-fired one, which would have the effect of increasing its generating capacity. Subsequently, EPA directed the authority to obtain a new source MACT determination. The authority argued that it did not have to obtain such a determination because it was not a major source of hazardous air pollutants. The court disagreed, finding that the plant was a major source of hazardous air pollutants and thus violated the MACT standard.
WildEarth Guardians v. Lamar Utilities Board (D. Colo. Mar. 21, 2013)	The court denied the parties' motion for reconsideration, exception for granting plaintiff's motion in one minor respect by retracting a comment in a footnote.
WildEarth Guardians v. Lamar Utilities Board (D. Colo. July 11, 2013)	On July 11, 2013, the court granted a motion to stay proceedings until September 2013 to allow EPA and the U.S. Attorney General the statutorily-mandated 45 days to review a proposed consent decree lodged with the court on July 2, 2013. The proposed consent decree provides that the plant will be shut down until 2022 and requires defendants to pay $325,000 for attorneys' fees as well as $125,000 for a supplemental environmental project intended to improve air quality, enhance energy efficiency, or develop clean energy.

Reyes v. EPA

Name and Date	Description
Shurtleff v. EPA (D.D.C. Sept. 25, 2012)	The Attorney General of Utah commenced a lawsuit against EPA pursuant to the Freedom of Information Act (FOIA) seeking documents concerning the agency's so-called "endangerment" finding that concluded that greenhouse gases could be regulated under the Clean Air Act. EPA withheld certain documents, claiming that such documents were except from disclosure. After the lawsuit was filed, EPA moved for summary judgment. A magistrate judge recommended that the motion be granted in part, holding that the agency adequately conducted a search of relevant documents concerning the FOIA request, but that certain documents withheld pursuant to the attorney-client privilege should be disclosed.
Shurtleff v. EPA (D.D.C. Sept. 30, 2013)	The district court accepted in large part the recommendations of the magistrate judge but rejected the conclusion that EPA's search of relevant documents had been adequate for all portions of the FOIA request. The court found that EPA had not included some portions of the request in one of the three "phases" into which it had divided most of the request, and that for those undesignated portions it had not provided detail about the types of searches, search terms, methods or processes used. The court ordered EPA to perform new searches for responsive documents or to provide proof that its earlier search had met the adequacy standard. The court otherwise rejected plaintiff's arguments that any delay in response constituted a basis for denying EPA summary judgment and that EPA should have searched files of additional employees and offices where EPA explained its basis for limiting its search. The court also denied plaintiff's motion to supplement the record with correspondence between EPA and Congress regarding the EPA administrator's use of "alias email accounts," citing EPA's statement that the FOIA search had encompassed documents in both the administrator's official and internal e-mail accounts. The court also declined to order the disclosure of the internal e-mail address or the e-mail addresses of employees in the Executive Office of the President. The court accepted the recommendation that for 17 documents withheld under the claim of attorney-client privilege, EPA must either disclose such documents or submit supplemental materials explaining in sufficient detail why such documents are subject to the privilege. On the other hand, the court found that EPA had adequately supported the withholding of attorney comments and edits on EPA's response to comments under the work product doctrine where EPA had received "a flood of comments" attacking its proposed endangerment finding, indicating the likelihood of litigation. The court also agreed with the magistrate judge that EPA fulfilled its FOIA obligations by directing plaintiff to publicly available documents and was not required to identify specific responsive documents.

Reyes v. EPA

Name and Date	Description
Reyes v. EPA, No. 1:10-cv-02030-EGS (D.D.C. June 13, 2014)	The district court granted EPA's renewed motion for summary judgment. EPA renewed its motion after completing the tasks required by the court in its September 2013 decision partially granting and partially denying summary judgment. The court found that EPA's "detailed, non-conclusory" affidavits established that EPA's search satisfied the reasonableness standard. Plaintiff's arguments that the search was not adequate because of lack of detail, unexplained methodology, and failure to search all relevant locations and the files of all relevant individuals were not persuasive. The court also found that EPA's justification for withholding documents on the basis of attorney-client privilege was adequate.

Californians for Renewable Energy v. Dept. of Energy

Name and Date	Description
Californians for Renewable Energy v. Dept. of Energy (D.D.C. May 17, 2012)	A nonprofit renewable energy group filed a lawsuit against the Department of Energy (DOE), alleging that the agency had failed to promulgate regulations concerning the American Recovery and Reinvestment Act's modification to the Energy Policy Act as to the selection of applicants for loan guarantees and implementation of the renewable energy program. The program permits the Secretary of Energy to guarantee loans for energy projects that reduce or otherwise eliminate GHG emissions. The district court granted DOE's motion to dismiss, holding that generalized allegations that the group would suffer environmental harms were insufficient to demonstrate an injury.

Petition to Massachusetts DEP

Name and Date	Description
Petition to Massachusetts DEP (Mass. DEP, filed Nov. 1, 2012)	Massachusetts students filed a petition calling for Massachusetts to ensure that carbon dioxide emissions from fossil fuel are reduced by 6 percent per year beginning in 2013 and to consider ways to reduce GHG emissions by more than 25 percent by 2020. The petition calls on Massachusetts Department of Environmental Protection to expand its existing GHG reporting program to include every substantial source of GHGs in Massachusetts, and to adopt implementing regulations.

Mann v. National Review Inc.

Name and Date	Description
Mann v. National Review, Inc. (D.C. Super. Ct., filed Oct. 24, 2012)	Michael Mann, an influential climatologist who was accused of manipulating climate change data, filed a defamation lawsuit against the National Review and Competitive Enterprise Institute for accusing him of academic fraud and for comparing him to convicted child molester Jerry Sandusky.
Mann v. National Review, Inc. (D.C. Super. Ct. July 19, 2013) (denying motion by *National Review* defendants) ***Mann v. National Review, Inc.*** (D.C. Super. Ct. July 19, 2013) (denying motion by CEI defendants)	The court denied defendants' motions to dismiss the defamation lawsuit brought by the climatologist and Pennsylvania State University professor Michael Mann against *National Review*, the Competitive Enterprise Institute, and individual writers in connection with pieces published about Mann and his work that, among other things, called his work "intellectually bogus," referred to Mann as the "ringmaster of the tree-ring circus," and compared Penn State's investigation of Mann's work to the university's handling of the Jerry Sandusky scandal. In orders denying motions to dismiss by the *National Review* defendants and the Competitive Enterprise Institute defendants, the court—though calling it a "very close case"—found that the defendants' statements were "not pure opinion but statements based on provably false facts" and that the evidence demonstrated "something more and different tha[n] honest or even brutally honest commentary." The court found that further discovery was warranted because there was "sufficient evidence to demonstrate some malice or the knowledge that the statements were false or made with reckless disregard as to whether the statements were false."

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Mann v. National Review Inc.

Name and Date	Description
Mann v. National Review, Inc. (D.C. Super. Ct. Aug. 30, 2013)	The court denied the National Review defendants' motion for reconsideration of the court's July 2013 decision denying their motion to dismiss. The court rejected the National Review defendants' contention that the denial of the motion to dismiss was grounded in the court's "mistaken belief" that the National Review defendants, as opposed to the CEI defendants, had induced EPA to investigate Mann's work and had criticized Mann for many years. The court concluded that any confusion over whether it was the CEI defendants or the National Review defendants who criticized Mann and who induced the EPA investigation was not a "material mistake" because those facts were not the basis for the court's July 2013 decision. The court reiterated its view that at this stage the evidence demonstrated "something more than mere rhetorical hyperbole" on the part of the National Review defendants in their criticisms of Mann. The court also rejected the argument that it should dismiss Mann's claim for intentional infliction of emotional distress (IIED). The court found the absence of analysis of this claim in the earlier decision (which focused on the defamation claim) to be inconsequential, given the similarities between IIED and defamation.
Mann v. National Review, Inc. (D.C. Super. Ct. Sept. 12, 2013)	The court denied the defendants' joint motion to certify for appeal the court's July 2013 orders denying their motions to dismiss. In an order signed by the new judge assigned to the case after Judge Natalia M. Combs Greene's retirement, the court ruled that the order denying the motions to dismiss did not meet the criteria for interlocutory review. The court noted that while the case "undoubtedly involves complex and important issues at the intersection of the First Amendment and the common law of defamation as applied to public figures," the controlling questions of law were "relatively settled." The court further noted that D.C.'s Anti-SLAPP (Strategic Lawsuit Against Public Participation) Act did not provide for interlocutory appeal. While noting that certification for appeal followed by reversal of the July 2013 decision could hasten the termination of the lawsuit, the court stated that "in the court's view, reversal is unlikely, and it is more likely that an interlocutory appeal would unnecessarily prolong the litigation."

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Mann v. National Review Inc.

Name and Date	Description
Mann v. National Review (D.C. Super. Ct. Sept. 20, 2013)	The court denied the Competitive Enterprise Institute defendants' motion for reconsideration of the July 2013 decision denying their motion to dismiss.
Mann v. National Review (D.C. Ct. App. Dec. 19, 2013)	The District of Columbia Court of Appeals dismissed the appeals of the D.C. Superior Court's decisions as moot, given that Mann had filed an amended complaint and defendants had filed new motions to dismiss.
Mann v. National Review (D.C. Super. Ct. Jan. 22, 2014)	The District of Columbia Superior Court again denied motions to dismiss Mann's lawsuit. The motions were directed at an amended complaint filed before the July 2013 decisions that denied motions by *National Review* and CEI to dismiss the original complaint. The "substantive" difference between the original complaint and the amended complaint was Mann's assertion of one additional count, libel *per se*. In denying the motions, the new judge in the case (who replaced the retired Judge Combs Greene) ruled that, "regardless of whether the rulings embodied in the non-final orders of July 19, 2013, should be treated as 'law of the case,'" he agreed with Judge Combs Greene's conclusion that Mann had shown sufficient likelihood of success to defeat the special motion to dismiss the six counts in the original complaint under D.C.'s Anti-SLAPP (Strategic Lawsuit Against Public Participation) Act. With respect to the new libel *per se* count, the court said that while some of defendants' statements about Mann and his research were protected as "opinions and rhetorical hyperbole," other statements—such as statements that Mann "molested and tortured data" or statements calling Mann's work "fraudulent"—were "assertions of fact" that would be defamatory if proven false and would be actionable if made with actual malice. The court found that "[v]iewing the facts in the light most favorable to plaintiff, a reasonable jury is likely to find in favor of the plaintiff." National Review, CEI, and individual defendant Rand Simberg have filed notices of appeal for the January 22 decision.

Plant Oil Powered Diesel Fuel Systems Inc. v. Dept. of Transportation

Name and Date	Description
Plant Oil Powered Diesel Fuel Systems, Inc. v. Dept. of Transportation (D.C. Cir. Oct. 23, 2012)	A clean diesel company filed a lawsuit challenging EPA's and the Department of Transportation's joint fuel economy greenhouse gas emissions standards for passenger vehicles and heavy-duty truck. In particular, the lawsuit alleges that the regulations only measure greenhouse gases from the tailpipe and do not account for producing the fuels.
Delta Construction Co. v. EPA, Nos. 11-1428, 11-1441, 12-1427; *California Construction Trucking Association, Inc. v. EPA*, No. 13-1076 (D.C. Cir. Apr. 24, 2015)	The D.C. Circuit dismissed challenges to federal greenhouse gas emissions and fuel economy standards for cars and trucks. The regulations were issued by the U.S. Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA). The car standards were finalized in 2010, and the D.C. Circuit had already upheld them once in 2012. The truck standards were finalized in 2011. The D.C. Circuit said the petitioners who claimed that EPA had violated the Clean Air Act by failing to provide the car and truck regulations to the Science Advisory Board prior to publication had not established standing. The court said the plaintiffs had not demonstrated causation or redressability for the alleged injury—increased cost to purchase vehicles—because even in the absence of the EPA standards, the "substantially identical" NHTSA regulations would continue to apply. The court also dismissed challenges to the truck standards brought by "a business that promotes the use of vegetable oil in place of traditional diesel fuel"; the company alleged that the standards made its products economically infeasible and claimed that the regulations were arbitrary and capricious because, among other reasons, they ignored lifecycle greenhouse gas emissions. The D.C. Circuit said it did not have original jurisdiction over the company's claim against NHTSA because under NHTSA regulations, the company's request for reconsideration of the truck standards had been deemed a petition for rulemaking; jurisdiction for review of denials of petitions for rulemaking is in the district courts. With respect to the claim against EPA, the D.C. Circuit said that the company did not fall within the zone of interests protected by the statute.

Peabody Western Coal Co. v. EPA

Name and Date	Description
Peabody Western Coal Co. v. EPA (D.C. Cir., filed Oct. 19, 2012)	A coal company sought review of EPA's approval of its Title V operating permit for a surface coal mining operation on a Navajo tribal reservation in Arizona and the agency's Environmental Appeals Board's subsequent denial of the company's petition for review. The company objected to the permit issued by the Navajo Nation Environmental Protection Agency under authority delegated to it by EPA. The company objected to the permit on the ground that the tribal agency should have cited only federal regulations rather than tribal regulations. The EAB rejected this argument, stating that state agencies with delegated authority may cite both state and federal laws.

Farb v. Kansas

Name and Date	Description
Farb v. Kansas (Kansas Dist. Ct., filed Oct. 18, 2012)	Our Children's Trust, an environmental group, filed a lawsuit in Kansas claiming that the state has an obligation to help prevent climate change and to reduce carbon dioxide emissions under the Public Trust Doctrine. The group has filed a series of lawsuits and petitions in several states, requesting that the environmental agencies in these states adopt rules to reduce statewide GHG emissions from fossil fuels pursuant to the Public Trust Doctrine.

Competitive Enterprise Institute v. EPA

Name and Date	Description
Competitive Enterprise Institute v. EPA (D.D.C. Sept. 28, 2012)	A conservative think tank filed a lawsuit against EPA pursuant to FOIA seeking disclosure of records relating to its top administrators' nonpublic email accounts concerning climate change. The complaint seeks documents related to the agency's alleged "campaign against coal-fired power" which the complaint alleged was exhibited through EPA limits on air toxics emissions generated by coal-fired power plants and EPA's so-called "endangerment" finding that GHG emissions pose a danger to public health.
Competitive Enterprise Institute v. United States Environmental Protection Agency, Civil Action No. 12-1617 (D.D.C. Jan. 29, 2014)	In late January 2014, the district court for the District of Columbia ruled that EPA—having produced more than 10,000 documents and complied with the court's orders to prepare sample *Vaughn* indices detailing the basis for withholding all or portions of documents—had in large part complied with Freedom of Information Act (FOIA), stating: "For the most part, … CEI speaks loudly and carries a small stick. Despite the group's bold claims, the law and the record show that EPA has almost entirely complied with its obligations under FOIA and that it is entitled to summary judgment on nearly every count. Still, CEI scores a few stray hits, and the Court will require EPA to polish off these last details before it terminates the case." The "last details" involved providing additional information in two instances regarding e-mail addresses used by former EPA administrator and White House advisor Carol Browner in communications with EPA and providing a justification for withholding one of 25 documents that EPA apparently excluded inadvertently in the preparation of the sample *Vaughn* indices.

Petition to BLM to Require Reductions of Emissions of Methane Gas

Name and Date	Description
Petition to BLM to Require Reductions of Emissions of Methane Gas (BLM, filed Sept. 11, 2012)	Three environmental groups filed a petition with the Bureau of Land Management calling on the agency to require oil and gas companies operating on public lands to reduce their methane emissions. The petition urges the agency to require such companies to install readily available pollution control measures that would reduce methane gas leaked into the atmosphere during the drilling process. According to the petition, approximately 126 billion cubic feet of gas are vented and flared from federal oil and gas leases every year.

Sierra Club v. County of Tehama

Name and Date	Description
Sierra Club v. County of Tehama (Cal. Ct. App. Nov. 30, 2012)	An environmental group filed a lawsuit alleging that Tehama County's general plan update violated CEQA by, among other things, misrepresenting greenhouse gas emissions in its EIR. The trial court denied the petition. On appeal, the appellate court affirmed, holding that the methodology for quantifying such emissions in the EIR was supported by substantial evidence.

Merced Alliance for Responsible Growth v. City of Merced

Name and Date	Description
Merced Alliance for Responsible Growth v. City of Merced (Cal. Ct. App. Nov. 29, 2012) (petition for review denied March 13, 2013)	A community group challenged the City of Merced's approval of a regional distribution center in the city boundaries. The petition alleged that the EIR prepared for the proposed project did not address the project's impact on greenhouse gases and climate change. The state trial court dismissed the petition. On appeal, the appellate court affirmed, holding that that EIR adequately addressed these issues.

Habitat and Watershed Caretakers v. City of Santa Cruz

Name and Date	Description
Habitat and Watershed Caretakers v. City of Santa Cruz (Cal. Ct. App. Feb. 19, 2013)	A community group filed a lawsuit alleging that the City of Santa Cruz failed to comply with CEQA when it certified an EIR to amend the city's "sphere of influence" to include an undeveloped portion of the University of California at Santa Cruz campus to provide water and sewer services to a new development. Among other things, the petition alleged that the EIR did not adequately address the impacts of the project on the environment, including climate change. The trial court dismissed the petition. On appeal, the appellate court reversed, holding that the EIR inadequately addressed feasible alternatives to the project.

American Petroleum Institute v. EPA
American Fuel & Petroleum Manufacturers v. EPA

Name and Date	Description
American Petroleum Institute v. EPA (D.C. Cir., filed Nov. 26, 2012) *American Fuel & Petroleum Manufacturers v. EPA* (D.C. Cir., filed Nov. 21, 2012)	Two industry associations filed lawsuits against EPA challenging the agency's 2013 volume requirements for biomass-based diesel fuel. The final rule mandates the use of 1.28 billion gallons of biodiesel in 2013, a 28% increase from the 2012 requirement. According to the lawsuits, the costs for producing the fuel greatly outweigh the benefits and fraudulent biofuel credits undermine the program.

NYU Institute for Policy Integrity Notice of Intent to Sue

Name and Date	Description
Notice of Intent to Sue (EPA, filed Nov. 27, 2012)	New York University's Institute for Policy Integrity served a notice of intent to sue EPA for its failure to propose and adopt regulations for a cap-and-trade system limiting emissions from motor vehicle and aircraft fuels. In 2009, the group served a petition on the agency asking EPA to making a finding under Section 211 of the CAA that emissions from motor fuels could endanger public welfare and then propose a cap-and-trade system to control emissions from fuels used in mobile sources. It also asked that the agency make a finding under Section 231 that aircraft emissions endanger public welfare and then propose a joint rulemaking with the Federal Aviation Administration to incorporate aircraft fuels into the cap-and-trade system. EPA failed to act on the petition, prompting the notice of intent to sue.

American Forest & Paper Association v. EPA

Name and Date	Description
American Forest & Paper Association v. EPA (D.C. Cir., filed Nov. 16, 2012)	An industry group filed a lawsuit alleging that the emissions factors developed by EPA as part of its GHG reporting requirements for paper mills and biomass-fired boilers exceed actual measured emissions and should be revised. According to the lawsuit, emissions factors the agency requires paper mills and boilers to use when calculating their methane and nitrous oxide emissions greatly overstate actual emissions. EPA's greenhouse gas reporting rule requires facilities such as power plants, petroleum refineries, and manufacturing plants with emissions greater than 25,000 tons per year to submit annual reports.

California Chamber of Commerce v. California Air Resources Board
Morning Star Packing Co. v. CARB

Name and Date	Description
California Chamber of Commerce v. California Air Resources Board (Cal. Super. Ct., filed Nov. 13, 2012)	The California Chamber of Commerce filed a lawsuit seeking to invalidate the state's auction of GHG emissions allowances, alleging that the California Air Resources Board (CARB), which runs the auctions, lacks authority to do so under A.B. 32. The lawsuit alleges that the allowances are illegal taxes and that, in adopting A.B. 32, state lawmakers did not intend for CARB to raise revenue through an auction mechanism. The suit was filed the day before the auction took place, and no injunctive relief was sought.
Morning Star Packing Co. v. CARB (Cal. Super. Ct., filed April 16, 2013)	Petitioners-plaintiffs, which are California residents, businesses, trade associations, and advocacy groups, seek an order enjoining and requiring California to rescind the "revenue-generating auction provisions" of its GHG emissions cap and trade program and a declaration that the cap and trade program's auction provisions are not authorized by statute or, alternatively, that they constitute illegal taxes under the California Constitution.
Morning Star Packing Co. v. CARB (Cal. Super. Ct. July 23, 2013)	The court denied the National Federation of Independent Business's motion to intervene in the case on the grounds that its application was too late, that it lacked a direct interest in the case, and that its interests in the litigation were adequately represented by other parties.
California Chamber of Commerce v. California Air Resources Board (Cal. Super. Ct. Aug. 27, 2013)	The court issued a joint tentative decision and order for appearances. The court tentatively held that the auction provisions of the cap-and-trade regulations were within the scope of authority that A.B. 32 delegated to CARB. The court heard oral argument on August 28 on the question of whether the sale of allowances constitutes a tax requiring approval by a two-thirds supermajority of the California State Legislature under Proposition 13. In its tentative ruling, the court identified six sets of questions to be addressed at oral argument, including whether auction of allowances regulates greenhouse gas emissions in ways that free distribution of allowances would not, and whether the planned or actual use of the auction proceeds matters for purposes of determining whether the sale of allowances is a tax.

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California Chamber of Commerce v. California Air Resources Board
Morning Star Packing Co. v. CARB

Name and Date	Description
California Chamber of Commerce v. California Air Resources Board; *Morning Star Packing Co. v. California Air Resources Board* (Cal. Super. Ct. Nov. 12, 2013)	The California Superior Court issued a ruling denying the two petitions. The court was not persuaded by the petitioners' argument that the text, structure, and legislative history of AB 32—the statute creating California's GHG reduction program—showed that the California Legislature did not intend to authorize the sale of allowances. The court instead found that AB 32 broadly delegated to the California Air Resources Board the authority to design a system for distributing emissions allowances. The court also rejected the contention that the sale of allowances constituted an unconstitutional tax because AB 32 was not passed by a supermajority of the legislature. The court held that "[o]n balance" the charges for emissions allowances "are more like traditional regulatory fees than taxes, but it is a close question." Having found that the charges were more like a fee than a tax, the court held that the charges were valid fees because their primary purpose was regulation (i.e., GHG emissions reduction), not revenue generation; the total fees would not exceed the costs of the regulatory programs they supported because AB 32 required the proceeds to be spent in furtherance of AB 32's regulatory purposes; and there was a "reasonable relationship" between the charges for the allowances and the regulated entities' collective responsibility for the harmful impacts of GHG emissions. The Pacific Legal Foundation, which represents the Morning Star Packing Co. petitioners, announced that it would appeal the ruling.
Morning Star Packing Co. v. California Air Resources Board, No. C075954; ***California Chamber of Commerce v. California Air Resources Board***, No. C075930 (Cal. Ct. App. Apr. 8, 2016)	The California Court of Appeal ordered additional briefing in an appeal concerning the legality of California's auction of greenhouse gas allowances in its cap-and-trade program. A California Superior Court upheld the auction in 2013. The appellate court asked the parties to address specific questions related to the argument that the auction constitutes an unconstitutional tax.

Competitive Enterprise Institute v. U.S. Treasury Dept.

Name and Date	Description
Competitive Enterprise Institute v. U.S. Treasury Dept. (D.D.C., filed Nov. 13, 2012)	A conservative legal foundation filed a lawsuit against the Treasury Department seeking agency emails concerning a possible federal carbon tax. According to the agency, the Obama Administration has no plans to propose a carbon tax and any such legislation would need Republican support. The lawsuit seeks emails from the agency's Office of Energy and Environment that contain the word "carbon."

Public Service Co. of Oklahoma v. EPA

Name and Date	Description
Public Service Co. of Oklahoma v. EPA (10th Cir. Nov. 13, 2012)	EPA solicited public comment on a proposed settlement agreement in which the Public Service Company of Oklahoma would take one coal-burning unit out of commission and install better pollution control equipment on another. The proposed agreement would settle a lawsuit brought by a company that owns the power plant against EPA that challenges a final rule partially disapproving Oklahoma's state implementation plan.

Environmental Integrity Project v. Jackson

Name and Date	Description
Environmental Integrity Project v. Jackson (D.D.C., proposed consent decree filed Oct. 18, 2012)	EPA agreed to respond by January 15, 2013 to a petition asking the agency to object to a Clean Air Act permit issued by Texas regulators for a coal-fired power plant. In their petition, plaintiffs asked EPA to object to the permit because it incorporated by reference a Texas pollution control standard permit. EPA disapproved Texas's proposed clean air plan revision incorporating the standard permit for pollution control projects into the Texas plan in September 2010.

Petition to EPA

Name and Date	Description
Petition to EPA (EPA, filed October 18, 2012)	The Center for Biological Diversity filed a petition with EPA requesting that the agency revise state water quality standards for marine pH under the Clean Water Act to address ocean acidification. The petition alleges that ocean acidification is occurring as a result of anthropogenic carbon dioxide emissions. The petition alleges that the marine pH water quality standards of 15 coastal states and territories exceed EPA's recommended water quality criterion, and that these standards are inadequate to product aquatic life from the harmful effects of ocean acidification.

Honeywell International Inc. v. EPA

Name and Date	Description
Honeywell International v. EPA (D.C. Cir. Jan. 22, 2013)	The D.C. Circuit rejected a challenge from two manufacturing companies concerning EPA's approval of transfers of allowances for production and use of hydrochlorofluorocarbons (HCFCs) by competitor companies under a federal cap-and-trade program. HCFCs are ozone depleting gases that also contribute to climate change. EPA's allowance system caps overall production and consumption of HCFCs and establishes company-by-company baselines for two HCFCs (HCFC-22 and HCFC-142b) based on their historical usage. Allowances can be transferred between pollutants within the same company or between companies for the same pollutant. In 2008, EPA approved the transfers of allowances by competitors of Honeywell and DuPont, which served to increase the competitor companies' baseline allowances under the trading program and to reduce the market share and allowances for Honeywell and DuPont. In August 2010, the D.C. Circuit held that EPA must honor the transactions when setting new baseline allowances of HCFCs for companies participating in the program. The court denied the challenge, holding that it must abide by its August 2010 decision.

Anderson v. City and County of San Francisco

Name and Date	Description
Anderson v. City and Co. of San Francisco (Cal. Ct. App. Jan. 14, 2013)	An individual challenged an environmental impact report (EIR) prepared in conjunction with an update of San Francisco's bike plan on numerous grounds, including that the report failed to properly analyze the increased amounts of GHG emissions caused by several aspects of the plan, including allegedly degraded intersections that would increase car idling. This court affirmed the dismissal of this and other issues, holding that the lower court properly concluded that the EIR properly addressed these. However, the court did remand the case given that the EIR failed to make a finding of infeasibility with respect to certain mitigation measures.

Sierra Club v. Tahoe Regional Planning Agency

Name and Date	Description
Sierra Club v. Tahoe Regional Planning Agency (E.D. Cal. Jan. 4, 2013)	A federal district court in California blocked expansion of a ski resort in Lake Tahoe after finding that the environmental analysis for the project failed to adequately assess the economic feasibility of a smaller proposal. Among other things, the lawsuit alleged that the environmental impact report failed to adequately address the project's GHG emissions. The court rejected this and other environmental concerns, but held that the report failed to make a meaningful comparison between a smaller and larger project. The court therefore remanded the matter to the county planning agency to redo the economic feasibility analysis.
Sierra Club v. Tahoe Regional Planning Agency, No. 12-CV-00044 (E.D. Cal. Jan. 31, 2014)	In late January 2014, Sierra Club and the developers announced that they had entered into a settlement in which they agreed to a scaled-down version of the project.

In re Pio Pico Energy Center LLC

Name and Date	Description
In re Pio Pico Energy Center LLC (EAB, filed Dec. 19, 2012)	The Sierra Club filed an appeal with the EPA Environmental Appeals Board alleging that the agency improperly excluded cleaner generation technologies when it issued a GHG emissions permit to a California power plant. The group asked the board to overturn the prevention of significant determination (PSD) permit issued to the plant. In particular, the Sierra Club alleged that the agency did not give adequate consideration to requiring the plant to install cleaner combined-cycle turbines rather than the less efficient single-cycle turbines. According to the plant, the combined-cycle units do not power up quickly enough to provide the sort of peak power the plant is intended to generate.
In re Pio Pico Energy Center (EAB Aug. 2, 2013)	EAB denied review of almost all of the petitioners' challenges, including the challenges to Region 9's elimination of combined-cycle gas turbines as a control technology in its best available control technology (BACT) analysis for greenhouse gases and to the adequacy of the BACT emission limits Region 9 selected for greenhouse gases. In rejecting petitioners' argument that Region 9 should not have eliminated combined-cycle gas turbines in its BACT analysis, the EAB noted that Region 9 had emphasized that the purpose of the project was to support renewable power generation, that the capacity of the single-cycle turbine plant for "frequent and fast turbine startups" would do so by providing power "to compensate for the intermittent nature of wind and solar generation," and that the longer start-up times for combined-cycle turbines were incompatible with the project's purpose.

Center for Biological Diversity v. Export-Import Bank

Name and Date	Description
Ctr. for Biological Diversity v. Export-Import Bank of the U.S. (N.D. Cal., filed Dec. 12, 2012)	Three environmental groups filed a lawsuit against the Export-Import Bank alleging that it failed to perform rigorous environmental assessments before approving $2.95 billion in financing for an Australian liquefied natural gas project. The $20 billion project will drill up to 10,000 coal-seam gas wells and install nearly 300 miles of pipeline to transport the gas to the coast. The complaint alleges that the bank violated the Endangered Species Act, NEPA, and other environmental laws when issuing the financing. The case will test the unresolved legal issue of whether the ESA applies to federal agency actions take outside of U.S. borders.
Ctr. for Biological Diversity v. Export-Import Bank of the U.S. (N.D. Cal. Sept. 17, 2013)	The district court for the Northern District of California denied defendants' motion to transfer the action to the district court for the District of Columbia, finding that defendants had failed to sustain their burden of showing that transfer was warranted.
Center for Biological Diversity v. Export-Import Bank of the United States, No. C 12-6325 SBA (N.D. Cal. Aug. 12, 2014)	The federal district court for the District of Northern California dismissed Endangered Species Act (ESA) claims. The court said that the ESA's consultation requirements did not apply to projects located in foreign countries and that any challenge to the ESA regulations was time-barred. The court dismissed with leave to amend. Plaintiffs have also alleged a claim under the National Historic Preservation Act; that claim was not a subject of this motion to dismiss.

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Center for Biological Diversity v. Export-Import Bank

Name and Date	Description
Center for Biological Diversity v. Export-Import Bank of the United States, No. 12-cv-6325 (N.D. Cal. Feb. 20, 2015)	After initially the ESA challenge, the court denied a motion to dismiss an amended complaint. The court concluded that plaintiffs had alleged facts in the amended complaint that plausibly showed that the Ex-Im Bank's actions included post-construction shipping activities occurring on the high seas, bringing the actions within the ESA's scope. The court noted that the Ex-Im Bank had funded the "downstream" portions of the projects, including financing for construction of the LNG facilities and related infrastructure, including two marine jetties and loading berths to transfer LNG to tankers for shipping. Even though the Ex-Im Bank did not specifically provide funding for the shipping activities, the court said that it was "reasonable to infer" that a primary objective of the projects was to ship LNG. Because the term "agency action" in the ESA is construed broadly, the court concluded plaintiffs had stated a plausible ESA claim.

Utility Air Regulatory Group v. EPA

Name and Date	Description
Utility Air Regulatory Group v. EPA (D.C. Cir., filed Dec. 13, 2012)	A power industry group filed a lawsuit against the EPA challenging the fuel economy and GHG emissions standards issued in October 2012 for cars and light trucks. The final rule requires light-duty vehicles to achieve an average of 54.5 mpg by 2025.
Utility Air Regulatory Group v. EPA, No. 12-1476 (D.C. Cir., joint stipulation of dismissal July 24, 2014)	The petitioners, respondents, and intervenors filed a joint stipulation of dismissal on July 24, 2014. The stipulation also covered *American Petroleum Institute v. EPA*, Case No. 12-1477, a challenge to the standards brought by the American Petroleum Institute, the National Association of Manufacturers, and the National Oilseed Processors Association.

Notice of Intent to Sue

Name and Date	Description
Notice of Intent to Sue (EPA Dec. 11, 2012)	Seven states issued a notice of intent to sue EPA unless the agency takes action to curb methane emissions from hydraulic fracturing. The states, led by New York, said EPA violated the Clean Air Act because its new source performance standards for hydraulic fracturing do not directly regulate methane emissions. According to the states, cost-effective controls are available to the natural gas industry that could control methane. The states are asking EPA to determine whether setting a methane performance standard would be appropriate. If the agency determines that methane should be regulated, the states are asking that it issue emissions guidelines for existing natural gas wells under CAA Section 111(d).

Center for Bio. Diversity v. Cal. Dept. of Env. Conservation

Name and Date	Description
Center for Bio. Diversity v. Cal. Dept. of Env. Conservation (Cal. Super. Ct., filed Jan. 24, 2013)	Several environmental groups commenced a lawsuit against the California Department of Conservation (CDEC) alleging that the state has failed to properly oversee hydraulic fracturing operations. According to the complaint, the state's Underground Injection Control program requires a division of CDEC to regulate oil and natural gas fracking operations. The lawsuit seeks to prohibit hydraulic fracturing of oil and natural gas wells until CDEC takes steps to regulate the wells and ensure that the operations pose no risks to public health or the environment.

Creed-21 v. City of Glendora

Name and Date	Description
Creed-21 v. City of Glendora (Cal. Ct. App. Feb. 19, 2013)	A community group filed a lawsuit challenging the City of Glendora's approval of an expansion of an existing Wal-Mart store. Among other things, the lawsuit alleged that the city violated the California Environmental Quality Act (CEQA) by preparing an Environmental Impact Report (EIR) that did not adequately analyze the project's greenhouse gas emissions and climate change impacts. The trial court denied the petition, holding that the EIR did properly evaluate the project's GHG emissions and climate change impacts. On appeal, the appellate court affirmed, holding that proposed mitigation measures concerning the use of alternative modes of transportations to reduce GHG emissions were too speculative and did not have to be considered.

Conservation Law Foundation v. Dominion Energy

Name and Date	Description
Conservation Law Foundation v. Dominion Energy Brayton Point, LLC (D. Mass., filed Feb. 22, 2013)	Several environmental groups filed a citizen suit alleging that the owner of a coal-fired power plant violated the Clean Air Act, including monitoring requirements for carbon dioxide. According to the complaint, the alleged violations are based on the company's filings with the Massachusetts Department of Environmental Protection, including quarterly excess emissions reports, permit deviation reports, and semiannual and annual compliance reports.
Conservation Law Foundation v. Dominion Energy Brayton Point, LLC (D. Mass. Oct. 22, 2013)	The environmental groups filed a voluntary motion to dismiss with prejudice. The groups indicated that they had reached a settlement with the defendant. The terms of the settlement were not filed with the court, but news reports indicated that the owners had agreed to remediate emissions violations and report on their efforts, install soot monitoring equipment, and pay $76,000 in civil penalties, $65,000 of which would fund projects in Somerset. Earlier in October a new owner of the power plant announced its intent to close the plant as of June 2017.

WildEarth Guardians v. OSMRE

Name and Date	Description
WildEarth Guardians v. Klein (D. Colo., filed Feb. 27, 2013)	An environmental group commenced a lawsuit seeking to halt coal mining operations in four Western states because of alleged violations by the Department of Interior (DOI) in approving the mines. In particular, the lawsuit alleges that DOI's Office of Surface Mining Reclamation and Enforcement approved plans for mining on federally owned lands without providing an opportunity for public comment and without fully analyzing their direct and indirect environmental impacts, including impacts associated with coal transport and combustion, pursuant to NEPA. Several of the mines included in the complaint are located in the Powder River Basin, which contains some of the largest deposits in the world of low-sulfur subbituminous coal, which is used for electric power generation. Developers of several planned terminals in the Pacific Northwest are currently seeking federal regulatory approval to export to Asia coal mined from federal land in the basin.
WildEarth Guardians v. U.S. Office of Surface Mining Reclamation and Enforcement, No. 1:13-cv-00518 (D. Colo. Feb. 7, 2014)	The court—in an opinion by a judge who admitted that he had "a history of granting transfer in environmental administrative cases"—ordered the action to be severed, and transferred the claims involving mining permits in other states to the district courts in those jurisdictions, saying that "[t]he value in having environmental claims litigated where their impacts resonate most deeply eclipses any alleged judicial economy in lumping together in one suit and one venue various locally charged claims." The court was not swayed by the environmental group's arguments that their claims protested a "practice or pattern" of not involving the public that should be heard in one action, or that judicial economy, the risk of inconsistent judgments, or prejudice to the plaintiff in the form of inconvenience and increased costs and delay otherwise weighed against severance and transfer.

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WildEarth Guardians v. OSMRE

Name and Date	Description
WildEarth Guardians v. United States Office of Surface Mining Reclamation and Enforcement, No. 13-cv-00518 (D. Colo. order May 8, 2015)	The federal district court for the District of Colorado ruled that the environmental review for two mining plan modifications that changed the location and increased the amount of coal to be mined had not complied with the procedural and substantive requirements of the National Environmental Policy Act (NEPA). The court ruled that WildEarth Guardians had organizational standing to bring the action, and that the action was neither moot nor barred by the doctrines of laches or forfeiture. In particular, the court noted that the federal defendants, which included the United States Office of Surface Mining Reclamation and Enforcement (OSM) and the Secretary of the Interior, could not invoke laches when OSM had not complied with "its most basic NEPA duty of providing public notice." On the merits, the court held that OSM's consideration of direct and indirect air quality impacts was insufficient. The court said that a NEPA review should consider coal combustion impacts as indirect effects of the mining plan modifications and that uncertainty about the timing or rate of the coal combustion or the type of emissions controls that would be in place could not justify ignoring the combustion impacts. The court, however, declined to vacate the two mining plan modifications. At one of the mines, all of the federal coal covered by the modification had already been mined. At the other mine, the court found that vacatur was not warranted given potential hardship it could cause to mine employees and the power plant to which the mine supplied coal, and given that mining had occurred in the area since the 1970s, that its impacts had been studied over the years, that state agencies had considered the impacts of the mining plan modifications, and that OSM had changed its NEPA practices.

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WildEarth Guardians v. OSMRE

Name and Date	Description
WildEarth Guardians v. United States Office of Surface Mining Reclamation and Enforcement, No. 13-cv-00518 (D. Colo. notice of appeal and motion for stay June 1, 2015)	After a federal district court in Colorado deemed the environmental review for a coal mine expansion insufficient, the coal mine's owner appealed the court's decision in the Tenth Circuit Court of Appeals and asked for a stay pending appeal.
WildEarth Guardians v. United States Office of Surface Mining Reclamation and Enforcement, No. 15-1186 (10th Cir. order suspending briefing schedule June 29, 2015)	On June 29, 2015, the Tenth Circuit issued an order questioning whether the district court's judgment was final and suspending briefing. The order noted that the district court had not vacated agency approval of the expansion, and instead had given the Office of Surface Mining Reclamation and Enforcement 120 days to fulfill its review obligations under the National Environmental Policy Act (NEPA), after which the court indicated it would issue an order of vacatur if the agency had not completed its work.
WildEarth Guardians v. United States Office of Surface Mining Reclamation and Enforcement, No. 1:13-cv-00518 (D. Colo. notice of appeal July 6, 2015; notice of correction July 1, 2015); No. 15-1186 (10th Cir. order July 10, 2015)	The owner of a coal mine appealed a decision by the federal district court for the District of Colorado that held that the United States Office of Surface Mining Reclamation and Enforcement had violated NEPA when it approved a mining plan modifications that authorized the mining of additional coal. The court did not vacate the mining plan modification for the mine because it believed all coal extraction authorized by the modification had already occurred. However, the coal mine owner also filed a Notice of Correction of Statement of Law in the district court, stating that the district court's decision relied on the mine owner's misunderstanding that the affirmative defense of mootness applied; the mine owner said that it was withdrawing its mootness defense because it had learned after the court's decision that additional coal was covered by the mining plan modification. The owner of a second coal mine affected by the court's decision has already appealed, but the Tenth Circuit has questioned the finality of the judgment and whether it has appellate jurisdiction. On July 10, 2015, the Tenth Circuit ordered the coal mine owners to submit briefs addressing the basis for appellate jurisdiction.

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WildEarth Guardians v. OSMRE

Name and Date	Description
WildEarth Guardians v. United States Office of Surface Mining Reclamation and Enforcement, No. 1:13-cv-00518 (D. Colo. joint proposed remedy Sept. 10, 2015)	On September 14, 2015, the federal district court for the District of Colorado approved a joint proposed remedy submitted by the parties in a case in which WildEarth Guardians successfully alleged violations of the National Environmental Policy Act (NEPA) in connection with approvals of mining plan modifications. The remedy allowed Trapper Mining Inc. to continue mining activities subject to certain restrictions while the Office of Surface Mining Reclamation and Enforcement (OSMRE) conducted a new NEPA analysis. The analysis "will be prospective and will analyze the reasonably foreseeable environmental impacts of currently proposed and future mining activities …, as well as the past, present, and reasonably foreseeable impacts of any other actions or activities as may be appropriate or required by NEPA." In its May 2015 decision finding that OSMRE had violated NEPA, the court said that the agency was required to consider the impacts of coal combustion.
WildEarth Guardians v. United States Office of Surface Mining Reclamation and Enforcement, No. 13-cv-00518 (D. Colo. Apr. 29, 2016)	On April 29, 2016, the United States Office of Surface Mining Reclamation and Enforcement (OSMRE) and its codefendants filed a notice in the federal district court for the District of Colorado that they had conducted new analysis under NEPA for mining plan modifications that increased the amount of coal that would be mined at a Colorado mine. The additional analysis was required by a May 2015 decision of the court, which concluded that the NEPA review for the mining plan modifications should have considered coal combustion impacts. The notice filed with the court in April 2016 indicated that OSMRE had completed an environmental assessment and concluded that mining operations were not expected to have any significant environmental effects. The notice indicated that the mining plan modifications had been approved.

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WildEarth Guardians v. OSMRE

Name and Date	Description
WildEarth Guardians v. United States Office of Surface Mining Reclamation & Enforcement, Nos. 15-1186, 15-1236 (10th Cir. June 17, 2016)	The Tenth Circuit Court of Appeals dismissed an appeal by two mining companies of a Colorado district court decision that said the United States Office of Surface Mining Reclamation and Enforcement (OSM) had violated NEPA when it approved mining plan modifications for mines owned by the companies. While the appeal was pending, OSM completed new NEPA analyses and reapproved the plans, but the mining companies said that OSM's reapprovals reset the statute of limitations for third-party challenges and included conditions adversely affecting their lease rights and requiring downstream studies. The Tenth Circuit concluded that the appeal was moot because it addressed only the now-superseded OSM actions and did not fall into the "capable of repetition but evading review" exception to the mootness doctrine.

Concerned Dublin Citizens v. City of Dublin

Name and Date	Description
Concerned Dublin Citizens v. City of Dublin (Cal. Ct. App. March 7, 2013)	A citizen's group challenged the City of Dublin's determination that a proposed development within a larger transit center development was exempt from the preparation of an Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA) because a previous EIR had been prepared and certified in 2002. The plaintiff alleged that supplemental environmental review was necessary because new information concerning GHG emissions has come to light since the EIR was certified in 2002. The trial court disagreed, holding that GHG emissions thresholds adopted by the Bay Area Air Quality Management District in 2010 constituted new information requiring additional environmental review given that the potential environmental effects of GHG emissions were known at the time the 2002 EIR was certified. On appeal, the appellate court affirmed on similar grounds.

Competitive Enterprise Institute v. EPA

Name and Date	Description
Competitive Enterprise Institute v. EPA (D.D.C. March 28, 2013)	Plaintiffs filed a lawsuit against EPA pursuant to the Freedom of Information Act seeking disclosure of EPA instant message transcripts for communications sent from or to three senior EPA officials, including EPA Administrator Lisa Jackson. The complaint seeks communications related to climate change and the regulation of coal-fired generators.

Friends of the Earth v. EPA

Name and Date	Description
Friends of the Earth v. EPA (D.D.C. March 7, 2012)	Plaintiffs sought to compel EPA to issue a determination under Section 231 of the Clean Air Act regarding whether lead emissions from aircraft engines using aviation gasoline (avgas) cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare.
Friends of the Earth v. EPA (D.D.C. March 27, 2013)	The district court granted EPA's motion for summary judgment, holding that it lacked subject matter jurisdiction because an endangerment determination under Section 231 is not the type of nondiscretionary act or duty that the Clean Air Act's citizen suit provision (42 U.S.C. § 7604) grants district courts the jurisdiction to compel.

County of Sonoma v. Federal Housing Finance Agency

Name and Date	Description
County of Sonoma v. Federal Housing Finance Agency (9th Cir. Mar. 19, 2013)	The Federal Housing Finance Agency (FHFA), the regulator and conservator of Freddie Mac and Fannie Mae, issued a directive preventing Freddie Mac and Fannie Mae from purchasing mortgages for properties encumbered by liens created by property-assessed clean energy (PACE) programs. FHFA indicated, among other things, that the first liens of the PACE programs could disrupt the housing market and that there was a lack of underwriting standards to protect homeowners and an absence of energy-saving standards to allow for the valuation of home improvements. Plaintiffs alleged that FHFA must issue a regulation to implement this directive. The district court ruled against FHFA and required completion of notice-and-comment rulemaking. On appeal, the Ninth Circuit dismissed the action, ruling that FHFA's directive was a lawful exercise of its statutory authority as conservator, and that the courts therefore lacked jurisdiction.

California Construction Trucking Ass'n Inc. v. EPA

Name and Date	Description
California Construction Trucking Ass'n Inc. v. EPA (D.C. Cir. March 25, 2013)	In April 2011, parties petitioned EPA to reconsider aspects of the greenhouse gas emissions standards issued in May 2010 for model year 2012-2016 light duty vehicles. Petitioners argued that EPA had failed to make the standards available to the Science Advisory Board for review and comment prior to promulgating the standards. In January 2013, EPA denied the petition for reconsideration, finding that the issues raised by the petition could have been made during the public comment period for the rulemaking and that the petition "failed to demonstrate that its objection is of central relevance to the outcome of the rulemaking." On March 25, 2013, petitioners filed a Petition for Review in the D.C. Circuit seeking review of EPA's denial.
California Construction Trucking Association, Inc. v. EPA, No. 13-1076 (D.C. Cir. Apr. 24, 2015)	The D.C. Circuit dismissed the petition. The D.C. Circuit said the petitioners who claimed that EPA had violated the Clean Air Act by failing to provide the car and truck regulations to the Science Advisory Board prior to publication had not established standing. The court said the plaintiffs had not demonstrated causation or redressability for the alleged injury—increased cost to purchase vehicles—because even in the absence of the EPA standards, the "substantially identical" NHTSA regulations would continue to apply. The court also dismissed challenges to the truck standards brought by "a business that promotes the use of vegetable oil in place of traditional diesel fuel"; the company alleged that the standards made its products economically infeasible and claimed that the regulations were arbitrary and capricious because, among other reasons, they ignored lifecycle greenhouse gas emissions. The D.C. Circuit said it did not have original jurisdiction over the company's claim against NHTSA because under NHTSA regulations, the company's request for reconsideration of the truck standards had been deemed a petition for rulemaking; jurisdiction for review of denials of petitions for rulemaking is in the district courts. With respect to the claim against EPA, the D.C. Circuit said that the company did not fall within the zone of interests protected by the statute.

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California Construction Trucking Ass'n Inc. v. EPA

Name and Date	Description
California Construction Trucking Association, Inc. v. EPA, No. 13-1076 (D.C. Cir. June 4, 2015).	Petitioners who unsuccessfully challenged the greenhouse gas and fuel economy standards for new cars and trucks before the D.C. Circuit Court of Appeals asked the court for rehearing en banc. The court had found that these petitioners—who argued that EPA failed to comply with a statutory mandate to submit rules for peer review to the Science Advisory Board (SAB)—lacked standing. The court said the petitioners failed to establish causation or redressability because their alleged injury of increased cost to purchase vehicles would not be redressed since the standards, which were issued by the National Highway Traffic Safety Administration (NHTSA) as well as EPA, would continue to apply because the SAB requirement did not apply to NHTSA. In their petition for rehearing en banc, the petitioners argued that the standing determination conflicted with Supreme Court precedent on redressability. The petitioners also argued that the case involved a question of exceptional importance.
California Construction Trucking Association, Inc. v. EPA, No. 13-1076 (D.C. Cir. petition for rehearing en banc denied Aug. 3, 2015)	The D.C. Circuit Court of Appeals denied rehearing en banc to petitioners who unsuccessfully challenged greenhouse gas and fuel economy standards issued in 2010 and 2011 for new cars and trucks.

Butler v. Brewer

Name and Date	Description
Peshlakai v. Brewer (Ariz. Sup. Ct. Feb. 10, 2012)	Plaintiffs filed a complaint for declaratory and injunctive relief on the basis of the public trust doctrine. Among other things, they sought a declaration that the atmosphere was a public trust asset and that the defendants had a fiduciary obligation as trustees to take affirmative action to preserve the atmosphere and other trust assets from the impacts of climate change. They asked the court to mandate that the state institute reductions in CO_2 emissions of at least six percent annually. The superior court dismissed the action. The court stated that plaintiffs' remedies are with the legislature or Congress.
Butler v. Brewer (Ariz. Ct. App. March 14, 2013)	On appeal, the court of appeals in a memorandum decision rejected the defendants' argument that determinations of what resources are protected by the public trust doctrine and whether the state has violated the doctrine are non-justiciable. The court assumed without deciding that the atmosphere was part of the public trust subject to the doctrine. Nonetheless, the court of appeals affirmed dismissal of the complaint, holding that the complaint failed to make the requisite showing of a specific constitutional provision or other law that had been violated by state action or inaction. Furthermore, the court agreed in part with defendants that a state statute precluded defendants from redressing Butler's grievances. Butler had not challenged the constitutionality of the statute or identified a basis upon which it could be found unconstitutional. The court determined that it was without power to order the state to take action in violation of the statute and that it therefore could not grant relief.

Sierra Club v. U.S. Fish & Wildlife Service

Name and Date	Description
Sierra Club v. U.S. Fish & Wildlife Serv. (D.D.C. March 19, 2013)	The Sierra Club challenged the determination of the Fish and Wildlife Service (FWS) in response to its petition to revise the critical habitat for the leatherback sea turtle, claiming that the FWS's decision to delay any revision was arbitrary and capricious. It also alleged that the defendants had unlawfully delayed in designating additional critical habitat for the turtles. One of the claims in the Sierra Club's petition was that "threats on the nesting beach are substantial and that global climate change is exacerbating the situation." The court held that the FWS's determination was unreviewable because the applicable statutes (the Endangered Species Act and the Administrative Procedure Act) provided no manageable standard to evaluate the FWS's exercise of discretion.

Southwest Energy Efficiency Project v. New Mexico Construction Industries Commission

Name and Date	Description
Southwest Energy Efficiency Project v. New Mexico Construction Industries Commission (N.M. Ct. App. April 4, 2013)	In 2011, the New Mexico Construction Industries Commission adopted revisions to four building codes. The purpose of the revisions was to remove energy efficiency requirements that went beyond the 2009 International Energy Conservation Code. There was no discussion or deliberation about the revised codes at the meeting at which the revisions were adopted, and the Commission did not make any separate findings or orders. A number of organizations and individuals challenged the adoption of the revised codes. The New Mexico Court of Appeals set aside the revisions, ruling that the Commission had failed to state any reason for its adoption of the revised codes. The court directed the Commission to reconsider and revote on the revisions and to make a statement as to the rationale for its actions, preferably in written form.
Southwest Energy Efficiency Project v. New Mexico Construction Industries Commission (N.M. Ct. App. April 11, 2013)	On April 11, 2013, plaintiffs filed a motion seeking an order holding the Commission and the Governor of New Mexico in contempt for failing to comply with the court's April 4, 2013 order. The motion alleged that since the court issued its order, the Commission and the Governor had twice announced that they intended to continue to enforce the building codes that the court had set aside.
Southwest Energy Efficiency Project v. New Mexico Construction Industries Commission (N.M. Ct. App. April 23, 2013)	On April 23, 2013, the New Mexico Court of Appeals issued an order for a rehearing. The New Mexico Construction Industries Commission issued a press release on April 25, 2013 to announce the rehearing order, which the Commission indicated "has the effect of suspending the opinion of the court until its final determination." The press release stated that it would continue to enforce the revised codes while a final decision by the Court of Appeals is pending.
Southwest Energy Efficiency Project v. New Mexico Construction Industries Commission (N.M. Ct. App. motion for contempt denied May 30, 2013; motion for rehearing denied May 30, 2013)	On May 15, 2013, the Commission again approved the revisions to the building codes. In late May 2013, the Court of Appeals denied the motion for contempt and also denied the motion for rehearing.

Southwest Energy Efficiency Project v. New Mexico Construction Industries Commission

Name and Date	Description
Southwest Energy Efficiency Project v. New Mexico Construction Industries Commission, No. 32939 (N.M. Ct. App. Sept. 25, 2014)	In June 2013, the Southwest Energy Efficiency Project (SWEEP) filed a notice of appeal of the New Mexico Construction Industries Commission's decision to revise statewide building codes. SWEEP filed its brief in chief in December 2013. The New Mexico Court of Appeals upheld the revisions to the building codes in September 2014.
New Mexico Construction Industries Commission v. Environment New Mexico, No. No. 34952 (N.M., petition for writ of certiorari Oct. 27, 2014; cert. denied Nov. 20, 2014)	A month later, a group of petitioners submitted a petition for writ of certiorari to the New Mexico Supreme Court. The court denied the petition on November 20, 2014.

North Coast Rivers Alliance v. Marin Municipal Water District Board of Directors

Name and Date	Description
North Coast Rivers Alliance v. Marin Municipal Water District Board of Directors (Cal. Ct. App. May 21, 2013)	In 2009, the Marin Municipal Water District Board of Directors (Board) certified a final environmental impact report (EIR) for and subsequently approved the construction of a desalination plant that would extract raw seawater from San Rafael Bay, remove solids from the raw water by using reverse osmosis, and discharge a saline brine back into the bay. Plaintiffs challenged the project, and the trial court set aside the Board's decisions. Among other faults, the trial court found that the EIR failed to adequately discuss the alternative of using green energy credits to mitigate the project's energy impacts and that the EIR's conclusion that the project's GHG emissions would not be cumulatively considerable was not supported by substantial evidence. The appellate court reversed the trial court's decision. The appellate court determined that because the EIR concluded that the project's energy impacts would be insignificant, there was no need to discuss green energy credits as an alternative mitigation measure. The appellate court also determined that facts and analysis in the EIR were sufficient to support the conclusion that the impact on GHG emissions would not be cumulatively considerable. The appellate court noted, among other things, that the EIR's analysis concluded that the project would not interfere with the county goal of reducing GHG emissions to 15 percent below 1990 levels by 2020 and that the Board had adopted a policy requiring offsets for all project-related GHG emissions.

U.S. v. Miami-Dade County

Name and Date	Description
U.S. v. Miami-Dade County, Fla. (S.D. Fla. May 14, 2013)	The court granted the motion by Biscayne Bay Waterkeeper and a resident of Key Biscayne to intervene in a government action against Miami-Dade County to enforce the Clean Water Act and the Florida Air and Water Pollution Control Act. The intervenors had previously submitted a notice of their intent to sue under the Clean Water Act's citizen suit provision. The governments' complaint alleges unpermitted discharges of untreated sewage, failures to comply with permit conditions, and the creation of conditions that present an imminent and substantial endangerment. The lawsuit was commenced after months of negotiations among the federal, state, and county governments over a proposed consent decree, which the Miami-Dade Board of County Commissioners approved on May 21, 2013. In their motion, which was filed in January 2013, the intervenors contended that the proposed consent decree "if not significantly altered, is not reasonably calculated to ensure Clean Water Act compliance and is contrary to the public's interest." Among other things, the intervenors argued that the proposed decree needed to consider climate change impacts including sea level rise.
U.S. v. Miami-Dade County, Fla. (S.D. Fla. June 6, 2013)	The U.S. Department of Justice (USDOJ) lodged a proposed consent decree with the court on June 6, 2013. On June 12, 2013, USDOJ published in the *Federal Register* a Notice of Lodging of Proposed Consent Decree Under the Clean Water Act, which commenced a 30-day public notice period. The proposed consent decree would provide for $1.5 billion in capital improvements over 15 years to Miami-Dade County's wastewater collection and transmission system, and would also require payment of almost $1 million in penalties and completion of a $2-million Supplemental Environmental Project.

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U.S. v. Miami-Dade County

Name and Date	Description
U.S. v. Miami-Dade County, Fla. (S.D. Fla. June 25, 2013)	The intervenors filed a complaint in intervention opposing the entry of the proposed consent decree between the United States and Miami-Dade County. Among other things, the intervenors request that the court order the County to address sea level rise and climate impacts when developing the necessary capital improvements to the sewage collection and treatment system to provide assurance that sanitary sewer overflows and violations of National Pollutant Discharge Elimination System permit violations will not occur in the future. In support of their allegations regarding the inadequacies of the proposed consent decree's consideration of sea level rise and climate change, the intervenors submitted two expert affidavits concerning climate change impacts and the County's wastewater system.
U.S. v. Miami-Dade County, Fla. (S.D. Fla. July 15, 2013)	The Department of Justice published a notice in the *Federal Register* advising that it had extended the comment period on the proposed consent decree with Miami-Dade County for 30 days through August 11, 2013.
U.S. v. Miami-Dade County, Fla., No. 1:12-cv-24400-FAM (S.D. Fla. Mar. 6, 2014)	The court declined to approve the proposed consent decree. The court suggested that the parties submit further pleadings and further suggested that the appointment of a special master to oversee and monitor the County's progress in implementing the repairs required by the consent decree, as well as increased penalties for failures to make the repairs, might assuage the court's concerns regarding implementation. The court indicated, however, that "remaining objections"—presumably including objections raised by intervenors as to the consent decree's failure to take climate change-related sea level rise into consideration—were not sufficient to overcome the presumption in favor of approval of the consent decree. On March 21, 2014, the federal and state plaintiffs submitted supplemental comments on the consent decree in which they reported that they had reached agreement with the County to double the penalties that would apply for sanitary sewer overflows and failures to meet deadlines and "submit timely deliverables." The parties urged the court to accept the option of "heightened reporting requirements" in lieu of the appointment of a special master, which they said would cause unnecessary expense and delay.

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U.S. v. Miami-Dade County

Name and Date	Description
U.S. v. Miami-Dade County, Fla., No. 1:12-cv-24400-FAM (S.D. Fla., order denying motion to reopen May 8, 2014; order granting motion to enter consent decree Apr. 9, 2014)	The federal district court for the Southern District of Florida denied intervenor Biscayne Bay Waterkeeper's motion to reopen the case, which was resolved by a consent decree between the federal and state governments and Miami-Dade County. The court agreed with the U.S. that the consent decree had resolved the Clean Water Act violations at issue in the case. The final consent decree included higher stipulated penalties for failures to submit timely deliverables and for occurrences of sanitary sewer overflows (SSOs). The court required the County to submit semiannual status reports on SSOs and on its progress in implementing the improvements required by the consent decree.

Alliance of Automobile Manufacturers v. EPA

Name and Date	Description
Alliance of Automobile Manufacturers v. EPA (D.C. Cir. April 25, 2013)	Petitioners in this proceeding challenge EPA's rule requiring gas stations to label pumps that dispense gasoline that contains more than 10 percent ethanol. The D.C. Circuit granted a motion to hold the proceedings in abeyance pending the disposition of *Grocery Manufacturers Assn. v. EPA*, *Alliance of Automobile Manufacturers v. EPA*, and *American Fuel & Petrochemical Manufacturers v. EPA* by the U.S. Supreme Court. Parties in those three proceedings challenged EPA's decision to allow vehicles from model years 2001 forward to use gasoline with up to 15-percent ethanol content; the D.C. Circuit dismissed the challenges for lack of standing. The parties have petitioned the Supreme Court to overturn the D.C. Circuit's decision.
Alliance of Automobile Manufacturers v. EPA, Nos. 11-1334, 11-1344 (D.C. Cir. Oct. 21, 2014)	After the Supreme Court denied certiorari in which petitioners sought review of the D.C. Circuit's decision in 2012 in *Grocery Manufacturers Association v. EPA*, the D.C. Circuit Court of Appeals denied a petition for review of an EPA rule requiring gas stations to label pumps that dispense gasoline that contains more than 10% ethanol. Citing *Grocery Manufacturers Association v. EPA*, the court said in an unpublished opinion that the petitioners—the American Petroleum Institute (API) and the Engine Products Group (EPG)—once again lacked standing. The court said that API had not provided evidence that any of its members sold or planned to sell gasoline containing 15% ethanol (E15) and that API therefore failed to show risk of injury adequate for standing. The court said EPG—which argued that E15 would damage products sold by its members for which E10 (gasoline containing 10% ethanol) was suitable—had failed to provide evidence connecting sales of E15 under the challenged regulation to injuries that EPG members were likely to suffer. The court also said that EPG had alleged only a conjectural or hypothetical injury when it argued that EPA's denial of its rulemaking petition asking EPA to mandate the continued sale of E10 would force consumers to use the product-damaging E15 "for want of adequate E10 supplies."

Tennessee Environmental Council v. Tennessee Valley Authority

Name and Date	Description
Tennessee Environmental Council v. Tennessee Valley Authority (M.D. Tenn., filed April 25, 2013)	Plaintiffs challenge the Tennessee Valley Authority's alleged failure to comply with the National Environmental Policy Act (NEPA) in connection with TVA's decision in August 2011 to spend more than $1 billion to construct retrofits and associated facilities at its Gallatin plant (the Life Extension Project) to allow TVA to continue to use the plant past a 2017 deadline established in a settlement agreement with EPA and a consent decree between TVA and a number of states and environmental organizations. Petitioners contend that while the Life Extension Project will substantially reduce air emissions from the Gallatin plant, it will still cause a number of significant impacts that could be avoided by shutting the plant down, including significant ongoing emissions of sulfur dioxide, carbon dioxide, nitrogen oxides, and mercury; two "massive" new landfills; and a number of new wastewater streams. Plaintiffs allege, among other things, that TVA committed resources to the project prior to complying with NEPA, that TVA should have prepared an EIS, that TVA failed to consider a legitimate no-action alternative, and that TVA failed to allow for public comment.

In re Polar Bear Endangered Species Act Litigation

Name and Date	Description
Safari Club International v. Kempthorne (D.D.C. 2008)	Plaintiffs challenged the Fish and Wildlife Service's (FWS's) barring of the importation of polar bear trophies. In its 2008 rule listing the polar bear as a threatened species under the Endangered Species Act (ESA), FWS had also determined that the listing had the effect of designating the species as "depleted" under the Marine Mammal Protection Act (MMPA), and that the MMPA thus barred continued importation of sport-hunted polar bear trophies.
In re Polar Bear Endangered Species Act Listing & Section 4(d) Rule Litigation (J.P.M.L. Dec. 3, 2008)	The Judicial Panel on Multidistrict Litigation determined that the *Safari Club* action should be heard in the centralized proceeding on cases related to the listing of the polar bear under the ESA.
In re Polar Bear Endangered Species Act Listing & Section 4(d) Rule Litigation (D.D.C. Oct. 2011)	The district court for the District of Columbia upheld FWS's barring of the importation of polar bear trophies.
In re Polar Bear Endangered Species Act Listing & Section 4(d) Rule Litigation (D.C. Cir. June 14, 2013)	The D.C. Circuit affirmed the district court's decision. The D.C. Circuit agreed with the district court's conclusions that the ESA listing for the polar bear had the effect of designating the species as "depleted" for MMPA purposes; that once the MMPA import prohibitions were triggered, polar bears could no longer be imported under the MMPA's trophy import authorization; and that the import prohibitions applied even to bears taken before the species was designated as depleted. The D.C. Circuit also rejected claims that FWS's determination to bar importation of trophies was procedurally defective.

Sierra Club Iowa Chapter v. LaHood

Name and Date	Description
Sierra Club, Iowa Chapter v. LaHood (S.D. Iowa June 10, 2013)	The court granted defendants' motion for summary judgment, finding that the agencies had not acted arbitrarily and capriciously in approving an 8.5-mile highway extension southwest of Cedar Rapids, Iowa. The court was not persuaded by plaintiffs' arguments that under the Eighth Circuit's decision in *Mid States Coalition for Progress v. Surface Transportation Board*, 345 F.3d 520 (8th Cir. 2003), climate change must be considered in an environmental review under NEPA. Finding that *Mid States Coalition for Progress* required consideration of impacts on air quality more generally— not climate change specifically—the district court ruled that "there is no requirement that climate change be analyzed, particularly given the speculative nature of such an effect."

South Bronx Unite! v. New York City Industrial Development Agency

Name and Date	Description
South Bronx Unite! v. New York City Industrial Development Agency (N.Y. Sup. Ct. May 31, 2013)	Local residents and community organizations challenged various governmental actions that facilitated the relocation of a grocery delivery service's operations from Queens to the Bronx in New York City. Among other claims, the petitioners-plaintiffs alleged that environmental review under the State Environmental Quality Review Act (SEQRA) had been inadequate, including with respect to consideration of climate change. The court was not persuaded by the challengers' assertions of inadequacies in the methodologies employed in the environmental review, which found that the project would result in fewer vehicle trips per day than a fully built-out land use plan that had been studied in a 1993 environmental impact statement. With respect to the challengers' allegations regarding the lack of consideration of greenhouse gas emissions, the court concluded without discussion that the respondents had established that SEQRA did not require consideration of greenhouse gas emissions in the circumstances presented by this project.
South Bronx Unite! v. New York City Industrial Development Agency (N.Y. App. Div. Mar. 27, 2014)	The New York Appellate Division affirmed.

Pietrangelo v. S & E Customize It Auto Corp.

Name and Date	Description
Pietrangelo v. S & E Customize It Auto Corp. (N.Y. Civ. Ct. May 22, 2013)	In this small claims action, claimant alleged that as a result of the defendant's negligent failure to have flood insurance, she was not fully compensated for damage to her vehicle caused by Hurricane/Superstorm Sandy while the vehicle was at the defendant's vehicle repair shop in Staten Island, New York. The court ruled against claimant, noting that where, as here, a bailment was created, the law in New York is clear that there is no bailee liability for failure to obtain insurance for the bailor's goods. The court further ruled that claimant's negligence cause of action was barred by the "act of nature" defense and by the claimant's failure to establish that defendant was negligent in storing the vehicle. In the course of its decision, the court engaged in what it called "merely intellectual speculation" as to whether global warming or climate change caused Sandy to become a superstorm, stating, "[i]f this is true then the possibility exists that Sandy is not a pure 'act of nature' but is the result of human activity." The court, though leaving this issue for future resolution, indicated that in its view the act of nature defense would still be available because "locating a source of the altered weather pattern might be impossible" and "the proper party or parties could not be identified with any certainty so as to bring them into the court's jurisdiction."

Fast Lane Transportation, Inc. v. City of Los Angeles

Name and Date	Description
East Yard Communities for Environmental Justice v. City of Los Angeles (Cal. Super. Ct., filed June 7, 2013) ***City of Long Beach v. City of Los Angeles*** (Cal. Super. Ct., filed June 5, 2013) ***South Coast Air Quality Management District v. City of Los Angeles*** (Cal. Super. Ct., filed June 7, 2013)	These three lawsuits assert CEQA challenges to City of Los Angeles approvals for an approximately 185-acre intermodal railyard facility located in the cities of Los Angeles, Carson, and Long Beach. The petitions assert a number of failings in the environmental review of the project, including climate change-related shortcomings. In particular, the City of Long Beach petition alleges that the review failed to provide an adequate analysis of, and mitigation for, the project's individual and cumulative greenhouse gas and climate change impacts, and that the environmental impact report (EIR) failed to discuss how the project would affect attainment of greenhouse gas reduction goals under AB 32. The East Yard Communities for Environmental Justice petition charges that despite concluding that the project would have significant impacts on greenhouse gas emissions, the EIR did not discuss any mitigation measures for the project, and that the EIR made "patently false" claims regarding the project's consistency with state and local plans and policies for the reduction of greenhouse gas emissions.

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Fast Lane Transportation, Inc. v. City of Los Angeles

Name and Date	Description
Fast Lane Transportation, Inc. v. City of Los Angeles, No. CIV. MSN14-0300 (Cal. Super. Ct. Mar. 30, 2016)	A California Superior Court ruled that the California Environmental Quality Act (CEQA) review for the Southern California International Gateway Project—"a near-dock intermodal rail yard to handle containerized cargo moving through the Ports of Los Angeles and Long Beach"—had not adequately considered greenhouse gas impacts. In its 200-page opinion, the court also found numerous other shortcomings in the CEQA review. With respect to greenhouse gas impacts, the court said the environmental impact report (EIR) had failed to consider impacts with respect to continued operations at an existing rail yard. In addition, the court said the EIR did not support its assertion that the project was consistent with emissions reductions called for in key legislation, regulations, plans, and policies.
Fast Lane Transportation, Inc. v. City of Los Angeles, Nos. BS143332 et al. (Cal. Super. Ct. July 26, 2016)	A California Superior Court granted a peremptory writ of mandate setting aside approvals for the Southern California International Gateway project, an intermodal railyard facility intended to handle containerized cargo moving through the Ports of Los Angeles and Long Beach. The court required respondents to suspend all project activities until actions had been taken to bring the respondents' determinations, findings, and decisions into compliance with the California Environmental Quality Act (CEQA). The court's judgment followed a March 2016 opinion and order that identified numerous shortcomings in the CEQA review, including inadequate consideration of greenhouse gas impacts.

WildEarth Guardians v. EPA

Name and Date	Description
WildEarth Guardians v. EPA (D.D.C., filed Nov. 17, 2011)	Plaintiffs filed this action in November 2011 asking the court to compel EPA to respond to their June 2010 petition requesting that EPA list coal mines as a new stationary source category under the Clean Air Act and establish performance standards for new and modified sources and methane emissions performance standards for existing sources.
Notice of Final Action on Petition From Earthjustice To List Coal Mines as a Source Category and To Regulate Air Emissions From Coal Mines (EPA, 78 Fed. Reg. 26,739, May 8, 2013)	On April 30, 2013 EPA denied the petition in a letter to Earthjustice, and on May 8, 2013 published notice of the denial in the *Federal Register*.
WildEarth Guardians v. EPA (D.D.C., motion to dismiss filed June 4, 2013)	In its June 4, 2013 motion to dismiss, EPA argued that the action should be dismissed on mootness grounds because there is no further relief that the court can grant. EPA noted that to challenge the substance of the denial of the petition, plaintiffs must seek review in the United States Court of Appeals for the District of Columbia Circuit.
WildEarth Guardians v. EPA (D.C. Cir., filed July 9, 2013)	WildEarth Guardians petitioned the D.C. Circuit for review of EPA's determination to deny the petition asking that EPA list coal mines as a new stationary source category under Section 111 of the CAA. EPA had cited limited resources and ongoing budget uncertainties to justify its denial.

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WildEarth Guardians v. EPA

Name and Date	Description
WildEarth Guardians v. EPA (D.C. Cir. May 13, 2014)	The D.C. Circuit Court of Appeals upheld the United States Environmental Protection Agency's (EPA's) denial of a request to add coal mines to the list of regulated stationary sources under the Clean Air Act. The D.C. Circuit said that EPA's determination "easily passes muster" under the deferential standard applied to review of agency denials of rulemaking petitions. The court distinguished this case from *Massachusetts v. EPA*, 549 U.S. 497 (2007), where EPA had responded to a rulemaking petition seeking regulation of carbon dioxide under the Clean Air Act by disclaiming authority to regulate.
WildEarth Guardians v. EPA, No. 13-1212 (D.C. Cir. July 18, 2014)	The D.C. Circuit Court of Appeals denied WildEarth Guardians' petition for rehearing en banc.

Alliance for a Regional Solution to Airport Congestion v. City of Los Angeles
City of Inglewood v. City of Los Angeles
SEIU United Service Workers West v. City of Los Angeles

Name and Date	Description
Alliance for a Regional Solution to Airport Congestion v. City of Los Angeles (Cal. Super. Ct., filed May 30, 2013) ***City of Inglewood v. City of Los Angeles*** (Cal. Super. Ct., filed May 30, 2013) ***SEIU United Service Workers West v. City of Los Angeles*** (Cal. Super. Ct., filed May 30, 2013)	These three lawsuits assert challenges under CEQA to the approval of a $4.5-billion set of redevelopment and expansion projects at the Los Angeles International Airport. Among other alleged shortcomings in the environmental review, two of the lawsuits charge that respondents failed to adequately analyze and mitigate the project's impacts on greenhouse gas emissions and/or that respondents should have approved an alternative that would have resulted in lower greenhouse gas emissions.
Alliance for a Regional Solution to Airport Congestion v. City of Los Angeles, No. BS143086 (Cal. Super. Ct. settlement Aug. __, 2016)	On August 24, 2016, the Los Angeles City Council approved a memorandum of understanding (MOU) between the City and the Alliance for a Regional Solution to Airport Congestion (ARSEC) that resolved a lawsuit ARSEC brought in 2013 under the California Environmental Quality Act to challenge a major redevelopment and expansion of the Los Angeles International Airport. ARSEC's arguments had included a claim that an alternative with lower greenhouse gas emissions should have been chosen. The MOU provided that the City would not proceed with a key feature of the selected alternative, the relocation of a runway to be 260 feet closer to residential neighborhoods.

Alaska Oil and Gas Association v. Pritzker

Name and Date	Description
Alaska Oil and Gas Association v. Blank, No. 4:13-cv-00018-RRB (D. Alaska, filed May 21, 2013, am. compl. July 2, 2013) ***State of Alaska v. National Marine Fisheries Service***, No. 4:13-cv-00021-RRB (D. Alaska, filed June 21, 2013) ***North Slope Borough v. Pritzker***, No. 4:13-cv-00022-RRB (D. Alaska, am. compl. filed Nov. 20, 2013)	Plaintiff challenges the National Marine Fisheries Service's (NMFS's) listing of two distinct population segments (DPSs) of bearded seals as threatened under the Endangered Species Act (ESA). Plaintiff alleges that the listing is unlawful because the bearded seal populations are presently "abundant, wide-ranging and entirely healthy" and the basis for the listing was "unknown and unspecified adverse effects that may occur at an unknown time and at an unknown rate in the future as a consequence of climate change in the Arctic occurring over the next century." Among other things, plaintiff asserts that NMFS irrationally relied upon climate predictions extending to 2100 when prior ESA listing determinations relied on mid-century projections, and that neither best available scientific data and information nor the administrative record supported a listing of the bearded seal DPSs as threatened. The American Petroleum Institute joined plaintiff in filing an amended complaint on July 2, 2013. Two other actions were also filed by (1) the State of Alaska and (2) parties representing inhabitants and local government in northern Alaska.
Alaska Oil and Gas Association v. Pritzker, No. 4:13-cv-00018-RRB (D. Alaska July 25, 2014)	The federal district court for the District of Alaska ruled in the three actions that the listing of the Beringia distinct population segment (DPS) of bearded seals as threatened under the Endangered Species Act (ESA) was arbitrary, capricious, and an abuse of discretion. Procedurally, the court said that the National Marine Fisheries Service (NMFS) had not responded adequately to the State of Alaska's comments because NMFS had responded to some of the comments only in the preamble to the final rule, rather than in a letter directed to the State, as required by the ESA. Substantively, the court said that NMFS's forecasting of possible impacts of loss of sea-ice on the bearded seal population more than 50 years into the future was too speculative and too remote. The court also said that its finding that the listing was arbitrary and capricious was bolstered by NMFS's explicit finding that no protective regulations were required. The court also found that plaintiffs did not have standing to challenge the listing of the Okhotsk DPS of bearded seals, which is located in the Sea of Okhotsk off the coast of Japan and the Russian Federation.

Center for Biological Diversity v. EPA

Name and Date	Description
Petition for Additional Water Quality Criteria and Guidance Under Section 304 of the Clean Water Act, 33 U.S.C. § 1314, to Address Ocean Acidification (Apr. 17, 2013)	The Center for Biological Diversity petitioned EPA to promulgate additional water quality criteria under Section 304 of the Clean Water Act to address ocean acidification and to request that EPA publish information on water quality in order to guide states addressing ocean acidification. The petition provided an overview of the scientific background for ocean acidification, asserting that as the oceans absorb carbon dioxide emitted from the burning of fossil fuels, seawater becomes increasingly acidic, and that the current rate of acidification is faster than anything experienced in the last 300 million years. The petition asserts that EPA has a non-discretionary duty to promulgate standards because the current criteria and guidelines "do not reflect the latest scientific knowledge and fail to protect marine water quality, as required by the Clean Water Act."
EPA Response to the Center for Biological Diversity's April 17, 2013 Petition (May 17, 2013)	In a letter dated May 17, 2013, EPA responded to the petition. In the May 17 letter, EPA indicated that it intended to establish a technical workgroup within the next six months that would study ocean acidification and its causes.
Center for Biological Diversity v. EPA, No. 1:16-cv-01791 (D.D.C., filed Sept. 8, 2016)	The Center for Biological Diversity filed an action in the federal district court for the District of Columbia challenging EPA's failure to respond to its April 2013 petition requesting that EPA amend water quality criteria and publish guidance to address ocean acidification. The complaint asked the court to find that EPA had failed to act in a reasonable timeframe and to order EPA to formally respond. The complaint noted that the existing criteria for ocean acidity were developed in 1976 and said that a "robust body of science" had been developed since that time that could assist in revising the water quality criteria.

Institute for Policy Integrity, NYU School of Law, Petition for Rulemakings and Call for Information under Section 115, Title VI, Section 111, and Title II of the Clean Air Act to Regulate Greenhouse Gas Emissions

Name and Date	Description
Petition for Rulemakings and Call for Information under Section 115, Title VI, Section 111, and Title II of the Clean Air Act to Regulate Greenhouse Gas Emissions (Feb. 19, 2013)	On February 19, 2013, the Institute for Policy Integrity at the New York University School of Law submitted a rulemaking petition to EPA requesting that it address climate change through one or more of its authorities under the CAA. In particular, the Institute petitioned EPA to take action to control greenhouse gas emissions under Section 115, which creates a mandatory duty to respond to United States emissions that endanger public health and welfare in foreign countries. Alternatively, the Institute petitioned EPA to take action under Title VI/Section 615 (concerning pollutants in the stratosphere) or to continue and enhance its efforts to control greenhouse gases pursuant to Section 111 and Title II.

Clean Air Task Force et al., Petition for Rulemaking and Interpretive Guidance Ensuring Comprehensive Coverage of Methane Sources Under Subpart W of the Greenhouse Gas Reporting Rule – Petroleum and Natural Gas Systems

Name and Date	Description
Clean Air Task Force et al., ***Petition for Rulemaking and Interpretive Guidance Ensuring Comprehensive Coverage of Methane Sources Under Subpart W of the Greenhouse Gas Reporting Rule – Petroleum and Natural Gas Systems*** (Mar. 19, 2013)	On March 19, 2013, the Clean Air Task Force, Environmental Defense Fund, Natural Resources Defense Council, and Sierra Club submitted a rulemaking petition to EPA requesting that it collect greenhouse gas emissions data from methane sources in the petroleum and natural gas sectors that are currently not subject to the mandatory reporting rule. The petition asserts that methane emissions data reported under the rule were 51 percent lower than national estimates in 2011 due to missing source categories and to sources that do not meet the reporting threshold.

Center for Biological Diversity v. Jewell

Name and Date	Description
Center for Biological Diversity v. Jewell No. 1:13-cv-00975 (D.D.C., filed June 27, 2013)	Plaintiff commenced an action against the Secretary of the Interior and the U.S. Fish and Wildlife Service alleging that they failed to make statutorily-required findings on whether to list nine species as endangered or threatened under the Endangered Species Act. Climate change and sea level rise are among the alleged threats to the species.

High Country Conservation Advocates v. United States Forest Service

Name and Date	Description
High Country Citizens' Alliance v. United States Forest Service No. 13-cv-01723 (D. Colo., filed July 2, 2013)	Plaintiffs charge that certain actions by the United States Forest Service (USFS) and the Bureau of Land Management (BLM) in furtherance of the expansion of a coal mine in Colorado violated the National Environmental Policy Act (NEPA). Among the impacts that plaintiffs allege were overlooked are "the societal costs of mining and burning the coal" in the expanded lease area for the mine as well as the impacts of mining and burning "half a billion tons of coal … that … would stay in the ground" were it not for a loophole contained in USFS's Colorado Roadless Rule. The complaint alleged that the social cost of the mine's carbon dioxide and methane pollution will be between $1.2 billion and $2.2 billion.
High Country Conservation Advocates v. United States Forest Service, No. 1:13-cv-01723-RBJ (D. Colo. June 27, 2014)	The federal district court for the District of Colorado ruled that USFS and BLM did not take the required "hard look" under NEPA at the impacts of increased greenhouse gas emissions associated with actions that expanded mining in a part of Colorado's North Fork Valley called the Sunset Roadless Area. The three actions challenged in the lawsuit were the 2012 Colorado Roadless Rule, which included an exemption for temporary road construction or reconstruction associated with coal mining in the North Fork Valley; lease modifications that added new land to preexisting mineral leases; and approval of Arch Coal's exploration plan for the additional land. As an initial matter, the court concluded that plaintiffs—three environmental and conservation groups—had standing to bring all of their claims. Citing the D.C. Circuit's decision in *WildEarth Guardians v. Jewell*, 738 F.3d 298 (D.C. Cir. 2013), the court rejected defendants' argument that the alleged failure to adequately analyze greenhouse gas emissions resulting from the Colorado Roadless Rule was unrelated to plaintiffs' alleged concrete injury of harm to their recreational interests in the Sunset Roadless Area. The court went on to find that the agencies had not adequately disclosed and considered the impacts of greenhouse gas emissions in several respects. First, the court faulted the agencies for failing to use the "social cost of carbon protocol" developed by a federal interagency working group in the analysis of the lease modification's impacts. The draft environmental review documents had included an assessment of social costs of carbon related to disturbance of forested areas and methane emissions from mining, but the discussions were removed in the final environmental impact statement (FEIS), apparently because use of the protocol was deemed controversial. The court found the explanation for omitting the social cost of carbon protocol from the FEIS to be arbitrary and capricious. The court also rejected the agencies' justifications for not quantifying methane emissions from mining associated with the Colorado Roadless Rule and for not estimating greenhouse gas emissions associated with combustion of the mined coal. Among other things, the court said that the detailed economic analysis of the benefits of expanded mining was at odds with defendants' arguments that future emissions associated with the mining were too speculative to support a quantitative analysis. The court enjoined implementation of the exploration plan, and asked the parties to confer and attempt to reach agreement on an appropriate remedy.

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High Country Conservation Advocates v. United States Forest Service

Name and Date	Description
High Country Conservation Advocates v. United States Forest Service, No. 13-cv-01723-RBJ (D. Colo. Sept. 11, 2014)	The federal court for the District of Colorado issued a final order vacating three actions of the United States Forest Service and Bureau of Land Management that permitted expansion of coal mining in a part of Colorado's North Fork Valley called the Sunset Roadless Area. In its June 2014 opinion, the court asked the parties to confer regarding an appropriate remedy after ruling that the agencies had violated the National Environmental Policy Act (NEPA) by failing to take hard look at potential impacts of increased greenhouse gas emissions associated with their actions. The parties were unable to agree, so the court stepped in. In vacating the federal actions, the court noted that vacatur was the "normal remedy" for NEPA violations and that equitable considerations did not weigh in favor of a more limited remedy such as the tailored temporary injunctions requested by defendants. The court said that the agencies' decision on remand was not a foregone conclusion and that "NEPA's goals of deliberative, non-arbitrary decision-making would seem best served by the agencies approaching these actions with a clean slate."

Center for Biological Diversity v. United States Environmental Protection Agency

Name and Date	Description
Center for Biological Diversity, Request for reconsideration of approval of Washington and Oregon's impaired waters lists and courtesy notice of intent to sue (July 23, 2013)	On July 23, 2013, the Center for Biological Diversity (CBD) sent a "courtesy letter" to inform EPA of CBD's intent to sue to challenge EPA's December 2012 approvals of Washington's and Oregon's lists of impaired waters under section 303(d) of the Clean Water Act. CBD asserted that EPA's approval of lists without any waterbodies identified as threatened or impaired by ocean acidification was arbitrary and capricious and urged EPA to reconsider its determinations.
Center for Biological Diversity v. United States Environmental Protection Agency (W.D. Wash, filed Oct. 16, 2013)	CBD commenced a lawsuit in the district court for the Western District of Washington challenging EPA's approvals of Oregon's and Washington's lists of impaired waters. CBD alleged that the approvals were arbitrary and capricious and in violation of the Clean Water Act because of EPA's longstanding acknowledgment that "as a result of absorbing large quantities of human-made carbon dioxide emissions, ocean chemistry is changing, and this is likely to negatively affect marine ecosystems and species including coral reefs, shellfish, and fisheries." CBD further alleged that EPA had before it "substantial evidence" that oyster production problems in Oregon and Washington stemmed from acidification.
Center for Biological Diversity v. EPA, No. 2:13-cv-01866-JLR (W.D. Wash., EPA cross-motion for summ. j. Aug. 15, 2014; CBD motion for summ. j. June 20, 2014)	Both EPA and the Center for Biological Diversity (CBD) moved for summary judgment in CBD's challenge to EPA's approvals of Oregon's and Washington's lists of impaired waters under the Clean Water Act. CBD argued that EPA's approvals were at odds with evidence in the administrative record of the harmful effects of ocean acidification caused by increasing levels of carbon dioxide in the atmosphere, and also that data EPA was required to consider was missing from the record. EPA said it recognized the seriousness of ocean acidification and that more information and data were available now than were available in 2010, when the reporting period for the challenged listings ended, and more even than in 2012, when EPA approved the lists. EPA argued, however, that viewed in terms of the information available at the time of EPA's approvals, those approvals were fully supported and deserved deference.

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Center for Biological Diversity v. United States Environmental Protection Agency

Name and Date	Description
Center for Biological Diversity v. EPA, No. 13-cv-1866 (W.D. Wash. original order Feb. 19, 2015, amended order Mar. 2, 2015)	The court granted summary judgment to EPA. As an initial matter, the court concluded that the Center for Biological Diversity had standing to bring the action, rejecting arguments raised by the Western States Petroleum Association and the American Petroleum Institute in an amicus curiae brief. The court concluded that the Center for Biological Diversity had established causation and redressability. The court reasoned that even though global atmospheric carbon dioxide—which the amicus brief argued could not be addressed through a Clean Water Act mechanism—was the primary driver of acidification, the Center for Biological Diversity had alleged that local activities also had a significant impact on ocean acidity and that local mitigation measures could address "hot spots" of ocean acidification. Ultimately, however, the court found that EPA's approval of the impaired waters lists was neither implausible nor contrary to the evidence. The court also determined that EPA had reasonably concluded that Washington and Oregon assembled and evaluated all existing and readily available water quality data.

Save the Plastic Bag Coalition v. County of Marin

Name and Date	Description
Save the Plastic Bag Coalition v. County of Marin (Cal. Ct. App. June 25, 2013) (partial pub. order July 25, 2013)	The California Court of Appeal affirmed the dismissal of a California Environmental Quality Act challenge to a county ordinance that bans plastic bags. While plaintiff had alleged that increased paper bag use might increase greenhouse gas emissions, the Court of Appeal concluded that "it is plain that any increased greenhouse gas emissions or similar, broader environmental consequences resulting from the ordinance would be comparatively trivial."
Save the Plastic Bag Coalition v. County of Marin (Cal. Oct. 2, 2013)	

Save Panoche Valley v. San Benito County

Name and Date	Description
Save Panoche Valley v. San Benito County (Cal. Ct. App. June 25, 2013)	The California Court of Appeal affirmed a trial court's rejection of a challenge to San Benito County's cancellation of Williamson Act contracts to permit the construction of a solar power development. The Williamson Act contracts obligate landowners to maintain land as agricultural for 10 or more years, and cancellation of a contract requires, among other things, a finding that "other public concerns substantially outweigh the objectives of [the Williamson Act]." The Court of Appeal found substantial evidence in the record to support the conclusion that public concerns such as furthering the state's progress toward achieving goals for increased renewable energy and reduced greenhouse emissions outweighed the purposes of the Williamson Act.

Borough of Harvey Cedars v. Karan

Name and Date	Description
Borough of Harvey Cedars v. Karan (N.J. July 8, 2013)	The Borough of Harvey Cedars exercised its power of eminent domain to acquire a portion of the Karans' property to construct a dune that connected to a dune running the length of Long Beach Island in New Jersey. The trial court permitted the Karans to present evidence regarding the diminution in their property's value due to the obstruction of the ocean view from their home, but did not permit the Borough to introduce evidence that the dune enhanced the value of the property by protecting it from damage from storms and ocean surges. The trial court determined, and the Appellate Division affirmed, that such protection was a "general benefit" that protected all property owners in the Borough and should not be factor in determining just compensation. The New Jersey Supreme Court reversed, stating that just compensation "must be based on a consideration of all relevant, reasonably calculable, and non-conjectural factors that either decrease or increase the value of the remaining property.... A formula—as used by the trial court and Appellate Division—that does not permit consideration of the quantifiable benefits of a public project that increase the value of the remaining property in a partial-takings case will lead to a compensation award that does not reflect the owner's true loss." The Supreme Court ordered a new trial to determine the fair market value of just compensation. The homeowners later accepted $1 in a settlement.

Center for Biological Diversity v. EPA

Name and Date	Description
Center for Biological Diversity v. EPA (D.C. Cir., filed April 7, 2011)	Several environmental advocacy groups filed a lawsuit challenging EPA's decision to grant an industry petition to reconsider portions of its greenhouse gas (GHG) tailoring rule by deferring for three years GHG permitting requirements for industries that burn biomass. On March 21, 2011, EPA **proposed** delaying for three years GHG permitting requirements for new and modified industrial facilities that use wood, crop residues, grass, and other biomass for energy under its GHG tailoring rule. According to EPA, it will use the time to seek further independent scientific analysis of biomass emissions and develop a rule that lays out whether they should be considered emissions that trigger CAA GHG permitting requirements.
Center for Biological Diversity v. EPA (D.C. Cir., filed Aug. 15, 2011)	Several environmental groups filed a lawsuit against EPA, challenging an agency rule that exempts facilities burning biomass from the requirement to obtain GHG emissions permits for three years. The lawsuit alleges that the exemption will encourage development of more facilities burning wood and grasses without having to control GHG emissions. The rule exempts facilities that burn wood, various crop residues, grass, and other biomass from the requirement to obtain PSD permits and Title V operating permits under the Clean Air Act. EPA granted the deferral in response to a petition by the National Alliance of Forest Owners (NAFO). According to the agency, the additional three years will allow it to conduct further studies of GHG emissions from biomass. A similar lawsuit was filed in April 2011 challenging the agency's decision to grant the petition from NAFO.

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Center for Biological Diversity v. EPA

Name and Date	Description
Center for Biological Diversity v. EPA (D.C. Cir. July 12, 2013)	The D.C. Circuit vacated EPA's rule that deferred regulation of "biogenic" carbon dioxide from non-fossil fuel carbon dioxide sources such as ethanol for three years. The court ruled that EPA could not rely on the *de minimis*, one-step-at-a-time, administrative necessity, or absurd results doctrines of administrative law to justify this "Deferral Rule." Judge Kavanaugh wrote a concurring opinion that asserted that in his view none of the above doctrines could apply because EPA had no statutory authority to distinguish between types of carbon dioxide. Judge Henderson dissented, voicing her view that EPA could defer regulation until it had taken the time it needed to study and resolve the issue or, alternatively, that the matter was not ripe for adjudication.
Center for Biological Diversity v. EPA (D.C. Cir. Aug. 26, 2013)	The D.C. Circuit Court of Appeals granted the motion of industry group intervenors to extend the deadline to petition for rehearing en banc. Petitioners opposed granting the motion to extend the deadline. Respondent-intervenors must file any petition no later than 30 days after the Supreme Court's decision whether to grant the pending petitions for a writ of certiorari seeking review of the D.C. Circuit's decision in *Coalition for Responsible Regulation v. EPA*, which upheld EPA's regulation of greenhouse gas emissions under the Clean Air Act.
Center for Biological Diversity v. EPA, No. 11-1101 (D.C. Cir., petition for rehearing May 11, 2015)	Industry groups filed a petition for rehearing. This litigation had been on hold while other proceedings challenging EPA's regulatory regime for greenhouse gas emissions made their way to the Supreme Court, culminating in the Supreme Court's decision in *Utility Air Regulatory Group v. EPA* in June 2014 and eventually in the D.C. Circuit's amended judgment in April 2015. The industry groups argued in their petition for rehearing that the D.C. Circuit needed to consider *UARG v. EPA's* impact on the rule deferring regulation of biogenic carbon dioxide, given that the "Deferral Rule" amended the "Tailoring Rule," which was partially invalidated by *UARG v. EPA*. The industry groups also contended that the D.C. Circuit should have considered remand without vacatur as an appropriate remedy and that the D.C. Circuit had erred in finding that the record did not support the Deferral Rule.

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Center for Biological Diversity v. EPA

Name and Date	Description
Center for Biological Diversity v. EPA, No. 11-1101, 11-1285, 11-1328, 11-1336 (D.C. Cir. July 24, 2015)	The D.C. Circuit Court of Appeals denied a petition by industry groups for rehearing of its 2013 decision rejecting the United States Environmental Protection Agency's (EPA's) deferral of regulation of carbon dioxide from biogenic sources. The industry groups included the American Forest & Paper Association, the Utility Air Regulatory Group, and the Renewable Fuels Association. The D.C. Circuit denied their request without comment. The industry groups had argued that the decision needed to be reconsidered in light of the Supreme Court's 2014 decision in *Utility Air Regulatory Group v. EPA*.

League of Wilderness Defenders/Blue Mountains Biodiversity Project v. Connaughton

Name and Date	Description
League of Wilderness Defenders/Blue Mountains Biodiversity Project v. Connaughton, No. 3:12-cv-02271 (D. Or. July 17, 2013)	A federal district court denied plaintiffs' motion for a preliminary injunction to stop the commencement of logging that was part of the Snow Basin Vegetation Management Project in the Wallowa Whitman National Forest in Oregon. Among other claims, plaintiffs contended that the environmental impact statement (EIS) for the project failed to discuss the impacts of logging on carbon storage. The court concluded that the United States Forest Service's qualitative analysis had adequately addressed the project's impacts on carbon sequestration and climate change, and that the agency had sufficiently supported "its determination that the Project would positively affect carbon sequestration and that carbon sequestration was insignificant because the Project would retain and thin trees rather than clear-cut tre[e]s."
League of Wilderness Defenders/Blue Mountains Biodiversity Project v. Connaughton, No. 13-35653(9th Cir. May 8, 2014)	The Ninth Circuit Court of Appeals affirmed in part and reversed in part and remanded for entry of a preliminary injunction. The Ninth Circuit held that plaintiffs were likely to succeed on their claim that the EIS did not adequately discuss the project's impacts on elk habitat. A supplemental EIS was therefore required.

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League of Wilderness Defenders/Blue Mountains Biodiversity Project v. Connaughton

Name and Date	Description
League of Wilderness Defenders/Blue Mountains Biodiversity Project v. Connaughton, No. 3:12-cv-02271 (D. Or. Dec. 9, 2014)	The federal district court for the District of Oregon issued a mixed ruling. Although the court ruled for the plaintiffs on several claims under the National Environmental Policy Act (NEPA), the court ruled for the federal defendants on the climate change-related NEPA claim. In particular, the court rejected the plaintiffs' argument that the United States Forest Service had failed to disclose the short-term negative impact that the project would have on the forest's capacity to store carbon. The court found that the agency's qualitative analysis of the project's long-term benefits with respect to climate change was sufficient. The analysis had noted there was uncertainty regarding carbon sequestration's relationship to climate change and that the project was consistent with the Intergovernmental Panel on Climate Change's recommendations for forest management.
League of Wilderness Defenders/Blue Mountains Biodiversity Project v. Peña, No. 3:12-cv-02271 (D. Or. Apr. 6, 2015)	The federal district court for the District of Oregon vacated an environmental impact statement (EIS) and record of decision (ROD) for the Snow Basin Vegetation Management Project in the Wallowa Whitman National Forest in Oregon. In December 2014, the court ruled that the U.S. Forest Service defendants had not complied with the National Environmental Policy Act and the National Forest Management Act (although the court found no fault with the analysis of potential climate change impacts due to short-term reductions in the forest's capacity to store carbon). In its order vacating the EIS and ROD, the court said that it would not void three timber sales contracts that the Forest Service had voluntarily suspended; the court concluded that the determination of what to do regarding the contracts was best left to the agency's discretion.

Coalition for the Advancement of Regional Transportation v. Federal Highway Administration

Name and Date	Description
Coalition for the Advancement of Regional Transportation v. Federal Highway Administration (W.D. Ky. July 17, 2013)	A federal district court dismissed a challenge to a $2.6-billion construction and transportation management program designed to improve mobility across the Ohio River between Kentucky and Southern Indiana. Among other things, plaintiff claimed that defendants "purposely withheld" information about greenhouse gas emissions during the project's review under the National Environmental Policy Act (NEPA), that defendants ignored EPA comments regarding greenhouse gas emissions and that defendants misled the public about the extent of the project's greenhouse gas emissions. The court ruled that plaintiff had failed to proffer any regulatory mandate or national environmental standards requiring analysis of greenhouse gas emissions in the NEPA process. Although the court called consideration of greenhouse gas emissions "patently important," the court agreed with defendants that "Project-specific quantification of greenhouse gas emissions, and their effect on climate change, would be largely uninformative and speculative." The court noted that defendants had committed to working with the DOT Center for Climate Change to develop strategies to reduce transportation's contribution to greenhouse gas emissions and to assess the risks posed by climate change to transportation systems.
Coalition for Advancement of Regional Transportation v. Federal Highway Administration, No. 13-6214 (6th Cir. Aug. 7, 2014)	The Sixth Circuit Court of Appeals affirmed. Like the district court, the Sixth Circuit was not persuaded that the reviewing agencies' consideration of greenhouse gas emissions was inadequate. The Sixth Circuit said that defendants' position that they could not "usefully evaluate" such emissions on a project-specific basis because of "the non-localized, global nature" of climate impacts was not arbitrary and capricious.

Friends of Oroville v. City of Oroville

Name and Date	Description
Friends of Oroville v. City of Oroville (Cal. Ct. App. Aug. 19, 2013)	In a case challenging the approval of an expanded and relocated Wal-Mart store in Oroville, California, an intermediate California appellate court held that the City had failed to adequately assess the impact of a project's greenhouse gas emissions. The court ruled that in the review of the project under the California Environmental Quality Act (CEQA), the City had improperly applied the threshold for determining the significance of project greenhouse gas emissions. The court found that the City had made a "meaningless" comparison of the proposed store's emissions to statewide emissions and had failed both to calculate the existing Wal-Mart store's emissions and to "quantitatively or qualitatively ascertain or estimate" the effect of mitigation measures on the proposed store's emissions.

North Sonoma County Healthcare District v. County of Sonoma

Name and Date	Description
North Sonoma County Healthcare District v. County of Sonoma (Cal. Ct. App. Aug. 14, 2013)	In an unpublished decision, an appellate court in California upheld an award of attorney fees in a case in which the trial court had ruled that the environmental impact report (EIR) prepared by the County did not support the County's imposition of reduced mitigation measures for greenhouse gas emissions. The County had imposed the reduced measures based on post-EIR calculations. The appellate court rejected the County's contention that attorney fees were not warranted, concluding that the trial court had not abused its discretion in finding that petitioners were successful parties who had achieved a significant public benefit for purposes of the attorney fee statute. The appellate court stated that "the additional public process with more accurate information on the mitigation of the Project's greenhouse gas emissions, standing alone, conferred a substantial public benefit" and that "this litigation conferred an additional substantial benefit to the general public because the County may be less inclined, in the consideration and preparation of EIR's for future projects, to 'acknowledge a significant impact and approve the project after imposing a mitigation measure not shown to be adequate by substantial evidence.'"

Communities for a Better Env't v. Metro. Transp. Comm'n
Building Industry Association Bay Area v. Association of Bay Area Governments
Bay Area Citizens v. Association of Bay Area Governments

Name and Date	Description
Communities for a Better Environment v. Metropolitan Transportation Commission (Cal. Super. Ct., filed Aug. 19, 2013)	Communities for a Better Environment and the Sierra Club commenced a challenge to the adoption of Plan Bay Area by the Bay Area's regional transportation and land use planning agencies (the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC)). Plan Bay Area is a regional land use and transportation plan intended to meet state-mandated goals for greenhouse gas emissions reductions. A primary allegation of the lawsuit is that Plan Bay Area does not do enough to reduce reliance on cars and trucks and therefore fails to make the required greenhouse gas reductions. The verified petition alleges, among other things, that the EIR for the Plan misleadingly indicates that reductions in greenhouse gas emissions result from the Plan when the reductions are in fact attributable to state-level programs. The verified petition also alleges that the EIR for the Plan fails to provide adequate information about the feasibility and implementation of mitigation measures to combat the effects of development in areas vulnerable to rising sea levels.
Building Industry Association Bay Area v. Association of Bay Area Governments (Cal Super. Ct., filed Aug. 16, 2013)	A building industry group also challenged Play Bay Area's compliance with CEQA and with SB 375, the state law mandating that regional land use and transportation plans meet greenhouse gas reduction requirements. The group alleged that the plan failed to provide adequate housing to support projected future populations and that its environmental review was inadequate.
Bay Area Citizens v. Association of Bay Area Governments (Cal. Super. Ct., filed Aug. 6, 2013)	Bay Area Citizens (BAC), a non-profit organization represented by the Pacific Legal Foundation, also challenged the adoption by ABAG and MTC of Plan Bay Area. BAC alleges that the adoption of the plan violated CEQA because the agencies' analysis gave "the false impression" that the high-density development strategy set forth in the Plan was necessary to achieve the required greenhouse gas emissions reductions—BAC's petition asserts that projected improvements in fuel efficiency and fuel composition would independently allow the Bay Area to "handily exceed" the required emissions reductions.

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Communities for a Better Env't v. Metro. Transp. Comm'n
Building Industry Association Bay Area v. Association of Bay Area Governments
Bay Area Citizens v. Association of Bay Area Governments

Name and Date	Description
Communities for a Better Environment v. Metropolitan Transportation Commission, No. RG13692189 (Cal. Super. Ct. June 18, 2014)	Communities for a Better Environment and Sierra Club reached an agreement with the Metropolitan Transportation Commission and the Association of Bay Area Governments to resolve their CEQA challenge to Plan Bay Area. Respondents agreed to undertake certain analyses in the next update to the plan, including disclosing total greenhouse gas emissions both with and without the implementation of state-wide emissions reduction programs, studying the effects of the creation of express lanes on greenhouse gas emissions and vehicle miles traveled, and preparing a Freight Emissions Reduction Action Plan that will study options for zero-emissions rail and truck technologies.
Bay Area Citizens v. Association of Bay Area Governments, No. A143058 (Cal. Ct. App. June 30, 2016)	The California Court of Appeal upheld "Plan Bay Area," a regional transportation plan update and "sustainable communities strategy" adopted by Bay Area regional planning agencies to meet greenhouse gas emission reduction targets set by the California Air Resources Board (CARB) pursuant to the Sustainable Communities and Climate Protection Act of 2008 (SB 375). Plan Bay Area was challenged by petitioners who contended that Plan Bay Area should have relied on emission reductions from statewide mandates to achieve the SB 375 targets to avoid "draconian" land use and transportation measures. The Court of Appeal found that the "only legally tenable interpretation" of SB 375 was that it required its targets to be met using regional land use and transportation strategies that achieved emission reductions independent of reductions achieved by statewide mandates. The Court of Appeal further concluded that CARB had discretion to require that the SB 375 emission reductions be in addition to those stemming from statewide standards. The Court of Appeal also found that the agencies had complied with the California Environmental Quality Act (CEQA) regardless of SB 375 and CARB requirements.

Energy Conservation Program for Consumer Products: Landmark Legal Foundation; Petition for Reconsideration

Name and Date	Description
Energy Conservation Program for Consumer Products: Landmark Legal Foundation; Petition for Reconsideration (78 Fed. Reg. 49,975 (Aug. 16, 2013))	On August 16, 2013, the Office of Energy Efficiency and Renewable Energy of the U.S. Department of Energy (DOE) published a notice in the Federal Register that it had received a petition from the Landmark Legal Foundation (LLF) for reconsideration of the final rule for Energy Conservation Standards for Standby Mode and Off Mode for Microwave Ovens. The notice indicated that LLF requested reconsideration because the final rule used a different "social cost of carbon" than the supplementary notice of proposed rulemaking. The August 16 notice sought comment on whether to undertake the requested reconsideration. The comment deadline is September 16, 2013.
Energy Conservation Program for Consumer Products, Notice of Denial of Petition for Reconsideration by Landmark Legal Foundation (78 Fed. Reg. 79,643, Dec. 31, 2013)	On December 31, 2013, DOE denied the petition. DOE indicated that the SCC values used in the proposed rule and in the final rule had not affected DOE's decision because the estimated benefits of the proposed and final standard exceeded the standard's costs even without considering SCC values. In fact, the proposed and final standard were the same. DOE also said that the use of an updated SCC value in the final rule did not violate the Administrative Procedure Act's notice and comment requirements because, among other reasons, DOE had indicated in its notice of proposed rulemaking that the SCC values were subject to change based on improved scientific and economic understanding of climate change and because the change in the SCC values reflected refinements to underlying models, not to methodology or federal government inputs such as discount rates, population growth, climate sensitivity distribution, or socio-economic trajectories.

Chesapeake Climate Action Network v. Export-Import Bank of the United States

Name and Date	Description
Chesapeake Climate Action Network v. Export-Import Bank of the United States (N.D. Cal., filed July 31, 2013)	Environmental groups challenged the Export-Import (Ex-Im) Bank of the United States' approval of a $90 million loan guarantee, which they alleged would facilitate a commercial loan to Xcoal Energy & Resources, LLC (Xcoal) and enable Xcoal to broker $1 billion in sales of coal for export from Appalachian coal mines. Petitioners allege that the Ex-Im Bank failed to consider environmental and health impacts prior to approving the loan in violation of the National Environmental Policy Act.
Chesapeake Climate Action Network v. Export-Import Bank of the United States, No. 13-cv-1820 (D.D.C. Jan. 21, 2015)	The federal district court for the District of Columbia ruled that environmental groups did not have associational or organizational standing. The court ruled that the environmental groups asserting associational standing had failed to establish the redressability component of standing because they had not established a likelihood that a change in Ex-Im Bank's authorization of the loan guarantee would affect Xcoal's export of coal. Noting that, in a case like this one, the agency's action is "only one piece of the redressability puzzle," the court found that a declaration submitted by Xcoal's vice president of finance supported the defendants' assertion that Xcoal had obtained enough alternative sources of credit so that rescission of the loan guarantee would not impede coal exports; the court further found that the environmental groups had not brought forward any facts to rebut this testimony. The court also held that two other environmental groups—Pacific Environment (PE) and the Center for International Environmental Law (CIEL) —failed to establish organizational standing. The two groups had asserted that Ex-Im Bank's actions caused injuries to their missions, activities, and resources. The court found that neither group had established injury-in-fact. The court found that PE had not established either a conflict between approval of the loan guarantee and PE's mission, an impediment to the PE's activities, or a drain on PE's resources. With respect to CIEL, the court was not persuaded by arguments that CIEL's policy work had been undermined because CIEL was forced to direct time and resources towards monitoring Ex-Im Bank's policies, or that CIEL's public education efforts had been injured by its inability to provide input during the course of Ex-Im Bank's decision-making process.

Rocky Mountain Wild v. Kornze

Name and Date	Description
Rocky Mountain Wild v. Kornze (D. Colo., filed July 25, 2013)	A coalition of environmental organizations filed a lawsuit alleging that the U.S. Bureau of Land Management failed to comply with the ESA when it approved amendments to nine resource management plans to permit oil shale or tar sands leasing on 810,000 acres of public land in Colorado, Utah, and Wyoming. Among other things, plaintiffs contend that oil shale and tar sands development will increase greenhouse gas emissions, exacerbating the effects of climate change and adversely affecting the lands and waters of Colorado, Utah, and Wyoming.

Turtle Island Restoration Network v. U.S. Department of Commerce

Name and Date	Description
Turtle Island Restoration Network v. U.S. Department of Commerce (D. Haw. Aug. 23, 2013)	Plaintiffs challenged federal agency decisions that allowed shallow-set longline fishing for swordfish. They alleged, among other things, violations of the Endangered Species Act (ESA). The federal district court for the District of Hawaii affirmed the agencies' decisions. In doing so, the court rejected the claim that the National Marine Fisheries Service (NMFS) had violated the ESA by taking action that "deepened the jeopardy" to sea turtles posed by climate change. The court stated that "when climate conditions jeopardize a species, the ESA does not automatically prohibit the 'taking' of a single member of the species. This is not to say, of course, that dangerous climate conditions give rise to an 'open season' on a threatened or endangered species. Instead, the ESA is violated only when agency action results in a 'take' that appreciably reduces the likelihood of survival and recovery of a species in the wild." The court also rejected claims that the ESA's requirement to use "best available data" required NMFS to conduct more comprehensive studies of the effects of climate change on sea turtles.

Cascade Bicycle Club v. Puget Sound Regional Council

Name and Date	Description
Cascade Bicycle Club v. Puget Sound Regional Council (Wash. Ct. App. July 22, 2013)	The Washington Court of Appeals affirmed the dismissal of a challenge to the regional transportation plan adopted by the Puget Sound Regional Council (PSRC). The Court of Appeals concluded that a state statute that established statewide greenhouse gas emissions reductions requirements did not require PSRC to approve a plan that achieved the region's proportional share of the statewide emissions reduction requirement, and that PSRC had not voluntarily committed itself to achieving the emissions reductions. The Court of Appeals also found that the assessment of alternative actions and potential mitigation measures to reduce greenhouse gas emissions in the plan's environmental impact statement satisfied State Environmental Policy Act requirements.

Funk v. Commonwealth of Pennsylvania

Name and Date	Description
Funk v. Commonwealth of Pennsylvania (Pa. Commw. Ct. July 3, 2013)	In October 2012, petitioner Ashley Funk submitted a petition for rulemaking to the Pennsylvania Department of Environmental Protection (PADEP) requesting that the Environmental Quality Board (EQB) promulgate regulations requiring reduction of fossil fuel carbon dioxide emissions by six percent annually to achieve an atmospheric concentration of 350 parts per million or less of carbon dioxide by 2100. In November 2012, PADEP notified Funk that the petition failed to meet the requirements for submission to the EQB because (1) EQB was barred by statute from adopting an ambient air quality standard more stringent than the standard adopted by EPA and there was no EPA standard for carbon dioxide; (2) the requested rule was contrary to the Pennsylvania Climate Change Act's inventory and reporting requirements; and (3) the petition did not identify persons, businesses, and organizations likely to be affected. Funk filed a petition for review in the Pennsylvania Commonwealth Court seeking to compel PADEP to submit the rulemaking petition to the EQB. Funk also filed an appeal with the Environmental Hearing Board (EHB). The Pennsylvania Commonwealth Court sustained PADEP's preliminary objections on the ground that Funk had not exhausted her administrative remedy of appeal to the EHB. Although there is an exception to the doctrine of exhaustion of administrative remedies where the constitutionality of a statutory scheme is challenged, the court found that the constitutional issues raised by Funk were not facial challenges to the statute, but challenges of the application of statutes to her case. The court dismissed the petition without prejudice to Funk's right to raise the issues before the EHB or on appeal from any EHB decision.

Petition for Correction-Social Cost of Carbon for Regulatory Impact Analysis

Name and Date	Description
Petition for Correction, Social Cost of Carbon for Regulatory Impact Analysis (Sept. 3, 2013)	Seven organizations—America's Natural Gas Alliance, the American Chemistry Council, the American Petroleum Institute, the National Association of Home Builders, the National Association of Manufacturers, the Portland Cement Association, and the U.S. Chamber of Commerce—submitted a "Petition for Correction" to the Office of Management and Budget (OMB) seeking withdrawal of two Technical Support Documents issued in 2010 and 2013 that provide estimates of the social cost of carbon (SCC). Federal agencies, including EPA and the Department of Energy, use SCC estimates in their development of regulations. The petitioners contend that the SCC estimates "fail in terms of process and transparency" because, among other reasons, the development of the estimates did not comply with OMB guidance under the Information Quality Act. The petition also asserts that the modeling for the estimates did not provide "a reasonably acceptable range of accuracy for use in policy-making" and that the estimates will skew agency decision-making by focusing on the global, rather than domestic, benefits of reducing carbon emissions. The petitioners also argued that using the estimates would cause agencies to violate the Administrative Procedure Act (APA) and that the estimates themselves violated the APA.
Office of Management and Budget, Technical Support Document: Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order No. 12866, Notice of Availability and Request for Comments (78 Fed. Reg. 70,586, Nov. 26, 2013)	OMB announced the availability of, and requested public comments on, an updated Technical Support Document (TSD) for agencies to use to estimate SCC in their rulemakings. OMB indicated that it was particularly interested in comments on the selection of the models used and the synthesis of the resulting SCC estimates; how the distribution of SCC estimates should be represented in regulatory impact analyses; and the strengths and limitations of the overall approach. The deadline for comments was originally January 27, 2014, but was extended to February 26, 2014.

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Petition for Correction-Social Cost of Carbon for Regulatory Impact Analysis

Name and Date	Description
Office of Management and Budget, **Response to Petition for Correction of the "Social Cost of Carbon for Regulatory Impact Analysis under Executive Order 12866" Technical Support Documents** (Jan. 24, 2014)	In a response to the September 2013 petition for correction (PFC), OMB addressed the five concerns enumerated in the PFC but concluded that the SCC estimates "provide valuable and critical insight" for regulatory decision making. The response also referred the organizations to the ongoing public comment process on the SCC TSDs, which sought comments "on topics that are consistent with those raised" in the PFC.
Request for Reconsideration (Feb. 24, 2014)	On February 24, 2014, a coalition of organizations representing various industry and business sectors submitted a Request for Reconsideration (RFR) to OMB regarding OMB's January 2014 response to the September 2013 Petition for Correction (PFC) of the TSDs prepared as the basis for SCC estimates used by federal agencies in their decision making. The RFR called OMB's January 2014 response "unsatisfactory," contending that OMB "supported its terse conclusion with little more than a 'cut-and-paste' reiteration of the precise TSD language that concerned the [organizations]." The RFR catalogs the January 2014 response's alleged shortcomings, including that it had not remedied the "opacity" that characterized the development of the SCC estimates. The organizations also contend that OMB did not comply with its own Information Quality Act guidelines in the development of either the TSDs or the 2014 response.

Latinos Unidos de Napa v. City of Napa

Name and Date	Description
Latinos Unidos de Napa v. City of Napa (Cal. Ct. App. Oct. 10, 2013)	An affordable housing advocacy organization challenged the City of Napa's failure to prepare an environmental impact report (EIR) under the California Environmental Quality Act (CEQA) for revisions to housing elements of the City's general plan and related actions. The City determined that the actions would not result in any new significant environmental effects not identified and mitigated in the EIR for the 1998 general plan. The California Court of Appeal affirmed the trial court's denial of the challenge. Citing substantial evidence in the administrative record that the actions would not have any new significant impacts, the Court of Appeal rejected petitioner's contention that the City had failed to disclose the actions' impacts and cumulative impacts on greenhouse gas emissions.

California Clean Energy Committee v. City of San Jose

Name and Date	Description
California Clean Energy Committee v. City of San Jose (Cal. Ct. App. Sept. 30, 2013)	In an unpublished opinion, the California Court of Appeal reversed the decision of the trial court dismissing plaintiff's challenge to the City of San Jose's compliance with CEQA in conjunction with its approval of an update to the City's general plan entitled "Envision San Jose 2040 General Plan." The appellate court disagreed with the trial court's conclusion that plaintiff had failed to exhaust its administrative remedies, noting that plaintiff had submitted comments critical of the draft EIR (including comments critical of the draft EIR's analysis of greenhouse gas emissions). The appellate court held that because the City Council had improperly delegated the duty to certify the EIR as complete to the planning commission, no administrative appeal was available to plaintiff, and plaintiff's comment letter on the draft EIR sufficed to exhaust its administrative remedies.

SSHI LLC dba DR Horton v. City of Olympia

Name and Date	Description
SSHI LLC dba DR Horton v. City of Olympia (Wash. Ct. App. Sept. 24, 2013)	Developer DR Horton challenged the City of Olympia's denial of its master plan application for an 80-acre "neighborhood village." In its challenge under the Washington Land Use Petition Act, DR Horton claimed, among other things, that the City Council erred in denying the application for failure to satisfy public transit requirements. In an unpublished opinion, the Washington Court of Appeals affirmed the trial court's orders dismissing the petition. With respect to the public transit requirements, the appellate court held that the Council had not erred in concluding that the proposed master plan failed to satisfy transit requirements. The court also concluded that the public transit requirement did not violate the developer's substantive due process rights because it was grounded in the legitimate public purpose of reducing greenhouse gases.

American Petroleum Institute Notice of Intent to File Citizen Suit

Name and Date	Description
American Petroleum Institute, Notice of Intent to File Citizen Suit (Oct. 17, 2013)	The American Petroleum Institute submitted a 60-day notice of intent to sue to EPA Administrator Gina McCarthy. The notice letter asserted EPA failures, and anticipated failures, to comply with statutory deadlines for setting biomass-based diesel and renewable fuel requirements for 2014. The notice letter cataloged EPA's "habitual, historical delays" in promulgating the annual renewable fuel standards and asserted that "EPA's continual tardiness has real, adverse effects on industry."

Monroe Energy LLC v. EPA

Name and Date	Description
Monroe Energy, LLC v. EPA, No. 13-1265 (D.C. Cir., filed Oct. 4, 2013); ***American Fuel & Petrochemical Manufacturers v. EPA***, No. 13-1268 (D.C. Cir., filed Oct. 10, 2013); ***American Petroleum Institute v. EPA***, No. 13-1267 (D.C. Cir., filed Oct. 8, 2013)	Monroe Energy, LLC, the American Petroleum Institute, and American Fuel & Petrochemical Manufacturers filed petitions in the D.C. Circuit for review of EPA's final rule setting the 2013 renewable fuel standards. In the final rule, EPA concluded that available fuels would be available to meet the statutory volumes of 2.75 billion gallons for advanced biofuels and 16.55 billion gallons for total renewable fuels. EPA reduced the cellulosic biofuel volume for 2013 from the statutory volume of 1.0 billion gallons to 6 million gallons.
Monroe Energy, LLC v. EPA, No. 13-1265 (D.C. Cir. Oct. 29, 2013)	The D.C. Circuit granted the motion by petitioner Monroe Energy, L.L.C. (Monroe) to expedite review. Monroe had argued that expedited review was needed so that the court's decision would be rendered well in advance of the June 30, 2014 deadline for submitting Renewable Identification Numbers to EPA. Monroe noted that EPA had issued its final rule eight and a half months after the statutory deadline. The briefing schedule set by the D.C. Circuit provides for the final set of briefs to be submitted by February 20, 2014 (Monroe had requested that briefing be completed in mid-December 2013).
Monroe Energy, LLC v. U.S. Environmental Protection Agency, No. 13-1265 (D.C. Cir. Feb. 4, 2014)	EPA filed a motion to sever and establish a new docket number for issues pertaining to the cellulosic biofuel standard. In the motion to sever, EPA reported that it had agreed to reconsider the 2013 cellulosic biofuel standard based on information received after the rule was finalized from a producer of cellulosic biofuel that it had reduced its 2013 production estimate. EPA indicated that to provide regulatory certainty to parties subject to the RFS it would issue a new direct final rule concerning the cellulosic biofuel standard; to address concerns regarding the timing of the rulemaking process, EPA also proposed to make regular reports on its progress, starting on March 21, 2014. The court has not ruled on this motion. Oral argument is set for April 7, 2014.

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Monroe Energy LLC v. EPA

Name and Date	Description
Monroe Energy, LLC v. Environmental Protection Agency, Nos. 13-1265, 13-1268, 13-1267 (D.C. Cir. Mar. 11, 2014)	The court granted an unopposed motion by EPA to sever and hold in abeyance issues pertaining to the cellulosic biofuel standard, which EPA agreed to reconsider after learning that producers had lowered their production estimates. The D.C. Circuit established a new case (No. 14-1033) and required status reports on EPA's reconsideration of the cellulosic biofuel standard every 60 days, starting on March 28. Oral argument on the challenge to other aspects of the 2013 renewable fuel standard was scheduled for April 7, 2014.
Monroe Energy, LLC v. Environmental Protection Agency, No. 13-1265 (D.C. Cir. May 6, 2014)	The D.C. Circuit upheld EPA's rule establishing the 2013 renewable fuel standards. In the final rule, which was issued months past the statutory deadline, EPA maintained the volumes for total renewable fuels and advanced biofuels established by the Energy Policy Act of 2005 as amended by the Energy Independence and Security Act of 2007. EPA reduced the statutory volume for cellulosic biofuel from 1.0 billion gallons to 6 million gallons. The D.C. Circuit rejected petitioner's contentions that EPA had acted arbitrarily or unreasonably by not reducing the total renewable fuel quota despite having substantially reduced the volume for cellulosic biofuel and despite the constraints posed by the "E10 blendwall" created by the inability of U.S. vehicle engines to use gasoline consisting of more than 10% ethanol. The court also said that EPA's failure to meet the statutory deadline for setting the RFS was not a basis for vacating the rule since obligated parties had been put on notice by the volumes set in the statute and EPA's assertion in the proposed rule that it would not waive statutory volumes other than for cellulosic biofuel and because EPA had extended the compliance deadline by four months.
Monroe Energy, LLC v. EPA, No. 13-1265 (D.C. Cir. June 20, 2014)	Respondent-intervenor National Biodiesel Board (NBB) filed a petition for rehearing of a portion of the D.C. Circuit's decision. NBB sought reconsideration of the holding that Monroe Energy, LLC had Article III standing to challenge the RFS. NBB argued that Monroe Energy's claimed energy was higher compliance costs resulting from third-party actions, and that Monroe Energy had produced no evidence that a decision in its favor would have redressed such an injury. NBB urged a rehearing to prevent the use of annual challenges to the RFS to raise questions about "fundamental precepts" of the program.

Energy & Environment Legal Institute v. University of Arizona

Name and Date	Description
American Tradition Institute v. University of Arizona (Ariz. Super. Ct., filed Sept. 6, 2013)	The American Tradition Institute, now known as the Energy and Environment Legal Institute, announced on September 10, 2013 that it had filed a lawsuit challenging the University of Arizona's compliance with Arizona's Public Records Act. The plaintiff contends that the University failed either to produce responsive records or to provide adequate detail about certain records it withheld regarding "the notorious global warming 'Hockey Stick', and the group that made it famous, the Intergovernmental Panel on Climate Change."
Energy & Environment Legal Institute v. Arizona Board of Regents, No. C20134963 (Ariz. Super. Ct. Mar. 24, 2015)	The Arizona Superior Court in Pima County ruled that the Arizona Board of Regents did not act arbitrarily and capriciously when it denied access to more than 1,700 emails of two University of Arizona climate scientists. The emails were among documents requested by the Energy & Environmental Legal Institute pursuant to Arizona's public records law. Based on a representative set of 90 emails, the court concluded that the Board of Regents did not act arbitrarily or capriciously or abuse its discretion when it withheld emails concerning prepublication critical analysis, unpublished data, analysis, research, results, drafts, and commentary on the ground that production of these emails "would have a chilling effect on the ability and likelihood of professors and scientists engaging in frank exchanges of ideas and information." The court noted that the Board of Regents had provided "compelling" support of this position through the affidavits of scholars, academic administrators, and professors.

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Energy & Environment Legal Institute v. University of Arizona

Name and Date	Description
Energy & Environment Legal Institute v. Arizona Board of Regents, No. 2 CA-CV 2015-0086 (Ariz. Ct. App. Dec. 3, 2015)	The Arizona Court of Appeals ruled that a trial court had applied an incorrect standard to its review of a decision by the Arizona Board of Regents to deny requests for records of climate scientists at the University of Arizona. The appellate court said that the Superior Court should have reviewed de novo the Board's justification for withholding emails addressing "prepublication critical analysis, unpublished data, analysis, research, results, drafts and commentary," rather than determining whether the Board had abused its discretion or acted arbitrarily or capriciously. The appellate court remanded to the Superior Court, saying that it should weigh the Board's determination that disclosure would be detrimental to the best interests of the state against the presumption favoring disclosure. The appellate court affirmed the Superior Court's decision with respect to the Board's withholding of emails that contained confidential information or attorney work product.
Energy & Environment Legal Institute v. Arizona Board of Regents, No. C20134963 (Ariz. Super. Ct. June 14, 2016)	The Arizona Superior Court ordered the Arizona Board of Regents to produce previously withheld emails of two University of Arizona climate scientists pursuant to the State's public records law. The Board had asserted that it was entitled to withhold the emails from its response to a public records request from the Energy & Environment Legal Institute because the emails were prepublication critical analysis, unpublished data, analysis, research, results, drafts, and commentary. The court issued its ruling on remand from an appellate court decision that said the court had applied a too-deferential standard in an earlier review of the Board's determinations to withhold the emails. In the new ruling, the court said it was cognizant of the concerns regarding the "chilling effect" disclosure could have, but it concluded that the potential harm was "speculative at best" and did not overcome the presumption favoring disclosure. The court indicated that the establishment of an "academic privilege exception" to the public records law was an issue for the legislature, not the courts. A blog about this decision appears here.

Communities for a Better Environment v. EPA

Name and Date	Description
Communities for a Better Environment v. EPA (D.C. Cir., filed Oct. 31, 2011)	In October 2011, petitioners challenged EPA's final rule entitled "Review of National Ambient Air Quality Standards for Carbon Monoxide." Among other things, petitioners challenged EPA's decision not to set a secondary standard for carbon monoxide (CO) based on its climate-related effects. EPA had concluded that there was "insufficient information at this time to support the consideration of a secondary standard based on CO effects on climate processes." The oral argument on September 26, 2013 addressed the issue of EPA's obligation under *Massachusetts v. EPA* to regulate pollutants that cause climate change.
Communities for a Better Environment v. Environmental Protection Agency, No. 11-1423 (D.C. Cir. Apr. 11, 2014)	The D.C. Circuit upheld EPA's determination not to establish a secondary standard for carbon monoxide, finding that petitioners did not have standing to challenge the determination because they had not presented sufficient evidence of a link between carbon monoxide at the levels permitted by EPA and a worsening of global warming. In its review of the standards for carbon monoxide, EPA had conducted an evaluation of the causal connection between carbon monoxide and climate change and concluded that it could not determine whether a secondary standard for carbon monoxide would affect climate.

Southern Utah Wilderness Alliance v. Burke

Name and Date	Description
Southern Utah Wilderness Alliance v. Burke (D. Utah Nov. 4, 2013)	Ten environmental and historic preservation organizations challenged the Richfield Resource Management Plan and Travel Plan for 2.1 million acres of federal land in south-central Utah. Although the federal district court for the District of Utah found that the Bureau of Land Management (BLM) had failed to comply with the National Historic Preservation Act and with its own off-highway vehicle (OHV) minimization criteria, the court rejected plaintiffs' claim that BLM failed to take into account the impacts of OHV damage in the context of climate change as required by the National Environmental Policy Act (NEPA) and Secretarial Order 3226, which requires agencies within the Department of the Interior to "consider and analyze potential climate change impacts when undertaking long-range planning exercises . . . [and] when developing multi-year management plans." The court found that BLM's evaluation of OHV impacts and climate change was sufficient to comply with the Secretarial Order and NEPA. The court noted that "[t]he EIS in this case identifies the climate changing pollutants at issue, the studies regarding the environmental impacts of those pollutants, and the activities in the Richfield Planning Area that may generate emissions of such climate changing pollutants," and that the EIS had "established the existing baseline climate of the Richfield Planning Area" and determined the "potential long-term emissions impacts associated with OHV use … to be minimal." The court also pointed to portions of the EIS that indicated that certain activities in the plan such as management of vegetation to favor perennial grasses could actually sequester carbon.

In re WildEarth Guardians

Name and Date	Description
In re WildEarth Guardians, IBLA No. 2013-172 (Interior Bd. of Land Appeals Oct. 29, 2013)	The Interior Board of Land Appeals (IBLA) granted the BLM's request that it remand to BLM the agency's decision to authorize the sale and issuance of the El Segundo Mine Coal Lease in northwestern New Mexico. WildEarth Guardians had appealed BLM's decision, arguing that BLM had authorized the lease in violation of NEPA, which required BLM to take a hard look at the indirect and cumulative impacts on air quality and climate caused by coal mining and combustion. In remanding the matter, the IBLA set aside BLM's decision.

Petrozzi v. City of Ocean City

Name and Date	Description
Petrozzi v. City of Ocean City (N.J. App. Div. Oct. 28, 2013)	Property owners sued the City of Ocean City after the dune system created by the City in the early 1990s increased in height due to natural accretion and exceeded height limitations agreed to in easements granted by the property owners. The City was barred from reducing the dunes' height because the New Jersey Department of Environmental Protection denied it a dune maintenance permit, which was required pursuant to 1994 amendments to New Jersey's Coastal Area Facility Review Act (CAFRA). A trial judge ruled that most of the property owners were not entitled to breach of contract damages because the City's performance was made impossible or impracticable by the CAFRA amendments; the judge ruled that the City was liable only to two sets of property owners who granted easements after the passage of the CAFRA amendments. The New Jersey Appellate Division ruled, however, that the property owners who granted easements prior to the amendments were entitled to restitution. The court noted that in calculating the restitutionary payments or breach of contract damages due to the property owners, the court should take into account the New Jersey Supreme Court's decision in *Borough of Harvey Cedars v. Karan*, in which the court indicated that any reduction in value due to loss of views should be offset by value added due to the dunes' storm-protection benefits.
Petrozzi v. City of Ocean City, No. 073596 (N.J. June 5, 2014)	The New Jersey Supreme Court denied without comment the City of Ocean City's request that it review the appellate court decision that obligated the City to make restitutionary payments to property owners whose ocean views were affected after the height of a dune system created by the City increased beyond height limitations established in easements granted to the City.

Sierra Club v. Okla. Gas & Elec. Co.

Name and Date	Description
Sierra Club v. Okla. Gas & Elec. Co. (E.D. Okla., filed Aug. 12, 2013)	In August 2013, Sierra Club filed a lawsuit against the owner and operator of a coal-fired power plant in Muskogee, Oklahoma. Sierra Club alleged that the defendant had failed to comply with the Clean Air Act in connection with a major modification to the plant in 2008. Sierra Club sought declaratory and injunctive relief and penalties and claimed that the defendant had not obtained the required Prevention of Significant Deterioration (PSD) permit and that the plant's emissions violated opacity and particulate matter limits. The claims for relief focus on traditional pollutants—sulfur dioxide, nitrogen oxides, and particulate matter—but Sierra Club alleges injuries that include the power plant's emissions of carbon dioxide contributing to global warming.
Sierra Club v. Okla. Gas & Elec. Co. (E.D. Okla. Nov. 4, 2013)	On November 4, 2013, defendant moved to dismiss the action on the grounds that the PSD claim was untimely and that the opacity and particular matter claim was insufficiently pled.

Miss. Ins. Dep't v. U.S. Dep't of Homeland Security

Name and Date	Description
Miss. Ins. Dep't v. U.S. Dep't of Homeland Security (S.D. Miss., filed Sept. 2013; first am. compl. Oct. 2013)	The Mississippi Insurance Department (MID) filed a lawsuit in the federal district court for the Southern District of Mississippi seeking to enjoin or stay rate increases for the National Flood Insurance Program (NFIP). The increased rates became effective on October 1, 2013. MID alleged that the Federal Emergency Management Agency (FEMA) acted arbitrarily and capriciously by imposing substantial rate increases prior to completing studies, including an affordability study, mandated by the Biggert-Waters Flood Insurance Reform and Modernization Act of 2012 (BW-12). BW-12, which President Obama signed in July 2012, "requires changes to all major components of the [NFIP], including flood insurance, flood hazard mapping, grants, and the management of flood plains." MID noted that "[m]any of the changes are designed to make the NFIP more financially stable, and ensure that flood insurance rates more accurately reflect the real risk of flooding," but that BW-12 "is perceived as an oncoming economic disaster to Mississippi citizens and other persons having homes or businesses located in a flood zone." In addition to injunctive relief, MID also seeks a declaration that FEMA must undertake the studies required by BW-12 prior to making its rate determinations. Other states and state insurance departments have filed amicus curiae papers in support of MID's claims, including Florida, the Louisiana Department of Insurance, Massachusetts, and the South Carolina Department of Insurance.
Miss. Ins. Dep't v. U.S. Dep't of Homeland Security (S.D. Miss. Nov. 18, 2013)	The United States filed a motion to dismiss for lack of subject matter jurisdiction. The U.S. argued that MID had no standing as a state agency and that it could not bring claims on behalf of Mississippi citizens. The U.S. also said that an order from the court would not redress the alleged injuries because the relief sought was only available from Congress; that the actions MID sought to require did not constitute reviewable "agency action"; and that claims as to portions of BW-12 that the government did not intend to implement for at least a year were not ripe.
Mississippi Insurance Department v. United States Department of Homeland Security, No. 1:13-cv-379-LG-JMR (S.D. Miss. Apr. 14, 2014)	After President Obama signed legislation—The Homeowner Flood Insurance Affordability Act of 2014, Pub. L. No. 113-89—in March 2014 rolling back flood insurance reform measures enacted in BW-12, MID filed a notice of voluntary dismissal to withdraw the lawsuit. The dismissal is without prejudice, and the Mississippi Insurance Commissioner said that the agency would refile the lawsuit if implementation of the new legislation does not address affordability concerns.

Sierra Club v. BNSF Railway Co.

Name and Date	Description
Sierra Club v. BNSF Railway Co., No. 1:13-cv-00272-LR (E.D. Wash. Jan. 2, 2014)	Seven environmental groups commenced a lawsuit in the federal district court for the Eastern District of Washington against BNSF Railway Co. (BNSF) alleging that BNSF's operation of rail lines to carry coal violated the Clean Water Act (CWA). In the facts section of their complaint, the environmental groups alleged that BNSF's trains and rail cars discharged coal and coal dust "to waters of the United States when traveling adjacent to, over, and in proximity to waters of the United States" and that the trains and rail cars were point sources. The district court denied BNSF's motion to dismiss, which was grounded in BNSF's contention that coal from rail cars that falls on land and not directly into waters does not violate the CWA. The court found that since plaintiffs' claim alleged that coal pollutants were discharged "into" waterways, it was necessary to permit plaintiffs to develop facts to support their claim.

Fix the City v. City of Los Angeles
La Mirada Avenue Neighborhood Ass'n of Hollywood v. City of Los Angeles
Save Hollywood.org v. City of Los Angeles

Name and Date	Description
Fix the City v. City of Los Angeles; ***La Mirada Avenue Neighborhood Ass'n of Hollywood v. City of Los Angeles***; ***Save Hollywood.org v. City of Los Angeles*** (Cal. Super. Ct. Dec. 10, 2013)	A California Superior Court issued a tentative decision in three related cases challenging the Hollywood Community Plan Update (HCPU), which would, among other things, increase density near public transit stops. If issued as a final decision, the court's ruling would invalidate the HCPU. The court found that the environmental impact report prepared under the California Environmental Quality Act was flawed, including its outdated assumptions regarding population and its inadequate consideration of alternatives. The City issued a letter on December 20 acknowledging the uncertainty created by the tentative decision and indicating that it remained committed to the principles of the HCPU.

Alliance for the Wild Rockies v. Brazell

Name and Date	Description
Alliance for the Wild Rockies v. Brazell (D. Idaho, Nov. 27, 2013)	The federal district court for the District of Idaho granted federal defendants' motion to dismiss a challenge to the Little Slate Project, a set of actions including aquatic habitat restoration, timber harvest, fuel treatments, and changes to the roads and trails intended to improve conditions in the Little Slate Creek watershed in Idaho. Plaintiffs challenged federal decisions under the National Environmental Policy Act, the Endangered Species Act, and the National Forest Management Act. The court found that the defendants had not acted arbitrarily or capriciously. Although climate change impacts were not central to the federal defendants' or the court's analysis, the court noted that a biological opinion for bull trout prepared by the Fish and Wildlife Service identified global climate change as a cumulative effect and "determined the 'quite certain' warming of the global climate would have negative effects on bull trout habitat."

In re La Paloma Energy Center

Name and Date	Description
In re La Paloma Energy Center, LLC (EAB, filed Dec. 6, 2013)	On December 6, 2013, the Sierra Club petitioned the Environmental Appeals Board for review of a Prevention of Significant Deterioration (PSD) permit issued by EPA Region 6 for a natural gas-fired combined cycle electric generating plant in Harlingen, Texas. Sierra Club contended that Region 6 erred by setting three different greenhouse gas best available control technology (BACT) limits and allowing the applicant to determine which limit would apply based on which of three turbine designs the applicant ultimately selected for the power plant. Sierra Club also argued that Region VI "clearly erred by refusing to consider solar thermal hybrid addition to the proposed natural gas combined cycle power plant, despite being a demonstrated method to reduce greenhouse gas emissions without changing the fundamental business purpose of producing electricity through a combined cycle power plant."
In re La Paloma Energy Center, LLC, PSD Appeal No. 13-10 (EAB Mar. 14, 2014)	The Environmental Appeals Board (EAB) rejected Sierra Club's challenge. EAB was not persuaded by Sierra Club's argument that Region 6 was required to consider each of three combined cycle natural gas-fired combustion turbine models as a separate technology in its BACT analysis. EAB deferred to Region 6's determination that the differences in the greenhouse gas (GHG) emissions from each of the three proposed turbine models were "marginal," and concluded that Region 6 "did not clearly err or abuse its discretion in determining that the GHG emission limits for all three turbine models represent BACT for highly efficient combined cycle combustion turbines." EAB also ruled that Region 6 had not abused its discretion in determining that a solar thermal energy component would "redefine the source" and therefore could be excluded as a potential emissions control alternative.

Sierra Club v. EPA

Name and Date	Description
Sierra Club v. EPA, No. 13-73124 (9th Cir., filed Sept. 6, 2013)	Sierra Club and three other environmental organizations petitioned the Ninth Circuit for review of EPA's decision to extend the deadline for commencing construction of the 600-MW natural gas-fired Avenal Energy Project in the San Joaquin Valley in California pursuant to a PSD permit issued in 2011. A challenge to the 2011 permit—which did not require implementation of greenhouse gas controls because the permit application was submitted before GHG requirements became effective and because EPA failed to act in a timely manner on the application—is also pending in the Ninth Circuit. The Ninth Circuit held oral argument in that action on October 8, 2013. In announcing the challenge to the construction deadline extension, the Center for Biological Diversity, one of the environmental organizations bringing the lawsuit, said that the exemption from the deadline was "contrary to decades of EPA precedent" and was based on Avenal's "specious claim that it could not obtain financing for the project due to the existing litigation."

Native Village of Point Hope v. Jewell

Name and Date	Description
Native Village of Point Hope v. Jewell No. 12-35287 (9th Cir. Jan. 22, 2014)	The Ninth Circuit reversed a district court's grant of summary judgment to the federal government in a case challenging the Bureau of Ocean Energy Management's (BOEM's) approval of an oil and gas lease sale in the Chukchi Sea off the northwest coast of Alaska. The Ninth Circuit "largely" agreed with the district court that BOEM had not abused its discretion in its handling of missing information in the environmental review under the National Environmental Policy Act. The Ninth Circuit agreed, however, with the plaintiffs-appellants that BOEM had acted arbitrarily in choosing a one billion barrel estimate for the amount of economically recoverable oil from the lease sale, and that BOEM's environmental review and ultimate decision were therefore based on inadequate information. Evidence in the record showed that BOEM employees, other agencies, and public commentators had expressed concerns about the rationale for the one billion barrel estimate and whether it significantly underestimated the likely amount of recoverable oil. The Ninth Circuit was not persuaded by the government's argument that any errors in the estimate could be corrected for in site-specific environmental reviews later in the development process because "[i]t is only at the lease sale stage that the agency can adequately consider cumulative effects of the lease sale on the environment, including the overall risk of oil spills and the effects of the sale on climate change." The Ninth Circuit therefore held that since BOEM had decided oil production was reasonably foreseeable, it should have based its analysis on "the full range of likely production if oil production were to occur." Judge Rawlinson dissented in part, indicating that he would have deferred to the agency on the issue of the one billion gallon estimate.

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Native Village of Point Hope v. Jewell

Name and Date	Description
Native Village of Point Hope v. Jewell, No. 1:08-cv-00004-RRB (D. Alaska Apr. 24, 2014; BOEM status report, May 23, 2014; BOEM notice of intent to prepare SEIS, June 20, 2014)	In April 2014, the federal district court for the District of Alaska remanded the matter to BOEM for further analysis in keeping with the Ninth Circuit's opinion. The court ordered BOEM to provide bimonthly updates, and barred BOEM from removing suspensions on drilling in the lease area and from approving or "deeming submitted" any exploration plans submitted by lessee. In May 2014, BOEM submitted its first status report, indicating that it had begun drafting a supplemental environmental impact statement (SEIS) and collecting and analyzing information to create a expanded exploration and development scenario to study on remand. BOEM estimated that it would issue its record of decision in March 2015. In June 2014, BOEM published a notice of intent to prepare an SEIS in the *Federal Register*.
Native Village of Point Hope v. Jewell, No. 1:08-cv-00004 (D. Alaska joint status report June 1, 2015)	After the Bureau of Ocean Energy Management (BOEM) affirmed its approval of an oil and gas lease sale in the Chukchi Sea off the northwest coast of Alaska, the parties notified the federal district court for the District of Alaska that the plaintiffs had decided to challenge BOEM's determination. These developments regarding the Chukchi Sea lease sale follow the Ninth Circuit's ruling in January 2014 that BOEM's earlier environmental review for the lease sale was deficient because it was based on an arbitrary estimate of the amount of economically recoverable oil. In response to the Ninth Circuit's decision, BOEM issued a supplemental environmental impact statement in February 2015 and a record of decision in March. In the challenge to this round of decision-making, the parties are to complete their briefing by October 9, 2015.

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Native Village of Point Hope v. Jewell

Name and Date	Description
Alaska Wilderness League v. Jewell, No. 1:08-cv-00004 (D. Alaska third supplemental complaint and opening brief Aug. 28, 2015)	Plaintiffs filed a motion for summary judgment and a supplemental complaint in their challenge in the federal district court for the District of Alaska to the second supplemental environmental impact statement (SEIS) for an oil and gas lease sale in the Chukchi Sea off the Alaskan coast. The plaintiffs, which are environmental groups and Alaskan communities, added a new count alleging that the Bureau of Ocean Energy Management's (BOEM's) failure to analyze the climate change effects of the consumption of oil and gas from the lease sale in the second SEIS violated NEPA. In support of their motion for summary judgment, the plaintiffs contended that advances had been made since preparation of earlier environmental analyses that would allow the agency to assess the impacts of oil and gas extraction on climate change based on "an overall atmospheric 'carbon budget.'" The plaintiffs said that BOEM had improperly concluded that it could not perform an assessment of whether the lease sale would affect energy markets and consumer behavior, and had also improperly concluded that NEPA did not require it to consider climate impacts of burning lease sale fuels.

Penalties for Violations of California's Mandatory Greenhouse Gas Emissions Reporting Regulation

Name and Date	Description
Penalties for Violations of California's Mandatory Greenhouse Gas Emissions Reporting Regulation (Jan. 27, 2014)	The California Air Resources Board (CARB) announced that it had fined three companies a total of almost $1 million for violations of California's greenhouse gas emissions reporting requirements. All of the violations concern 2011 emissions. Chevron U.S.A. Inc. must pay $364,500 for incorrectly reporting emissions from its El Segundo refinery and leaving the data uncorrected for 243 days. Chevron North America Exploration & Production Company must pay $328,500 for reporting emissions associated with the company's San Joaquin Valley oil fields 219 days late. Southwest Gas Corporation must pay $300,000 for reporting emissions from gas supplied to California 320 days late. This is the second time California has imposed penalties for violations of the reporting requirements, and these penalties are the largest assessed so far. CARB indicated that the three companies had brought the missing reports to CARB's attention, and that the violations were the companies' first and had been determined to be inadvertent.

Svitak v. Washington

Name and Date	Description
Svitak v. Washington (Wash. Ct. App. Dec. 16, 2013)	The Washington Court of Appeals affirmed the dismissal of a public trust doctrine case brought by minor children and their guardians to force Washington to accelerate its greenhouse gas reductions. The appellate court ruled that the claims presented a political question that must be left to the legislature to address (particularly where, as in this case, the legislature had already addressed greenhouse gas emissions), and that the issue of the state's alleged inaction was not justiciable because there were no specific alleged constitutional or statutory violations.

Waste Management Inc. v. EPA

Name and Date	Description
Waste Management, Inc. v. EPA (D.C. Cir., filed Jan. 28, 2014)	Waste Management, Inc. and three affiliates filed a petition in the D.C. Circuit seeking review of EPA's November 2013 amendment of the Greenhouse Gas Reporting Rule (40 C.F.R. part 98). The November 2013 amendment revised the global warming potentials (GWPs) of certain greenhouse gases to make them consistent with the GWPs used in the UN Intergovernmental Panel on Climate Change's Fourth Assessment Report. The GWP for methane was increased to 25 from 21. In comments on the proposed rule, Waste Management expressed a number of concerns, including concerns about the rule's retroactive application, concerns regarding the increased number of landfills that would be subject to the reporting requirements due to the increase in methane's GWP, and concerns over the effect of the GWP revisions on the applicability of Title V and prevention of significant deterioration (PSD) permitting programs.

Murray Energy Corp. v. McCarthy

Name and Date	Description
Murray Energy Corp., 60-Day Notice of Intent to File Clean Air Act Citizen Suit (Jan. 21, 2014)	Characterizing EPA's administration and enforcement of the Clean Air Act (CAA) over the past five years as a "war on coal," Murray Energy Corporation and certain subsidiaries and affiliates sent a letter to EPA on January 21, 2014 notifying the agency of its intent to file a citizen suit challenging EPA's failure to fulfill a nondiscretionary duty under section 321 of the CAA to conduct continuing evaluations of potential loss or shifts of employment that may result from administration or enforcement of the CAA. The letter described EPA actions, including the development of proposed regulations for greenhouse gas emissions from power plants, that place "immense pressure" on the electric generating sector and other industries that traditionally burn coal, and said that "EPA has taken these actions to discourage the use and production of coal without adequate evaluation and consideration of their implications for the jobs of many thousands of employees in the coal sector and many other dependent industries. This is the very reason why Congress enacted CAA § 321(a), which expressly requires EPA to continuously evaluate the employment effects of these Agency actions." The letter cited the EPA Administrator's responses to questions from members of Congress as indicating that EPA has never conducted the evaluation required by section 321 and that it is not likely to do so in the future without judicial intervention.
Murray Energy Corp. v. McCarthy, No. 5:14-cv-39 (N.D. W. Va. Mar. 24, 2014)	Coal companies commenced a federal lawsuit seeking to compel EPA to undertake an evaluation pursuant to section 321 of the Clean Air Act of the effects of administration and enforcement of the Clean Air Act on employment. Plaintiffs contend that EPA "has continued to administer and enforce the Clean Air Act in a manner that is causing coal mines to close, costing hard-working Americans their jobs, and shifting employment away from areas rich in coal resources to areas with energy resources preferred by [EPA]." Plaintiffs seek an injunction barring EPA from promulgating new Clean Air Act regulations that affect the coal industry until the employment evaluation is completed.

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Murray Energy Corp. v. McCarthy

Name and Date	Description
Murray Energy Corp. v. McCarthy, No. 5:14-cv-39 (N.D. W. Va. Sept. 16, 2014)	The court denied EPA's motion to dismiss. The court found that the absence of a "date-certain deadline" for conducting the evaluations required by Section 321(a) did not make EPA's obligation to conduct them discretionary. The court therefore concluded that it had jurisdiction to hear the case. The court also rejected EPA's request that it strike plaintiffs' prayer for injunctive relief. The court noted that while there might be questions as to the scope of injunctive relief the court could grant, arguments regarding this issue were premature.
Murray Energy Corp. v. McCarthy, No. 5:14-cv-39 (N.D. W. Va. Oct. 24, 2014)	The federal district court denied EPA's motion to clarify its September decision denying EPA's motion to dismiss a lawsuit brought under Section 321(a) of the Clean Air Act. In the motion to clarify, EPA said that it was "unable to discern … whether the Court was asserting jurisdiction for the failure to perform of a nondiscretionary duty under Section 304(a)(2) or for unreasonable delay under Section 304(a)" of the Clean Air Act. EPA said these were two separate and distinct causes of action subject to different standards of evaluation. The court said it believed that its September order "clearly set forth the bases for the ruling and that no further explanation is necessary."
Murray Energy Corp. v. McCarthy, No. 5:14-CV-39 (N.D. W. Va. Mar. 27, 2015)	The court ruled that coal companies had standing to claim that EPA had failed to fulfill its nondiscretionary obligation to conduct evaluations of potential losses or shifts in employment due to the administration and enforcement of the Clean Air Act. The court said that the alleged injuries from the power industry's discontinuance of the use of coal were fairly traceable to EPA actions, including EPA's failure to conduct the employment evaluations. The court further found that such injuries would be redressable because conducting the evaluations could result in reversal of prior EPA actions. The court also found that the coal companies fell within the zone of interests protected by the Clean Air Act provision requiring the evaluations. In addition, the court held that the companies had procedural and informational standing.

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Murray Energy Corp. v. McCarthy

Name and Date	Description
Murray Energy Corp. v. McCarthy, 5:14-cv-00039 (N.D. W. Va. May 29, 2015)	The federal district court for the Northern District of West Virginia ordered EPA to comply with discovery requests made by coal companies in their lawsuit seeking to compel EPA to undertake an evaluation of the effects on employment of administration and enforcement of the Clean Air Act. The court noted that "little meaningful discovery" had occurred even though EPA had already filed a motion for summary judgment.
In re McCarthy, No. 15-1639 (4th Cir., petition for writ of mandamus filed June 12, 2015)	After the district court denied reconsideration of the May 2015 discovery order, EPA filed a petition for writ of mandamus in the Fourth Circuit Court of Appeals, asking the appellate court to direct the district court to vacate the discovery order and disallow discovery. EPA said that this unusual relief was warranted because "Congress strictly limited the scope of judicial inquiry in nondiscretionary-duty suits like this one, and the extraordinarily broad discovery compelled by the district court has no reasonable prospect of unearthing evidence relevant to the ultimate disposition of this case."
In re McCarthy, No. 15-1639 (4th Cir. July 9, 2015)	In a one-sentence judgment, the Fourth Circuit Court of Appeals denied EPA's petition for a writ of mandamus. EPA had asked the Fourth Circuit to require the federal district court for the Northern District of West Virginia to vacate a discovery order issued in May 2015. EPA had argued to the Fourth Circuit that discovery was unnecessary in this "nondiscretionary duty" case, given EPA's "willingness to win or lose on the documents" already submitted to the district court. The district court set a deadline for completion of discovery in February 2016 and a trial date in April 2016.

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Murray Energy Corp. v. McCarthy

Name and Date	Description
Murray Energy Corp. v. McCarthy, No. 5:14-cv-00039 (N.D. W. Va. Nov. 12, 2015)	The federal district court for the Northern District of West Virginia denied EPA's motions for a protective order and to stay the deposition of EPA Administrator Gina McCarthy in Murray Energy Corporation's (Murray Energy's) lawsuit seeking to compel EPA to undertake an evaluation of the Clean Air Act's impacts on employment pursuant to Section 321(a) of the Clean Air Act. The district court found that there were extraordinary circumstances justifying deposition of a high-ranking official because of the "divergent positions" taken by EPA with respect to whether it had undertaken the employment study pursuant to Section 321(a) of the Clean Air Act. The court found that McCarthy had personal knowledge of the facts and that her "apparent refusal" to comply with Section 321(a) provided "sufficient prima facie evidence of wrongdoing such that the plaintiffs will be able to probe her deliberative processes." The district court also found that there was no viable alternative to the deposition of McCarthy.
In re McCarthy, No. 15-2390 (4th Cir. Nov. 25, 2015)	Prior to the district court's ruling on the motions for a protective order and to stay the deposition of the EPA administrator, EPA sought a writ of mandamus. EPA supplemented its arguments in support of granting the writ after the district court denied EPA's motions. On November 25, 2015, the Fourth Circuit Court of Appeals granted EPA's petition for writ of mandamus. The Fourth Circuit indicated that a "reasoned exposition" of the basis for its order would follow "shortly."

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Murray Energy Corp. v. McCarthy

Name and Date	Description
In re McCarthy, No. 15-2390 (4th Cir. corrected order Dec. 9, 2015)	On December 8, 2015, the Fourth Circuit Court of Appeals issued an order setting forth its rationale for granting the United States Environmental Protection Agency's (EPA's) petition for writ of mandamus precluding the deposition of EPA Administrator Gina McCarthy in a case pending in district court in West Virginia. The case, brought by Murray Energy Corporation and its affiliates, alleges that EPA has failed to comply with Section 321(a) of the Clean Air Act, which provides that EPA shall conduct evaluation of job loss and employment shifts that may result from administration and enforcement of the Clean Air Act. The Fourth Circuit was not convinced by the district court's finding that alleged conflicts between McCarthy's testimony before Congress and EPA's representations to the court constituted "extraordinary circumstances" warranting deposition of a high-ranking official. The Fourth Circuit saw no contradiction in EPA's position that would support the extraordinary circumstance finding and also was not persuaded that there was no alternative to deposing McCarthy. The Fourth Circuit also disagreed with the district court's finding that EPA's "apparent refusal" to comply with Section 321(a) was prima facie evidence of wrongdoing. The Fourth Circuit said that there was no clear misconduct.
Murray Energy Corp. v. EPA, No. 5:14-CV-00039 (N.D. W. Va. order Dec. 23, 2015; motion to modify trial date Jan. 22, 2016; withdrawal of motion to modify trial date Feb. 1, 2016)	The federal district court for the Northern District of West Virginia set July 19, 2016 as the trial date for the lawsuit brought by Murray Energy Corporation and its affiliates (Murray Energy) in which they charge EPA with failing to comply with its nondiscretionary obligation to conduct evaluations of potential losses or shifts in employment due to the administration and enforcement of the Clean Air Act. On January 22, 2016, Murray Energy moved to modify the trial date to avoid a scheduling conflict with the Republican National Convention. The motion said that Robert E. Murray, Murray Energy Corporation's chief executive officer and board chairman, who is a plaintiffs' witness and client representative, was a member of the convention's host committee and had commitments requiring him to be at the convention. On February 1, 2016, Murray Energy withdrew its motion to modify the trial date, saying that Mr. Murray had been able to resolve the conflict.

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Murray Energy Corp. v. McCarthy

Name and Date	Description
Murray Energy Corp. v. McCarthy, No. 5:14-CV-00039 (N.D. W. Va. EPA motion for summary judgment May 2, 2016)	On May 2, 2016, EPA asked the federal district court for the Northern District of West Virginia to grant summary judgment in its favor in a lawsuit brought by Murray Energy Company and affiliated companies (Murray Energy) seeking to compel EPA to perform evaluations of the Clean Air Act's impacts on employment. Murray Energy alleged that Section 321 of the Clean Air Act imposed a mandatory duty on EPA to conduct such evaluations. In its motion for summary judgment, EPA said that it had "expended millions of dollars of public funds to review and produce hundreds of thousands of documents and privilege logs over the course of tens of thousands of hours" in the lawsuit. EPA said that a trial—scheduled to start on July 19, 2016—was not warranted because Murray Energy's claim should be decided as a matter of law. In particular, EPA said that summary judgment in its favor should be granted (1) because Section 321(a) did not establish a nondiscretionary duty enforceable through a citizen suit, (2) because the plaintiffs had not established standing, and (3) because EPA had in fact conducted the employment evaluations described in Section 321(a). Alternatively, EPA said that if the court determined that EPA had not satisfied its obligations under Section 321(a), the court should enter judgment against EPA and order EPA to perform the job impact evaluations "and nothing more."
Murray Energy Corp. v. McCarthy, No. 5:14-CV-00039 (N.D. W. Va. EPA memorandum in support of motion to disqualify expert witness May 16, 2016)	On May 16, 2016, EPA filed a motion to disqualify or exclude the testimony of a former EPA Assistant Administrator for the Office of Air and Radiation in the administration of President George W. Bush. EPA said the former official's testimony should be disqualified because EPA could not depose or cross-examine him without revealing confidential or privileged EPA information. Alternatively, EPA said that his testimony should be excluded because it included legal conclusions or was otherwise unreliable.

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Murray Energy Corp. v. McCarthy

Name and Date	Description
Murray Energy Corp. v. McCarthy, No. 5:14-cv-00039 (N.D. W. Va. June 17, 2016)	The federal district court for the Northern District of West Virginia denied a motion by EPA to disqualify or exclude a former EPA official from testifying in a lawsuit in which the coal company Murray Energy Corporation argues that EPA failed to fulfill its statutory obligation to study the Clean Air Act's employment impacts. The court said that disqualification was a "drastic remedy" and that EPA had failed to sustain its burden of demonstrating that disqualification was warranted. The court stressed that the official had left EPA more than 10 years ago. The court said it could not discern any part of the official's report that could be based on confidential information, and indicated there was no merit to the argument that the former official should be disqualified from serving as an expert witness adverse to EPA because he had once worked for the agency. The court also said that EPA's argument that the former official lacked "scientific, technical or other specialized knowledge" was "ridiculous." The court further concluded that policy objectives weighed in favor of allowing the former official to testify.

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Murray Energy Corp. v. McCarthy

Name and Date	Description
Murray Energy Corp. v. McCarthy, No. 5:14-cv-00039-JPB (N.D. W. Va. order July 5, 2016; order July 20, 2016)	The federal district court for the Northern District of West Virginia continued to address discovery issues in the lawsuit brought by Murray Energy Corporation and subsidiaries (together, Murray Energy) alleging that the United States Environmental Protection Agency (EPA) failed to perform a mandated study of the Clean Air Act's impact on employment. The trial had been scheduled to begin in July, but the court vacated the trial deadline and other deadlines in June and indicated that the deadlines would be rescheduled at a later date. On July 5, 2016 granted EPA's request that it restrict access to the transcript for a hearing held on June 29 during which documents stamped confidential were discussed. Murray Energy had objected to EPA's motion. On July 20, the court granted in part and denied in part a motion by Murray Energy to compel disclosure of certain documents. The court agreed with EPA that certain documents were protected by the deliberative process privilege, but directed that other documents be produced in whole or in part. The court also permitted Murray Energy to continue depositions of two EPA witnesses due to the late production of documents. A motion by EPA for summary judgment remained pending.
Murray Energy Corp. v. McCarthy, No. 5:14-cv-00039-JPB (N.D. W. Va. U.S. Chamber amicus brief Aug. 24, 2016; Murray Energy opposition to summary judgment Aug. 19, 2016)	Murray Energy Corporation and affiliated coal companies (Murray Energy) filed papers opposing EPA's motion for summary judgment in Murray Energy's action to compel EPA to undertake an evaluation of the impact of the Clean Air Act on employment. Murray Energy argued that EPA did not have discretion to ignore the duty to conduct such an evaluation and urged the court to reject EPA's argument that it had fulfilled its obligation to conduct the employment evaluations. Murray Energy also disputed EPA's claim that the plaintiffs lacked standing and asserted that the court had authority to issue an injunction to ensure compliance and to preserve the status quo pending compliance by enjoining enforcement activities and the approval of further regulations. The Chamber of Commerce of the United States of America and the National Mining Association submitted an amicus curiae brief in support of the plaintiffs, arguing that EPA had a mandatory duty to conduct the employment analysis and that Murray Energy had standing to challenge EPA's failure to do so.

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Murray Energy Corp. v. McCarthy

Name and Date	Description
Murray Energy Corp. v. McCarthy, No. 5:14-cv-39 (N.D. W. Va. states' amicus brief Sept. 7, 2016; EPA reply in support of summary judgment motion Sept. 9, 2016)	Twelve states and one state agency submitted an amicus brief to the federal district court for the Northern District of West Virginia in support of Murray Energy Corporation and its affiliates in their lawsuit seeking to compel EPA to perform a study of the Clean Air Act's impact on employment. The states, led by West Virginia, said their brief was intended to "highlight the unique challenges they face resulting from the job-loss information vacuum caused by EPA's unlawful refusal to comply with Section 321," the Clean Air Act provision that is the crux of the case. The states urged the court to deny EPA's motion for summary judgment. EPA filed its reply in support of its motion, reiterating its view that the case was ripe for adjudication and that a trial was not necessary. EPA argued that if the court found it had not performed a non-discretionary duty, the remedy should be limited to ordering EPA to fulfill its obligation—and that other relief sought by Murray Energy, including an injunction on new regulations, was barred as a matter of law.

Nebraska v. EPA

Name and Date	Description
Nebraska v. EPA, No. 4:14-CV-3006 (D. Neb., filed Jan. 15, 2014)	A week after EPA proposed new source performance standards for greenhouse gas emissions from power plants, the State of Nebraska commenced a lawsuit seeking an order enjoining EPA's work on the rulemaking and requiring withdrawal of the proposed rule. Nebraska alleges that the proposed rule violates the Energy Policy Act of 2005, which provides that EPA may not base required technologies or emissions reductions levels under section 111 of the CAA solely on the use of technologies by facilities receiving assistance under the Energy Policy Act. Nebraska's complaint seeks a declaration that the proposed rule's consideration of the federally financed deployment of carbon capture and sequestration (CCS) to support the finding that CCS is "adequately demonstrated" for section 111 purposes is unlawful.
Nebraska v. EPA, No. 4:14-CV-3006 (D. Neb. Oct. 6, 2014)	The federal district court for the District of Nebraska dismissed the lawsuit. The court agreed with EPA that Nebraska's "attempt to short-circuit the administrative rulemaking process runs contrary to basic, well-understood administrative law." The district court said that there had been no final agency action and that the Clean Air Act provided an adequate remedy—review of any final rule by the D.C. Circuit Court of Appeals.

Stevenson v. Delaware Department of Natural Resources and Environmental Control

Name and Date	Description
Stevenson v. Delaware Department of Natural Resources and Environmental Control (Del. Super. Ct., filed Dec. 30, 2013)	Individuals commenced a challenge in Delaware Superior Court to regulations published in December 2013 implementing changes to the Regional Greenhouse Gas Initiative (RGGI), including a reduction in the carbon dioxide emissions cap. Plaintiffs allege that the December 2013 regulations illegally decrease the cap below the level provided for in the original RGGI memorandum of understanding (MOU) that Delaware's governor signed in 2005. They contend that Delaware statutory law expressly constrains the Secretary of the Department of Natural Resources and Environmental Control to regulate within the parameters of the 2005 MOU. Plaintiffs also contend that the regulations increase RGGI program fees in contravention of the Delaware constitution, which would require fee increases to be approved by a three-fifths majority of the Delaware General Assembly.
Stevenson v. Delaware Department of Natural Resources and Environmental Control, No. S13C-12-025 (Del Super. Ct. Sept. 22, 2014)	The Delaware Superior Court denied a motion by the Delaware Department of Natural Resources and Environmental Control (DNREC) to dismiss the action. The court ruled that plaintiffs—Delaware residents and customers of Delaware utilities—had standing and rejected the contention that the challenge should have been made before the Public Service Commission. The court also found that plaintiffs' allegations were sufficient for their claims to survive a motion to dismiss.
Stevenson v. Delaware Department of Natural Resources & Environmental Control, No. S13C-12-025 RFS (Del. Super. Ct. Apr. 5, 2016)	The Delaware Superior Court denied summary judgment to individual electricity customers who challenged amendments to Delaware's Regional Greenhouse Gas Initiative (RGGI) regulations that would have the effect of increasing the cost of carbon dioxide allowances. The court said that the individuals had not established that they had standing, finding that the defendants had introduced evidence that called into question whether the plaintiffs would be financially harmed and that the plaintiffs had not produced solid evidence that their electricity prices would increase. The court also denied the plaintiffs' motion for a stay.

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Stevenson v. Delaware Department of Natural Resources and Environmental Control

Name and Date	Description
Stevenson v. Delaware Department of Natural Resources and Environmental Control, No. S13C-12-025 RFS (Del. Super. Ct. Aug. 19, 2016)	The Delaware Superior Court denied as futile a motion to amend a complaint challenging Delaware's regulations implementing the Regional Greenhouse Gas Initiative. The plaintiffs sought to correct the middle initial of a plaintiff. They argued that the defendants were aware of the actual identity of the plaintiff and knew that he—not his deceased father, with whom the actual plaintiff shared a first and last name but not a middle initial—was the intended plaintiff. The court said that amendment would be futile because the plaintiff would not have had standing based on his stake in a company that was a commercial purchaser of electricity.

In re 7 Del. Admin. Code 1147 CO2 Budget Trading Program

Name and Date	Description
In re 7 Del. Admin. Code 1147, CO2 Budget Trading Program (Del. Envtl. App. Bd.)	A former Delaware state deputy attorney general has filed a challenge with the Delaware Environmental Appeals Board to the state's amended regulations implementing the Regional Greenhouse Gas Initiative. His arguments parallel those made in *Stevenson v. Delaware Department of Natural Resources and Environmental Control*.

In re ExxonMobil Chemical Company Baytown Olefins Plant

Name and Date	Description
In re ExxonMobil Chemical Company Baytown Olefins Plant, No. 13-11 (EAB, filed Dec. 26, 2013)	The Sierra Club petitioned the Environmental Appeals Board (EAB) for review of the conditions in the prevention of significant deterioration (PSD) permit issued by EPA Region 6 for the addition of an ethylene production unit at an existing major source at the Baytown Olefins Plant in Harris County, Texas. Sierra Club said that facilities in Texas such as the Baytown Olefins Plant have a "unique opportunity" to consider deployment of carbon capture and sequestration (CCS) and development of carbon storage resources to reduce greenhouse gas emissions. (The petition notes a U.S. Geological Survey study that concluded that the Gulf Coast has 65% of the country's estimated accessible carbon storage resources.) Sierra Club said that the Baytown facility's PSD permit "exemplified the Region's inadequate implementation of the PSD permitting program in general for [greenhouse gases]" and asked the EAB to remand the permit to Region 6 and require a "full and appropriate analysis" of CCS in the best available control technology analysis.
In re ExxonMobil Chemical Company (Baytown Olefins Plant), PSD Appeal No. 13-11 (EAB May 14, 2014)	EAB rejected Sierra Club's challenge. EAB upheld Region 6's best available control technology (BACT) analysis. EAB concluded that Region 6 had appropriately determined that the total cost of the CCS technology, which would have increased the project's capital costs by 25%, made CCS economically unachievable, and that implementing CCS would have secondary environmental impacts such as increased emissions of nitrogen oxides and volatile organic compounds. EAB also said that the absence of comparable facilities justified the Region's reliance on total cost information instead of on data showing the project's cost-effectiveness per ton of carbon dioxide avoided. EAB also rejected Sierra Club's arguments that Region 6 had not followed the methodology required in EPA's *Cost Control Manual* and that Region 6 should have considered emissions streams from the project's steam cracking furnaces (which produce a cleaner stream that would be less costly to capture) separately from emissions from the CCS system's utility plant.

Conservation Law Foundation v. Broadrock Gas Services LLC

Name and Date	Description
Conservation Law Foundation v. Broadrock Gas Services, LLC No. 13-777 (D.R.I., filed Dec. 16, 2013)	The Conservation Law Foundation (CLF) filed a CAA citizen suit against the owners and operators of the Central Landfill in Johnston, Rhode Island "for releasing polluted landfill gas into Rhode Island's air." All municipal solid waste generated in the state of Rhode Island is disposed of at the Central Landfill. In the complaint, which alleged violations of the new source performance standards, prevention of significant deterioration, and Title V programs, CLF contended that pollutants emitted from the landfill "pose risks to human health, cause foul odors in areas surrounding the Landfill, and contribute to climate change." CLF seeks penalties and declaratory and injunctive relief.
Conservation Law Foundation v. Broadrock Gas Services, LLC, No. 13-777 (D.R.I. July 6, 2016)	After reaching a settlement, Conservation Law Foundation (CLF) and the owners and operators of the Central Landfill in Johnston, Rhode Island agreed to dismissal with prejudice of CLF's citizen suit under the Clean Air Act. The stipulation of dismissal was entered by the federal district court for the District of Rhode Island on July 6, 2016. CLF had charged that pollutants emitted from the landfill "pose risks to human health, cause foul odors in areas surrounding the Landfill, and contribute to climate change," and that the landfill was violating multiple provisions of the Clean Air Act. CLF said that the settlement agreement required the defendants to hire an engineering firm to perform an assessment and recommend projects that will enhance gas generation and the performance of the landfill gas collection system, and that the parties would evaluate the firm's recommendations and undertake projects. CLF also reported that for the first time the Rhode Island Department of Environmental Management intended to issue a single Clean Air Act operating permit to govern the landfill.

Cleveland National Forest Foundation v. California Department of Transportation

Name and Date	Description
Cleveland National Forest Foundation v. California Department of Transportation (Cal. Super. Ct., filed Dec. 4, 2013)	The Cleveland National Forest Foundation commenced a CEQA challenge to the approval of a project that would widen a 27-mile stretch of Interstate 5 in southern California, citing an "enormous surge in greenhouse gas emissions as compared to existing conditions" as one of the project's potential adverse impacts. The petition for a writ of mandamus alleged that the conclusion in the environmental impact report (EIR) that the highway project "will actually help reduce greenhouse gas emissions … is wholly without foundation," and that the EIR "not only fails to measure all types of greenhouse gases, but it also uses legally improper metrics to analyze the significance of the Project's climate impacts."

PT Air Watchers v. Washington

Name and Date	Description
PT Air Watchers v. Washington, No. 88208-8 (Wash. Feb. 27, 2014)	The Washington Supreme Court affirmed determinations of the Department of Ecology (WDOE) authorizing the construction of a cogeneration facility at an existing kraft pulp and paper mill in Port Townsend, Washington. In its review under the State Environmental Policy Act (SEPA), WDOE issued a determination of nonsignificance for the project, which would increase the burning of woody biomass and add an electrical turbine to one of the mill's steam boilers. In determining that greenhouse gas emissions from the project would not have significant adverse impacts, WDOE invoked the preference in state law (RCW 70.235.020(3)) for use of biomass fuel, combustion of which is part of the earth's carbon cycle. WDOE also projected that by increasing the use of woody biomass, the project would reduce fossil fuel use by 1.8 million gallons each year. The court said that the invocation of the state statute was "a legitimate reference point" for WDOE to consider, and that SEPA did not require a statement regarding the exact amount of carbon dioxide that would be emitted by the project. The court also said that WDOE did not need to calculate the specific greenhouse gas emissions associated with transportation of the biomass to the facility since its estimates of additional truck routes needed to transport the fuel were "sufficient to evaluate the general change in greenhouse gas emissions."

In re Petition of Footprint Power Salem Harbor Development LP for Approval to Construct a Bulk Generating Facility in the City of Salem Massachusetts

Name and Date	Description
In re Petition of Footprint Power Salem Harbor Development LP for Approval to Construct a Bulk Generating Facility in the City of Salem, Massachusetts, EFSB 13-1 (Mass. Energy Facilities Siting Bd. final decision Feb. 25, 2014; settlement filed Feb. 18, 2014)	In November 2013, the Conservation Law Foundation initiated several administrative and judicial appeals of approvals granted by the Massachusetts Energy Facilities Siting Board (EFSB) and the Massachusetts Department of Environmental Protection for a 630-MW natural gas-fired electric generation facility, the first generating facility proposal made to the EFSB since enactment of the Massachusetts Global Warming Solutions Act (GWSA) in 2008. After the EFSB issued a tentative decision granting additional approvals necessary for the project on February 4, 2014, the Conservation Law Foundation and the facility's developer reached a settlement that the parties agreed would establish conditions ensuring compliance with the GWSA's mandate to reduce greenhouse gas emissions in the state by 80% below 1990 levels by 2050. The conditions include declining annual carbon dioxide emissions limits and a limitation on the useful life of the facility (the facility must cease operations by 2050). In the absence of regulations implementing the GWSA, the settlement's conditions are intended to serve as parameters for future applications for fossil fuel-fired generation. The EFSB issued a final decision incorporating these conditions on February 25, 2014.

Utility Reform Network v. Public Utilities Commission
Independent Energy Producers Association v. Public Utilities Commission

Name and Date	Description
Utility Reform Network v. Public Utilities Commission, No. A138701; ***Independent Energy Producers Association v. Public Utilities Commission***, No. A139020 (Cal. Ct. App. Feb. 5, 2014)	In 2012, the California Public Utilities Commission (CPUC) approved an application by Pacific Gas and Electric Company (PG&E) to purchase a natural gas-fired power plant in Oakley, California. The administrative law judge in the proceeding had recommended denying the application because she found there was insufficient evidence of "a specific, unique reliability need" for the project. In doing so, she rejected PG&E's reliance on hearsay evidence, including statements made by the California Independent System Operator (CAISO) regarding the need for flexible generating capacity to meet the state's renewable energy targets. (CAISO had elected not to become a party to the proceeding, so the statements could not be cross examined.) CPUC instead adopted a proposed decision that relied on such statements as evidence of the potential for a reliability risk as the state moved towards meeting the 33% renewable portfolio standard by 2020. On appeal of CPUC's decision, the California Court of Appeal annulled the approval, finding a lack of substantial evidence that the project was needed "to meet a specific, unique reliability risk." The court said that uncorroborated hearsay evidence, while admissible, could not be the sole support for a finding of disputed fact.

Conservation Law Foundation v. McCarthy

Name and Date	Description
Conservation Law Foundation v. McCarthy, No. 1:11-cv-11657 (D. Mass. stay ordered Jan. 28, 2014; motion to dismiss denied in part Aug. 23, 2013)	Plaintiffs commenced this lawsuit in 2011 (amended complaint filed in 2012) to compel EPA to take steps pursuant to its authorities under the Clean Water Act to address the increasing nitrogen pollution in the embayments of Cape Cod. Plaintiffs' allegations include that climate change will cause additional strain to coastal ecosystems that has not been considered in water quality management planning. In August 2013, the federal district court for the District of Massachusetts dismissed three of plaintiffs' four claims, but declined to dismiss plaintiffs' claim that EPA's annual reviews of Massachusetts's use of its State Revolving Fund (SRF) monies—which fund certain types of waste water management projects—were arbitrary, capricious, and contrary to Clean Water Act. Plaintiffs alleged that because Massachusetts had not updated its areawide waste treatment management plan for Cape Cod since 1978 and had therefore not evaluated the impact of climate change on water quality conditions in connection with the state's water quality management planning, EPA could not lawfully approve the state's use of SRF funds, which must be consistent with the areawide plan. In September 2013, EPA submitted a proposed plan of action to the court, asking that the action be stayed since the Cape Cod Commission had initiated the preparation of an update to the areawide plan, which, EPA said, was essentially the relief sought by plaintiffs. EPA's proposed plan indicates that the work plan for the update includes consideration of climate change, sea level rise, and storm surge. In January 2014, the court ordered that the case be stayed until June 1, 2015 while work proceeds on the update; the stay is contingent on plaintiffs' ongoing satisfaction with adherence to representations made in the September 2013 plan of action. The court also required the parties to report by March 31, 2014 as to whether they had decided to settle the case.

Conservation Law Foundation v. EPA

Name and Date	Description
Conservation Law Foundation v. U.S. Environmental Protection Agency, No. 10-11455-MLW (D. Mass. Aug. 29, 2013)	Plaintiffs challenged EPA's approval of Total Maximum Daily Loads (TMDLs) (the amounts of pollution bodies of water can receive without negatively affecting designated uses) for embayments in Cape Cod and Nantucket. Plaintiffs alleged, among other things, that EPA had failed to take into account the impacts of climate change on the embayments. The federal district court for the District of Massachusetts granted defendants' motion for summary judgment on the ground that plaintiffs had not submitted sufficient admissible evidence to establish that they had standing. Plaintiffs had at the last minute submitted affidavits from individuals who were members of the plaintiff organizations and who were summer residents of Cape Cod and attested to potential effects on their enjoyment of the waters at issue. The court said that plaintiffs "do not assert any connection between the declarants' injuries and the EPA's alleged failure to consider the effects of climate change when approving the TMDLs," as would be required to establish injury in fact, and that, at any rate, a decision favorable to the plaintiffs would not redress any harm their members allegedly suffered. The court reasoned that "[t]he fact that, in general, more TMDLs may be required and adjustments to pollution controls may need to be made in some areas as a result of climate change does not constitute evidence that the EPA's inclusion of the effects of climate change in the TMDLs at issue in this case would likely alter the pollution levels that are affecting plaintiffs' interests in the particular embayments on Cape Cod involved in the instant case."

Monroe Energy LLC v. U.S. Environmental Protection Agency

Name and Date	Description
Monroe Energy, LLC v. U.S. Environmental Protection Agency, No. 14-1014 (D.C. Cir., filed Jan. 28, 2014)	After EPA proposed its 2014 renewable fuel standard (RFS), Monroe Energy, LLC petitioned the D.C. Circuit for review of EPA's 2010 amendment to rules governing the RFS program, and in particular the provision that imposes compliance obligations on refiners and importers of diesel and gasoline fuels rather than on the blenders who produce the finished transportation fuels. Monroe Energy contends that its challenge to the 2010 rule is timely because, due to changed circumstances, EPA in the 2014 RFS proposes to waive the statutory standards for the required quantities of renewable fuels and to establish a new methodology for determining the standards that will increase the regulatory burden created by the 2010 rule for certain refiners and importers.

Conservation Law Foundation v. U.S. Environmental Protection Agency

Name and Date	Description
Conservation Law Foundation v. U.S. Environmental Protection Agency, No. 1:13-cv-12704-MLW (D. Mass., filed Oct. 24, 2013)	The Conservation Law Foundation challenged EPA's approvals of TMDLs for Cape Code and Nantucket embayments in a proceeding that appears to be strikingly similar to the one dismissed by the federal district court for the District of Massachusetts on standing grounds in August 2013 (see discussion here). Plaintiffs allege that EPA "ignored entirely an important aspect of the water problem facing the embayments: the actual and potential impacts of climate change on the attainment of water quality standards." Plaintiffs allege that the Clean Water Act requires EPA to consider climate change impacts because climate change will affect pollution loading and water quality and will therefore affect whether TMDLs can achieve their purpose of attaining water quality standards. In contrast to the complaint in the earlier action, this complaint contains a number of factual allegations citing studies of climate change's potential impacts on water quality, as well as allegations that address the issue of how a TMDL that does not account for climate change impacts may result in violations of water quality standards.

Center for Biological Diversity v. Department of Fish and Wildlife

Name and Date	Description
Center for Biological Diversity v. Department of Fish and Wildlife, No. B245131 (Cal. Ct. App. Mar. 20, 2014)	The California Court of Appeal reversed a trial court judgment that had overturned California Department of Fish and Wildlife (DFW) actions in connection with a 12,000-acre commercial-residential development known as Newhall Ranch in northwestern Los Angeles County. The trial court had held that the environmental impact report (EIR) prepared pursuant to the California Environmental Quality Act (CEQA) used a baseline for assessing cumulative impacts of the project's GHG emissions that was inappropriate as a matter of law. In an unpublished portion of the appellate court's decision, the court ruled that a substantial evidence standard applied to judicial review of the selection of a baseline, and that substantial evidence supported DFW's baseline determination as well as its determination regarding the significance of the impacts of the project's GHG emissions.
Center for Biological Diversity v. Department of Fish and Wildlife, No. S217763 (Cal. July 9, 2014)	The California Supreme Court granted a petition to review. One of the three issues the court will consider is whether an agency may "deviate from [the California Environmental Quality Act's] existing conditions baseline and instead determine the significance of a project's greenhouse gas emissions by reference to a hypothetical higher 'business as usual' baseline."
Center for Biological Diversity v. California Department of Fish and Wildlife, No. S217763 (Cal. Nov. 30, 2015)	The California Supreme Court ruled that consistency with statewide emission reduction goals was a permissible criterion for determining the significance of a project's greenhouse gas emissions in a California Environmental Quality Act (CEQA) review, but found that the California Department of Fish and Wildlife had not supported its conclusion that a 12,000-acre development's greenhouse gas emissions would not have significant impacts. The court, reversing a decision by the Court of Appeal upholding the agency's review, also ruled against the agency on other aspects of its CEQA review. The court remanded to the Court of Appeal for a determination of the parameters of a writ of mandate to be issued. One justice dissented as to the conclusion that the agency had not supported its determination that there would not be significant greenhouse gas emissions impacts, while another justice dissented from the entire opinion.

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Center for Biological Diversity v. Department of Fish and Wildlife

Name and Date	Description
Center for Biological Diversity v. Department of Fish and Wildlife, No. S217763 (Cal. Feb. 17, 2016)	The California Supreme Court denied a petition for rehearing in *Center for Biological Diversity v. Department of Fish and Wildlife*, in which the court ruled that the California Environmental Quality Act (CEQA) review for a 12,000-acre development had not supported the conclusion that the development's greenhouse gas emissions would not have significant impacts. The court also made a non-material alteration to its November 2015 opinion.
Center for Biological Diversity v. Department of Fish and Wildlife, No. B245131 (Cal. Ct. App. July 11, 2016)	On remand from the California Supreme Court's decision finding that the California Department of Fish and Wildlife had not supported its conclusion that the 12,000-acre Newhall Ranch development's greenhouse gas emissions would not have significant impacts, the California Court of Appeal issued an opinion directing the trial court to take certain actions to direct the course of future environmental review of the project. The appellate court directed the trial court to find that the Department could use State greenhouse gas emissions reduction goals as a significance criterion and could use a hypothetical business-as-usual scenario to evaluate greenhouse gas impacts. The appellate court affirmed the trial court's original finding that there was no substantial evidence that the development's greenhouse gas emissions would not result in a cumulatively significant environmental impact. The appellate rejected the developer's argument that it should retain jurisdiction and supervise completion of the environmental review.

Citizens Actions Coalition of Indiana v. Duke Energy Indiana.

Name and Date	Description
Citizens Actions Coalition of Indiana, Inc. v. Duke Energy Indiana, Inc., No. 93A02-1301-EX-76 (Ind. Ct. App. Mar. 19, 2014)	The Indiana Court of Appeals rejected challenges to a regulatory settlement involving the construction of an integrated coal gasification combined cycle generating facility in Edwardsport, Indiana. The settlement agreement was adopted in 2012 by the Indiana Utility Regulatory Commission, which had issued the Certificates of Public Convenience and Necessity (CPCNs) for the facility in 2007. Intervenors had requested that the CPCNs be modified to require mitigation of carbon emissions, citing concerns about the risk of future costs to ratepayers. On appeal, the intervenors accused the Commission of adopting an "'ostrich approach' to global climate change and the role of carbon emissions, leaving ratepayers at financial risk in the future." In its nonprecedential decision, the court noted that there currently was no federal mandate requiring carbon mitigation, and said that it was not persuaded "that the Commission was derelict in its statutory duties when it declined to revisit the issue of potential future costs of carbon emissions at the Edwardsport plant. Nor can the settlement be considered contrary to law because it does not incorporate anticipated changes in the law."

California Clean Energy Committee v. City of Woodland

Name and Date	Description
California Clean Energy Committee v. City of Woodland, No. C072033 (Cal. Ct. App. Feb. 28, 2014) (partial publication order Apr. 1, 2014)	In an unpublished decision, the California Court of Appeal ruled that the City of Woodland had not complied with the California Environmental Quality Act (CEQA) in approving the development of a regional shopping center on undeveloped agricultural land. In doing so, the appellate court reversed a trial court decision in favor of the City. Among the inadequacies in the CEQA review was the City's failure to assess the project's transportation, construction, and operation energy impacts. The appellate court said that the City was required to investigate renewable energy options that might be available or appropriate for the project. The court issued a partial publication order in April 2014. A depublication request was made to the California Supreme Court in May 2014.

In re Consolidated Environmental Management Inc. – Nucor Steel

Name and Date	Description
In re Consolidated Environmental Management, Inc. – Nucor Steel, Saint James Parish, Louisiana, Pet. Nos. VI-2010-05, VI-2011-06, and VI-2012-07 (EPA Jan. 30, 2014)	The EPA administrator issued an order rejecting requests by the Louisiana Environmental Action Network (LEAN) and Sierra Club that EPA object to greenhouse gas (GHG) provisions in a Title V permit issued by the Louisiana Department of Environmental Quality for a facility that produced feedstock for steelmaking. LEAN and Sierra Club had contended that the permit was not in compliance with Clean Air Act requirements because it did not require best available control technology (BACT) for GHG emissions and did not specify procedures for estimating GHG emissions. The order was signed on January 30, 2014, and notice was published in the Federal Register on March 21, 2014.

Mississippi Power Co. v. Mississippi Public Service Commission

Name and Date	Description
Mississippi Power Co. v. Mississippi Public Service Commission, No. 2013-CC-00682-SCT (Miss. Apr. 10, 2014)	The Supreme Court of Mississippi ruled that certain documents concerning "the long term natural gas price forecast and a forecast of the economic impact of pending federal legislation of greenhouse gas emissions" that Mississippi Power Co. (Mississippi Power) had filed in January 2009 with the Mississippi Public Service Commission (MPSC) should be disclosed. Mississippi Power had filed the documents in connection with a certificate of public convenience and necessity proceeding for a proposed power plant in Kemper County, Mississippi. Bigger Pie Forum, a media outlet covering (and opposed to) the project, had sought the documents pursuant to the Mississippi Public Records Act. Mississippi Power had marked the documents at issue as confidential, but it came to light that it had shared information responsive to the records request with the *Wall Street Journal*. Mississippi Power, however, continued to assert that since the information provided to the *Wall Street Journal* was from a December 2009 filing with MPSC, an earlier filing in January 2009 that contained similar information remained confidential. The Mississippi Supreme Court disagreed, stating that "Mississippi Power's revelation of natural gas price forecasts and CO2 cost assumptions provided to the Commission in December 2009 militates against the argument that a similar forecast submitted in January 2009 would be entitled to confidential, secret status."

WildEarth Guardians v. Bureau of Land Management

Name and Date	Description
WildEarth Guardians v. Bureau of Land Management, No. 1:11-cv-01481-RJL (D.D.C. Mar. 30, 2014)	The federal district court for the District of Columbia granted the U.S. Bureau of Land Management's (BLM's) motion for summary judgment in this challenge to BLM's decision to authorize competitive lease sales in two coal tracts in the Wyoming Powder River Basin. As a threshold matter, the court concluded that plaintiffs had standing to bring all of their claims, including those related to climate change. After concluding that plaintiffs had standing stemming from injuries to aesthetic and recreational interests from local pollution to challenge BLM's consideration of local pollution impacts, the court expressed relief that it "need not navigate the troubled waters of the 'derivative' standing issue, nor … decide whether plaintiffs have established a separate injury in fact caused by climate change" because the D.C. Circuit had made clear in a similar case—*WildEarth Guardians v. Jewell*, No. 12-5300—that plaintiffs had standing to challenge BLM's consideration of climate change impacts on a procedural injury theory. On the merits, however, the court rejected plaintiffs' claims under both the National Environmental Policy Act (NEPA) and the Federal Land Policy Management Act. Under NEPA, the court was not persuaded that BLM had not sufficiently considered the impacts of greenhouse gas emissions from mining operations and from the subsequent combustion of the coal. The court concluded that "the level of specificity plaintiffs would prefer in BLM's analysis is neither possible based on current science, nor required by law." The court said that BLM's evaluation of greenhouse gas emissions associated with its actions as a percentage of statewide and nationwide emissions was "a permissible and adequate approach," given that current climate science did not allow for "specific linkage between particular [greenhouse gas] emissions and particular climate change impacts." The court also rejected plaintiffs' contention that BLM was obligated to consider alternatives that would reduce greenhouse gas emissions such as emissions capture and sequestration, more efficient mine hauling trucks, and carbon offsets.
WildEarth Guardians v. Bureau of Land Management, No. 14-5137 (D.C. Cir. June 20, 2014)	The D.C. Circuit granted the plaintiffs'-appellants' motion for voluntary dismissal of the appeal.

Protect Our Communities Foundation v. Jewell

Name and Date	Description
Protect Our Communities Foundation v. Jewell, No. 3:13-cv-00575-JLS-JMA (S.D. Cal. Mar. 25, 2014)	The federal district court for the Southern District of California rejected a challenge to BLM actions authorizing the Tule Wind Project, a utility-scale wind energy facility on public lands in San Diego County. The court was not persuaded that BLM violated NEPA, the Migratory Bird Treaty Act, or the Bald and Golden Eagles Protection Act. Among other things, the court rejected plaintiffs' claims that BLM had failed to take a hard look at climate change impacts, finding that BLM did not have to indicate the number of megawatt-hours of energy the project would generate each year to support its conclusion that the project would "potentially" decrease overall emissions associated with electrical generation in California. Nor did BLM have to assess the project's "life-cycle" emissions impacts by taking into account emissions from off-site equipment manufacture and transportation—the court deemed such an assessment "largely speculative." The court also agreed with the defendants that BLM had sufficiently addressed a distributed generation alternative favored by plaintiffs that would have relied on widespread development of "rooftop solar" systems on residential and commercial structures in San Diego County, as well as development of other small-scale renewable energy sources.
Backcountry Against Dumps v. Jewell, Nos. 14-55666, 14-55842 (9th Cir. June 7, 2016)	The Ninth Circuit Court of Appeals affirmed a district court ruling that upheld the United States Bureau of Land Management's (BLM's) granting of a right-of-way on federal lands for a wind energy project in San Diego County. The court upheld BLM's actions under NEPA, as well as under the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act, and the Administrative Procedure Act. The Ninth Circuit concluded, among other things, that BLM's environmental impact statement (EIS) took a hard look at greenhouse gas emissions and global warming. The court found that the EIS's "passing projection of potential emissions reductions, simply by virtue of the Project's creation of a new source of renewable energy, is reasonable enough and does not mandate the provision of conclusive proof through additional evidence and analysis beyond that already provided in the EIS." The court also deferred to BLM's determination that estimation of greenhouse gas emissions from manufacture and transportation of equipment to the project area would be too speculative.

In re Energy Answers Arecibo LLC

Name and Date	Description
In re Energy Answers Arecibo LLC (EAB Mar. 25, 2014)	In response to EPA Region 2's Motion for Limited Voluntary Remand, the Environmental Appeals Board (EAB) remanded a Clean Air Act Prevention of Significant Deterioration (PSD) permit issued for a resource recovery facility in Puerto Rico. EAB indicated that Region 2 should incorporate regulation of biogenic greenhouse gas emissions in the permit in a manner consistent with the revisions proposed in Region 2's motion. Region 2 had issued the permit prior to the D.C. Circuit's decision in Center for Biological Diversity v. EPA, No. 11-1101 (July 12, 2013), which vacated EPA's rule deferring regulation of biogenic greenhouse gases under the PSD program. EAB concluded that the amendments to the permit would not result in any change to the control technology or the total carbon dioxide emissions. EAB also concluded that the permit need not be reopened for public comment on remand, noting, among other factors, that EPA Region 2 already had taken biogenic carbon dioxide emissions into account in its best available control technology analysis.
Sierra Club de Puerto Rico v. EPA, No. 14-1138 (D.C. Cir., filed July 17, 2014)	Environmental groups filed a petition for review in the D.C. Circuit Court of Appeals seeking review of the permit.

San Diego Coastkeeper v. San Diego County Water Authority

Name and Date	Description
San Diego Coastkeeper v. San Diego County Water Authority, No. 37-2014-00013216-CU-JR-CTL (Cal. Super. Ct., filed Apr. 25, 2014)	An environmental organization filed a lawsuit alleging that the San Diego County Water Authority (SDCWA) failed to comply with the California Environmental Quality Act (CEQA) when it approved updates to its long-term plan for water development and conservation. The two elements of the plan, which SDCWA called "a road map through 2035 for future capital projects," were an update to the 2003 Regional Water Facilities Master Plan and a Climate Action Plan (CAP). Petitioner alleged a number of shortcomings related to climate change, including that the CAP "did not accurately account for current or projected future emissions" or "adequately provide for emission reduction goals and energy conservation opportunities." Petitioner also alleged that the Supplemental Program Environmental Impact Report (SPEIR) did not comply with AB 32 (California's greenhouse gas emissions reductions law) and that it failed to ensure consistency with Executive Order S-3-05 (a precursor to AB 32 that set greenhouse gas emissions reductions targets). Petitioner also asserted that the SPEIR did not use proper criteria to assess climate change impacts, that it failed to consider health impacts related to climate change, and that the CAP was not a qualified greenhouse gas reduction plan under CEQA guidelines.
San Diego Coastkeeper v. San Diego County Water Authority, No. 37-2014-00013216-CU-JR-CTL (Cal. Super. Ct. July 30, 2015)	A California Superior Court upheld the San Diego County Water Authority's (SDCWA's) approval of an update to a regional master plan for water development and conservation. The petitioner, San Diego Coastkeeper, had also challenged the SDCWA's Climate Action Plan and its supplemental program environmental impact report. The court said that "substantial evidence" supported the SDCWA's actions, including its decision not to include greenhouse emissions from upstream water vendors. The court also upheld the SDCWA's determination not to include an emissions analysis for a potential desalination plant, which was "just one of a list of possible long-term options." The court also rejected claims that the SDCWA had incorrectly calculated baseline emissions and that the SDCWA had not adequately mitigated emissions.

Illinois Farmers Insurance Co. v. Metropolitan Water Reclamation District of Greater Chicago

Name and Date	Description
Illinois Farmers Insurance Co. & Farmers Insurance Exchange v. Metropolitan Water Reclamation District of Greater Chicago, No. 2014CH06608 (Ill. Cir. Ct., filed Apr. 16, 2014)	Illinois Farmers Insurance Co. & Farmers Insurance Exchange and its subsidiaries and related entities (Farmers Insurance) sued the water reclamation district for greater Chicago, Cook County, the City of Chicago and numerous other cities, towns, and villages in Illinois in a class action alleging that the municipalities' failures to implement reasonable stormwater management practices and increase stormwater capacity resulted in increased payouts to the plaintiffs' insureds after heavy rains in April 2013. The rains resulted in sewer water flooding the insureds' properties. Plaintiffs alleged that the rainfall was within the anticipated 100-year rainfall return frequency—or, alternatively, that it was within the climate change-adjusted 100-year rainfall return frequency predicted by the 2008 Chicago Climate Action Plan. They asserted claims of negligent maintenance liability, failure to remedy known dangerous conditions, and takings without just compensation.
Illinois Farmers Insurance Co. & Farmers Insurance Exchange v. Metropolitan Water Reclamation District of Greater Chicago, No. 14-CV-03251 (N.D. Ill. June 3, 2014)	Farmers Insurance filed notices of dismissal withdrawing the putative class action lawsuits that sought damages from municipal entities in Illinois for failing to implement adequate stormwater management plans to prevent flooding that occurred in 2013. Farmers Insurance had filed nine of the lawsuits (see complaints for Cook, DuPage, Lake, McHenry, and Will Counties), at least two of which (Cook and McHenry) had been removed to federal court. A Farmers Insurance spokesperson said "[w]e believe our lawsuit brought important issues to the attention of the respective cities and counties, and that our policyholders' interests will be protected by the local governments going forward."

Communities for a Better Env't v. Bay Area Air Quality Mgmt. Dist.

Name and Date	Description
Communities for a Better Environment v. Bay Area Air Quality Management District, No. CPF-14-513557 (Cal. Super. Ct., filed Mar. 27, 2014)	Environmental organizations filed a lawsuit in California Superior Court challenging the granting by the Bay Area Air Quality Management District (BAAQMD) of a permit to Kinder Morgan to conduct crude-by-rail operations. The organizations allege that the Kinder Morgan operations will bring North Dakotan Bakken crude oil to Bay Area refineries in the same types of rail cars that were involved in the explosive train derailment in Québec in July 2013. They allege that the BAAQMD permit was issued in a "clandestine" manner "without any notice or public process whatsoever." They claim that BAAQMD "eschewed" its CEQA obligations by designating the project as "ministerial" and thereby failed to consider a number of impacts, including significant increases in greenhouse gas emissions.
Communities for a Better Environment v. Bay Area Air Quality Management District, No. CPF-14-513557 (Cal. Super. Ct. Sept. 5, 2014)	A judge ruled from the bench on September 5, 2014, that the lawsuit was barred by the statute of limitations.

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Communities for a Better Env't v. Bay Area Air Quality Mgmt. Dist.

Name and Date	Description
Communities for a Better Environment v. Bay Area Air Quality Management District, No. A143634 (Cal. Ct. App. July 19, 2016)	The California Court of Appeal agreed with a trial court that a lawsuit challenging an authorization to convert a rail-to-truck ethanol transloading facility to a facility that could transload crude oil was time-barred. The petitioners alleged that the Bay Area Air Quality Management District (BAAQMD) had unlawfully evaded review under the California Environmental Quality Act (CEQA) when it authorized the conversion, and argued that the discovery rule should apply to extend the time in which they could initiate their lawsuit because BAAQMD had not given public notice of its action. The petitioners asserted that the facility's conversion could have significant adverse environmental impacts, including significant increases in greenhouse gas emissions. The Court of Appeal concluded that under the relevant statute, the petitioners were deemed to have constructive notice of BAAQMD's authorization and that the discovery rule did not apply where there was constructive notice.

Int'l Ctr. for Tech. Assessment v. Council on Envtl. Quality

Name and Date	Description
International Center for Technology Assessment v. Council on Environmental Quality, No. 1:14-cv-00549 (D.D.C., filed Apr. 2, 2014)	Two non-profit organizations filed an action in the federal district court for the District of Columbia seeking to compel the Council on Environmental Quality (CEQ) to respond to a 2008 petition in which plaintiff International Center for Technology Assessment asked CEQ to require consideration of climate change impacts in environmental review documents prepared to comply with NEPA. The complaint alleged that while CEQ published draft guidance in 2010 that would affirm that agencies must consider climate change impacts in their NEPA reviews, CEQ never finalized the guidance or otherwise "formally responded" or took "meaningful action" in response to the 2008 petition. Plaintiffs claim that this lack of response violated the Administrative Procedure Act.
International Center for Technology Assessment v. Council on Environmental Quality, No. 1:14-cv-00549 (D.D.C. Aug. 20, 2014)	On August 7, 2014, the Council on Environmental Quality (CEQ) denied the 2008 petition. CEQ also indicated that it was considering how to proceed with its 2010 draft guidance on incorporating consideration of climate change into environmental reviews in light of comments it received. On August 20, ICTA and its sister organization, the Center for Food Safety, filed a notice of voluntary dismissal without prejudice; the notice indicated that the organizations were preserving their right to challenge the denial on its merits.

United States v. Landfill Technologies of Arecibo Corp.

Name and Date	Description
United States v. Landfill Technologies of Arecibo Corp., No. 3:14-cv-01438 (D.P.R. May 29, 2014)	On May 30, 2014, EPA announced that it had reached an agreement with Landfill Technologies of Arecibo Corp., the municipality of Arecibo and the Puerto Rico Land Authority to settle alleged violations of the Clean Air Act involving defendants' failures to install a gas collection and control system at a Puerto Rico landfill by a 2005 deadline. Installation of the system was completed in 2012, but EPA alleged that in the intervening six-and-a-half years, the landfill emitted substantial amounts of non-methane organic compounds and other landfill gases, including methane. In the consent decree filed in the federal district court for the District of Puerto Rico on May 29, 2014, defendants agreed to pay a total of $350,000 in civil penalties and to implement a comprehensive recycling and composting plan, the details of which were specified in an appendix to the consent decree. A notice in the *Federal Register* on June 5, 2014 announced that the comment period on the consent decree would remain open for 30 days (until July 7, 2014).

Clean Energy Fuels Corp. v. California Public Utilities Commission

Name and Date	Description
Clean Energy Fuels Corp. v. California Public Utilities Commission, No. G048820 (Cal. Ct. App. original decision May 29, 2014; modified & certified for publication June 27, 2014)	The California Court of Appeal affirmed the California Public Utilities Commission's (CPUC's) approval of Southern California Gas Company's (SoCalGas) application for a "Compression Services Tariff" under which SoCalGas would construct and operate equipment on nonresidential customers' property to compress, store, and dispense natural gas above standard line pressure for customer end-use applications, including natural gas vehicle refueling, combined heat and power facilities, and peaking power plants. The court said that CPUC had incorporated adequate restrictions in its approval to prevent SoCalGas from unfairly competing with nonutility enterprises. The court also ruled that substantial evidence supported CPUC's conclusion that the tariff would increase natural gas use in the Los Angeles area and thereby reduce air pollution and greenhouse gas emissions.

Southern California Edison Co. v. California Public Utilities Commission

Name and Date	Description
Southern California Edison Co. v. California Public Utilities Commission, Nos. B246782, B246786 (Cal. Ct. App. petitions denied May 28, 2014, modified & certified for publication June 18, 2014)	The California Court of Appeal rejected Southern California Gas Company's challenge to the California Public Utilities Commission's (CPUC's) authority to implement the Electric Program Investment Charge (EPIC), which required electric utilities to collect a surcharge from ratepayers to fund renewable energy research, development, and demonstration projects. The court ruled that CPUC had the constitutional and statutory authority to implement EPIC, that EPIC was not an unlawful delegation of CPUC's authority, and that the surcharge was a regulatory fee, not a tax requiring legislative enactment.

Kunaknana v. United States Army Corps of Engineers
Center for Biological Diversity v. United States Army Corps of Engineers

Name and Date	Description
Kunaknana v. United States Army Corps of Engineers, No. 3:13-cv-00044-SLG; ***Center for Biological Diversity v. United States Army Corps of Engineers***, No. 3:13-cv-00095-SLG (D. Alaska May 27, 2014)	Plaintiffs commenced two actions in the federal district court for the District of Alaska alleging that the United States Army Corps of Engineers (Corps) did not comply with NEPA and Section 404 of the Clean Water Act in issuing a permit to fill wetlands in the National Petroleum Reserve in Alaska. The permit was required for ConocoPhillips Alaska, Inc. to develop a drill site. The court ruled that the Center for Biological Diversity did not have standing to bring the action. In the other action, the court granted partial summary judgment to the plaintiffs to the extent of finding that the Corps had not provided a reasoned explanation for its decision not to conduct a supplemental environmental analysis. The court did not resolve the Clean Water Act claim and asked the parties to conduct briefing on how the action should proceed. Among the issues the court will consider after further briefing is the extent to which the Corps should consider new information about the potential impacts of climate change on the project.
Kunaknana v. United States Army Corps of Engineers, No. 3:13-cv-00044-SLG (D. Alaska, materials in support of motions regarding further proceedings (ConocoPhillips motion and memorandum, Corps motion, plaintiffs' submission) June 17, 2014)	The parties to the lawsuit challenging the granting of a wetlands permit to ConocoPhillips Alaska, Inc. by the United States Army Corps of Engineers could not agree on a course for further proceedings after the federal district court for the District of Alaska ruled that the Corps had not provided an adequate explanation for its decision not to prepare an SEIS. ConocoPhillips requested a remand without vacatur, asking that the remand period be limited to 90 days and that the scope of the remand only include remedying the errors identified by the court in the Corps' rationale and addressing post-2004 climate change information. The Corps also requested a 90-day limited remand. Plaintiffs, on the other hand, argued that vacatur of the permit was warranted.

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Kunaknana v. United States Army Corps of Engineers
Center for Biological Diversity v. United States Army Corps of Engineers

Name and Date	Description
Kunaknana v. United States Army Corps of Engineers, No. 3:13-cv-00044-SLG (D. Alaska July 22, 2014)	In July, the court issued an order regarding further proceedings in the case. The court opted not to vacate the permit because stopping ongoing construction would have disruptive consequences. On remand, the court directed the Corps to consider post-2004 information on how climate change could affect the project. The court denied the challengers' request for a public hearing, noting that the National Environmental Policy Act did not require a public hearing for a determination of whether to prepare a supplemental environmental impact statement. The Corps must submit its determination on remand by August 27.
Kunaknana v. United States Army Corps of Engineers, No. 3:13-cv-00044 (D. Alaska May 26, 2015)	The federal district court for the District of Alaska upheld the approval by the United States Army Corps of Engineers (Corps) of a permit to fill wetlands in the National Petroleum Reserve in Alaska for development of a drilling site. The Corps prepared a supplemental information report (SIR) after the court held in 2014 that the Corps had not provided a reasoned explanation for its decision not to prepare a supplemental environmental impact statement (SEIS) to update a 2004 EIS. Pursuant to an agreement between the parties and an order of the court, the SIR included a discussion of whether new information about climate change necessitated preparation of an SEIS. The Corps considered both the impact of climate change on the project and the project's impacts on climate change. The court agreed with plaintiffs that the Corps had conducted "only a minimalist review" of the impacts of climate change. Nevertheless, the court found that this assessment was adequate given the absence of detailed instructions from the court regarding the analysis the Corps should have performed and given that the plaintiffs had not identified specific climate change information the Corps should have considered. The court also found that the Corps' determinations that other new information and changes to the project did not require an SEIS were not arbitrary and capricious, and that the Corps had an adequate basis for its determination that the project was the Least Environmentally Damaging Practicable Alternative as required under Section 404 of the Clean Water Act. Judgment was entered for the defendants on May 29, 2015.

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Kunaknana v. United States Army Corps of Engineers
Center for Biological Diversity v. United States Army Corps of Engineers

Name and Date	Description
Kunaknana v. United States Army Corps of Engineers, No. 3:13-cv-00044 (D. Alaska Aug. 27, 2015)	Plaintiffs who challenged issuance of a fill permit for a drill site in the National Petroleum Reserve in Alaska filed a petition for costs and fees under the federal Equal Access to Justice Act (EAJA). The federal district court for the District of Alaska upheld the permit in 2015, but only after it first remanded the proceeding to the United States Army Corps of Engineers (Corps) in 2014 for a reasoned explanation for the Corps' decision not to conduct a supplemental environmental analysis. The supplemental analysis subsequently conducted by the Corps included a discussion of whether new information about climate change warranted preparation of a supplemental environmental impact statement and concluded that it did not. In their fees petition, the plaintiffs contended that they were prevailing parties for purposes of EAJA because the court was only satisfied that the Corps had satisfied its NEPA obligations after the Corps completed the supplemental analysis required by the court.
Kunaknana v. U.S. Army Corps of Engineers, No. 3:13-cv-00044-SLG (D. Alaska May 4, 2016)	On May 4, 2016, the plaintiffs in a lawsuit that succeeded in requiring the United States Army Corps on Engineers to conduct supplemental environmental analysis for a wetlands fill permit in the National Petroleum Reserve withdrew their petition for attorneys' fees and other costs under the Equal Access to Justice Act. The plaintiffs said that they had reached an agreement with the federal defendants that settled their request for fees and costs.

Klein v. United States Department of Energy

Name and Date	Description
Klein v. United States Department of Energy, No. 13-1165 (6th Cir. May 21, 2014)	The Sixth Circuit Court of Appeals reversed a district court ruling that plaintiffs lacked standing to challenge the U.S. Department of Energy (DOE) approval of a $100-million grant for a lumber-based ethanol plant in the Upper Peninsula of Michigan. The grant represented approximately 34% of the total cost of constructing the plant. The Sixth Circuit ruled that, contrary to the finding of the district court for the Western District of Michigan, plaintiffs had provided sufficient facts to support a reasonable inference that the plant would not be built without the DOE grant. They had therefore adequately established the redressability element of standing. On the merits, however, the Sixth Circuit affirmed the judgment in favor of the defendants, finding that DOE had complied with the requirements of the National Environmental Policy Act (NEPA). Among other impacts that DOE had adequately considered were the proposed plant's greenhouse gas emissions. The environmental assessment concluded that the plant's reductions in life-cycle greenhouse gas emissions would result in a decrease in net greenhouse gas emissions.

WildEarth Guardians v. McCarthy

Name and Date	Description
WildEarth Guardians v. McCarthy, No. 1:13-cv-03457 (D. Colo., consent decree filed Apr. 29, 2014; *Federal Register* notice May 13, 2014)	In a federal lawsuit challenging its failures to take action on the application for a Title V permit by a coal-fired power plant on the Uintah and Ouray reservation in northeastern Utah, EPA agreed to issue a final decision by August 29, 2014. A comment period on the draft permit opened on May 1, 2014 with the publication of a notice. EPA announced the filing of the consent decree settling the lawsuit on May 13. See also the discussion here of WildEarth Guardians' lawsuit against the United States Bureau of Land Management (BLM) and other federal defendants in connection with the impacts of this power plants operations.

Energy and Environment Legal Institute v. Epel

Name and Date	Description
Energy and Environment Legal Institute v. Epel, No. 11-cv-00859-WJM-BNB (D. Colo. May 9, 2014, standing order May 1, 2014)	The federal district court for the District of Colorado ruled on May 9 that the "Renewables Quota" of Colorado's Renewable Energy Standard (RES) did not violate the dormant Commerce Clause. The Renewables Quota required that utilities obtain 30% of their energy from renewable sources by 2020. The judgment in favor of the defendants came eight days after the court ruled that the Energy and Environment Legal Institute—"a non-profit organization dedicated to the advancement of rational, free-market solutions to land, energy, and environmental challenges in the United States"—had standing to challenge the Renewables Quota, based on the lost sales and lost ability to compete of one of its members, a mining company that operated two coal mines in Wyoming. (The court concluded, however, that neither the organization nor one of its individual members had standing to challenge two ancillary provisions of the RES.) In its May 9 opinion, the court found that plaintiffs had not made any effort to show that the Renewables Quota discriminated against out-of-state interests on its face or in purpose or effect. Moreover, the court rejected plaintiffs' contentions that the Renewables Quota improperly regulated wholly out-of-state commerce. The court noted that the RES only affected commerce when an out-of-state electricity generator "freely chooses to do business with a Colorado utility" and that the RES did not impose conditions on the importation of electricity. The court also found that plaintiffs had failed to establish that the RES burdened interstate commerce for the purpose of the *Pike* balancing test. Plaintiffs announced they would appeal the district court's judgment to the Tenth Circuit Court of Appeals.

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Energy and Environment Legal Institute v. Epel

Name and Date	Description
Energy & Environment Legal Institute v. Epel, No. 14-1216 (10th Cir. July 13, 2015)	The Tenth Circuit Court of Appeals ruled that Colorado's renewable energy mandate did not violate the dormant Commerce Clause. The decision affirmed the ruling of the federal district court for the District of Colorado. EELI appealed only one aspect of the district court's decision—that the mandate did not impermissibly control extraterritorial conduct. The Tenth Circuit said that although fossil fuel producers will be hurt by the mandate, EELI "offers no story suggesting how Colorado's mandate disproportionately harms out-of-state businesses," and "it's far from clear how the mandate might hurt out-of-state consumers either." The Tenth Circuit concluded that this case did not fall within the narrow scope of the Supreme Court's extraterritoriality precedent, which was applied only to price control or price affirmation regulation. The Tenth Circuit said that EELI's reading risked "serious problems of overinclusion."
Energy & Environment Legal Institute v. Epel, No. 15-471 (U.S., filed Oct. 9, 2015)	On October 9, 2015, the Energy & Environmental Legal Institute (EELI) filed a certiorari petition in the United States Supreme Court seeking review of the Tenth Circuit Court of Appeals decision upholding Colorado's Renewable Energy Standard (RES). The Tenth Circuit held that the RES did not constitute impermissible extraterritorial regulation and did not violate the Constitution. EELI argued in its petition that the Tenth Circuit too narrowly interpreted Supreme Court precedent regarding the Constitution's bar on state action regulating extraterritorial conduct. EELI said that the Tenth Circuit fell into the "conceptual trap" of pigeon-holing cases concerning extraterritorial conduct into the dormant Commerce Clause, when the jurisprudence on extraterritoriality "stems … from the structure of our system as a whole." EELI also asserted that there was a circuit split on the issue of whether the prohibition of extraterritorial regulation of interstate commerce applied exclusively to price control or price affirmation statutes, and that the risks of states "exporting" their regulatory agendas nationwide warranted the Supreme Court's exercise of supervisory powers.
Energy & Environment Legal Institute v. Epel, No. 15-471 (U.S. Dec. 7, 2015)	The Supreme Court denied a certiorari petition seeking review of the Tenth Circuit Court of Appeals' ruling upholding Colorado's Renewable Energy Standard.

WildEarth Guardians v. United States Bureau of Land Management

Name and Date	Description
WildEarth Guardians v. United States Bureau of Land Management, No. 14-cv-01452 (D. Colo., filed May 23, 2014)	WildEarth Guardians filed a lawsuit in the federal district court for the District of Colorado challenging BLM's approval of the Blue Mountain Coal Lease and the U.S. Office of Surface Mining's and the Secretary of the Interior's approval of a "mining plan" modification that authorized development of the coal lease. WildEarth Guardians alleged that the agencies' issuance of a Finding of No Significant Impact violated NEPA because they failed to adequately address the air quality impacts of expanded mining and the air quality impacts of extending the life of operations at a coal-fired plant in Uintah County, Utah for which the mine was the sole source of fuel. (See here for a discussion of a settlement related to this power plant in *WildEarth Guardians v. McCarthy*.) The allegations focused on local air pollution impacts, not the impacts of greenhouse gas emissions.
WildEarth Guardians v. United States Bureau of Land Management, No. 1:14-cv-01452 (D. Colo. joint motion to stay briefing schedule granted Apr. 6, 2015)	The court granted a joint motion for a stay after the parties indicated that they believed they could reach a settlement.
In re Deseret Power Electric Cooperative, Bonanza Power Plant, Nos. 15-01, 15-02 (Envtl. Appeals Bd. settlement agreement signed by EPA Oct. 5, 2015, *Federal Register* notice Oct. 22, 2015)	In an appeal before the Environmental Protection Agency's (EPA's) Environmental Appeals Board (EAB) that concerned a Title V air permit for the Utah power plant, WildEarth Guardians reached a settlement agreement with the operators of the power plant and EPA. In the agreement, WildEarth Guardians agreed that it would withdraw this lawsuit if the settlement received final approval.
WildEarth Guardians v. United States Bureau of Land Management, 1:14-cv-01452 (D. Colo. Mar. 25, 2016)	WildEarth Guardians and federal defendants filed a stipulation of dismissal in a case that challenged authorizations for mining on coal leases in Colorado that served as the sole source of fuel for a coal-fired power plant in Uintah County, Utah. The stipulation was filed after WildEarth Guardians and the United States Environmental Protection Agency finalized a settlement concerning the Clean Air Act Title V permit for the power plant.

Center for Biological Diversity Protest of BLM's July 17 2014 Oil and Gas Competitive Lease Sale and Environmental Assessment DOI-BLM-NV-B000-2014-0001-EA

Name and Date	Description
Center for Biological Diversity, **Protest of BLM's July 17, 2014 Oil and Gas Competitive Lease Sale and Environmental Assessment DOI-BLM-NV-B000-2014-0001-EA** (May 12, 2014)	The Center for Biological Diversity (CBD) submitted a formal protest to BLM's Nevada office objecting to BLM's plan to conduct an oil and gas lease sale in July 2014 for 102 parcels covering 174,021.36 acres. CBD asked BLM to cancel the lease sale and prepare a full environmental impact statement. CBD said BLM must reopen the decision-making process to address methane waste, water quality, air quality, sage grouse and other biological resources, and climate change impacts

Chesapeake Climate Action Network and Ruth McElroy Amundsen Letter to Securities and Exchange Commission regarding Dominion Midstream Partners LP registration statement

Name and Date	Description
Letter to Securities and Exchange Commission from the Chesapeake Climate Action Network and Ruth McElroy Amundsen regarding Dominion Midstream Partners LP registration statement (May 6, 2014)	The Chesapeake Climate Action Network and an individual shareholder in Dominion Resources, Inc. sent a letter to the U.S. Securities and Exchange Commission (SEC) asserting their belief that Dominion Midstream Partners LP, might have omitted or inadequately disclosed material information in a registration statement submitted to the SEC on March 28, 2014. The letter and the accompanying analysis identify the following areas as "potentially … characterized by lack of disclosure": permitting and litigation delay risks for the company's proposed liquefaction facility at its liquefied natural gas terminal on the Chesapeake Bay in Maryland; environmental risks and impacts associated with the LNG facility, including water drawdown, air and greenhouse gas mitigation risks, and climate change impacts to the facility; and risks related to the company's ability to generate stable and consistent cash flow such as permitting delays, the financial health of the parent company, and project cost overruns.

American Petroleum Institute v. EPA
Carbon Sequestration Council v. EPA

Name and Date	Description
American Petroleum Institute v. EPA, No. 14-1048 (D.C. Cir., filed Apr. 3, 2014; statement of issues, May 5, 2014; consolidation order, May 6, 2014); ***Carbon Sequestration Council v. EPA***, No. 14-1046 (D.C. Cir., filed Apr. 2, 2014; statement of issues, May 8, 2014)	Two petitions were filed in the D.C. Circuit Court of Appeals seeking review of EPA's final regulation under the Resource Conservation and Recovery Act (RCRA) that created a conditional exclusion for hazardous carbon dioxide streams from the definition of "hazardous waste," provided that the streams meet certain conditions, including that they be captured from emission streams and be injected into Underground Injection Control Class VI wells for purposes of geologic sequestration. Petitioners argued that EPA improperly interpreted "solid waste" to include carbon dioxide as a supercritical fluid. API believed that this interpretation could be used to draw other supercritical fluids such as methane or propane into RCRA's jurisdiction. The proceedings were consolidated on May 6, 2014.
Carbon Sequestration Council v. EPA, No. 14-1046 (D.C. Cir. Aug. 28, 2014)	The Carbon Sequestration Council, Southern Company Services, Inc., and the American Petroleum Institute filed their opening brief. They argued that Congress did not intend for EPA to assert authority over supercritical fluids or, in the alternative, that EPA's assertion that supercritical fluids and uncontained gases were subject to RCRA was not reasonable or deserving of deference. The petitioners do not challenge the conditional exclusion of carbon dioxide as a hazardous waste under RCRA.
Carbon Sequestration Council v. EPA, Nos. 14-1046, 14-1048 (D.C. Cir. June 2, 2015)	The D.C. Circuit Court of Appeals ruled that petitioners did not have standing to challenge EPA's determination. EPA's determination concerned a new class of wells—Class VI wells—established by EPA under the Safe Drinking Water Act specifically for carbon dioxide injection. The D.C. Circuit said that one petitioner—a company that captured and compressed carbon dioxide for use in enhanced oil recovery or injection in another class of well—had no plans to use the type of well governed by the challenged rule. Therefore, neither the company nor the organization of which it was a member had standing. A second organization that relied on a member for representational standing also did not have standing because its member company was not directly regulated by the challenged rule but was merely concerned that the rule portended regulation of its enhanced oil recovery operations.

Chernaik v. Kitzhaber

Name and Date	Description
Chernaik v. Kitzhaber, No. A151856 (Or. Ct. App. June 11, 2014)	The Oregon Court of Appeals reversed a trial court's dismissal of plaintiffs' public trust doctrine lawsuit. The trial court had concluded that it lacked subject matter jurisdiction over the action, in which plaintiffs sought declaratory and equitable relief for the State of Oregon's failures to meet its fiduciary obligations to protect natural resources such as the atmosphere from the impacts of climate change. The trial court grounded its conclusion in separation of powers and political question concerns. The appellate court ruled that the trial court had authority under the Uniform Declaratory Judgments Act to issue a declaration of whether the atmosphere and other natural resources are "trust resources" that the State of Oregon has a fiduciary obligation to protect from climate change impacts. The court rejected defendants' contention that such declarations would not amount to the sort of "meaningful relief" required to make plaintiffs' claims justiciable. The appellate court declined to address the merits of plaintiffs' claims, indicating that such a determination would only be possible after the parties had litigated the merits and a court had declared "the scope of the public trust doctrine and defendants' obligations, if any, under it."
Chernaik v. Brown, No. 16-11-09273 (Or. Cir. Ct. May 11, 2015)	On remand, an Oregon Circuit Court ruled that the State's public trust doctrine applied only to submerged and submersible lands, and not to other resources such as the atmosphere, waters of the State, beaches and shorelands, and fish and wildlife. With respect to the atmosphere, the court questioned "whether the atmosphere is a 'natural resource' at all." The court further declared that the State did not have a fiduciary obligation to protect submerged and submersible lands from the impacts of climate change, concluding that the public trust doctrine merely restricted the ability of the State to entirely alienate such lands. The court also said that granting the relief sought by plaintiffs could violate the separation of powers doctrine, and that the court would not have had sufficient information before it to make a determination as to appropriate concentrations of carbon dioxide in the atmosphere. The plaintiffs have indicated that they will appeal the decision. An Oregon appellate court previously reversed the circuit court's determination that it did not have jurisdiction over the lawsuit.

Citizens Against Airport Pollution v. City of San Jose

Name and Date	Description
Citizens Against Airport Pollution v. City of San Jose, No. H038781 (Cal. Super. Ct. June 6, 2014; request for publication granted July 2, 2014)	Petitioner challenged an addendum to the 1997 environmental impact report (EIR) for the City of San Jose's International Airport Master Plan. The addendum assessed the impacts of amendments to the Plan, including changes to the size and location of future air cargo facilities, the replacement of air cargo facilities with 44 acres of general aviation facilities, and the modification of two taxiways to provide better access for corporate jets. The California Court of Appeal affirmed the trial court's rejection of the challenge. The appellate court was not persuaded that the changes to the Plan constituted a new project requiring a new EIR under CEQA. The court found that substantial evidence in the record showed that the changes to the Plan would not result in new significant impacts to noise levels, air quality, or burrowing owl habitat. The appellate court held that the City did not violate the 2010 CEQA guidelines for greenhouse gas emissions by failing to analyze greenhouse gas emissions in the addendum. The court concluded that the potential impact of greenhouse gas emissions did not constitute new information because information about greenhouse gas impacts was known or could have been known when the 1997 EIR and a 2003 supplemental EIR were prepared.

Sierra Club v. Moser

Name and Date	Description
Sierra Club v. Moser, No. 14-112008 (Kan. Ct. App., filed June 27, 2014)	Sierra Club filed a challenge in the Kansas Court of Appeals to an air permit issued to Sunflower Electric Power Corporation authorizing construction of a coal-fired power plant in Holcomb, Kansas. The Kansas Department of Health and Environment reissued the permit in May after the Kansas Supreme Court ruled in October 2013 that a permit issued in 2010 did not properly apply EPA standards. In its petition challenging the new permit, Sierra Club alleged substantive and procedural violations of the Clean Air Act, the Kansas Air Quality Act, and implementing regulations. The claimed violations included failure to incorporate greenhouse gas emissions standards in the permit.

Transportation Solutions Defense and Education Fund v. CARB

Name and Date	Description
Transportation Solutions Defense and Education Fund v. California Air Resources Board, No. 14CECG01788 (Cal. Super. Ct., filed June 23, 2014)	Petitioner challenged the California Air Resources Board's (CARB's) approval of the First Update to the Climate Change Scoping Plan (Update) and CARB's certification of a program-level environmental assessment for the Update. Petitioner claimed that CARB violated both the California Environmental Quality Act (CEQA) and the Global Warming Solutions Act of 2006 (AB 32). In particular, petitioner alleged that CARB had failed to take into account the greenhouse gas emissions associated with the high-speed rail project included in the Update, that CARB violated CEQA procedures, and that inclusion of the high-speed rail project violated AB 32.

Communities for a Better Environment et al. Appeal of Long Beach Board of Harbor Commissioners' Ordinance Approving a New Operating Agreement with Metropolitan Stevedore Company and New Lease with Oxbow Energy Solutions LLC

Name and Date	Description
Communities for a Better Environment et al., Appeal of Long Beach Board of Harbor Commissioners' Ordinance Approving a New Operating Agreement with Metropolitan Stevedore Company and New Lease with Oxbow Energy Solutions, LLC (June 23, 2014)	Communities for a Better Environment, Natural Resources Defense Council, and Sierra Club (represented by Earthjustice) filed an appeal with the City of Long Beach challenging the Port of Long Beach Board of Harbor Commissioners decision not to undertake a CEQA review in its consideration of a new operating agreement and lease, which the environmental groups contended would expand the export of coal from the port. Among the arguments advanced by the environmental groups was that a 1992 negative declaration was not sufficient to cover the approvals, in part because greenhouse gas emissions were not evaluated at that time. The groups also argued that the impacts of the export of coal on climate change must be considered, including emissions from transporting coal and burning it overseas.
Recommendation and Draft Resolution (No. RES-14-0069) from Managing Director and Chief Executive of Harbor Department (Aug. 19, 2014); **City Council Finished Agenda and Draft Minutes** (Aug. 19, 2014)	The Long Beach City Council unanimously denied the appeal. The City Council agreed with the recommendation of Harbor Department staff that CEQA review was not required because the actions were categorically exempt from CEQA under exemptions for the use and repair of existing facilities and because a negative declaration had been issued for the coal shed facility in 1992 and no changes to the coal shed had been proposed. The City Council was not persuaded by the argument that information regarding the adverse impacts of greenhouse gases required a new review.

In re Murray Energy Corp.
Murray Energy Corp. v. EPA
West Virginia v. EPA

Name and Date	Description
In re Murray Energy Corp., No. 14-1112 (D.C. Cir., filed June 18, 2014; states' *amici curiae* brief June 25, 2014)	Murray Energy Corporation (Murray), the largest privately owned coal company in the United States, filed a petition for extraordinary writ in the D.C. Circuit Court of Appeals, seeking to enjoin EPA from conducting its rulemaking to create greenhouse gas emission standards for existing power plants. Murray argued that the D.C. Circuit could bar EPA from continuing the rulemaking process because EPA had proposed to take actions beyond its power. Murray contended that because EPA imposed national standards on power plants under a rule issued under Section 112 of the Clean Air Act, which addresses hazardous air pollutants, it could not mandate state-by-state greenhouse gas emission standards under Section 111(d). Nine states filed a brief in support of the petition.
West Virginia v. EPA, No. 14-1146 (D.C. Cir., filed Aug. 4, 2014; motion to intervene Sept. 2, 2014)	Twelve states filed a petition for review in the D.C. Circuit asking the court to review a settlement agreement between EPA and other states, governmental entities, and nonprofit organizations in which EPA agreed to propose and finalize a rule regulating greenhouse gas emissions from existing coal-fired power plants. EPA approved the settlement in 2011. The twelve states contended that the agreement was illegal to the extent that it compelled EPA to propose and finalize regulations under Section 111(d) of the Clean Air Act to regulate greenhouse gas emissions from existing power plants after EPA finalized regulation of hazardous air pollutants from power plants under Section 112 in 2012. EPA published its proposal to regulate greenhouse gases from existing power plants in the June 18, 2014 edition of the *Federal Register*. It is the states' position that regulation of sources under Section 112 bars regulation under Section 111(d). On September 2, 2014, 11 other states, Washington, D.C., and New York City filed a motion to intervene in support of EPA, saying that they had an interest in the rulemaking moving forward to address climate change-related harms.

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In re Murray Energy Corp.
Murray Energy Corp. v. EPA
West Virginia v. EPA

Name and Date	Description
Murray Energy Corp. v. EPA, No. 14-1151 (D.C. Cir., filed Aug. 15, 2014)	After EPA published its proposal to regulate greenhouse gas emissions from existing power plants in the *Federal Register* on June 18, 2014, Murray Energy Corp. filed a second petition in the D.C. Circuit challenging the agency's Clean Power Plan. (Murray Energy also filed a petition for extraordinary writ in June.) In the second petition, Murray Energy contended that EPA's proposal was an illegal final action because it violated an express statutory prohibition on regulating sources under both Section 112 and Section 111(d) of the Clean Air Act. Attempting to differentiate its petition from a challenge to proposed greenhouse gas new source performance standards for power plants that the D.C. Circuit rejected in 2012, Murray Energy noted that it was not challenging the substance of the Clean Power Plan rule, but whether EPA had any authority to initiate a rulemaking at all.
In re Murray Energy Corp., No. 14-1112 (D.C. Cir. Sept. 18, 2014)	The D.C. Circuit ordered the U.S. Environmental Protection Agency (EPA) to respond to the petition for extraordinary writ filed in June by Murray Energy Corporation challenging EPA's authority to conduct rulemaking to regulate greenhouse gas emissions from existing power plants. EPA's response is due on October 20, but EPA asked for an additional two weeks to allow for Department of Justice and EPA management review of its brief. In its unopposed motion seeking the additional time, EPA noted that the Federal Rules of Appellate Procedure permit the court to deny a petition for a writ of prohibition without requiring an answer and that respondents are not permitted to submit a responsive pleading unless requested to do so by the court. EPA filed its response on November 3, 2014. Murray Energy filed its opening brief on December 15, 2014. Environmental groups sought to intervene on behalf of EPA on December 2, 2014.
Murray Energy Corp. v. EPA, No. 14-1151 (D.C. Cir., motion to dismiss Oct. 23, 2014)	EPA filed a motion to dismiss. EPA said there was no subject matter jurisdiction because a proposed rule is not a reviewable action under the Clean Air Act. EPA argued that Murray Energy's claim that EPA "altogether lacks authority" to regulate greenhouse gas emissions from existing power plants could not render the proposed [continued on next page]

In re Murray Energy Corp.
Murray Energy Corp. v. EPA
West Virginia v. EPA

Name and Date	Description
Murray Energy Corp. v. EPA, No. 14-1151 (D.C. Cir., motion to dismiss Oct. 23, 2014)	EPA filed a motion to dismiss. EPA said there was no subject matter jurisdiction because a proposed rule is not a reviewable action under the Clean Air Act. EPA argued that Murray Energy's claim that EPA "altogether lacks authority" to regulate greenhouse gas emissions from existing power plants could not render the proposed rule a "final action" subject to judicial review.
In re Murray Energy Corp., No. 14-1112 (D.C. Cir. June 9, 2015)	The D.C. Circuit dismissed the challenge in a decision that also addressed two other petitions. The D.C. Circuit concluded that it did not have authority to review proposed rules. The court rejected the argument that the All Writs Act provided it with authority to "circumvent bedrock finality principles" to review proposed regulations. The court also was not persuaded that EPA's public statements regarding its legal authority to regulate carbon dioxide emissions constituted final agency action, or that the petitioners could challenge a 2011 settlement agreement in which EPA merely agreed to a timeline for determining whether it would regulate carbon dioxide emissions from existing plants. In a concurring opinion, Judge Henderson wrote that she believed the court had jurisdiction to consider the application for a writ of prohibition under the All Writs Act but that a writ was not appropriate because by the time the D.C. Circuit issued its opinion, "or shortly thereafter," EPA would have issued a final rule that could be challenged as a final agency action.

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In re Murray Energy Corp.
Murray Energy Corp. v. EPA
West Virginia v. EPA

Name and Date	Description
In re Murray Energy Corp., No. 14-1112; *Murray Energy Corp. v. EPA*, Nos. 14-1151, 14-1146 (D.C. Cir. petition for rehearing or rehearing en banc July 22, 2015)	States who unsuccessfully challenged EPA's proposed Clean Power Plan in the D.C. Circuit filed a petition for rehearing or rehearing en banc. The D.C. Circuit ruled in June that it did not have jurisdiction to review a non-final agency action. The states said rehearing was necessary to prevent EPA from evading accountability. The states indicated EPA could do so by requiring regulated parties "to make immediate expenditures to comply with an unlawful but not-yet-final rule." Alternatively, the states asked the court for a stay of the mandate so that the panel could vacate its decision as "academic," consistent with Judge Henderson's concurrence in which she said she believed the court could exercise jurisdiction but that the arguments were "all but academic," given that EPA would soon issue its final rule. The states opined that when EPA does publish the final rule, "the panel could vacate its decision and leave for another time the delineation of this Court's authority to stop extreme agency misconduct during a rulemaking."
In re Murray Energy Corp., No. 14-1112 (D.C. Cir. petitions for rehearing or rehearing en banc denied Sept. 30, 2015)	The D.C. Circuit Court of Appeals denied petitions in which states and other parties opposed to the Clean Power Plan sought rehearing of the court's June 2015 decision dismissing a challenge to the proposed plan on the ground that it was a non-final agency action. The court also denied the alternative relief sought by the petitioners, a stay of the mandate.

Center for Biological Diversity v. Jewell

Name and Date	Description
Center for Biological Diversity v. Jewell, No. 14-1021 (D.D.C., filed June 17, 2014)	The Center for Biological Diversity filed a lawsuit in the federal district court for the District of Columbia seeking to require the U.S. Fish and Wildlife Service to making required findings regarding the listing of nine species under the Endangered Species Act. The nine species include the San Bernardino flying squirrel, which the Center for Biological Diversity alleged was threatened by climate change's adverse impacts to its mixed-conifer, black-oak forest habitat.

Center for Biological Diversity v. Jewell

Name and Date	Description
Center for Biological Diversity v. Jewell, No. 1:14-cv-00991-EGS (D.D.C., filed June 10, 2014)	Three environmental organizations filed a complaint in the federal district court for the District of Columbia seeking to compel the U.S. Fish and Wildlife Service to issue findings in response to their 2011 petition to list the Alexander Archipelago wolf as an endangered or threatened species under the Endangered Species Act. The Alexander Archipelago wolf is a subspecies of gray wolf that inhabits the islands and coastal mainland of Southeast Alaska. Plaintiffs alleged that the species faces a number of threats, including threats from climate change. The climate change threats include more severe winter storm events and above-normal snowfalls that adversely affect the wolf's primary prey species.

Competitive Enterprise Institute v. United States National Security Agency

Name and Date	Description
Competitive Enterprise Institute v. United States National Security Agency, No. 14-cv-975 (D.D.C., filed June 9, 2014)	The Competitive Enterprise Institute (CEI) and two other organizations commenced a FOIA lawsuit against the National Security Agency (NSA) in the federal district court for the District of Columbia. CEI and other entities had requested "metadata" for text messaging, e-mail, and phone accounts used by EPA administrators. Plaintiffs alleged that the EPA officials had used personal email and phones to circumvent FOIA and the Federal Records Act, and that the metadata are therefore records under FOIA. The NSA refused to confirm or deny the existence of the records sought by CEI. CEI contended that there had been "clear public admissions" that the NSA had collected the type of metadata it sought, and that the agency was therefore precluded from responding in this fashion (known as a "*Glomar*" response) to FOIA requests. Plaintiffs seek declaratory and injunctive relief, as well as attorney fees and other costs.
Competitive Enterprise Institute v. National Security Agency, No. 14-975 (D.D.C. Jan. 13, 2015)	The court rejected CEI's "novel and inventive gambit" to obtain information about EPA officials' phone calls, e-mails, and text messages from the NSA. The court disagreed with CEI's contention that NSA had waived its right to issue a *Glomar* response because it had publicly admitted (after the release of the Edward Snowden documents) that NSA collected this type of information. The court agreed with the NSA that there had been no official acknowledgment that the NSA had the specific records sought by CEI. Nor did public knowledge of the "general contours" of the NSA's data collecting "vitiate" the *Glomar* response in this case.

Communities for a Better Environment v. Bay Area Air Quality Management District

Name and Date	Description
Communities for a Better Environment v. Bay Area Air Quality Management District, No. CPF-14-513557 (Cal. Super. Ct., filed June 5, 2014)	Petitioner commenced a lawsuit in California Superior Court challenging the issuance of a permit to Chevron USA Inc. for a modernization project at its refinery in Richmond, California. Petitioner alleged that the agency had not complied with CEQA requirements prior to issuing the permit. In particular, petitioners claimed that the Bay Area Air Quality Management District had failed to review the "additional and massive GHG emissions" expected from the project (almost 1 million metric tonnes annually).
Communities for a Better Environment v. Bay Area Air Quality Management District, No. CPF-14-513557 (Cal. Super. Ct., settlement announced Oct. 16, 2014)	Communities for a Better Environment (CBE) announced on October 16, 2014, that it had settled its lawsuit against the Bay Area Air Quality Management District (BAAQMD) over the alleged issuance of a permit to Chevron USA Inc. for a modernization project at its refinery in Richmond, California. CBE had claimed that BAAQMD failed to comply with the California Environmental Quality Act and in particular claimed that BAAQMD had failed to review the "additional and massive GHG emissions" expected from the project. CBE indicated that the settlement required BAAQMD to base its decision on the permit on an environmental impact report approved by the Richmond City Council in July 2014.

County of Kings v. California High-Speed Rail Authority

Name and Date	Description
County of Kings v. California High-Speed Rail Authority, No. 2014-80001861 (Cal. Super. Ct., filed June 5, 2014)	Petitioners challenged the California High-Speed Rail Authority's approval of the 114-mile Fresno-to-Bakersfield section of California's high-speed train project. The lawsuit, filed in California Superior Court, alleged violations of CEQA; California's anti-discrimination law; the Williamson Act, which protects agricultural lands; and Proposition 1A, which authorized funding for the high-speed rail project. Petitioners contest the adequacy of the CEQA review in a number of impact areas. Their climate change-related claims included that the environmental impact report (EIR) should have been recirculated because the final EIR substantially reduced the anticipated greenhouse gas reduction benefits (a response to comments suggesting that the agency had failed to take improved fuel economy into account). Petitioners also alleged that emissions associated with the production of materials—concrete, in particular—used for construction of the section would offset twenty to thirty years of the section's purported greenhouse gas reduction benefits. Other lawsuits have been filed challenging the project: ***Coffee-Brimhall LLC v. California High-Speed Rail Authority***, No. 2014-80001859 (Cal. Super. Ct., filed June 5, 2014), and ***City of Bakersfield v. California High-Speed Rail Authority***, No. 2014-80001866 (Cal. Super. Ct., filed June 5, 2014); ***County of Kern vs. California High Speed Rail Authority***, No. 2014-80001863. (Cal. Super. Ct., filed June 6, 2014); ***First Free Baptist Church of Bakersfield vs. California High Speed Rail Authority***, No. 2014-80001864 (Cal. Super. Ct., filed June 6, 2014), and ***Dignity Health vs. California High-Speed Rail Authority***, No. 2014-80001865 (Cal. Super. Ct., filed June 6, 2014).

Residents for Sane Trash Solutions, Inc. v. United States Army Corps of Engineers

Name and Date	Description
Residents for Sane Trash Solutions, Inc. v. United States Army Corps of Engineers, No. 12 Civ. 8456 (PAC) (S.D.N.Y. July 10, 2014)	The federal district court for the Southern District of New York upheld the issuance by the United States Army Corps of Engineers of a Clean Water Act Section 404 permit for a solid waste marine transfer station on the East River on the Upper East Side of Manhattan. Among the arguments rejected by the court was that New York City should have prepared a supplemental environmental impact statement to address both flooding after Superstorm Sandy and also the issuance of new advisory flood maps by the Federal Emergency Management Agency (FEMA). The court said the City's actions, which included preparation of a technical memorandum after issuance of the FEMA maps and incorporation of additional floodproofing measures, satisfied "hard look" requirements under New York's State Environmental Quality Review Act. The court also rejected the claim that the Corps should have supplemented its own environmental review after Sandy.

South Dearborn Environmental Improvement Association Inc. v. Michigan Department of Environmental Quality

Name and Date	Description
South Dearborn Environmental Improvement Association, Inc. v. Michigan Department of Environmental Quality, No. 14-008887-AA (Mich. Cir. Ct., filed July 10, 2014)	Four nonprofit organizations appealed the issuance by the Michigan Department of Environmental Quality (MDEQ) of a Clean Air Act permit for a steel plant operated by Severstal Dearborn, LLC. Among the counts alleged by the appellants is that MDEQ failed to apply post-2005 Clean Air Act regulations, including greenhouse gas regulations.

Environmental Integrity Project v. McCarthy

Name and Date	Description
Environmental Integrity Project v. McCarthy, No. 14-1196 (D.D.C., filed July 16, 2014)	The Environmental Integrity Project and Sierra Club filed an action in the federal district court for the District of Columbia to compel the U.S. Environmental Protection Agency (EPA) to respond to petitions asking the agency to object to Clean Air Act Title V permits issued to three coal-fired power plants in Texas by the Texas Commission on Environmental Quality. The environmental groups contended that EPA had a nondiscretionary obligation to respond to the petitions within 60 days.
Environmental Integrity Project v. McCarthy, No. 1:14-cv-01196 (D.D.C., order granting consent motion for stay Nov. 12, 2014)	The Environmental Integrity Project and Sierra Club negotiated a settlement with EPA that would resolve the action. Under the settlement agreement's terms, EPA would respond by May 2015 to two sets of issues raised in the petitions. Both sets of issues concern compliance assurance monitoring and reporting obligations for deviations from permit emissions limits during startup, shutdown, and maintenance. The federal district court granted the parties' consent motion to stay on November 12, 2014.
In re Energy Future Holdings Corp., No. 14-10979 (Bankr. D. Del. order approving settlement Dec. 17, 2014; EFHC motion regarding settlement agreement Nov. 24, 2014)	In a settlement agreement with Energy Future Holdings Corporation, Sierra Club agreed to withdraw with prejudice from *Environmental Integrity Project v. McCarthy*. The District of Delaware bankruptcy court approved the settlement agreement.

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Environmental Integrity Project v. McCarthy

Name and Date	Description
Environmental Integrity Project v. McCarthy, No. 1:14-cv-01196 (D.D.C., notice of voluntary withdrawal Feb. 20, 2015)	Environmental Integrity Project (EIP) and EPA executed a settlement agreement on January 22, 2015. EPA issued an order on January 23, 2015 denying the three petitions. EPA's denial addressed three concerns that remained pending after EIP and former party Sierra Club withdrew other issues. The remaining claims rejected by EPA related to the adequacy of monitoring requirements to ensure compliance with particulate matter limits during startup, shutdown, and maintenance at all three plants (an issue EPA said had not been raised during the public comment period), as well as deficiencies in the record supporting the indicator ranges to be monitored for one of the plants. EIP also argued that the permit for one of the plants—the Big Brown plant—should be modified to include a provision explicitly allowing use of "any credible evidence" to demonstrate noncompliance; EIP said this provision was made necessary by a federal court decision regarding the Big Brown plant that held that credible evidence could not be used in citizen suits to enforce emissions limits. EPA said that this issue had not been raised with reasonable specificity during the comment period and, moreover, that a petition would have to identify particular permit terms that excluded use of credible evidence. On February 20, 2015, EIP moved for voluntary dismissal of its lawsuit. EPA published notice of its denial of the petitions in the February 23, 2015 issue of the *Federal Register*, and indicated that any petition for review of the denial must be filed within 60 days of the notice.

Kentucky Coal Association Inc. v. Tennessee Valley Authority

Name and Date	Description
Kentucky Coal Association, Inc. v. Tennessee Valley Authority, No. 4:14-CV-73-M (W.D. Ky., filed July 10, 2014)	A group of plaintiffs that included Kentucky landowners and a nonprofit organization representing eastern and western Kentucky coal mining operations commenced a lawsuit in the federal district court for the Western District of Kentucky alleging that the Tennessee Valley Authority (TVA) did not comply with the National Environmental Policy Act when it decided to retire coal-fired electric generating units and replace them with a new combustion turbine/combined cycle natural gas plant at a facility in Muhlenberg County in Kentucky. Plaintiffs alleged that TVA was required to prepare an environmental impact statement for its action, rather than relying on an environmental assessment. They contended that "viewed holistically" the switch to natural gas would have more significant adverse environmental impacts than upgrading emission controls on the existing coal units, including impacts associated with building new facilities and natural gas pipelines. Plaintiffs alleged that TVA had inappropriately elevated consideration of carbon dioxide emissions and related air quality issues above other environmental impacts "in an attempt to 'comply' with President Obama's Climate Action Plan, which lacks force of law." Plaintiffs further alleged that TVA's evaluation of greenhouse gas emissions was deficient because it did not consider emissions from the entire life cycle of natural gas production. The suit also alleged that TVA failed to adhere to its obligation under the Tennessee Valley Authority Act of 1933 to conduct least-cost planning.

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Kentucky Coal Association Inc. v. Tennessee Valley Authority

Name and Date	Description
Kentucky Coal Association v. Tennessee Valley Authority, No. 4:14CV-00073 (W.D. Ky. Feb. 2, 2015, amended Feb. 3, 2015)	The court granted summary judgment to TVA. TVA's National Environmental Policy Act procedures provide that a new power generating facility usually requires an environmental impact statement (EIS), but the court agreed with TVA that it had discretion to determine whether an EIS was warranted in a particular case. In this case, TVA determined there would be no major environmental impacts, and that there would in fact be environmental benefits, including significant benefits to regional air quality, a significant reduction in carbon dioxide emissions, reductions in water withdrawals and heated discharges into the Green River, and reduction of the production of coal combustion waste. The court upheld all the challenged aspects of TVA's review. It rejected claims that TVA failed to consider the importance of the availability of an adequate supply of electricity at a reasonable price and that it did not consider the significant employment impacts if the facility stopped burning coal. The court also concluded that the assessment of impacts did not improperly segment the decommissioning of the coal-fired units (which the court characterized as a "too speculative" possibility) or the construction and operation of a natural gas pipeline (the impacts of which the court determined TVA had assessed to the extent possible). Nor was the court persuaded by plaintiffs' contentions that TVA had understated emissions of greenhouse gases from natural gas, that it arrived at a predetermined outcome, or that it had used an improper no action alternative. The court also determined that TVA's decisionmaking regarding least-cost planning under the Tennessee Valley Authority Act of 1933 was not arbitrary and capricious. Plaintiffs have appealed the court's judgment to the Sixth Circuit.

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Kentucky Coal Association Inc. v. Tennessee Valley Authority

Name and Date	Description
Kentucky Coal Association, Inc. v. Tennessee Valley Authority, No. 15-5163 (6th Cir. Oct. 23, 2015)	The Sixth Circuit Court of Appeals affirmed the Tennessee Valley Authority's (TVA's) decision to replace coal-fired electric generating units with natural gas-powered units at a Kentucky power plant. The court said that the TVA acted within its discretion when it determined, based on an environmental assessment, that switching to natural gas would not have a significant impact on the environment. The court found that the TVA had taken a hard look at 19 environmental issues, including climate change. The court was not persuaded by arguments made by the plaintiff, Kentucky Coal Association, including a contention that the TVA had not considered the cumulative impacts of building a natural gas pipeline, that the TVA prejudged the switch to natural gas, and that switching to natural gas would have "devastating socioeconomic effects." The court also said that the TVA's actions were not arbitrary and did not violate the Tennessee Valley Authority Act.

Reese River Citizens Against Fracking v. Bureau of Land Management

Name and Date	Description
Reese River Citizens Against Fracking v. Bureau of Land Management, No. 3:14-cv-00338-MMD-WGC (D. Nev., filed June 27, 2014)	A group of owners of farming and ranching land, water rights, and grazing rights in Nevada filed an action in the federal district court for the District of Nevada challenging the U.S. Bureau of Land Management's (BLM's) decision to lease 230,989 acres of public lands for oil and gas development. The group alleged that BLM had not fulfilled its obligations under the National Environmental Policy Act. Among the allegations of shortcomings in the environmental review was BLM's alleged failure to consider greenhouse gas emissions associated with the lease sale and the sale's impact on climate change. In particular, plaintiff said BLM should have considered the impact of methane releases from exploration and production activities and greenhouse gas emissions from the addition of more fossil fuels.
Reese River Basin Citizens Against Fracking, LLC v. Bureau of Land Management, No. 3:14-cv-00338 (D. Nev. Sept. 8, 2014)	The court rejected a request for a preliminary injunction and also *sua sponte* dismissed the lawsuit. The court concluded that it had no subject matter jurisdiction because there had been no final agency action since although BLM had conducted the lease sale, it had not yet decided whether to issue the leases.

Friends of the Wild Swan v. Jewell

Name and Date	Description
Friends of the Wild Swan v. Jewell, No. 9:13-cv-00061-DWM (D. Mont. Aug. 21, 2014)	The federal district court for the District of Montana upheld an incidental take permit for grizzly bears and bull trout (both are threatened species under the Endangered Species Act) for logging and road building activities on land in western Montana, except to the extent of finding that the Fish and Wildlife Service (FWS) had failed to justify the conclusion that mitigation measures for the take of grizzly bears were sufficient. The court concluded that the FWS's review under the National Environmental Policy Act (NEPA) was adequate, including the review of climate change-related cumulative impacts. The FWS included a chapter on climate change in the final environmental impact statement in response to public comment; the chapter discussed "the causes of climate change, its effects on forest management, projections for future temperatures, the environmental impacts of increased temperatures, current approaches to the issue, and a comparison of the effects of climate change across the alternatives." In particular, the chapter addressed the effects of climate change on bull trout, including loss of bull trout habitat. Plaintiffs criticized the "disconnect" between the assessment of climate change's adverse impacts and the FWS's conclusions regarding the environmental consequences of the permit, but the court concluded that the FWS adequately addressed and mitigated climate change's potential effects.

Monroe Energy, LLC v. EPA

Name and Date	Description
Monroe Energy, LLC v. EPA, No. 14-1033 (D.C. Cir. Aug. 19, 2014)	The D.C. Circuit Court of Appeals granted a joint motion for voluntary dismissal of a challenge to the 2013 cellulosic biofuel standard. (The challenge to the cellulosic standard previously had been severed from the challenge to the rest of the 2013 renewable fuel standard (RFS); the D.C. Circuit upheld the rest of the 2013 RFS in May 2014.) EPA finalized its response to a request for administrative reconsideration of the cellulosic biofuel standard in May 2014 when it issued a direct final rule in which it based the 2013 standard on actual 2013 production and provided for a refund of excess waiver credits obtained by obligated parties.

San Francisco Tomorrow v. City and County of San Francisco

Name and Date	Description
San Francisco Tomorrow v. City and County of San Francisco, No. A137753 (Cal. Ct. App. Aug. 14, 2014)	The California Court of Appeal affirmed the denial of a challenge to the approvals by the City and County of San Francisco of the Parkmerced project, a redevelopment of a large-scale residential development originally built in the 1940s to provide middle-income housing. The redevelopment would increase the number of residential units from 3,221 to 8,900 over the course of 20 to 30 years. Among the arguments rejected by the appellate court was the claim that the final environmental impact report (FEIR) prepared under CEQA should have identified significant greenhouse gas production impacts because the project would result in increased greenhouse gas emissions before 2020, inhibiting achievement of California's statutory goal of reducing greenhouse gas emissions to 1990 levels by 2020. The court said the FEIR had disclosed the anticipated increase in greenhouse gas emissions from construction activities and had adequately supported its conclusion that the increased emissions would not result in a significant impact.

Palmer Renewable Energy LLC v. Zoning Board of Appeals of City of Springfield

Name and Date	Description
Palmer Renewable Energy, LLC v. Zoning Board of Appeals of City of Springfield, Nos. 12 PS 461494 AHS, 12 PS 468569 AHS (Mass. Land Ct. Aug. 14, 2014)	The Massachusetts Land Court ruled that the developer for a proposed biomass energy plant in Springfield was not required to obtain a special permit from the City. The court reinstated building permits for the project. The court noted that the developer had performed an analysis of the project's potential greenhouse gas emissions and concluded that the burning of its fuel source, green wood chips, was carbon neutral because there was no difference in emissions between green wood chips that decayed naturally and chips that were burned.

Settlement Agreement Between Sierra Club and Mississippi Power Co.

Name and Date	Description
Settlement Agreement Between Sierra Club and Mississippi Power Co. (Aug. 1, 2014)	The Sierra Club and Mississippi Power Company (MPC) (a subsidiary of Southern Co.) entered into a global settlement regarding Sierra Club's pending litigation related to the Victor J. Daniel Electric Generating Plant in Jackson County, Mississippi, and the Kemper County IGCC Project. Sierra Club agreed to dismiss seven pending judicial actions and proceedings before the Mississippi Public Service Commission (MPSC) and to refrain for three years from initiating, intervening, or participating in lawsuits and regulatory proceedings regarding certain enumerated activities at the Kemper and Daniel projects. For its part, MPC agreed to cease burning coal and other solid fuel at units at two other power plants, one in Mississippi and one in Alabama, and to retire, repower with natural gas, or convert to a non-fossil fuel alternative energy source another plant in Mississippi. MPC also said it would use commercially reasonable efforts to pursue a wind or solar power purchase agreement and agreed to certain environmental commitments, including compliance with U.S. Environmental Protection Agency (EPA) mercury and air toxic standards at the Kemper project. MPC also agreed to contribute $15 million over 15 years to a new energy efficiency and renewable energy program to provide energy efficiency services to low-income households and to provide grants to public educational institutions for the installation of renewable energy equipment. The agreement also limited the scope of both parties' participation in net-metering rulemaking in Mississippi. Two other actions involving the Kemper project remain active in the Mississippi Supreme Court (*Blanton v. Mississippi Power Co.*, No. 2013-UR-00477-SCT, and *Mississippi Power Co. v. Mississippi Public Service Commission*, No. 2012-UR-01108-SCT). After the Sierra Club and Mississippi Power Co. sought jointly to dismiss a pending case before the Mississippi Supreme Court, plaintiff Blanton in one of the other pending cases moved to stay the dismissal. His motion was opposed separately by each of the other parties to the litigations (see Sierra Club, MPC, MPSC).

Borough of Harvey Cedars v. Groisser

Name and Date	Description
Borough of Harvey Cedars v. Groisser, No. L-001429-09 (N.J. Super. Ct. July 1, 2014)	A jury awarded homeowners $300 in compensation for the loss of their ocean view resulting from an easement required for public construction of a dune system designed to protect properties from extreme weather. The homeowners had sought $800,000, but received far less as a result of a New Jersey Supreme Court case involving other homeowners who sought compensation for loss of beachfront rules in which the court said that compensation awards should take into account the "quantifiable benefits" of a public project on the value of the remaining property.

Notice of Intent to File Suit Under Section 304 of the Clean Air Act with Respect to Endangerment Finding and Rulemaking to Reduce Greenhouse Gas Emissions from Aircraft

Name and Date	Description
Center for Biological Diversity & Friends of the Earth, Notice of Intent to File Suit Under Section 304 of the Clean Air Act with Respect to Endangerment Finding and Rulemaking to Reduce Greenhouse Gas Emissions from Aircraft (Aug. 5, 2014)	On August 5, 2014, the Center for Biological Diversity and Friends of the Earth submitted a notice of intent to file suit to EPA. The notice indicated that the organizations would challenge EPA's "unreasonable delay" in fulfilling its obligations under Section 231(a)(2)(A) of the Clean Air Act to determine whether emissions of greenhouse gases from aircraft engines cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. The two organizations, along with several others, filed a petition in 2007 asking EPA to take these actions, and in 2011, the federal district court for the District of Columbia held that the Clean Air Act imposed a mandatory duty on EPA to make the endangerment finding. The court dismissed the claim in 2012, however, finding that plaintiffs had not shown that EPA had unreasonably delayed in making the determination.
EPA, U.S. Aircraft Greenhouse Gas Rulemaking Process (Sept. 3, 2014)	On September 3, 2014, EPA issued a document outlining its plan to make a proposed endangerment finding in late April 2015. The plan indicated that EPA's rulemaking process would take place in parallel with the development of international standards for greenhouse gases from aviation.

Northwest Environmental Defense Center v. Cascade Kelly Holdings LLC

Name and Date	Description
Northwest Environmental Defense Center v. Cascade Kelly Holdings LLC, No. 3:14-cv-01059 (D. Or., filed July 2, 2014)	Three environmental organizations commenced a citizen suit under the Clean Air Act against the operators of an oil terminal on the Columbia River in Oregon. Plaintiffs alleged that operation of the terminal resulted in emissions of air pollutants such as volatile organic compounds, nitrogen oxides, greenhouse gases, and hazardous air pollutants. They claimed that the operators should have obtained a Prevention of Significant Deterioration for the project. They sought declaratory and injunctive relief, and also penalties.
Northwest Environmental Defense Center v. Cascade Kelly Holdings LLC, d/b/a Columbia Pacific Biorefinery, No. 3:14-cv-01059 (D. Or. Dec. 30, 2015)	The federal district court for the District of Oregon found that citizen suit defendants who constructed a crude oil transloading terminal in Catskanie, Oregon, had not violated the Clean Air Act. Three environmental organizations had alleged that the terminal's operation would result in emissions of air pollutants such as volatile organic compounds, nitrogen oxides, greenhouse gases, and hazardous air pollutants, and that the defendants should have obtained a Prevention of Significant Deterioration (PSD) permit. The court found that the plaintiffs had not proven by a preponderance of the evidence that the defendants miscalculated the terminal's potential to emit and that the terminal's emissions would exceed the threshold for obtaining a PSD permit.

Kanuk v. Alaska

Name and Date	Description
Kanuk v. Alaska, No. S-14776 (Alaska Sept. 12, 2014)	The Supreme Court of Alaska affirmed the dismissal of an action brought by six children under the Alaska constitution and the public trust doctrine against the State of Alaska seeking to impose obligations on the State to address climate change. As initial matters, the court concluded that plaintiffs had interest-injury standing to make these claims and that sovereign immunity did not shield the State. The court ruled, however, that three of plaintiffs' claims for relief that asked the court to set carbon dioxide emissions standards and order the state to take actions to meet the standards were nonjusticiable political questions because they required "a science- and policy-based inquiry" better left to the executive or legislative branches of government. While four other claims sought justiciable relief—namely a declaratory judgment interpreting the state constitution to impose a duty on the State to protect the atmosphere—these claims did not present an actual controversy. The court indicated that a declaration of the scope of the public trust doctrine would neither compel the State to take any particular action nor advance the plaintiffs' interests. The court therefore dismissed these claims on "prudential grounds." Plaintiffs filed a petition for rehearing on September 25, 2014. The petition was denied on October 28, 2014.

Rominger v. County of Colusa

Name and Date	Description
Rominger v. County of Colusa, No. C073815 (Cal. Ct. App. Sept. 9, 2014)	The California Court of Appeal reversed a trial court's determination that a proposed subdivision approved by the County of Colusa was not subject to the California Environmental Quality Act, but proceeded to uphold the environmental review supporting the mitigated negative declaration that the County had issued. (The only shortcoming identified by the appellate court related to potential traffic impacts at a single intersection.) With respect to climate change impacts, the County had concluded that the project would achieve a 35% reduction in greenhouse gas emissions below business-as-usual levels through compliance with regulatory measures. The court found that plaintiffs had not pointed to any evidence that suggested it would be unreasonable to expect the applicant and ultimate land users to comply with the regulatory measures, and that plaintiffs had not pointed to any other substantial evidence in the record that supported a fair argument of significant impact.

Commonwealth v. Ward
Commonwealth v. O'Hara

Name and Date	Description
Commonwealth v. Ward, Commonwealth v. O'Hara (Mass. Dist. Ct. Sept. 8, 2014)	On September 8, 2014, Bristol County (Massachusetts) District Attorney Samuel Sutter dropped criminal conspiracy charges against two climate activists who in 2013 used a lobster boat to block a shipping channel to stop a coal shipment to the Brayton Point Power Station in Somerset, Massachusetts. The charges were dropped in conjunction with a plea deal in which the activists reportedly agreed to plead guilty to reduced charges of disturbing the peace and motor vessel violations and to pay $2,000 each in restitution. The activists had indicated that they would pursue a necessity defense that would require them to establish that climate change presented a clear and imminent danger, not one that was debatable or speculative; that they reasonably expected that their actions would be effective in directly reducing or eliminating the danger; and that there was no legal alternative which would have been effective to reduce or eliminate the danger. In dropping and reducing the charges, the district attorney called climate change "one of the gravest crises our planet has ever faced" and said that "[i]n my humble opinion, the political leadership on this issue has been sorely lacking."

United States v. Costco Wholesale Corp.

Name and Date	Description
United States v. Costco Wholesale Corp., No. 3:14-cv-03989 (N.D. Cal. Sept. 3, 2014)	The United States and Costco Wholesale Corp. (Costco) filed a consent decree in the federal district court for the Northern District of California to resolve the U.S.'s allegations that Costco violated the Clean Air Act and its regulations by failing to repair leaks of the refrigerant R-22—an ozone-depleting hydrochlorofluorocarbon and potent greenhouse gas—from commercial refrigeration appliances. Costco agreed to pay a $335,000 civil penalty and also agreed to implement a refrigerant compliance management plan, to reduce its leak rate, to retrofit appliances at 30 warehouses to use non-ozone-depleting refrigerants with global warming potentials no greater than that of the refrigerant R-407F, and to install environmentally friendly glycol secondary loop refrigeration systems and centrally monitored refrigerant leak detection systems at all new stores.

California Healthy Communities Network v. City of Porterville

Name and Date	Description
California Healthy Communities Network v. City of Porterville, No. F067685 (Cal. Ct. App. Sept. 3, 2014)	The California Court of Appeal reversed a trial court's decision and held that the City of Porterville's analysis of the greenhouse gas impacts of a large shopping center had not complied with the California Environmental Quality Act. The environmental impact report (EIR) for the project had concluded that there would not be a significant impact because the project's greenhouse gas emissions would be reduced at least 29% below business-as-usual emissions, in large part because the shopping center would be developed on an infill site. After receiving comments critical of the basis for this conclusion, the City released—on the day of the project's approval and without opportunity for public review—a memorandum prepared by its consultants that employed a "new and different" analysis to support the conclusion that greenhouse gas emissions would be insignificant. In an unpublished opinion, the court said that the EIR's analysis of greenhouse gas emissions misled the public because it "interlaced" its qualitative and quantitative assessments and made the quantitative analysis seem essential when, in fact, the EIR presented "a qualitative analysis decorated with baseless numbers." The court further held that the City's memorandum presented on the day of the project's approval was procedurally improper and could not cure the EIR's insufficiencies.

Sierra Club v. Public Service Commission of State of New York

Name and Date	Description
Sierra Club v. Public Service Commission of State of New York, No. 4996/2014 (N.Y. Sup. Ct., filed Sept. 26, 2014)	Sierra Club and a group called Ratepayer and Community Intervenors commenced a proceeding challenging an order issued by the New York Public Service Commission that approved the addition of natural gas firing capability to a coal-burning power plant in Dunkirk, New York. Petitioners alleged that the agency violated the New York Public Service Law and the State Environmental Quality Review Act. Petitioners argued that the environmental review measured impacts against an improper baseline by comparing impacts to the operation of four coal-fired units rather than to the current operation of a single coal-fired unit at the plant. Petitioners also said that the environmental review incorrectly assumed that natural gas would replace coal as the sole fuel source. In their memorandum of law, petitioners contended that, as a result of these incorrect assumptions, the review failed to assess, among other things, the climate change impacts of the agency's actions.

Sierra Club v. Sacramento Metropolitan Air Quality Management District

Name and Date	Description
Sierra Club v. Sacramento Metropolitan Air Quality Management District, No. 2014-80001945 (Cal Super. Ct., filed Sept. 23, 2014)	Sierra Club filed a lawsuit in California Superior Court challenging the issuance by the Sacramento Metropolitan Air Quality Management District (SMAQMD) of construction and operating permits for a crude oil rail-to-truck operation that Sierra Club said would bring "highly volatile and explosive North Dakotan Bakken crude oil" to California. Sierra Club alleged that SMAQMD had issued the permits "without any notice or public process whatsoever" and that the terminal project could result in a number of significant adverse environmental impacts, including significant increases in greenhouse gas emissions. Sierra Club asked the court to require SMAQMD to set aside and withdrawal its approval of the permits and to refrain from granting other approvals until it has complied fully with the California Environmental Quality Act.
Sierra Club v. Sacramento Metropolitan Air Quality Management District, No. 32-2014-80001945 (Cal. Super. Ct. Oct. 22, 2014)	On October 22, 2014, Earthjustice announced that SMAQMD had withdrawn the permit issued to InterState Oil Co. (InterState) for transloading crude oil at a McClellan Park, California facility. In a letter to InterState dated October 21, SMAQMD said the permit should not have been issued because it failed to meet best available control technology requirements. The letter indicated that InterState had agreed to surrender the permit.

Petition to Investigate Deceptive Trade Practices of Green Mountain Power Company in the Marketing of Renewable Energy to Vermont Consumers

Name and Date	Description
Petition to Investigate Deceptive Trade Practices of Green Mountain Power Company in the Marketing of Renewable Energy to Vermont Consumers (Sept. 15, 2014)	Four Vermont residents filed a petition with the Federal Trade Commission asking for a determination that Green Mountain Power Corporation (GMP) had engaged in deceptive practices by representing to Vermont electricity customers that GMP was providing them with electricity from renewable sources when, in fact, GMP was selling the Renewable Energy Credits generated by renewable sources to out-of-state utilities. Citing the FTC's 2012 *Guides for the Use of Environmental Marketing Claims* (known as the *Green Guides*), the petitioners contended that GMP had misled Vermont residents concerned about their carbon footprint, the segment of consumers at which GMP targets its marketing efforts.
Letter from Federal Trade Commission to Counsel for Green Mountain Power Corp. (Feb. 5, 2015)	On February 5, 2015, the Federal Trade Commission (FTC) sent a letter to counsel for GMP expressing concern that GMP might have created confusion for its customers about the renewable attributes of the power they purchased because GMP might not have "clearly and consistently communicated" that GMP sells renewable energy certificates (RECs) for most of its renewable energy-generating facilities to entities outside Vermont. In the February 5 letter, the FTC said that no findings had been made that any GMP statements violated the Federal Trade Commission Act, but urged that GMP prevent future confusion by clearly communicating the implications of its REC sales—namely, that when GMP sells RECs tied to a particular renewable energy facility, it may no longer characterize the power delivered from that facility as renewable.

Landmark Legal Foundation v. EPA

Name and Date	Description
Landmark Legal Foundation v. EPA, No. 1:12-cv-01726-RCL (D.D.C., sanctions motion July 24, 2014; reply Sept. 24, 2014)	Landmark Legal Foundation (LLF) asked the federal district court for the District of Columbia to impose sanctions on the U.S. Environmental Protection Agency (EPA) for spoliation. The sanctions motion was made in an action LLF filed before the 2012 presidential election to force EPA to produce documents under the Freedom of Information Act (FOIA) relevant to LLF's request for records the group believed would show that EPA improperly delayed controversial environmental regulations for political reasons prior to the election. The sanctions motion was filed almost a year after the court's August 2013 decision permitting LLF to conduct limited discovery because the court found that questions of fact had been raised as to (1) whether EPA deliberately and in bad faith sought to exclude the EPA administrator's records from the scope of the FOIA request and (2) whether possibly relevant personal e-mails had been excluded from EPA's records search. LLF contends that EPA failed to recover—and, in fact, erased—text messages and failed to cooperate in investigation the loss of text messages, and to search and recover relevant e-mails from personal accounts. LLF seeks attorney fees, costs, and a fine; the appointment of an independent monitor; and orders directing EPA's Inspector General to investigate and report on all spoliation issues involving senior officials covered by the FOIA request and directing EPA to notify plaintiffs and petitioners in proceedings against the agency since 2009 of the possibility that EPA engaged in spoliation in their proceedings.

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Landmark Legal Foundation v. EPA

Name and Date	Description
Landmark Legal Foundation v. Environmental Protection Agency, No. 1:12-cv-01726 (D.D.C. Mar. 2, 2015)	The federal district court for the District of Columbia denied the request of the Landmark Legal Foundation (LLF) for punitive spoliation sanctions against EPA in a lawsuit brought to compel production of documents under the Freedom of Information Act (FOIA). In denying the sanctions motion, the court found that LLF had not presented sufficient evidence that EPA failed to preserve responsive documents in bad faith. The court, however, criticized EPA's response to the FOIA request, finding that some of the document searches could only have been done with "abject carelessness" and that an EPA employee had exhibited "utter indifference" to the agency's FOIA obligations. The court was also critical of EPA's "baffling" refusal to take responsibility for its mistakes during the course of the litigation. Nonetheless, the court said that spoliation could not be inferred from EPA's delayed response, and that negligent failure to preserve records was not sufficient to warrant punitive sanctions. The court said, however, that it "would implore" the executive branch to take steps to ensure that all EPA FOIA requests are "treated with equal respect and conscientiousness" regardless of the requester's political affiliation.

Today's IV Inc. v. Federal Transit Administration

Name and Date	Description
Today's IV, Inc. v. Federal Transit Administration, No. 2:13-cv-00378 (C.D. Cal. Sept. 12, 2014)	The federal district court for the Central District of California ruled in May 2014 that the review under the National Environmental Policy Act (NEPA) for a subway project in Los Angeles was adequate except for the analysis of alternative construction methods for one segment of the project. In September 2014, the court partially vacated the record of decision, but declined to issue an injunction that would bar utility relocation, purchase of tunnel boring equipment, and certain tunneling activities. The court found that plaintiffs had not shown that the balance of hardships weighed in favor of enjoining these activities, citing, among other factors, the reduction in greenhouse gas emissions that would result from the finished project. The court also found that plaintiffs had not shown that the public interest would not be disserved by broad injunctive relief, given the project's social and environmental benefits and the potential jeopardy in which broad injunctive relief could place the project.

Citizens for Responsibility and Ethics in Washington v. EPA

Name and Date	Description
Citizens for Responsibility and Ethics in Washington v. EPA, No. 1:14-cv-01763 (D.D.C., filed Oct. 22, 2014)	The non-profit corporation Citizens for Responsibility and Ethics in Washington (CREW) filed a lawsuit under the Freedom of Information Act (FOIA) against EPA seeking disclosure of records related to EPA's 2014 proposed Renewable Fuel Standards (RFS), which would decrease the amount of renewable fuel required to be blended into transportation fuel. CREW alleged that companies affected by the regulation had influenced EPA's decisionmaking. The complaint also alleged that delays in issuing the RFS suggested that the process was "politicized and tainted by outside influence."

EarthReports, Inc. v. Federal Energy Regulatory Commission

Name and Date	Description
In re Dominion Cove Point LNG, LP, No. CP13-113-000 (FERC, request for rehearing and motion for stay Oct. 15, 2014)	On October 15, 2014, environmental groups requested that the Federal Energy Regulatory Commission (FERC) rehear and rescind its September 29 order authorizing construction and operation by Dominion Cove Point LNG, LP, of liquefaction and terminal facilities for the export of liquefied natural gas (LNG) in Cove Point, Maryland, and associated pipeline facilities to transport natural gas to the LNG terminal facilities. The environmental groups also asked for a stay of FERC's order to prevent construction or land disturbance associated with the authorized actions. The groups claimed that FERC's order failed to comply with the National Environmental Policy Act and the Endangered Species Act. The request for rehearing enumerated a number of alleged shortcomings in the environmental review, including that FERC had "improperly discounted the significance of the project's direct greenhouse gas emissions" and had "ignored the reasonably foreseeable upstream and downstream greenhouse gas emissions" that the project would cause.
In re Dominion Cove Point LNG, LP, No. CP13-113-000 (FERC, order denying rehearing and stay May 4, 2015)	On May 4, 2015, FERC denied the requests for rehearing. In denying the rehearing requests, FERC concluded, among other things, that it was not required to consider the impacts of production activities in the Marcellus Shale region because they were not sufficiently causally related to constitute indirect effects of the Cove Point project. FERC also affirmed its finding "that impacts from additional shale gas development supported by LNG export projects are not reasonably foreseeable." FERC also stood by its consideration of the project's direct greenhouse gas emissions and said that it was not required to consider air emissions and climate change impacts of such emissions from the transportation and ultimate consumption of gas exported from the Cove Point project. FERC rejected the contention that it had not adequately considered potential climate change impacts on the project, including impacts due to severe winds and sea level rise.

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EarthReports, Inc. v. Federal Energy Regulatory Commission

Name and Date	Description
EarthReports, Inc. (dba Patuxent Riverkeeper) v. Federal Energy Regulatory Commission, No. 15-1127 (D.C. Cir., filed May 7, 2015)	On May 6, 2015, environmental groups filed a petition for review in the D.C. Circuit Court of Appeals challenging the Federal Energy Regulatory Commission's approval of the Dominion Cove Point liquefied natural gas facilities in Maryland.
EarthReports, Inc. dba Patuxent Riverkeeper v. Federal Energy Regulatory Commission, No. 15-1127 (D.C. Cir. June 12, 2015)	The D.C. Circuit declined to place an emergency stay on the Federal Energy Regulatory Commission's approval of the Dominion Cove Point liquefied natural gas (LNG) facilities in Maryland, or to expedite briefing. The court said that the petitioners had not satisfied the stringent requirements for a stay pending court review or articulated strongly compelling reasons for expediting briefing.
EarthReports, Inc. v. Federal Energy Regulatory Commission, No. 15-1127 (D.C. Cir. July 15, 2016)	The D.C. Circuit Court of Appeals upheld the Federal Energy Regulatory Commission's (FERC's) environmental review for the conversion of the Cove Point liquefied natural gas (LNG) facility in Maryland from an import terminal to a facility that could both import and export LNG. Citing its June 28 decision in *Sierra Club v. FERC*, No. 14-1275, which concerned FERC authorizations for an LNG export terminal in Texas, the D.C. Circuit reiterated that FERC was not required to consider the indirect effects, including climate impacts, of increased natural gas exports through facilities authorized by FERC. The D.C. Circuit said that the Department of Energy alone had legal authority to authorize increased export of LNG and that FERC's actions therefore were not the "legally relevant cause" for such effects. The D.C. Circuit said that while its earlier decision and a companion decision regarding a Louisiana LNG facility did not address emissions from the transport and consumption of exported gas, FERC authorizations were also not the cause of such effects. The D.C. Circuit noted that petitioners remained free to raise these issues in a challenge to the DOE's authorization for the export of LNG from the Cove Point facility. (In June, a petitioner in this case, Sierra Club, filed a petition for review of DOE's export authorization (*Sierra Club v. Department of Energy*, No. 16-1186 (D.C. Cir.).) The D.C. Circuit also found that the petitioners had not supported their argument that FERC's failure to use the federal social cost of carbon in its analysis of environmental impacts was unreasonable.

Center for Biological Diversity v. Jewell

Name and Date	Description
Center for Biological Diversity v. Jewell, No. 9:14-cv-00247-DLC (D. Mont., filed Oct. 13, 2014)	A group of environmental organizations challenged the withdrawal of a proposal to list the distinct population segment of the North American wolverine in the contiguous United States as a threatened species under the Endangered Species Act. The complaint said that the wolverine resided in "high-altitude and high-latitude ecosystems characterized by deep snow and cold temperatures" and that its survival in the contiguous U.S. was threatened by climate change, as well as by other threats such as highly isolated and fragmented habitat, extremely low population numbers, intentional and incidental trapping, and disturbance by winter recreation activities. Plaintiffs alleged that the Fish and Wildlife Service (FWS) based the withdrawal of the proposed listing on "manufactured uncertainty as to climate modeling and wolverine habitat needs and reached speculative conclusions about the wolverine's future prospects that run directly counter to all of the evidence in the record." Plaintiffs also alleged that the FWS "arbitrarily dismissed" the non-climate factors that compounded the threat to the wolverine.

Association of Irritated Residents v. Kern County Board of Supervisors

Name and Date	Description
Association of Irritated Residents v. Kern County Board of Supervisors, No. S-1500-CV-283166 (Cal. Super. Ct., filed Oct. 9, 2014)	Three environmental groups commenced a lawsuit in California Superior Court challenging the approval by the Kern County Board of Supervisors of an environmental impact report (EIR) for a project that the groups alleged would result in a "five-fold increase" in the Alon Bakersfield Refinery's capacity to import crude oil and allow the "shuttered" facility to reopen and operate at full capacity. The groups alleged a number of substantive California Environmental Quality Act (CEQA) violations, including improper use of a 2007 baseline for the assessment of impacts that measured impacts from a point when the refinery was still operating when the baseline should have been current non-operational conditions. With respect to the project's greenhouse gas emissions, petitioners alleged that the EIR failed to disclose the higher greenhouse emissions that result from refining tar sands; that the EIR had improperly failed to analyze greenhouse gas emissions associated with rail transportation on the grounds that federal law preempted CEQA; that the EIR had improperly assumed that the refinery's required participation in the California cap-and-trade program would reduce its emissions to zero; and that the EIR ignored emissions from combustion of end products.

In re FutureGen Industrial Alliance Inc.

Name and Date	Description
In re FutureGen Industrial Alliance, Inc., Appeal Nos. UIC 14-68; UIC 14-69; UIC 14-70; UIC 14-71 (EAB, filed Oct. 1, 2014 (UIC 14-68, UIC 14-69, UIC 14-70, UIC 14-71); consolidated Oct. 9, 2014)	The Environmental Appeals Board consolidated the appeals of four Class VI Underground Injection Control (UIC) permits issued to FutureGen Industrial Alliance, Inc. for the injection of a carbon dioxide stream generated by an oxy-combustion power plant in Illinois. The petitioners own property in the Area of Review for the project. They challenged certain permit conditions, including the Area of Review, which they contended was based on an undersized plume and inaccurate identification of wells and insufficient investigation of well impacts. Petitioners also argued that the site monitoring network was not explained or justified, especially in light of the undersized plume, and that financial assurance requirements were inadequate for an untested project.
In re FutureGen Industrial Alliance, Inc., Appeal Nos. UIC 14-68; UIC 14-69; UIC 14-70; UIC 14-71 (EAB Apr. 28, 2015)	EPA's Environmental Appeals Board (EAB) denied review of four underground injection control permits for the injection and storage of carbon dioxide. The permits were issued in conjunction with plans for the now-suspended FutureGen carbon capture and storage project in Illinois. The EAB concluded that the petitioners, who owned property in the vicinity of the project, had identified no clear error of fact or law, abuse of discretion, or matter of policy that warranted EAB review.

Connecticut Energy Marketers Association v. Connecticut Department of Energy and Environmental Protection

Name and Date	Description
Connecticut Energy Marketers Association v. Connecticut Department of Energy and Environmental Protection, No. HHD-CV-14-6054538-S (Conn. Super. Ct., filed Oct. 7, 2014)	A trade association of energy marketers involved in sales of gasoline and heating fuel filed a lawsuit in Connecticut Superior Court challenging the failure of the Connecticut Department of Energy and Environmental Protection (CTDEEP) and the Connecticut Public Utilities Regulatory Authority (PURA) to prepare an environmental impact evaluation (EIE) pursuant to the Environmental Protection Act in conjunction with the plan to expand Connecticut's natural gas infrastructure. The plan included expansion of natural gas pipeline capacity into the state, 900 miles of new gas mains inside the state, incentives for gas companies to begin construction quickly, and conversion of 300,000 residential and commercial customers to natural gas. Plaintiff alleged that CTDEEP had failed to consider the direct, indirect, and cumulative impacts of methane leakage from Connecticut's natural gas distribution system.

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Connecticut Energy Marketers Association v. Connecticut Department of Energy and Environmental Protection

Name and Date	Description
Connecticut Energy Marketers Association v. Connecticut Department of Energy & Environmental Protection, No. HHD-CV-14-6054538-S (Conn. Super. Ct. dismissed July 2, 2015; appeal filed July 20, 2015)	The Connecticut Superior Court dismissed a lawsuit challenging the state's Comprehensive Energy Strategy (CES), which the Department of Energy and Environmental Protection (DEEP) issued in February 2013 and which provided for a large-scale expansion of the state's natural gas pipeline capacity. A trade association of energy marketers involved in sales of gasoline and heating fuel said the CES required preparation of an environmental impact evaluation (EIE) under the Connecticut Environmental Policy Act (CEPA). The trade group said that the environmental review should have considered methane leakage that would occur as a result of the CES's implementation. The group noted that such leaks "comprise a significant source of [greenhouse gases] that should have been quantified and mitigated by DEEP as part of an EIE to ensure that the Plan is consistent with Connecticut's climate change mandates." The court dismissed the action on sovereign immunity grounds after finding that the group had failed to state a claim under CEPA. The court said that the state agencies (DEEP and the Public Utilities Regulatory Authority) had simply followed legislative duties imposed on them, and that the agencies could not ignore the legislature's prescriptions. The CES therefore was not subject to the requirement for an EIE. As a result, the state's sovereign immunity was intact, and the court did not have subject matter jurisdiction over the action.
Connecticut Energy Marketers Association v. Connecticut Department of Energy & Environmental Protection, No. HHD-CV-14-6054538-S (Conn. Super. Ct. appeal July 20, 2015)	The trade association appealed the decision.

Owner-Operator Independent Drivers Association Inc. v. EPA

Name and Date	Description
Owner-Operator Independent Drivers Association, Inc. v. EPA, No. 14-1192 (D.C. Cir., filed Oct. 3, 2014)	The Owner-Operator Independent Drivers Association, Inc. petitioned the D.C. Circuit Court of Appeals to review EPA's granting of a request by the California Air Resources Board for a waiver of Clean Air Act preemption of certain provisions of California's greenhouse gas regulations for heavy-duty tractor-trailer trucks. The waiver encompasses sleeper-cab tractors for model years 2011 through 2013 and dry-van and refrigerated-van trailers encompassed by such tractors starting with the 2011 model year.
Owner-Operator Independent Drivers Association, Inc. v. EPA, No. 14-1192 (D.C. Cir. Nov. 24, 2015)	The D.C. Circuit Court of Appeals dismissed a petition challenging EPA's granting to California of a waiver of federal preemption related to the State's tractor trailer emissions regulations. The court concluded that it lacked jurisdiction to consider the petition because the petitioner raised only a constitutional claim and did not address whether EPA's action was arbitrary or capricious. The court, which said the issues did not warrant a published opinion, said it was not determining whether it could decide a constitutional claim brought within a broader challenge to an EPA waiver determination.

Sierra Club v. FERC

Name and Date	Description
Sierra Club v. FERC, No. 14-1190 (D.C. Cir., filed Sept. 29, 2014)	Sierra Club and the Gulf Restoration Network filed a petition in the D.C. Circuit Court of Appeals seeking review of Federal Energy Regulatory Commission (FERC) actions authorizing construction and operation of liquefaction facilities and pipeline and compression facilities in Louisiana. The liquefaction facilities are to be constructed at the site of an existing liquefied natural gas (LNG) import terminal, and the actions approved by FERC will facilitate the export of LNG. FERC rejected Sierra Club's contentions that the facilities would result in increased domestic natural gas production and cause environmental harms, including increased greenhouse gas emissions. The FERC actions for which petitioners seek review are its Order Granting Authorization Under Section 3 of the Natural Gas Action and Issuing Certificates (June 19, 2014); Notice Rejecting Request for Rehearing and Dismissing Request for Stay (July 29, 2014); and Order Denying Rehearing (September 26, 2014).
Sierra Club v. FERC, No. 14-1190 (D.C. Cir., motion for summary affirmance and dismissal Nov. 14, 2014)	FERC moved for summary affirmance and dismissal. FERC argued that its determination to reject Sierra Club's rehearing petition as untimely should be summarily affirmed, and that since timely rehearing was not sought, the D.C. Circuit was without jurisdiction to hear the challenge to FERC's approvals of the projects at the LNG facility. Sierra Club filed the rehearing petition 25 seconds after close of business on the last day of the 30-day period during which it could seek rehearing after FERC issued its orders approving the projects. Sierra Club filed its opposition to the motion on December 5, 2014.
Sierra Club v. FERC, No. 14-1190 (D.C. Cir. Feb. 3, 2015)	The court denied FERC's motion.
Sierra Club v. FERC, No. 14-1190 (D.C. Cir. Mar. 16, 2015)	On March 16, 2015, Sierra Club and Gulf Restoration Network asked the D.C. Circuit Court of Appeals to dismiss their challenge. The court granted the request on the same day.

United States v. Hyundai Motor Co.

Name and Date	Description
United States v. Hyundai Motor Co., No. 1:14-cv-1837 (D.D.C., complaint and consent decree filed Nov. 3, 2014)	On November 3, 2014, EPA and the Department of Justice announced that they had reached an agreement with the automakers Hyundai and Kia to resolve claims that the companies violated the Clean Air Act and California law by overstating fuel efficiency and understating greenhouse gas emissions for new motor vehicles from model years 2012 and 2013. Pursuant to the consent decree filed in the federal district court for the District of Columbia, the companies agreed to pay a $94-million civil penalty to the United States and a $6-million civil penalty to the California Air Resources Board. The consent decree also provided that the companies would forfeit greenhouse gas emissions credits that EPA said were worth more than $200 million. The credits could have been used to offset emissions from less fuel-efficient vehicle models or sold or traded to other companies for use as offsets. In addition, the companies agreed to undertake a number of corrective measures to prevent future miscalculations of greenhouse gas emissions, including audits of model year 2015 and 2016 vehicles and formation of an independent certification group to oversee new certification training and testing programs as well as enhanced data management and review for "coast down data" from testing of the companies' vehicles.
United States v. Hyundai Motor Co., No. 14-cv-1837 (D.D.C. Jan. 9, 2015)	The court approved the settlement. The court called the settlement fair and said that the size of the fine—the largest in Clean Air Act history—and other provisions were adequate and appropriate. The court noted that five commenters (two environmental groups and three state environmental agencies or state attorneys general) had submitted comments supporting the settlement but asking that it be renegotiated to include $25 million for Supplemental Environmental Projects (SEPs) to support the promotion of electric vehicles in certain states. The court called the SEP proposal "laudable," but it agreed with the U.S. that the public interest would not be served by reopening negotiations to create "a different and more complex settlement arrangement."

CARB Compliance Offset Investigation: Destruction of Ozone Depleting Substances

Name and Date	Description
California Air Resources Board, Final Determination, Air Resources Board Compliance Offset Investigation, Destruction of Ozone Depleting Substances (Nov. 14, 2014)	The California Air Resources Board (CARB) issued a final determination invalidating 88,955 offset credits issued under its greenhouse gas cap-and-trade program to the operator of a facility in Arkansas that destroyed ozone-depleting substances. The facility incinerated and treated the substances to create a calcium chloride brine that was sold as a recycled product for use in oil and gas well drilling, completion, and remediation applications. CARB concluded that that the invalidated credits were generated while the facility was not in compliance with the federal Resource Recovery and Conservation Act (RCRA). The invalidated credits represented credits associated with destruction of ozone-depleting substances between the time the facility received a report on February 2, 2012, from the U.S. Environmental Protection Agency indicating that sale of the brine violated RCRA and the time of the last shipment of the brine to a customer a day later. CARB had been investigating approximately 4.3 million credits issued for activities at the Arkansas facility; the credits not invalidated by the final determination were to be returned to their respective accounts in the cap-and-trade program.

Shell Gulf of Mexico Inc. v. Center for Biological Diversity Inc.

Name and Date	Description
Shell Gulf of Mexico Inc. v. Center for Biological Diversity, Inc., No. 13-35835 (9th Cir. Nov. 12, 2014)	The Ninth Circuit Court of Appeals ruled that it lacked jurisdiction over a declaratory judgment action brought by Shell Gulf of Mexico Inc. and Shell Offshore Inc. (Shell) against environmental organizations in connection with federal approvals of oil spill response plans for Shell operations in the Beaufort and Chukchi Seas on Alaska's coast. Shell anticipated the organizations would challenge the approvals, and sought to expedite the litigation by bringing its own suit. The Ninth Circuit rejected this "novel litigation strategy," finding that Shell and the environmental groups did not have "adverse legal interests." A related appeal that raised similar issues was dismissed as moot. Shell's declaratory judgment action had been consolidated with an action brought by environmental groups to challenge the federal approvals; in June 2015, the Ninth Circuit ruled for Shell and the federal defendants in the environmental groups' challenge to the federal approvals of the oil spill response plans.

Center for Biological Diversity v. Jewell

Name and Date	Description
Center for Biological Diversity v. Jewell, No. 12-cv-02296 (D. Ariz. Nov. 4, 2014)	The federal district court for the District of Arizona rejected a challenge to the U.S. Fish and Wildlife Service's (FWS's) determination that the Sonoran Desert population of bald eagles did not constitute a distinct population segment (DPS) under the Endangered Species Act and was therefore not eligible for listing as threatened or endangered. One of plaintiffs' arguments was that FWS's determination had failed to consider climate change as a relevant factor for establishing a DPS. The court found that FWS had considered whether the Sonoran Desert bald eagles had unique characteristics that would help bald eagles as a whole under conditions caused by climate change, even though it had not done so under the heading of climate change.

Sierra Club v. Ameren Energy Medina Valley Cogen LLC

Name and Date	Description
Sierra Club v. Ameren Energy Medina Valley Cogen, LLC, No. PCB 14-134 (Ill. Pollution Control Bd. Nov. 4, 2014)	The Illinois Pollution Control Board (Board) granted summary judgment to the developers of the FutureGen project in Sierra Club's administrative action alleging violation of the Illinois Environmental Protection Act (Act). The FutureGen project is a coal-fired oxy-combustion power plant that would enable use carbon capture and sequestration technology. Sierra Club alleged that the developers were required to obtain a Prevention of Significant Deterioration preconstruction permit for the project. The Board ruled that because the Illinois Environmental Protection Agency (IEPA) had issued a minor source air permit, the developers had not violated the Act. The Board said it could not review the validity of the permit in this proceeding, to which IEPA was not a party.

Western Organization of Resource Councils v. Jewell

Name and Date	Description
Western Organization of Resource Councils v. Jewell, No. 14-cv-1993 (D.D.C., filed Nov. 25, 2014)	Two organizations brought a lawsuit against the Secretary of the Interior and the U.S. Bureau of Land Management (BLM) challenging the failure to update the environmental review of the federal coal management program to consider the climate change impact of greenhouse gas emissions resulting from the program. The organizations—Western Organization of Resource Councils and Friends of the Earth—alleged that BLM had not comprehensively analyzed the environmental impacts of the program since 1979, and that the 1979 analysis "only briefly discussed the then-nascent science of the effects of greenhouse gas emissions and the federal coal management program's emissions." The organizations asked the federal district court for the District of Columbia to declare defendants in violation of the National Environmental Policy Act (NEPA); to order an analysis of the impacts of coal leasing under the federal coal management program on climate change and analyze alternative policies to reduce such impacts, and to enjoin defendants from considering applications for or issuing new coal leases or modifications of existing leases until defendants comply with NEPA.
Western Organization of Resource Councils v. Jewell, No. 14-cv-1993 (D.D.C. Aug. 27, 2015)	The federal district court for the District of Columbia dismissed the action. The court determined that it had no authority to compel BLM to supplement its 1979 review because there was no ongoing major federal action that could trigger supplemental review. The court said any coal leasing decisions "are made pursuant to a pre-approved and EIS-supported program."
Western Organization of Resource Councils v. Jewell, No. 15-5294 (D.C. Cir. Oct. 27, 2015)	Western Organization of Resource Council and Friends of the Earth filed a notice of appeal in the D.C. Circuit Court of Appeals on October 27, 2015, two months after the district court for the District of Columbia dismissed their lawsuit that sought to compel an updated environmental review for the federal coal management program.

Center for Biological Diversity & Western Watersheds Project Notice of Intent to Sue—Gunnison Sage-Grouse

Name and Date	Description
Center for Biological Diversity & Western Watersheds Project, **Notice of Intent to Sue: Violations of the Endangered Species Act ("ESA") in Listing the Gunnison Sage-Grouse As Threatened** (Nov. 20, 2014)	The Center for Biological Diversity (CBD) sent a 60-day notice of its intent to file a lawsuit challenging the decision of the U.S. Fish and Wildlife Service (FWS) to list the Gunnison sage-grouse as a threatened—rather than endangered—species under the Endangered Species Act (ESA). The notice, which CBD sent on behalf of itself and the Western Watersheds Project, said the FWS's decision was based on political pressure and that it violated both the substantive and procedural requirements of the ESA. Among other things, the notice said that FWS "arbitrarily decided" that climate change was not a real threat to the species.

Harvard Climate Justice Coalition v. President & Fellows of Harvard College ("Harvard Corporation")

Name and Date	Description
Harvard Climate Justice Coalition v. President & Fellows of Harvard College ("Harvard Corporation"), No. 2014-3620-H (Mass. Super. Ct., filed Nov. 19, 2014)	Harvard Climate Justice Coalition and individual Harvard students filed a lawsuit against the President & Fellows of Harvard College (Harvard Corporation) and Harvard Management Company, Inc., which oversees investment of Harvard Corporation's endowment. Plaintiffs sought to compel the university to divest from fossil fuel companies. The complaint alleged counts of mismanagement of charitable funds and intentional investment in abnormally dangerous activities. In particular, plaintiffs alleged that the university's investment in fossil fuel companies was a breach of its fiduciary and charitable duties as a public charity and nonprofit corporation because such investment contributed to climate change and other harms to "the public's prospects for a secure and healthy future." The complaint also alleged that climate change would cause damage to the university's physical campus. Harvard Climate Justice Coalition brought the lawsuit on its own behalf and as next friend to "Plaintiffs Future Generations, individuals not yet born or too young to assert their rights but whose future health, safety, and welfare depends on current efforts to slow the pace of climate change."

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Harvard Climate Justice Coalition v. President & Fellows of Harvard College ("Harvard Corporation")

Name and Date	Description
Harvard Climate Justice Coalition v. President and Fellows of Harvard College ("Harvard Corporation"), No. 2014-3620-H (Mass. Super. Ct. Mar. 17, 2015)	The Massachusetts Superior Court dismissed the action. The court ruled that the individual students did not have standing to claim mismanagement of charitable assets based on their status as students because their rights as students were "widely shared" with thousands of other Harvard students and were not "specific" and "personal" enough to endow them with standing. The court also rejected the students' argument that Harvard's investment in fossil fuels interfered with personal rights because it diminished their education in fields such as environmental law and because Harvard's funding of "climate change denial" chilled academic freedom and impeded the students' association with "like-minded colleagues." The court noted that these impacts were not "personal" to the plaintiffs since numerous other students would be affected. The court also found that the allegations were too speculative and conclusory. The court also dismissed the claim of "intentional investment in abnormally dangerous activities." The court said that it was not its place either to recognize this proposed new tort action or to extend existing law on standing to permit the plaintiffs to litigate on behalf of "Future Generations," as they sought to do. The court also said that an "overarching" problem with the action was the absence of limitations on the subject matter and scope of this type of lawsuit. The court noted that while the student plaintiffs "fervently believe" that climate change poses the most serious threat to the world, other students would just as fervently believe that some other cause posed a serious threat.

Association of Irritated Residents v. DOGGR

Name and Date	Description
Association of Irritated Residents v. California Department of Conservation, Division of Oil, Gas, and Geothermal Resources, No. S-1500-CV-283418 (Cal. Super. Ct., filed Nov. 12, 2014)	Environmental organizations filed a lawsuit in California Superior Court challenging drilling permits issued by the Division of Oil, Gas, and Geothermal Resources (DOGGR) of the California Department of Conservation. Petitioners alleged that DOGGR had issued at least 214 individual permits for drilling in the South Belridge Oil Field since July 29, 2014, without completing the review required under the California Environmental Quality Act. Petitioners contended that DOGGR had failed to consider the cumulative impacts of the permits, including the release of greenhouse gases.

White Earth Nation v. Kerry

Name and Date	Description
White Earth Nation v. Kerry, No. 0:14-cv-04726 (D. Minn., filed Nov. 11, 2014)	An Indian tribe and seven environmental, conservation, and community organizations brought a lawsuit under the National Environmental Policy Act (NEPA) challenging the U.S. Department of State's approval of a new pipeline for importing heavy tar sands crude oil from Alberta, Canada, to a terminal facility in Wisconsin. The lawsuit, filed in the federal district court for the District of Minnesota, also challenged the State Department's authorization of the diversion of 800,000 barrels per day to a pipeline segment purportedly constructed as part of an existing pipeline. Plaintiffs argued that approval of this diversion undermined the NEPA review of a request to increase the volume of oil imported on a pipeline known as the "Alberta Clipper." Plaintiffs alleged that they brought the lawsuit on their own behalf as well as on behalf of their members who use areas that will be affected by air and water pollution from the pipeline projects and by the impacts of increased greenhouse gas emissions from the refining and end-use of tar sands crude oil.
White Earth Nation v. Kerry, No. 14-cv-04726 (D. Minn. Dec. 9, 2015)	The federal district court for the District of Minnesota dismissed an action challenging the State Department's approvals of the replacement of a segment of an oil pipeline that crossed the U.S.-Canada border and the expansion of the capacity of another cross-border pipeline. The plaintiffs—who alleged they would be affected by the impacts of increased greenhouse gas emissions from the refining and end-use of tar sands crude oil from Canada—contended that the State Department had failed to comply with the National Environmental Policy Act and the National Historic Preservation Act. The court said that the State Department's actions were not subject to judicial review because they were presidential actions not reviewable under the Administrative Procedure Act.

Carolan v. Township of Long Beach

Name and Date	Description
Carolan v. Township of Long Beach, No. PWL 3379-14 (N.J. Super. Ct., filed Nov. 5, 2014)	A group of oceanfront property owners in the Township of Long Beach, New Jersey, filed a lawsuit against the Township and the State of New Jersey challenging the Township's taking of permanent easements for the construction of flood hazard risk reduction measures. Such measures are to include expansion of a dune structure. The property owners contended that the Township illegally bypassed New Jersey's Eminent Domain Act and instead purported to take the easements in favor of itself and the State pursuant to the State's Disaster Control Act.

Competitive Enterprise Institute v. Office of Science and Technology Policy

Name and Date	Description
Competitive Enterprise Institute v. Office of Science and Technology Policy, No. 1:14-cv-01806 (D.D.C., filed Oct. 30, 2014)	The Competitive Enterprise Institute (CEI) filed an action under the federal Freedom of Information Act (FOIA) to compel the Office of Science and Technology Policy (OSTP) to produce documents related to a video posted on the White House website in January 2014 called "The Polar Vortex Explained in 2 Minutes." The video, according to CEI, was "about global warming supposedly causing severe winter cold." CEI alleged that OSTP improperly relied on FOIA's deliberative process privilege to withhold documents.
Competitive Enterprise Institute v. Office of Science & Technology Policy, No. 14-cv-01806 (D.D.C. Feb. 10, 2016)	The federal district court for the District of Columbia ruled that the White House Office of Science & Technology Policy (OSTP) could for the most part withhold—based on the deliberative process privilege—drafts of a letter prepared in response to the Competitive Enterprise Institute's request that OTSP correct claims made by the OSTP director in an online video about the link between climate change and the Polar Vortex. The court ruled, however, that OSTP had to disclose draft pages that were shared with a Rutgers University professor whose research supported the theory that climate change had led to more severe winter cold. The court said that the "consultant corollary" did not apply in this situation. The court also said that emails concerning the video could not be withheld because OSTP had asserted that the video expressed the director's personal opinion and expert judgment, and the deliberative process privilege was primarily concerned with protecting the policymaking process.
Competitive Enterprise Institute v. Office of Science and Technology Policy, No. 14-cv-01806 (D.D.C. May 9, 2016)	The federal district court for the District of Columbia said it would allow discovery in an action brought by the Competitive Enterprise Institute (CEI) to compel the Office of Science and Technology Policy (OSTP) to produce records pursuant to the Freedom of Information Act (FOIA) related to a video posted on the White House's website that connected the 2014 polar vortex to climate change. The court found that CEI had raised a "sufficient question as to the agency's good faith" in processing the FOIA request. The court said that OTSP had made inconsistent representations regarding the scope and completeness of its searches.

Sierra Club v. Merced County Association of Governments

Name and Date	Description
Sierra Club v. Merced County Association of Governments, No. CVM019664 (Cal. Super. Ct., filed Oct. 23, 2014)	Sierra Club and the Center for Biological Diversity filed a lawsuit challenging the approval by the Merced County Association of Governments and its Governing Board of the 2014-2040 Regional Transportation Plan/Sustainable Communities Strategy and the environmental impact report (EIR) prepared for this project. The organizations alleged that the environmental review did not comply with the California Environmental Quality Act. Among the alleged inadequacies were failure to disclose the project's greenhouse gas emissions in light of California's long-term targets for emissions reductions and inclusion in the EIR of greenhouse gas mitigation that was "unlawfully deferred, unenforceable, vague, and not certain to occur."

No Wetlands Landfill Expansion v. County of Marin

Name and Date	Description
No Wetlands Landfill Expansion v. County of Marin, No. A137459 (Cal. Ct. App. Dec. 12, 2014)	The California Court of Appeal reversed a trial court and ruled that an environmental impact report (EIR) for a proposed landfill expansion was adequate, including the EIR's consideration of climate change-related impacts. The case concerned the 420-acre Redwood Landfill in Marin County, which accepts most of the county's solid waste. The appellate court found that the EIR did not improperly defer mitigation of projected sea-level rise. The court said that, given uncertainty regarding the timing and extent of sea-level rise, the measures required by the EIR were "specific enough" to address potential future impacts. The appellate court also concluded that the EIR sufficiently analyzed cumulative greenhouse gas emissions. The court said that the California Environmental Quality Act did not mandate that the EIR analyze all methane-producing landfills or the cumulative impacts of all "related projects" on greenhouse gas emissions. In addition, the appellate court found that substantial evidence supported methods used to estimate landfill gas emissions and that the EIR properly offset an increase in greenhouse gas emissions with a reduction of greenhouse gas emissions due to the use of engines fired by landfill gas.

Friends of the Kings River v. County of Fresno

Name and Date	Description
Friends of the Kings River v. County of Fresno, No. F068818 (Cal. Ct. App. Dec. 8, 2014)	The California Court of Appeal affirmed the denial of a challenge to Fresno County's approval of an aggregate mine. The mine, along with associated processing facilities, is planned for a 1,500-acre site in the Sierra Nevada foothills. The court rejected claims that the project's environmental impact report (EIR) prepared under the California Environmental Quality Act (CEQA) was inadequate. Among the rejected contentions was the petitioner's argument against the EIR's assertion that the project would supply construction materials to satisfy "tremendous unmet need for aggregate in Fresno County." The EIR said the project would result in a reduction of vehicle miles traveled and reduce greenhouse gas emissions because the project's customers would otherwise have to travel approximately 120 miles to obtain the materials. The court found that substantial evidence supported the EIR's conclusions.

In re Archer Daniels Midland Co.

Name and Date	Description
In re Archer Daniels Midland Co., UIC Appeal No. 14-72 (EAB Nov. 26, 2014)	The EPA Environmental Appeals Board (EAB) dismissed a challenge to an underground injection control permit issued for carbon capture and sequestration. The petitioner had filed a voluntary notice of dismissal after EPA sought to dismiss the petition on the ground that it was not timely. The petition argued that EPA had violated the Endangered Species Act by failing to consult with the U.S. Fish and Wildlife Service and that EPA failed to include provisions in the permit that would properly compensate Illinois property owners to whose "pore space" the carbon dioxide migrates. The petition also contended that EPA should have provided the public with access to proprietary software to verify modeling results, that EPA did not address air quality impacts, and that the permit's rock sampling requirements would not provide a high degree of confidence in predictions of the carbon dioxide plume's behavior.

Wohl v. City of New York

Name and Date	Description
Wohl v. City of New York, No. 103095/2012 (N.Y. Sup. Ct. Oct. 22, 2014)	A New York Supreme Court in Staten Island awarded summary judgment to the City of New York and the New York City Department of Environmental Protection in an action by Staten Island homeowners who alleged that the City's negligence resulted in flooding that damaged their car and their residence in August 2011. The court took judicial notice of climatological reports from the National Climatic Center and found that these reports proved that New York City had been "subjected to inordinate rainfall" during two storms in August 2011 (one of which was Hurricane Irene). The court found that the evidence demonstrated that the Staten Island sewer system had not been designed to accommodate the volume of rain that fell during the storms, and that the City met its burden of demonstrating prima facie that the sole proximate cause of the flooding was the volume of precipitation, not the City's inspection and maintenance failures.

American Petroleum Institute v. EPA

Name and Date	Description
American Petroleum Institute v. EPA, No. 13-1108 (D.C. Cir., clerk order granting mot. to continue stay Dec. 17, 2014)	EPA requested, and received, a continued stay of the proceeding challenging its 2012 new source performance standards (NSPS) for the oil and gas sector. EPA asked for the additional time so that it could further consider comments it received on technical white papers regarding control of methane emissions from the oil and gas sector. The white papers were released in April 2014 as a component of President Obama's March 2014 strategy to address methane emissions. EPA also said it was working to finalize time-sensitive implementation measures for the NSPS. The parties to the proceeding must file motions to govern further proceedings by January 30, 2015.

American Fuel & Petrochemical Manufacturers v. McCarthy

Name and Date	Description
API, **Notice of Intent To File Citizen Suit** (Dec. 15, 2014); AFPM, **Notice of Intent to File Suit for Failure to Issue the 2015 Renewable Fuel Standard Regulations** (Dec. 1, 2014); API, **Notice of Intent to File Citizen Suit** (Dec. 1, 2014); AFPM, **Notice of Intent to File Suit for Failure to Issue the 2014 Renewable Fuel Standard Regulations** (Nov. 21, 2014)	In November and December 2014, EPA received four letters from two organizations notifying the agency of intent to file lawsuits to compel EPA to issue biomass-based diesel and renewable fuel requirements for 2014 and 2015. One organization, the American Fuel & Petrochemical Manufacturers (AFPM), said that "EPA's track record has become an egregious pattern of statutory non-compliance." The American Petroleum Institute (API) included a table in its letter that listed EPA's delays since 2010 in determining annual renewable fuel requirements. API also indicated that it also planned to sue to require EPA to respond to a 2013 waiver application.
American Fuel & Petrochemical Manufacturers v. McCarthy, No. 1:15-cv-00394 (D.D.C., filed Mar. 18, 2015)	AFPM and API filed an action in the federal district court for the District of Columbia to compel EPA to establish renewable fuel volume requirements for the 2014 and 2015 compliance years. The trade associations asserted that EPA had ignored its nondiscretionary duty to publish annual renewable fuel volumes and renewable fuel obligations by November 30 of the year preceding each compliance year. The trade associations also alleged that EPA had failed to respond to the organizations' 2013 request for a partial waiver of the applicable renewable fuel volumes for 2014, which are established by the Clean Air Act. AFPM and API filed notices of their intent to file the lawsuit in November and December 2014. EPA announced in the *Federal Register* on December 9, 2014 that it would not finalize the 2014 standards until sometime in 2015; EPA has not yet proposed 2015 standards.

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American Fuel & Petrochemical Manufacturers v. McCarthy

Name and Date	Description
American Fuel & Petrochemical Manufacturers v. EPA, No. 1:15-cv-394 (D.D.C., proposed consent decree filed Apr. 10, 2015)	EPA, AFPM, and API reached an agreement regarding a schedule for EPA to propose and finalize renewable fuel standards for 2014 and 2015. The proposed consent decree—notice of which was published in the *Federal Register* on April 20—requires EPA to propose renewable fuel obligations for 2015 by June 1, 2015 and to finalize them by November 30, 2015. EPA would also have until November 30, 2015 to finalize the obligations for 2014 and to respond to the plaintiffs' request for a partial waiver of renewable fuel applicable volumes for 2014. EPA also indicated that it was its intention to propose and finalize the renewable fuel volumes for 2016 in the same timeframe as it was addressing the 2015 volumes.

Sierra Club Notice of Intent to Sue AEP Generation Resources

Name and Date	Description
Sierra Club, **Notice of Intent to Sue AEP Generation Resources, Inc. Under the Clean Air Act** (Oct. 7, 2014)	Sierra Club sent a notice to AEP Generation Resources, Inc. notifying the company of its intent to file a citizen suit under the Clean Air Act. The notice asserted that emissions from the company's Gavin Power Plant in Cheshire, Ohio, violated the nuisance provision in the Ohio state implementation plan.

Margate City v. United States Army Corps of Engineers

Name and Date	Description
Margate City, New Jersey v. United States Army Corps of Engineers, No. 1:14-cv-07303 (D.N.J., filed Nov. 24, 2014; am. compl. Dec. 2, 2014)	The City of Margate, New Jersey commenced a lawsuit against the U.S. Army Corps of Engineers (Corps) and the New Jersey Department of Environmental Protection (NJDEP) to prevent the agencies from commencing a sand dune construction project on the City's beaches. The City claimed that implementation of the project would violate the U.S. and New Jersey constitutions, would constitute a trespass, and would violate New Jersey law. The complaint also alleged that NJDEP had failed to comply with the requirements of New Jersey's Eminent Domain Act of 1971.
Margate City, New Jersey v. United States Army Corps of Engineers, No. 1:14-cv-07303 (D.N.J. Jan. 15, 2015)	The federal district court for the District of New Jersey denied without prejudice the City of Margate's motion for a preliminary injunction to stop the Corps and NJDEP from constructing the dune system. The court found that plaintiffs had shown a likelihood of success on the merits on the issue of whether NJDEP deprived them of procedural due process rights. The court described NJDEP's decision to proceed with condemnation for the dune project through administrative orders rather than through the Eminent Domain Act's procedures as "baffling." The court determined, however, that the awarding of a contract by the Corps would not cause irreparable harm because actual construction would not begin until after NJDEP commenced a condemnation proceeding, which it had agreed to do by April 2015. Nor did the balance of harms or the public interest weigh in favor of an injunction. However, in the event the Corps is prepared to begin construction before the condemnation proceeding is filed, the court said plaintiffs could seek reconsideration.

Environmental Defense Center v. Bureau of Safety and Environmental Enforcement

Name and Date	Description
Environmental Defense Center v. Bureau of Safety and Environmental Enforcement, No. 2:14-cv-09281 (C.D. Cal., filed Dec. 3, 2014)	The Environmental Defense Center (EDC) filed a lawsuit in the federal district court for the Central District of California alleging that federal agencies and officials failed to comply with NEPA when they approved 51 Applications for Permits to Drill and Applications for Permits to Modify for offshore drilling. EDC alleged that the permits would facilitate oil and gas development and production in federal waters off California's coast and would authorize well stimulation such as acid well stimulation and hydraulic fracturing. EDC said that the Bureau of Safety and Environmental Enforcement improperly relied on categorical exclusions or no written NEPA documentation at all in making its determinations on these permits. Among the environmental risks enumerated in the complaint are increased greenhouse gas emissions.
Environmental Defense Center v. Bureau of Safety & Environmental Enforcement, No. 2:14-cv-0928 (C.D. Cal. Jan. 29, 2016); Center for Biological Diversity v. Bureau of Ocean Energy Management, No. 2:15-cv-01189 (C.D. Cal. Jan. 29, 2016)	Environmental Defense Center (EDC) and the Center for Biological Diversity (CBD) reached settlement agreements pursuant to which the Bureau of Ocean Energy Management (BOEM) and the Bureau of Safety and Environmental Enforcement (BSEE) will prepare a programmatic environmental assessment (EA) to analyze the potential impacts of certain well-stimulation practices including hydraulic fracturing on the Pacific outer continental shelf. The settlement agreements resolved lawsuits brought by EDC and CBD in 2014 and 2015 in which they alleged that the agencies had failed to comply with the National Environmental Policy Act (NEPA). EDC had cited greenhouse gas emissions as one environmental risk that should have been considered prior to approving drilling permit applications. The agreements required the programmatic EA to be completed by May 28, 2016. Pursuant to the agreements, BSEE must withhold future approvals of drilling permit applications involving well-stimulation techniques while the programmatic EA is prepared. BSEE must provide notice to EDC and CBD of well-stimulation applications it receives for an interim period while BSEE works to establish a system for making information about submitted applications publicly available.

Brooks v. EPA

Name and Date	Description
Brooks v. EPA, No. 14-2252 (1st Cir., filed Nov. 28, 2014)	On November 28, 2014, four individuals filed a petition in the First Circuit Court of Appeals seeking review of air permits issued by the Massachusetts Department of Environmental Protection for a natural gas-fired power plant. The facility is located in Salem, Massachusetts. The EPA Environmental Appeals Board previously denied review of the permits.

Santa Clarita Organization for Planning and the Environment v. City of Santa Clarita

Name and Date	Description
Santa Clarita Organization for Planning and the Environment v. City of Santa Clarita, No. B250487 (Cal. Ct. App. Dec. 18, 2014)	The California Court of Appeal reversed a trial court decision that concluded that certain aspects of the environmental review for a 185-acre real estate development in the City of Santa Clarita were inadequate. The appellate court's option did not substantively address the consideration of climate change in the environmental impact report (EIR) for the project, but, as a procedural matter, the court found that an alternative fuels plan had been properly incorporated by reference into the EIR section on global climate change.

Oceana Inc. v. Pritzker

Name and Date	Description
Oceana, Inc. v. Pritzker, No. 08-cv-1881 (D.D.C. Dec. 17, 2014)	The federal district court for the District of Columbia largely rejected a challenge to the National Marine Fisheries Service's (NMFS's) issuance of a Biological Opinion determining that the Atlantic Sea Scallop Fishery would not jeopardize the survival of the Northwest Atlantic distinct population segment of loggerhead sea turtles. The court was not persuaded by the plaintiff's claims that the no-jeopardy determination was arbitrary and capricious. The court rejected the argument that NMFS had not sufficiently considered the effects of climate change, finding that the plaintiff had failed to refute NMFS's determination that current scientific data were too inconclusive to accurately predict impacts on loggerheads. The court distinguished earlier successful challenges of Biological Opinions where there were "wholesale failures to even address the issue" of climate change. The court did identify some deficiencies in the incidental take statement and therefore remanded to NMFS for the limited purpose of addressing those issues.

American Petroleum Institute v. EPA
Gas Processors Association v. EPA

Name and Date	Description
American Petroleum Institute v. EPA, No. 15-1020 (D.C. Cir., filed Jan. 23, 2015); ***Gas Processors Association v. EPA***, No. 15-1021 (D.C. Cir., filed Jan. 23, 2015)	The American Petroleum Institute and the Gas Processors Association each filed a petition in the D.C. Circuit Court of Appeals seeking review of EPA's 2014 revisions to the greenhouse gas reporting rule. The revisions made changes to the reporting requirements and confidentiality determinations for the petroleum and natural gas systems source category. Among criticisms leveled at the revised rule during the public comment period were (1) that the removal of the best available monitoring methods (BAMM) option would make compliance difficult for some reporters and could have adverse impacts in other areas, such as the development of new technologies, and (2) that the revised rule increased the reporting burden for gas well completions and workovers by requiring reporters to differentiate between well type combinations. ("Well type combination" takes into account the following factors: vertical or horizontal, with flaring or without flaring, and reduced emissions completion (REC)/workover or no REC/workover.) Commenters also asserted that in general EPA had "significantly oversimplified the impacts and underestimated the burden" of the rule.

Plant Oil Powered Diesel Fuel Systems Inc. v. EPA

Name and Date	Description
Plant Oil Powered Diesel Fuel Systems, Inc. v. EPA, No. 15-1011 (D.C. Cir., filed Jan. 15, 2015)	A company that supplies a 100%-jatropha-plant-oil fuel for certain diesel engines filed a petition in the D.C. Circuit Court of Appeals to challenge EPA's announcement that it would not finalize the 2014 applicable percentage standards for the Renewable Fuel Standard (RFS) program until 2015. EPA published notification of its decision to delay issuance of the standards in the December 9, 2014 issue of the *Federal Register*. The petitioner—Plant Oil Powered Diesel Fuel Systems, Inc.—said that EPA's notification constituted agency action adopting the 2014 RFS standards proposed in November 2013.
Plant Oil Powered Diesel Fuel Systems, Inc. v. EPA, No. 15-1011 (D.C. Cir., motion for voluntary dismissal Feb. 17, 2015)	Plant Oil Powered Diesel Fuel Systems, Inc. filed a motion for voluntary dismissal of its petition.

In re Constitution Pipeline Co. LLC

Name and Date	Description
In re Constitution Pipeline Co., LLC, Docket Nos. CP13-499, CP13-502 (FERC, requests for reh'g (Catskill Mountainkeeper et al., Henry S. Kernan Trust, Stop the Pipeline, Allegheny Defense Project & Damascus Citizens for Sustainability, Capital Region Board of Cooperative Educational Services) filed Jan. 2, 2015)	Five requests for rehearing were filed with the Federal Energy Regulatory Commission (FERC) seeking rescission of its approval of a 124-mile gas pipeline between Pennsylvania and New York. The requests for rehearing charged that FERC committed a number of errors in its review of the pipeline, including failures to fully consider the project's environmental impacts. For example, Catskill Mountainkeeper and other organizations charged that the environmental review should have considered the indirect impacts of additional gas production and that it had not fully considered the project's greenhouse gas emissions. Among the alleged insufficiencies related to the project's greenhouse gas emissions were failure to consider cumulative impacts, failure to consider the impact of the elimination of carbon sinks such as forests and wetlands, and failure to properly incorporate the social cost of carbon into the impact analysis. Catskill Mountainkeeper also accused FERC of improperly minimizing the significance of the project's greenhouse gas emissions by comparing them to global emissions. Concern regarding the assessment of greenhouse gas emissions was echoed in other requests for rehearing, including it the request submitted by Stop the Pipeline, which took issue with the project sponsor's assertion that natural gas would reduce greenhouse gas emissions.

Sierra Club v. Union Elec. Co. d/b/a Ameren Missouri

Name and Date	Description
Sierra Club v. Union Elec. Co. d/b/a Ameren Missouri, No. 4:14-cv-00408 (E.D. Mo., filed Mar. 5, 2014)	Sierra Club filed a Clean Air Act citizen suit against the owner and operator of three coal-fired power plants in Missouri. Sierra Club alleged that the plants had violated opacity limits in their Title V permits and in the Missouri state implementation plan (SIP). Sierra Club asked the federal district court for the Eastern District of Missouri to order the plants' owner to bring the plants into compliance and to pay penalties and mitigate harm.
Sierra Club v. Union Elec. Co. d/b/a Ameren Missouri, No. 4:14-cv-00408 (E.D. Mo., mot. to dismiss denied Nov. 6, 2014)	The court denied defendants' motion to dismiss. The court rejected the argument that the lawsuit was an impermissible collateral attack on the administrative permitting process, noting that it was undisputed that the general opacity limit that Sierra Club sought to enforce was an express condition of the plants' Title V permits and the SIP and that Sierra Club had not challenged the terms or conditions of the permits. The court also rejected the argument that because the permits included higher plant-specific limits for particulate matter (PM) indicators, the plants' general opacity limits were not actionable. The court said that a determination of whether opacity violations resulted in a violation of PM limits would require further development of the record. The court also ruled that Sierra Club had standing. The court noted that Sierra Club had alleged harms due not only to increased PM emissions but also due to "the opacity of the smoke plumes itself," and also said that, at any rate, Sierra Club's allegation of increased exposure to PM was traceable to defendant's violations of opacity limits because opacity is a surrogate and independent measures of PM emissions. The court also said that at this stage of the litigation it was not necessary for Sierra Club to identify specific members who had suffered the alleged harms.

Our Children's Earth Foundation v. CARB

Name and Date	Description
Our Children's Earth Foundation v. California Air Resources Board, No. A138830 (Cal. Ct. App. Feb. 23, 2015)	The California Court of Appeal ruled that the offset component of California's cap-and-trade program for greenhouse gas emissions did not violate the California Global Warming Solutions Act of 2006 (AB 32). Two environmental groups had charged that the offset program did not satisfy AB 32's additionality requirements, and in particular that the California Air Resources Board (CARB) had not ensured that offset projects' emission reductions would be "in addition to … any other greenhouse gas emission reduction that otherwise would occur." The court was not persuaded by "the rather pedantic position" that AB 32 required "unequivocal proof" that an offset project's emission reduction would not otherwise occur. The court called this interpretation "unworkable" and said that such a requirement would not account "for the fact that is virtually impossible to *know* what otherwise would have occurred in most cases." The appellate court instead concluded that AB 32 delegated rulemaking authority to CARB to establish a "workable method of ensuring additionality" and that CARB had not acted arbitrarily or capriciously in formulating the offset protocols. The court also ruled that AB 32 authorized CARB to grant early action credits for offset projects previously undertaken pursuant to Carbon Reserve protocols.

Mississippi Power Co. v. Mississippi Public Service Commission
Blanton v. Mississippi Power Co.

Name and Date	Description
Mississippi Power Co. v. Mississippi Public Service Commission, No. 2012-UR-01108-SCT, and ***Blanton v. Mississippi Power Co.***, No. 2013-UR-00477-SCT (Miss. Feb. 12, 2015)	The Mississippi Supreme Court held that Mississippi law did not empower the Mississippi Public Service Commission (MPSC) to authorize 2013 rate increases for the Kemper Project, which includes a carbon capture system cited by EPA as an example of a viable technology in its proposed new source performance standards for coal-fired power plants. The court ruled that the Base Load Act (a 2008 law that made it possible for utilities to recover costs prior to a facility becoming operational) did not provide a basis for the rate increases. The court's judgment requires that Mississippi Power Co. (MPC) refund ratepayers for payments attributable to the rate increases. The court further ruled that the increased rates were confiscatory takings and that ratepayers had been denied due process because of the lack of proper notice. The court also invalidated a 2013 settlement agreement that preceded the rate increase. The court said that the 2013 rate increase resulted from the settlement agreement, in which MPC agreed to abandon its appeal of an earlier denial of a rate increase, and that MPSC lacked authority to enter into a settlement agreement reached during private meetings

Chiaraluce v. Ferreira

Name and Date	Description
Chiaraluce v. Ferreira, Nos. 11 MISC 451014, 11 MISC 451165 (Mass. Land Ct. Dec. 31, 2014)	After a hurricane damaged a cottage in Wareham, Massachusetts in 1991, its owners demolished the cottage, which did not conform to zoning requirements. The couple sold the property in 1993 for $5,000. In 2001, the new owner made his first attempt to obtain a permit to build a new residence on the property. In 2011, he received a special permit allowing him to build a house. The permit was challenged on the grounds that the owner had abandoned the residential structure and was not entitled to rebuild. The Massachusetts Land Court found an intent to abandon the residential structure. The court noted the low price the owner paid for the property and the unexplained eight-year gap between the time he purchased the property and the time when he first sought approval to rebuild.

Energy & Environment Legal Institute v. United States Securities & Exchange Commission

Name and Date	Description
Energy & Environment Legal Institute v. United States Securities & Exchange Commission, No. 1:15-cv-00217 (D.D.C., filed Feb. 12, 2015)	The Energy & Environment Legal Institute and the Free Market Environmental Law Clinic filed a Freedom of Information Act lawsuit (FOIA) against the Securities and Exchange Commission (SEC). The lawsuit, filed in the federal district court for the District of Columbia, seeks to compel production of documents relating to the SEC's interactions with the investor-activist group Ceres and New York Attorney General Eric Schneiderman. The FOIA request asked for text messages and emails containing specified climate change-related terms.

City of Los Angeles v. County of Kern

Name and Date	Description
City of Los Angeles v. County of Kern, No. S-1500-CV-284100 (Cal. Super. Ct., filed Feb. 10, 2015)	The City of Los Angeles, two sanitation districts, two businesses involved in the recycling of biosolids, and the California Association of Sanitation Agencies commenced a lawsuit against Kern County and its board of supervisors and planning commission to challenge the "surreptitious adoption" of a zoning ordinance that would impose burdensome requirements on biosolids recycling. The plaintiffs-petitioners alleged violations of the California Environmental Quality Act and failures to provide required notices. They also alleged that the ordinance violated a writ issued in another proceeding that required preparation of an environmental impact report in connection with a zoning ordinance concerning land application of biosolids. Their petition-complaint alleged that land application of biosolids can replace use of chemical fertilizers, which accelerate climate change both because of the use of fossil fuels in their manufacture and because of their removal of organic carbon from the soil.

Humane Society of the United States v. McCarthy
Environmental Integrity Project v. EPA

Name and Date	Description
Humane Society of the United States v. McCarthy, No. 15-cv-0141 (D.D.C., filed Jan. 28, 2015); ***Environmental Integrity Project v. EPA***, No. 15-cv-139 (D.D.C., filed Jan. 28, 2015)	The Humane Society of the United States and four environmental organizations filed a lawsuit in the federal district court for the District of Columbia. They asked the court to require EPA to respond to their 2009 petition asking that concentrated animal feeding operations (CAFOs) be regulated as a source of air pollution under the Clean Air Act. The complaint alleged that air pollution from CAFOs endangers public health and welfare, including by contributing to climate change due to their emissions of methane and nitrous oxide. In a related action, six organizations sought a response from EPA to a 2011 petition asking the agency to identify ammonia as a criteria pollutant. Large livestock operations are the leading source of ammonia pollution. The complaint alleged that ammonia contributes to regional haze, which has been associated with climate impacts.
Environmental Integrity Project v. EPA, No. 15-cv-139 (D.D.C. Dec. 1, 2015)	The federal district court for the District of Columbia concluded that it lacked subject matter jurisdiction over an action that sought to compel EPA to respond to a 2011 petition asking the agency to identify ammonia as a criteria pollutant. The plaintiffs had alleged that ammonia contributes to regional haze, which has been associated with climate impacts. The court ruled that it did not have jurisdiction because the plaintiffs had failed to comply with the notice requirement of the Clean Air Act citizen suit provision and could not use the Administrative Procedure Act to circumvent the notice requirement.

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Humane Society of the United States v. McCarthy
Environmental Integrity Project v. EPA

Name and Date	Description
Humane Society of the United States v. McCarthy, No. 1:15-cv-00141 (D.D.C. Dec. 2, 2015)	After the federal district court for the District of Columbia dismissed a lawsuit that asked the court to compel EPA to respond to a petition asking it to regulate ammonia as a criteria pollutant under the Clean Air Act, EPA filed a notice of decision in a related case, asking that it also be dismissed. In the related case, plaintiffs have asked the court to require EPA to respond to a 2009 petition asking it to regulate concentrated animal feeding operations (CAFOs) as a source of air pollution under the Clean Air Act. The plaintiffs alleged that air pollution from CAFOs endangers public health and welfare, including by contributing to climate change due to their emissions of methane and nitrous oxide. In its notice of decision, EPA said that the court's decision in the first case addressed the same legal issues raised in EPA's motion to dismiss in this case. In particular, EPA said that, as in the other lawsuit, plaintiffs had failed to provide statutorily-required pre-suit notice.

WildEarth Guardians v. Casamassa

Name and Date	Description
WildEarth Guardians v. Casamassa (U.S. Forest Service, filed Jan. 20, 2015)	WildEarth Guardians submitted an objection to the Rocky Mountain Region of the United States Forest Service concerning the Draft Record of Decision and Final Environmental Impact Statement for the Pawnee National Grassland Oil and Gas Leasing Analysis. WildEarth Guardians alleged that the Forest Service had violated the National Environmental Policy Act, the Clean Air Act, the Endangered Species Act, and the Arapaho-Roosevelt National Forest and Pawnee National Grassland Land and Resource Management Plan. Among the issues that WildEarth Guardians asserted had received insufficient attention were the climate impacts of post-leasing development of the oil and gas resources underlying the grasslands. WildEarth Guardians said that the Forest Service should have used the social cost of carbon protocol to account for carbon costs.

Sierra Club v. McCarthy

Name and Date	Description
Sierra Club v. McCarthy, No. 1:14-cv-02149 (D.D.C., filed Dec. 18, 2014)	Sierra Club filed a Clean Air Act citizen suit against the EPA Administrator asking the federal district court for the District of Columbia to compel EPA to grant or deny Sierra Club's petition asking the agency to object to an air pollution operating permit issued for a coal-fired power plant in Portsmouth, New Hampshire. Sierra Club submitted the petition on July 28, 2014. The organization's objections to the permit concern allegedly inadequate controls for sulfur dioxide and particular matter.
Sierra Club v. McCarthy, No. 1:14-cv-2149 (D.D.C. Mar. 17, 2015)	The federal district court for the District of Columbia denied the power plant operator's motion to intervene in the suit. EPA and Sierra Club had reached a tentative agreement to settle the lawsuit; the power plant operator sought to intervene, arguing that otherwise its interests would not be adequately represented. The court concluded that the operator was not entitled to intervene as of right because Sierra Club's lawsuit involved only the timing of EPA's response and not the validity or terms of the operator's permit. The court also declined to grant permissive intervention because the parties had already reached a tentative settlement with which the operator's intervention could interfere.
Sierra Club v. McCarthy, No. 4:14-cv-02149 (D.D.C., proposed consent decree filed May 1, 2015)	Under the terms of a proposed consent, EPA would have to respond by July 31, 2015 to the Sierra Club petition submitted in July 2014 that asked the agency to object to an air pollution operating permit issued for a coal-fired power plant in Portsmouth, New Hampshire.

Sierra Club v. City of Oxnard

Name and Date	Description
Sierra Club v. City of Oxnard, No. 56-2011-004-00401161 (Cal. Super. Ct., filed Oct. 2012)	Three environmental groups commenced a lawsuit in California Superior Court challenging the City of Oxnard's approval of plans that would redevelop an area near the Ormond Beach wetlands area for residential, school, park, commercial, and light industrial uses. Petitioners alleged that the plans violated the California Environmental Quality Act and California planning and zoning law. Petitioners asserted a number of deficiencies in the environmental review, including a failure to consider impacts from seal level rise.
Sierra Club v. City of Oxnard, No. 56-2011-004-00401161 (Cal. Super. Ct. Oct. 2012)	The court set aside the City's certification of the final environmental impact report (EIR) and required the City to prepare a "focused" EIR that addressed a list of issues identified by the court, most of which concerned the impacts of future sea level rise and related wetlands migration. In particular, the court said that the EIR's description of the environmental setting had to be augmented "to analyze scientifically expected sea level rise during the life of the … project" and to consider the effects of the sea level rise on wetlands migration. The court also required revision of the EIR to consider impacts related to sea level rise and wetlands migration on wildlife and on the development plans. In addition, the analysis was required to estimate and quantify "additional risk potential" due to polar ice cap melt over the life of the project.

Kain v. Massachusetts Department of Environmental Protection

Name and Date	Description
Kain v. Massachusetts Department of Environmental Protection, No. SUCV2014-02551 (Mass. Super. Ct. Mar. 23, 2015)	A Massachusetts Superior Court ruled that the Massachusetts Department of Environmental Protection (MassDEP) had substantially satisfied the requirements of the Global Warming Solutions Act, a 2008 law that required MassDEP to "promulgate regulations establishing a desired level of declining annual aggregate emission limits for sources or categories of sources that emit greenhouse gas emissions." MassDEP argued that it had satisfied this mandate by developing three programs: limitations on sulfur hexafluoride leaks, participation in a regional cap-and-trade program for carbon dioxide emissions, and a Low Emission Vehicle program. The court found that each of these programs satisfied the statutory mandate, and said that the plaintiffs' "various quarrels" with the regulatory actions were "hypertechnical and overly exacting." One of the plaintiffs, Conservation Law Foundation, announced on March 25, 2015 that it would appeal the decision.
Kain v. Department of Environmental Protection, No. SJC-11961 (Mass. May 17, 2016)	The Massachusetts Supreme Judicial Court ordered the Massachusetts Department of Environmental Protection (MassDEP) to take additional measures to implement the Global Warming Solutions Act, a state law enacted in 2008. Specifically, the court held that the Act required MassDEP to impose volumetric limits on aggregate greenhouse gas emissions from certain types of sources and that these limits were required to decline on an annual basis. The court was not persuaded by MassDEP's argument that it had complied with the Act's requirements by implementing several regulatory initiatives, such as the Regional Greenhouse Gas Initiative cap-and-trade program and a low emission vehicle program. The court said that these other initiatives were "important to the Commonwealth's overall scheme of reducing greenhouse gas emissions over time," but that more must be done to attain the "actual, measurable, and permanent emissions reductions" required by the Act.

In re Azizi

Name and Date	Description
In re Azizi, No. 5:14-XR-90282 (N.D. Cal. Mar. 20, 2015)	A magistrate judge in the federal district court for the Northern District of California granted the U.S. government's request for a certificate of extraditability in the case of a man charged in Germany with 89 counts of tax evasion. The charges in Germany include allegations of fraud in connection with the trade of greenhouse gas emissions allowances.

Nucor Steel-Arkansas v. Big River Steel LLC

Name and Date	Description
Nucor Steel-Arkansas v. Big River Steel, LLC, No. 3:14-CV-00193 (E.D. Ark. Feb. 25, 2015)	The federal district court for the Eastern District of Arkansas dismissed a Clean Air Act citizen suit brought against a steel company by a rival steel company concerning a Prevention of Significant Deterioration permit issued by the Arkansas Department of Environmental Quality. The plaintiff's allegations included that the defendant had failed to satisfy Best Available Control Technology (BACT) requirements, including by conducting an improper greenhouse gas BACT analysis and by improperly eliminating carbon capture and sequestration as a control technology. The court dismissed the action as an impermissible collateral attack on a state-issued air permit.
Nucor Steel-Arkansas v. Big River Steel*, LLC*, No. 15-1615 (8th Cir. June 8, 2016)	The Eighth Circuit Court of Appeals affirmed dismissal on subject matter jurisdiction grounds of a Clean Air Act citizen suit brought by companies that operated steel mills in Arkansas to stop construction of a competitor's steel mill. The original complaint alleged that the defendant company had failed to satisfy Best Available Control Technology (BACT) requirements, including by conducting an improper greenhouse gas BACT analysis and by improperly eliminating carbon capture and sequestration as a control technology. The Eighth Circuit's opinion did not address the greenhouse gas-specific allegations of the lawsuit but noted that BACT requirements did not impose ongoing duties to apply BACT and that failure to comply with BACT requirements therefore could not constitute the ongoing or repeated violations required for a citizen suit.

Competitive Enterprise Institute v. United States Environmental Protection Agency

Name and Date	Description
Competitive Enterprise Institute v. United States Environmental Protection Agency, No. 1:15-cv-00466 (D.D.C., filed Apr. 1, 2015)	The Competitive Enterprise Institute (CEI) filed a lawsuit against EPA to compel production of correspondence between EPA and four federal legislators concerning inquiries that the legislators had made regarding funding for climate research. CEI submitted its Freedom of Information Act requests to EPA in late February and early March 2015. The legislators whose correspondence is the subject of the requests are three senators who had sent letters to fossil fuel companies and trade associations seeking information about their funding of climate research and advocacy and a congressman who asked universities to provide information about climate researchers they employed.

American Fuel & Petrochemical Manufacturers v. O'Keeffe

Name and Date	Description
American Fuel & Petrochemical Manufacturers v. O'Keeffe, No. 3:15-cv-00467 (D. Or., filed Mar. 23, 2015)	Three trade associations—American Fuel & Petrochemical Manufacturers, American Trucking Association, and Consumer Energy Alliance—filed a lawsuit in federal court in Oregon to enjoin the state's Clean Fuels Program. The plaintiffs claimed that the program, which requires reductions in the carbon intensity of fuels produced in or imported into the state, violates the U.S. Constitution's Commerce Clause because it discriminates against transportation fuels imported into Oregon and attempts to regulate economic activities such as extraction, production, and distribution of transportation fuels that occur outside Oregon's borders. The plaintiffs contended that the regulation of economic conduct outside the state also violates "principles of interstate federalism embodied in the federal structure of the United States Constitution." The three organizations also claimed that the Clean Fuels Program violates the Supremacy Clause because it is preempted by federal laws, including the Clean Air Act, the Energy Policy Act of 2005, the Energy Independence and Security Act of 2007, and the federal Renewable Fuels Standard.

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American Fuel & Petrochemical Manufacturers v. O'Keeffe

Name and Date	Description
American Fuel & Petrochemical Manufacturers v. O'Keeffe, No. 3:15-cv-00467 (D. Or. Sept. 23, 2015)	The federal district court for the District of Oregon dismissed a challenge to an Oregon law and its implementing regulations that establish a low carbon transportation fuel mandate. The law requires a 10% decrease over 10 years in lifecycle greenhouse gas emissions from transportation fuels produced in or imported to Oregon. The court noted that the plaintiffs' dormant Commerce Clause discrimination claims were "largely barred by on-point precedent"—the 2013 decision *Rocky Mountain Farmers Union v. Corey*, in which the Ninth Circuit rejected dormant Commerce Clause claims against California's low carbon fuel standard. The Oregon district court nonetheless addressed the discrimination claims and found that the plaintiffs had not stated claims that the Oregon low carbon fuel mandate would facially discriminate or that it would discriminate in purpose or effect against out-of-state fuels. The court also dismissed the claim that the Oregon law was extraterritorial regulation, rejecting plaintiffs' argument that their claim was different from the unsuccessful extraterritoriality claim in *Rocky Mountain Farmers Union* because it was independently based on principles of interstate federalism, not just on the dormant Commerce Clause. The court also said that neither the Clean Air Act nor EPA's Reformulated Gasoline Rule expressly preempted the Oregon law. The court dismissed a conflict preemption claim as well, finding both that plaintiffs did not have prudential standing since they did not intend to produce or sell the type of fuel they alleged the Oregon law would bar and also that the allegations of conflicts with federal programs were implausible.

Western States Petroleum Association v. Oregon Commission on Environmental Quality

Name and Date	Description
Western States Petroleum Association v. Oregon Commission on Environmental Quality, No. A158944 (Or. Ct. App., filed Mar. 6, 2015)	The Western States Petroleum Association (WSPA) filed a petition for judicial review in the Oregon Court of Appeals to challenge regulations adopted in January 2015 to implement Oregon's Clean Fuels Program. WSPA indicated in a press release that sufficient alternative fuels would not be available to meet the regulations' requirements.

Communities for a Better Environment v. Contra Costa County

Name and Date	Description
Communities for a Better Environment v. Contra Costa County, No. N15-0301 (Cal. Super. Ct., filed Mar. 4, 2015)	Communities for a Better Environment (CBE) filed a lawsuit in California Superior Court alleging that Contra Costa County failed to comply with the California Environmental Quality Act when it approved a project to allow Phillips 66 to modify and augment an existing facility to recover additional butane and propane. CBE contended that the environmental impact report (EIR) prepared for the project obscured the increase in refining of lower-quality oil feedstocks that would occur as a result of the project. CBE alleged that the EIR therefore did not adequately disclose impacts that would occur as a result of the transportation and refining of the lower-quality feedstocks, including, among other impacts, increased emissions of greenhouse gases.

Puget Soundkeeper Alliance v. Port of Seattle

Name and Date	Description
Puget Soundkeeper Alliance v. Port of Seattle, No. 15-2-05143-1 SEA (Wash. Super. Ct., filed Mar. 2, 2015)	Four environmental organizations filed a lawsuit against the Port of Seattle alleging that it had improperly entered into a lease pursuant to which it would serve as a homeport for Royal Dutch Shell's Arctic drilling fleet. The organizations claimed that the Port had illegally circumvented the State Environmental Policy Act and had therefore avoided a full assessment of the project's environmental impacts. The organizations also contended that the Port was required to obtain a revision of its substantial shoreline development permit prior to entering into the lease.
Puget Soundkeeper Alliance v. Port of Seattle (Wash. Super. Ct. plaintiffs' motion for summary judgment July 2, 2015)	The four environmental groups filed a motion for summary judgment. In their motion, the groups asked the Washington Superior Court for a declaration that the Port violated the State Environmental Policy Act by improperly describing the project and invoking a categorical exemption for leases pursuant to which the property's use will remain "essentially the same." The groups also asked the court to nullify the lease.
Puget Soundkeeper Alliance v. Port of Seattle, No. 15-2-05143-1 (Wash. Super. Ct. July 31, 2015)	A Washington State Superior Court rejected a challenge to the use of a Port of Seattle terminal as a homeport for the Royal Dutch Shell Arctic drilling fleet. Four environmental groups had charged that the Port of Seattle illegally circumvented the environmental review requirements of the State Environmental Policy Act when it entered into a lease with the operator for the homeport. The court said that the Port acted within its jurisdiction and that its actions were not arbitrary and capricious.
Puget Soundkeeper Alliance v. Port of Seattle, No. 15-2-05143-1 (Wash. Super. Ct. Aug. 27, 2015)	The environmental groups appealed the court's order.

Friends of the Santa Clara River v. County of Los Angeles

Name and Date	Description
Friends of the Santa Clara River v. County of Los Angeles, No. B256125 (Cal. Ct. App. Apr. 21, 2015)	A California Court of Appeal upheld the environmental review and land use approvals for a portion of Newhall Ranch, a major commercial and residential development in Los Angeles County. In an unpublished opinion, the court approved the selection of a greenhouse gas emissions significance criterion that was based on the emissions reductions goal in the California Global Warming Solutions Act of 2006, which required adoption of a statewide plan to reduce greenhouse gas emissions to 1990 emissions levels by 2020. The appellate court noted that three other appellate court cases had approved use of significance criteria based on this mandate. The court rejected the argument that this criterion was "illusory" and that the use of a "business-as-usual" emissions baseline was legally impermissible—but noted that the California Supreme Court is currently considering the baseline issue in Center for Biological Diversity v. Department of Fish and Wildlife, another case concerning the CEQA review for Newhall Ranch.
Friends of the Santa Clara River v. County of Los Angeles, No. S226749 (Cal. Aug. 19, 2015)	The California Supreme Court agreed to hear a challenge to the environmental review and land use approvals for a portion of Newhall Ranch, a major commercial and residential development in Los Angeles County. The court deferred briefing until after it renders a decision in *Center for Biological Diversity v. Department of Fish & Wildlife*, another case concerning Newhall Ranch in which the court is taking up the question of whether an agency conducting a California Environmental Quality Act (CEQA) review may deviate from the existing conditions baseline and instead determine the significance of a project's greenhouse gas emissions by reference to a hypothetical higher "business-as-usual" baseline. In the instant case, the California Court of Appeal upheld Los Angeles County's use of the business-as-usual baseline as well as other aspects of the environmental impact report and approvals in April 2015.

Shell Offshore Inc. v. Greenpeace Inc.

Name and Date	Description
Shell Offshore Inc. v. Greenpeace, Inc., No. 3:15-cv-00054-SLG (D. Alaska, filed Apr. 7, 2015; order granting TRO Apr. 11, 2015)	The federal district court for the District of Alaska granted a temporary restraining order (TRO) that barred Greenpeace, Inc. (Greenpeace USA) and individuals associated with Greenpeace USA from trespassing and interfering with operations on three vessels that Shell Offshore Inc. and Shell Gulf of Mexico Inc. (together, Shell) plan to use for 2015 oil exploration off the coast of Alaska in the Arctic Ocean. Six individuals had boarded a Shell heavy transport vessel in the Pacific Ocean and scaled the drilling vessel the transport vessel was carrying. The individuals, one of whom was an American employee of Greenpeace, were part of an operation called "The Crossing" that Greenpeace promoted on its website as part of its Save the Arctic campaign. The court concluded that Shell was likely to succeed on the merits of at least one of its claims against Greenpeace USA. The claims included intentional tortious interference with maritime navigation, trespass and trespass to chattels, private nuisance, and civil conspiracy. The court also found that Greenpeace USA's role "in perpetuating the presence of activists" aboard the drilling vessel created a likelihood of immediate irreparable harm with respect to the three vessels. In addition, the court found that the balance of equities and public interest favored granting the TRO, noting that Shell had a "significant and legally valid interest in conducting authorized exploration on its arctic leases without dangerous or tortious interference." The court indicated, however, that it would narrowly tailor the injunctive relief to minimize the impact on Greenpeace USA's legitimate interests in conducting protests and monitoring drilling activities. In addition to barring trespass on the three vessels, the court barred entry into 1,000-meter "safety zones" around the three vessels and set a schedule for determining whether Shell was entitled to preliminary injunctive relief related to other vessels in its fleet.

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Shell Offshore Inc. v. Greenpeace Inc.

Name and Date	Description
Shell Offshore, Inc. v. Greenpeace, Inc., No. 3:15-cv-00054 (D. Alaska June 12, 2015)	In June 2015, the federal district court for the District of Alaska denied Greenpeace, Inc.'s motion to dismiss the lawsuit that Shell Offshore, Inc. and Shell Gulf of Mexico Inc. (together, Shell) brought to prevent Greenpeace activists from interfering with its Arctic drilling season. In May, the court had granted Shell a preliminary injunction. In its June decision, the court explained that it had diversity and federal question jurisdiction, as well as admiralty jurisdiction, over the proceeding, and that its jurisdiction extended to claims arising from activities on the high seas. The court also concluded that Shell's claims were ripe, were not displaced or preempted by federal law, and were not barred by the doctrines of primary jurisdiction, *forum non conveniens*, or comity. The court also found that Shell had adequately pled trespass to chattels, interference with navigation, private nuisance, and civil conspiracy claims.
Shell Offshore, Inc. v. Greenpeace, Inc., No. 3:15-cv-00054 (D. Alaska July 30, 2015)	On July 30, 2015, the federal district court for the District of Alaska found Greenpeace, Inc. (Greenpeace) to be in contempt of its May 2015 order granting a preliminary injunction to Shell Offshore, Inc. The preliminary injunction barred Greenpeace from tortiously or illegally interfering with the movement of certain vessels that Shell is using for its Arctic drilling and exploration efforts this summer. Beginning the morning of July 29, 13 Greenpeace activists dangled from the St. John's Bridge in Portland, Oregon, preventing the vessel *Fennica*, an icebreaker, from traveling from the dry dock location where it was being repaired down the Willamette River. In its July 30 order, the court imposed penalties of $2,500 for each hour that the activists remained suspended. The hourly penalties would have increased to $5,000 and then $10,000 per hour had the protest continued until July 31 and August 1, but by the afternoon of July 30, four of the suspended protesters had been removed, and the *Fennica* traveled under the bridge. The remainder of the protesters came down later that evening.

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Shell Offshore Inc. v. Greenpeace Inc.

Name and Date	Description
Shell Offshore Inc. v. Greenpeace, Inc., No. 15-35392 (9th Cir. Mar. 4, 2016)	The Ninth Circuit Court of Appeals held that Greenpeace, Inc.'s (Greenpeace's) appeal of a preliminary injunction obtained by Shell Offshore Inc. and Shell Gulf of Mexico Inc. (together, Shell) to stop Greenpeace protesters from impeding Shell's oil exploration activities off the Alaskan coast was moot. The Ninth Circuit noted that the preliminary injunction granted by the federal district court for the District of Alaska had expired in November 2015 and that Shell had not sought to renew it. The court was not persuaded by Greenpeace's argument that preliminary civil contempt sanctions against Greenpeace rescued the appeal from mootness. The Ninth Circuit said that the sanctions imposed by the district court—which imposed escalating fines on Greenpeace while its protesters blocked a Shell vessel from leaving port—were coercive, not compensatory, and therefore did not survive the termination of the underlying injunction. The Ninth Circuit vacated the pending contempt proceedings in the district court and remanded the action to the district court for consideration of whether Shell had established that it suffered compensable injuries due to Greenpeace's protest campaign.

Oceana, Inc. v. Pritzker

Name and Date	Description
Oceana, Inc. v. Pritzker, No. 1:15-cv-00555 (D.D.C., filed Apr. 14, 2015)	The nonprofit organization Oceana, Inc. (Oceana) filed an Endangered Species Act (ESA) action in the federal district court for the District of Columbia against the Secretary of Commerce, the National Oceanic and Atmospheric Administration, and the National Marine Fisheries Service (NMFS). Oceana challenged a biological opinion issued by NMFS that considered whether the continued operation of Southeast U.S. shrimp trawl fisheries jeopardizes sea turtles protected by the ESA. The complaint included allegations that NMFS disregarded climate change threats to sea turtle habitat and prey.

St. Bernard Parish Government v. United States

Name and Date	Description
St. Bernard Parish Government v. United States, No. 1:05-cv-01119 (Fed. Cl. May 1, 2015)	A United States Court of Federal Claims held that the federal government was liable for a temporary taking caused by certain flooding during Hurricane Katrina and subsequent storms. The court found that the plaintiffs, who were property owners in St. Bernard Parish or the Lower Ninth Ward of the City of New Orleans, had established that the flooding of their properties was caused by the U.S. Army Corps of Engineers' construction, expansions, operation, and failure to maintain the Mississippi River-Gulf Outlet (MR-GO), a 76-mile-long navigational channel. One federal government argument rejected by the court was that the flooding was caused, not by MR-GO, but by subsidence, sea level rise, and land loss. With respect to this issue, the court said: "Although subsidence, sea level rise, and land loss took their toll on the region, the evidence in this case demonstrates that the MR-GO had the principal causal role in creating the environmental damage …." Sabin Center Fellow Jennifer Klein wrote about this case in May.
St. Bernard Parish Government v. United States, No. 1:05-cv-01119 (Fed. Cl., U.S. motion for certification of interlocutory appeal Oct. 30, 2015; plaintiff's opposition Nov. 16, 2015; U.S. reply brief Nov. 30, 2015)	The United States asked the Court of Federal Claims to certify for interlocutory appeal the court's May 2015 opinion holding the U.S. liable for a temporary taking caused by flooding during Hurricane Katrina and subsequent storms. The United States said that an immediate appeal was appropriate because the opinion presented "controlling" questions of law about which there were substantial grounds for a difference in opinion. The U.S. also said that certification would advance the ultimate termination of the appeal because it could "obviate the need for further proceedings" if the U.S. prevailed or, if the liability opinion were affirmed, might "resolve or clarify disputes … concerning just compensation." The plaintiffs opposed certification.
St. Bernard Parish Government v. United States, No. 1:05-cv-01119 (Fed. Cl. Dec. 3, 2015)	The court stayed briefing on the plaintiffs' 2010 motion for class certification pending disposition of an appeal of a final judgment in the case.

Wegman v. Mashey

Name and Date	Description
Wegman v. Mashey, No. 2014 03296 (Va. Cir. Ct., filed Mar. 2014)	In March 2014, Edward Wegman, the lead author of a 2006 report to Congress that purported to undermine the scientific basis for climate change, filed a lawsuit against John Mashey, a computer scientist who studies "climate science & anti-science and energy issues" and who has written about these issues in various venues, including DeSmogBlog, Skeptical Inquirer, and Deep Climate. Wegman alleged that Mashey's writings about the 2006 report—in which Mashey asserted numerous problems with the report, including a significant amount of plagiarized text—caused Wegman to be investigated by his university and to lose his position as an editor of a journal. Wegman asserted claims of tortious interference with contract, common law conspiracy, and statutory conspiracy.
Wegman v. Mashey, No. 1:15-cv-00486 (E.D. Va. notice of removal Apr. 13, 2015; notice of voluntary dismissal Apr. 30, 2015)	The action was originally filed in Virginia state court but was removed to the federal district court for the Eastern District of Virginia. On April 30, 2015, Wegman filed a notice of voluntary dismissal. A parallel action asserting the same claims was filed by another author of the 2006 report, Yasmin Said, and was also withdrawn.

Sierra Club v. Federal Energy Regulatory Commission

Name and Date	Description
In re Corpus Christi Liquefaction, LLC, Nos. CP12-507-001, CP12-508-001 (FERC, order denying reh'g May 6, 2015)	On May 6, 2015, the Federal Energy Regulatory Commission (FERC) denied Sierra Club's request for a rehearing of its order authorizing a liquefied natural gas (LNG) export and import facilities on Corpus Christi Bay in Texas, as well as a 23-mile-long pipeline and two compressor stations. Sierra Club asserted various omissions in FERC's environmental review of the project, including failure to consider both the impacts of induced natural gas production and the potential impacts on U.S. electric sector air emissions due to power generators shifting from gas to coal as result of export-driven rises in natural gas prices. Sierra Club also argued that FERC failed to take a hard look at the impacts of the project's emissions of greenhouse gases. In its order denying a rehearing, FERC said that the National Environmental Policy Act did not require it to analyze the impacts of additional natural gas production as an indirect effect of the projects or in its analysis of the projects' cumulative effects. FERC also said that Sierra Club had not produced any evidence to support the theory that the project would result in a shift to domestic coal use for electricity production and indicated that reliance on such a theory would require FERC "to engage in speculation upon speculation." FERC also found that its analysis of impacts on greenhouse gas emissions and climate change was consistent with the Council on Environmental Quality's revised draft guidance and was otherwise adequate.
Sierra Club v. Federal Energy Regulatory Commission, No. 15-1133 (D.C. Cir., filed May 11, 2015)	On May 11, 2015, Sierra Club filed a petition for review in the D.C. Circuit Court of Appeals.

Foster v. Washington Department of Ecology

Name and Date	Description
Foster v. Washington Department of Ecology, No. 14-2-25295-1 (Wash. Super. Ct. filed Sept. 15, 2014)	Eight children filed a petition in Washington Superior Court seeking review of the denial in August 2014 of a rulemaking petition that asked the Washington Department of Ecology to recommend to the state legislature that greenhouse gas emissions be limited "consistent with current scientific assessment of requirements to stem the tide of global warming."
Foster v. Washington Department of Ecology, No. 14-2-25295-1 (Wash. Super. Ct. June 23, 2015)	The Washington Superior Court ordered the Washington Department of Ecology (Ecology) to reconsider its denial of the rulemaking petition. The court remanded to Ecology for consideration of a December 2014 report prepared by Ecology at the direction of the governor and an affidavit submitted by the petitioners that reviewed the report. The court noted that the December 2014 report concluded that effects of climate change would be costly unless additional actions were taken to reduce greenhouse gas emissions but recommended no change to the state's greenhouse gas emissions limits.
Foster v. Washington Department of Ecology, No. 14-2-25295-1 (Wash. Super. Ct. Nov. 19, 2015)	The Washington Superior Court issued a decision in which it affirmed that climate change affects public trust resources in the state, but ultimately held that the state was fulfilling its public trust obligations because it was engaged in rulemaking to establish more comprehensive greenhouse gas standards. The court said that Washington's current regulatory regime, which requires technological controls for a small number of sources but does not address greenhouse gas emissions from transportation, would not fulfill its statutory mandate under state air laws, a mandate that the court said must be understood in the context of the Washington State Constitution and the public trust doctrine. The court did not expand the definition of "public trust resources" protected under the Washington State Constitution to encompass the atmosphere. Instead, the court explained that climate change poses a threat to the state's navigable waters, a traditional public trust resource that the state has an obligation to protect from harm. The court concluded that the State was not acting arbitrarily and capriciously because it had commenced a rulemaking process, at the direction of the governor, to set a regulatory cap on greenhouse gas emissions.

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Foster v. Washington Department of Ecology

Name and Date	Description
Foster v. Washington Department of Ecology, No. No. 14-2-25295-1 (Wash. Super. Ct. Apr. 29, 2016)	In a ruling from the bench, a Washington Superior Court said it would require the Washington Department of Ecology (Ecology) to issue a final rule by the end of 2016 setting limits on greenhouse gas emissions. The court indicated that it would also require Ecology to make recommendations to the state legislature during the 2017 session on what changes should be made to statutory emission standards to make them consistent with current climate science. The court vacated portions of a November 2015 order that had denied relief to petitioners (who were minor children) on the grounds that Ecology was not acting arbitrarily and capriciously because it was undertaking a rulemaking. The petitioners asked the court to vacate the earlier order after Ecology withdrew its proposed rule in February 2016. The court said there were "extraordinary circumstances" that justified vacating the earlier order and imposing a court-ordered schedule "because this is an urgent situation. This is not a situation that these children can wait on. Polar bears can't wait, the people of Bangladesh can't wait."
Foster v. Washington Department of Ecology, No. 14-2-25295-1 (Wash. Super. Ct. order May 16, 2016; notice of appeal June 15, 2016)	On June 15, 2016, the Washington Department of Ecology (Ecology) filed a notice of appeal in Washington Superior Court in a lawsuit brought by children to compel the State to take action to reduce greenhouse gas emissions. The filing came a month after the court issued an order requiring Ecology to issue a final rule setting limits on greenhouse gas emissions by the end of 2016. Ecology released a draft of the rule on June 1, but Our Children's Trust, an organization that represents the children in the lawsuit, said that the proposed rule "defie[d]" the court's order because it was based on outdated emissions data and would not require emission reductions sufficient to place the state "on a path toward climate stability."

United States v. Arizona Public Service Co.
Diné Citizens Against Ruining Our Environment v. Arizona Public Service Co.

Name and Date	Description
United States v. Arizona Public Service Co., No. 15-cv-537 (D.N.M., consent decree and complaint filed June 24, 2015); ***Diné Citizens Against Ruining Our Environment v. Arizona Public Service Co.***, No. 1:11-cv-00889 (D.N.M. consent decree filed June 24, 2015)	The United States, three environmental groups, and the operator and owners of the Four Corners Power Plant filed a consent decree with the federal district court for the District of New Mexico. The proposed settlement would resolve allegations by the U.S. and the groups that the operator and owners of the coal-fired power plant, which is located in New Mexico on the Navajo Nation, violated the Clean Air Act by making major modifications to major emitting facilities without obtaining the necessary permits. The settlement would require $160 million in upgrades to pollution controls and would also require payment of a $1.5-million civil penalty and the expenditure of $6.7 million on three health and environmental mitigation projects for members of the Navajo Nation. The projects are a project to replace or retrofit wood- and coal-burning appliances, a home weatherization project, and a health care project to provide funds for medical screenings for Navajo people living in the vicinity of the power plant. The environmental groups filed their lawsuit in 2011. The U.S. filed its complaint concurrently with the consent decree.

Colorado River Indian Tribes v. Department of Interior

Name and Date	Description
Colorado River Indian Tribes v. Department of Interior, No. 5:14-cv-02504 (C.D. Cal. June 11, 2015)	The federal district court for the Central District of California refused to issue a preliminary injunction to stop development of a utility-scale solar power project within the ancestral lands of the Colorado River Indian Tribes. One National Environmental Policy Act argument made by the plaintiffs was that the statement of purpose and need for the project was too narrow because the Bureau of Land Management (BLM) defined the purpose and need as responding to a request for a variance. The court concluded that BLM had sufficiently included its broader goals, including by citing President Obama's Climate Action Plan, which set a goal of approving 20,000 MW of renewable energy projects on public lands by 2020.
Colorado River Indian Tribes v. Department of Interior, No. 14-cv-2504 (C.D. Cal. July 16, 2015)	The federal district court for the Central District of California granted summary judgment to the United States Department of the Interior, the United States Bureau of Land Management (BLM), and other federal defendants in a lawsuit challenging approval of a solar energy facility on approximately 4,000 acres in the Mojave Desert. The court incorporated excerpts from its June 2015 decision denying a request for a preliminary injunction, including its conclusion that BLM had satisfied the NEPA requirement that it provide a statement of purpose and need. The court noted that one means by which BLM had fulfilled this obligation was by citing and incorporating by reference directives and policies, including President Obama's Climate Action Plan, which set a goal of approving 20,000 megawatt of renewable energy projects on public lands by 2020.

California Clean Energy Committee v. City of Pasadena

Name and Date	Description
California Clean Energy Committee v. City of Pasadena, Nos. B254889, B255994 (Cal. Ct. App. June 1, 2015)	The California Court of Appeal reversed a trial court's denial of a challenge to the City of Pasadena's approval of the Glenarm Power Plant Repowering Project. In an unpublished decision, the court agreed with the petitioner that the City had failed to conduct an adequate analysis of the impacts of supplying water to the project. The court rejected claims, however, that the analysis of climate and energy impacts was inadequate.

In re Katrina Canal Breaches Litigation

Name and Date	Description
In re Katrina Canal Breaches Litigation, Nos. 14-30060, 14-30136 (5th Cir. May 28, 2015)	The Fifth Circuit Court of Appeals affirmed the dismissal of claims against the United States Army Corps of Engineers and the United States in which homeowners sought damages under three admiralty statutes for the exacerbation of Hurricane Katrina's effects in the New Orleans area. The court held in an unpublished opinion that the Corps' decision on its method of dredging the Mississippi River Gulf Outlet channel was shielded from liability by the discretionary function exemption. The court rejected the homeowners' contention that the dredging method used by the Corps for decades caused wetland erosion in violation of federal and state statutes and regulations that specifically prescribed that the Corps use methods that would protect wetlands.

Emerick v. Town of Glastonbury

Name and Date	Description
Emerick v. Town of Glastonbury, No. HHDCV115035304S (Conn. Super. Ct. May 14, 2015)	A property owner in South Glastonbury, Connecticut, brought an action against the Town of Glastonbury seeking damages and injunctive relief for damages caused to his property over the course of several decades by upstream development approved by the Town, stormwater increase, and water quality degradation. The owner filed a seven-count complaint, that included claims of trespass, nuisance, and intentional infliction of emotional distress against the Town. The Connecticut Superior Court denied the owner summary judgment on these claims, finding that the Town had raised genuine issues of material fact as to what cause the damage to the plaintiff's property. The court noted, for instance, that climate change, "especially an increase in intense precipitation" could be responsible for the erosion and increase stormwater flow on the property.

Tzakis v. Berger Excavating Contractors Inc.

Name and Date	Description
Tzakis v. Berger Excavating Contractors, Inc., Nos. 09 CH 6159, 10 CH 38809, 11 CH 29586, 13 CH 10423 (Ill. Cir. Ct. Apr. 3, 2015)	An Illinois Circuit Court dismissed claims against the Metropolitan Water Reclamation District, Maine Township, and Park Ridge in a lawsuit brought by people whose property sustained damage in floods in 2008. The plaintiffs' charges included that these municipal defendants, which had jurisdiction over a stormwater system, caused the flooding, due in part to their failure to prepare for climate change impacts. The court held that the public duty rule exempted the municipal defendants from liability.

Oklahoma v. McCarthy

Name and Date	Description
Oklahoma v. McCarthy, No. 4:15-cv-00369 (N.D. Okla., filed July 1, 2015)	Oklahoma filed a lawsuit against EPA in the federal district court for the Northern District of Oklahoma seeking declaratory and injunctive relief to prevent EPA from proceeding with its proposal to regulate carbon dioxide emissions from existing power plants under Section 111(d) of the Clean Air Act. The complaint alleged that EPA's proposal was "plainly *ultra vires*" and was already forcing Oklahoma to restructure its energy sector and to make substantial expenditures to maintain electric service in the state.
Oklahoma ex rel. Pruitt v. EPA, No. 15-CV-0369 (N.D. Okla. July 2, 2015)	One day later the court issued an order asking the parties to provide briefing on the issue of whether the court had jurisdiction to hear a challenge to a proposed rule and whether the judicial review provision of the Clean Air Act precluded the court from exercising jurisdiction. The court noted in the order that the D.C. Circuit Court of Appeals had recently dismissed a challenge to the Clean Power Plan "based on the clearly-established jurisdictional principle that a proposed rule by a governmental agency is not a final agency action subject to judicial review."
Oklahoma ex rel. Pruitt v. EPA, No. 15-CV-0369 (N.D. Okla. July 2, 2015)	The federal district court for the District of Oklahoma dismissed the State of Oklahoma's challenge to EPA's proposed regulations. On July 17, 2015, after Oklahoma submitted its initial brief, the court dismissed the action, finding that further briefing was unnecessary. The court said that Oklahoma had not established that the exception to the finality requirement applied, or that the court would be the proper jurisdiction even if judicial review were not premature, given that the Clean Air Act vests exclusive jurisdiction in the D.C. Circuit for such challenges.
Oklahoma ex rel. Pruitt v. EPA, No. 15-CV-0369 (N.D. Okla. July 2, 2015)	Oklahoma appealed the dismissal in the Tenth Circuit Court of Appeals.

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Oklahoma v. McCarthy

Name and Date	Description
Oklahoma v. McCarthy, No. 15-5066 (10th Cir. Aug. 24, 2015)	The Tenth Circuit Court of Appeals denied Oklahoma's request for an injunction pending the state's appeal of a district court's dismissal of its challenge to the United States Environmental Protection Agency's (EPA's) Clean Power Plan. Oklahoma filed its lawsuit in the Northern District of Oklahoma before EPA finalized its rule regulating carbon dioxide emissions from existing power plants but after the D.C. Circuit Court of Appeals dismissed other lawsuits that challenged the proposed plan. The district court dismissed Oklahoma's lawsuit less than three weeks after it was filed, noting that there was no exception to the requirement for final agency action and that exclusive jurisdiction for review would lie with the D.C. Circuit.
Oklahoma v. McCarthy, No. 15-5066 (10th Cir. Sept. 18, 2015)	Oklahoma filed a consent motion in the Tenth Circuit Court of Appeals for voluntary dismissal of its appeal of a federal district court's dismissal of its challenge to the proposed Clean Power Plan. Oklahoma indicated that because the Tenth Circuit had denied its request for a stay pending appeal, EPA would formally promulgate the final Clean Power Plan in the next several months. Oklahoma said that final promulgation of the rule would deprive the Tenth Circuit of continuing jurisdiction since the Clean Air Act vests exclusive jurisdiction over challenges to final rules in the D.C. Circuit Court of Appeals.

Petition for Rulemaking Pursuant to the Toxic Substances Control Act Concerning the Regulation of Carbon Dioxide

Name and Date	Description
Petition for Rulemaking Pursuant to Section 21 of the Toxic Substances Control Act, 15 U.S.C. § 2620, Concerning the Regulation of Carbon Dioxide (June 30, 2015)	The Center for Biological Diversity and a retired EPA scientist submitted a petition to EPA requesting that the agency adopt regulations under Section 6 of the Toxic Substances Control Act (TSCA) to protect public health and the environment from harms associated with anthropogenic emissions of carbon dioxide. The petitioners argue that such emissions meet the standard for regulating under Section 6 because they have the potential to change ocean chemistry, putting marine ecosystems at risk. As an alternative to regulation under Section 6, the petitioners asked that EPA adopt a rule under Section 4 of TSCA requiring manufacturers and processors responsible for the generation of carbon dioxide to conduct testing if the agency determines that insufficient information is available to determine the effects of carbon dioxide emissions.
Letter from EPA to Center for Biological Diversity and Donn J. Viviani (Sept. 25, 2015); **Carbon Dioxide Emissions and Ocean Acidification; TSCA Section 21 Petition; Reasons for Agency Response** (signed Sept. 25, 2015, published Oct. 7, 2015)	EPA denied a rulemaking petition seeking regulation of carbon dioxide emissions under the Toxic Substances Control Act (TSCA). The Center for Biological Diversity and a retired EPA scientist had sought action by EPA, citing harms posed by carbon dioxide emissions, including ocean acidification. EPA acknowledged the impacts of carbon emissions on ocean acidification and marine ecosystems, but found that the petitioners had not supplied sufficient or specific enough information to make the "unreasonable risk" risk finding necessary to regulate under Section 6 of TSCA. In addition, EPA found that addressing carbon dioxide emissions under authorities other than TSCA would be more efficient and effective. EPA also found that there was insufficient information to require testing under TSCA Section 4 to determine whether anthropogenic carbon dioxide emissions present an unreasonable risk.

Appeal of FEMA's Preliminary Flood Insurance Rate Maps for New York City

Name and Date	Description
Appeal of FEMA's Preliminary Flood Insurance Rate Maps for New York City (June 26, 2015)	New York City submitted an appeal of Preliminary Flood Insurance Rate Maps (FIRMs) that the Federal Emergency Management Agency (FEMA) published in January 2015. The City indicated that it had identified significant technical and scientific errors, including overstatement by more than two feet of base flood elevations and misrepresentation of the special flood hazard area (SFHA) by 35%. The City said the Preliminary FIRMs unnecessarily put 26,000 buildings and 170,000 residents in the SFHA. The City distinguished between "*current* flood risk," for which it said it relied on FIRMs to provide a technically accurate picture, and "*future* flood risk," for which the City said it used the FIRMs in consultation with sea level rise projections. The City stated that "[c]limate change continues to be the challenge of our generation and conveying this risk accurately is paramount. Inaccurate FIRMS would undermine the credibility upon which many other efforts are built and would require unnecessary spending."

Center for Biological Diversity v. United States Bureau of Land Management

Name and Date	Description
Center for Biological Diversity v. United States Bureau of Land Management, No. 2:15-cv-4378 (C.D. Cal., filed June 10, 2015)	Two environmental groups filed a lawsuit in federal court in California challenging the environmental review conducted by the United States Bureau of Land Management (BLM) for the resource management plan for 400,000 acres of public land and 1.2 million acres of subsurface mineral estate "at the epicenter of oil and gas drilling in California" in the area of Bakersfield. The plaintiffs contended that the environmental impact statement (EIS) prepared for the plan did not include an adequate discussion of alternatives, and that the EIS failed to disclose significant environmental impacts, including the climate-related impacts of hydraulic fracturing. The plaintiffs also claimed that BLM should have prepared a supplemental EIS to take into account new information on the impacts of unconventional oil and gas extraction techniques.

Alaska Wilderness League v. Jewell

Name and Date	Description
Alaska Wilderness League v. Jewell, No. 15-71656 (9th Cir., filed June 2, 2015)	Ten environmental and Alaska Native groups filed a petition in the Ninth Circuit Court of Appeals challenging the Bureau of Ocean Energy Management's approval of an offshore oil exploration plan for the Chukchi Sea in the Arctic Sea off the coast of Alaska. The petitioners claimed that the approval of the plan, which was submitted by Shell Gulf of Mexico Inc., violated the Outer Continental Shelf Lands Act and the National Environmental Policy Act.

United States v. Metropolitan Water Reclamation District of Greater Chicago

Name and Date	Description
United States v. Metropolitan Water Reclamation District of Greater Chicago, Nos. 14-1776, 14-1777 (7th Cir. July 9, 2015)	The Seventh Circuit Court of Appeals affirmed a district court's approval of a consent decree between the United States and Illinois and the Metropolitan Water Reclamation District of Greater Chicago (District) pursuant to which the District agreed to complete a project known as the "Deep Tunnel," among other obligations. The Deep Tunnel is a project begun by the District in the 1970s to impound water from the Chicago area's combined stormwater and sewer system so that the water can be cleaned up and then released. Environmental groups intervened and argued unsuccessfully before both the district court and the Seventh Circuit that the consent decree was inadequate. One argument made by the intervenors before the district court was that reliance on a 2006 precipitation study to determine that the Deep Tunnel's capacity would be adequate was inconsistent with EPA's *National Water Program 2012 Strategy: Response to Climate Change*. The groups argued that EPA should have studied several years of data, more intense storms, and rapidly recurring storms. The district court rejected this and other arguments in its January 2014 decision. The Seventh Circuit agreed with the district court that consent decree was reasonable "in light of the current infrastructure, the costs of doing things differently …, and the limits of knowledge about what will happen when the system is complete."

Southern Utah Wilderness Alliance v. United States Department of the Interior

Name and Date	Description
Southern Utah Wilderness Alliance v. United States Department of the Interior, No. 13-cv-01060 (D. Utah July 17, 2015)	The federal district court for the District of Utah ruled that three environmental groups had standing to challenge a Decision Record and Finding of No Significant Impact (DR/FONSI) for a plan by Gasco Energy, Inc. (Gasco) to drill 16 gas wells in the Uinta Basin. The court also concluded, however, that the groups could not challenge the environmental assessment (EA) for the 16-well project or an environmental impact statement (EIS) and record of decision (ROD) for Gasco's overarching development proposal for more than 200,000 acres in the Uinta Basin, which would allow Gasco to drill up to 1,298 new gas wells. The court said the EA and EIS were not final agency actions, and that the ROD did not inflict an injury-in-fact since additional analysis under the National Environmental Policy Act (NEPA) was required before Gasco could drill wells. The court dismissed the groups' claims under the Federal Land Policy and Management Act relating to the 16-well project without prejudice. The court rejected Gasco's contention that the groups had not alleged injury-in-fact and causation with respect to their NEPA claims relating to the DR/FONSI for the 16-well project. The court said the groups had alleged causation with assertions that the EA inadequately analyzed environmental impacts and ignored the social cost of greenhouse gas emissions.

United States v. Interstate Power and Light Co.

Name and Date	Description
United States v. Interstate Power and Light Co., No. 15-cv-0061 (N.D. Iowa complaint and proposed consent decree filed July 15, 2015)	The federal government lodged a proposed consent decree in the federal district court for the Northern District of Iowa that would resolve allegations that Interstate Power and Light Company (Interstate), which owns and operates seven active coal-fired power plants in Iowa, violated Prevention of Significant Deterioration and Title V permitting requirements as well as Iowa's state implementation plan. The State of Iowa, Linn County, and Sierra Club are also parties to the consent decree. Under the agreement, Interstate would permanently retire coal-fired units at five power plants or convert them to natural gas and would also install pollution controls at two plants. In addition, Interstate would pay a $1.1 million civil penalty to be split among the United States, Iowa, and Linn County, and spend $6 million on environmental mitigation projects. Interstate may choose from five potential mitigation projects. The consent decree would not resolve future claims by the United States or Sierra Club based on modifications that increase greenhouse gas emissions.

Natural Resources Defense Council v. Pollution Control Board

Name and Date	Description
Natural Resources Defense Council v. Pollution Control Board, No. 4-14-0644 (Ill. App. Ct. July 22, 2015)	The Illinois Appellate Court affirmed the issuance of a national pollution discharge elimination system (NPDES) permit to Dynegy Midwest Generation, Inc. (Dynegy) for its Havana Power Station in Mason County, Illinois. The Havana Power Station is an oil- and coal-fired, six-unit steam-electric generating facility. The court found that the Pollution Control Board (Board) had not erred in finding that the Illinois Environmental Protection Agency (IEPA) was not required to adopt technology-based effluent limits (TBELs) on a case-by-case basis, and also found that the Board had properly deferred to IEPA's determination of whether petitioners' TBEL comments were significant and warranted a response.

In re Sabine Pass Liquefaction Expansion LLC

Name and Date	Description
In re Sabine Pass Liquefaction Expansion, LLC, Nos. CP13-552, 13-553 (FERC June 23, 2015)	The Federal Energy Regulatory Commission (FERC) denied rehearing of its authorization of facilities in Cameron Parish, Louisiana, for the liquefaction and export of domestically-produced natural gas. FERC rejected contentions by Sierra Club that its approvals violated NEPA by failing to consider impacts—including increased greenhouse gas emissions—from induced upstream gas production and from downstream end-use, and also from increased coal use due to natural gas price increases. FERC said that induced production was not an indirect effect of the project that it was required to consider and that there was not a "sufficient causal link" between its approval of the liquefied natural gas (LNG) facilities and impacts related to ultimate consumption. FERC also said that a potential increase in natural gas prices and an accompanying increase in coal consumption were also outside the scope of its NEPA review. Sierra Club also argued unsuccessfully that FERC had failed to consider cumulative impacts in connection with other pending and approved LNG projects and had failed to use accepted methods for evaluating greenhouse gas emissions impacts, such as the social cost of carbon and consistency with federal, state, or local emissions reduction targets. FERC found that the social cost of carbon was not appropriate for determining a specific project's impacts and said that the determination of whether the project's estimated greenhouse gas emissions would be consistent with applicable targets would fall to Louisiana when it determined whether to issue air permits.

City of Long Beach v. State of California Department of Transportation

Name and Date	Description
City of Long Beach v. State of California Department of Transportation, No. BS156931 (Cal. Super. Ct., filed July 16, 2015)	The City of Long Beach filed a lawsuit in California Superior Court challenging the California Department of Transportation's (Caltrans's) compliance with the California Environmental Quality Act (CEQA) in its "secret approval" of a project to widen an approximately 16-mile-long corridor of Interstate 405. The Orange County Transportation Authority was also named as a respondent in the lawsuit. Among the alleged inadequacies in the CEQA review was a failure to determine and disclose whether greenhouse gas emissions would be significant. The City of Long Beach contended that Caltrans "shirked its duty" by refusing to make a determination of the significance of the greenhouse gas impacts and calling such a determination "too speculative." The petition alleged that the project would result in a 39% increase in vehicle miles traveled over baseline conditions for the widened freeway segment.

Alaska Wilderness League v. Jewell

Name and Date	Description
Alaska Wilderness League v. Jewell, No. 15-35559 (9th Cir. Aug. 10, 2015)	The Ninth Circuit Court of Appeals declined to stay regulations issued under the Marine Mammal Protection Act authorizing the take of Pacific walruses incidental to offshore oil exploration operations in the Chukchi Sea off the Alaskan coast. The appellants had sought to prevent Shell Gulf of Mexico Inc. from commencing its drilling operations, which the appellants said would introduce "harmful noise and industrial disturbance" into a "key walrus habitat area." The denial of the injunction was without prejudice to renewal before a merits panel. The Ninth Circuit also sua sponte expedited the appeal. The appellants' arguments cited the reduction in summer ice caused by climate change that had left walruses more exposed to the impacts of oil exploration.

Columbia Venture, LLC v. Richland County

Name and Date	Description
Columbia Venture, LLC v. Richland County, No. 2013-001067 (S.C. Aug. 12, 2015)	The South Carolina Supreme Court affirmed the dismissal of a developer's unconstitutional taking claims against a county that essentially prohibited construction in floodways. The county's restrictions were more stringent than the minimum restrictions required by the Federal Emergency Management Agency (FEMA). A former county planning director said the county standards were more forward-looking than federal flood maps, which he said were retrospective and did not "project the potential of increased flooding in the future from urbanization or from the possibility of more intense storms due to climate change." The court concluded that no regulatory taking occurred based on the developer's lack of reasonable investment-backed expectations and the legitimate and substantial health and safety-related bases for the county's restrictions. These factors outweighed the developer's economic injury. The court noted that at the time the developer purchased the land it knew FEMA's preliminary flood map designated almost all of the property as lying within the regulatory floodway and also knew that the county's stormwater ordinance could be interpreted to preclude commercial development and that the ability to develop was dependent on "a host of factors" not fully explored by or under the control of the developer.

In re Mississippi Power Co.

Name and Date	Description
In re Mississippi Power Co., No. 2015-UN-80 (Miss. Pub. Serv. Comm'n Aug. 11, 2015)	The Mississippi Public Service Commission authorized a temporary emergency rate increase by Mississippi Power Company (MPC), the developer and operator of the Kemper Project, a power plant at which MPC expects lignite gasification and the capture of carbon dioxide for enhanced oil recovery will be fully operational in the first half of 2016. The Commission said MPC was "in or nearing financial crisis," noting that MPC has operated the Kemper combined cycle units on natural gas for a year without permanent cost recovery. Earlier in 2015, the Mississippi Supreme Court ordered a refund of charges collected under a previous order related to cost recovery for the Kemper plant.

Juliana v. United States

Name and Date	Description
Juliana v. United States, No. 6:15-cv-01517 (D. Or., original complaint Aug. 12, 2015; amended complaint Sept. 10, 2015)	Twenty-one individual plaintiffs, all age 19 or younger, filed a lawsuit in the federal district court for the District of Oregon against the United States, the president, and various federal officials and agencies. The individuals were joined by the non-profit organization Earth Guardian and a plaintiff identified as "Future Generations," which is represented by Dr. James Hansen, a climate scientist and former director of the NASA Goddard Institute for Space Studies, who also submitted a declaration in support of the complaint. The plaintiffs asked the court to compel the defendants to take action to reduce carbon dioxide emissions so that atmospheric CO_2 concentrations will be no greater than 350 parts per million by 2100. The plaintiffs alleged that the "nation's climate system" was critical to their rights to life, liberty, and property, and that the defendants had violated their substantive due process rights by allowing fossil fuel production, consumption, and combustion at "dangerous levels." The plaintiffs also asserted an equal protection claim based on the government's denial to them of fundamental rights afforded to prior and present generations. They also asserted violations of rights secured by the Ninth Amendment, which the plaintiffs said protects "the right to be sustained by our country's vital natural systems, including our climate system." The plaintiffs also alleged that defendants failed to fulfill their obligations under the public trust doctrine.
Juliana v. United States, No. 6:15-cv-01517-TC (D. Or., motion to intervene Nov. 17, 2015)	The National Association of Manufacturers, American Fuel & Petrochemical Manufacturers, and American Petroleum Institute have moved to intervene in the action.

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Juliana v. United States

Name and Date	Description
Juliana v. United States, No. 6:15-cv-01517-TC (D. Or., motion to dismiss Nov. 17, 2015)	The United States moved to dismiss an action brought 21 individuals, all aged 19 or younger, to compel federal government defendants to take action to reduce carbon dioxide emissions so that atmospheric CO_2 concentrations will be no greater than 350 parts per million by 2100. In addition to the individual plaintiffs, the complaint also named "Future Generations" as a plaintiff. The U.S. contended that the plaintiffs lacked standing because they had not alleged a particularized harm that was traceable to defendants' actions. The U.S. also said the alleged injuries were not redressable and that the plaintiffs' claims raised separation of powers issues. The U.S. also argued that Future Generations had alleged no injury in fact. In addition, the U.S. said the plaintiffs had not stated a constitutional claim and that federal courts lacked jurisdiction over public trust doctrine lawsuits because such claims arise under state law.
Juliana v. United States, No. 6:15-cv-1517 (D. Or. Jan. 14, 2016)	The federal district court for the District of Oregon allowed the National Association of Manufacturers (NAM), the American Fuel & Petrochemical Manufacturers (AFPM), and the American Petroleum Institute (API) to intervene as of right in a climate change lawsuit brought by a number of individual plaintiffs aged 19 or younger, an environmental organization, and a plaintiff identified as "Future Generations." The plaintiffs alleged that the federal government's actions—and failures to take action—deprived the plaintiffs of constitutionally protected rights by allowing dangerous levels of carbon dioxide to accumulate in the atmosphere. The court found that NAM, AFPM, and API had a "significantly protectable interest" because the relief sought by the plaintiffs would "change the very nature" of their business. The court also said that there was "no question" that the proposed intervenors' interests would be impaired by any court-mandated regulation to eliminate emissions and that the intervenors' presence was "necessary to fully and fairly put those issues before the court." The court was not persuaded by the plaintiffs' contention that the government was "essentially pro-fossil fuel industry" and would adequately represent the interests of NAM, AFPM, and API.

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Juliana v. United States

Name and Date	Description
Juliana v. United States, No. 6:15-cv-1517 (D. Or. Apr. 8, 2016)	A magistrate judge in the federal district court for the District of Oregon recommended denial of motions to dismiss a suit brought against the United States by a group of young people who alleged that excessive carbon emissions are threatening their future. The magistrate judge emphasized that, on a motion to dismiss, he was accepting all the complaint's allegations as true. With respect to standing, the magistrate judge found that the plaintiffs had established that action or inaction contributing to climate change had injured the plaintiffs in "a concrete and personal way" and that plaintiffs "differentiate[d] the impacts by alleging greater harm to youth and future generations." With respect to redressability, the magistrate judge said that it could not say, "without the record being developed, that it is speculation to posit that a court order to undertake regulation of greenhouse gas emissions to protect the public health will not effectively redress the alleged resulting harm." The magistrate also recommended that the court decline to dismiss on political question grounds, and that the court should not dismiss for failure to state a substantive due process claim. The magistrate also recommended against dismissal of "any notions" that the Due Process Clause provides a substantive right under the public trust doctrine. This recommendation now goes to a district court judge, who after briefing will decide whether to adopt, modify, or reject it.

Lynn v. Peabody Energy Corp.

Name and Date	Description
Lynn v. Peabody Energy Corp., No. 4:15-cv-00919 (E.D. Mo., filed June 11, 2015)	A representative participant in the employee pension plan of Peabody Energy Corporation (Peabody) filed a class action complaint against the company alleging breaches of fiduciary duty pursuant to the Employee Retirement Income Security Act (ERISA). The plaintiff asserted that the defendants retained Peabody stock as investment options in the plans when a reasonable fiduciary would have done otherwise. The complaint alleged that defendants should have known that the pension plan's investments in Peabody stock were imprudent because of the "sea-change" in the coal industry. Causes of this "sea-change" cited in the complaint included the regulation of carbon dioxide emissions from power plants.

Roe v. Arch Coal, Inc.

Name and Date	Description
Roe v. Arch Coal, Inc., No. 4:15-cv-00910 (E.D. Mo., filed June 9, 2015)	A representative participant in the employee pension plan of Arch Coal, Inc. (Arch) filed a class action complaint against the company alleging breaches of fiduciary duty pursuant to the Employee Retirement Income Security Act (ERISA). The plaintiff asserted that the defendants retained Arch stock as investment options in the plans when a reasonable fiduciary would have done otherwise. The complaint alleged that defendants should have known that the pension plan's investments in Arch stock were imprudent because of the "sea-change" in the coal industry. Causes of this "sea-change" cited in the complaint included the regulation of carbon dioxide emissions from power plants.

In re West Virginia

Name and Date	Description
In re West Virginia, No. 15-1277 (D.C. Cir., filed Aug. 13, 2015)	After EPA released the final Clean Power Plan rule regulating carbon dioxide emissions from existing power plants, 15 states filed an emergency petition for extraordinary writ in the D.C. Circuit. South Carolina intervened on behalf of the states, while a number of environmental organizations have intervened in support of EPA. The states argued that a stay was warranted even before formal publication of the rule because EPA had established deadlines for submission of state plans starting in September 2016 that will apply regardless of when the rule was published, and that the states are therefore compelled to continue working to meet those hard deadlines. They argued that the Clean Power Plan is illegal because the Clean Air Act prohibits EPA from regulating source categories under Section 111 where it has regulated them under Section 112 and because the Clean Power Plan exceeds EPA's regulatory authority.
In re West Virginia, No. 15-1277 (D.C. Cir. Aug. 19, 2015)	The D.C. Circuit declined to consolidate the petitions challenging the final rule with *In re Murray Energy Corp.*, the challenge to the proposed Clean Power Plan dismissed by the D.C. Circuit in June 2015 because there was no final agency action.
In re Murray Energy Corp., Nos. 14-1112 & 14-1151 (D.C. Cir., filed Aug. 13, 2015; opened as new case (15-1284) and consolidated with 15-1277 Aug. 24, 2015)	The coal company Peabody Energy Corporation filed an emergency renewed petition for extraordinary writ in *In re Murray Energy Corp.*, which the D.C. Circuit instead opened as a new case and consolidated with the states' proceeding.
In re West Virginia, Nos. 15-1277 & 15-1284 (D.C. Cir. Aug. 31, 2015)	EPA submitted its opposition to the petitions for extraordinary writ. The agency indicated that it expects to publish the final rule in the *Federal Register* by the end of October. EPA argued that straying from the Clean Air Act's timeframe for judicial review is not warranted, that petitioners will not suffer irreparable harm, and that the statutory issues raised by the petitioners are disputable.

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In re West Virginia

Name and Date	Description
In re West Virginia, No. 15-1277 (D.C. Cir. Sept. 9, 2015)	The D.C. Circuit Court of Appeals denied the emergency petitions for extraordinary writ in which 15 states and Peabody Energy Corporation sought to prevent the United States Environmental Protection Agency (EPA) from moving forward with its Clean Power Plan. In early August, EPA released the prepublication version of the final Clean Power Plan rule, which regulates carbon dioxide emissions from existing power plants. EPA has submitted the final rule for publication in the *Federal Register* and believes that it will be published by the end of October. In denying the petitions, the D.C. Circuit said that the petitioners had not satisfied the "stringent standards" for staying agency action.

Requests for Administrative Stay of Clean Power Plan

Name and Date	Description
Letter from National Mining Association to EPA (Aug. 3, 2015) Application for Administrative Stay on Behalf of 16 States (Aug. 5, 2015) **Texas Request for Administrative Stay** (Aug. 20, 2015) Letter from NJDEP Commissioner to EPA (Sept. 2, 2015)	After EPA released the final Clean Power Plan rule regulating carbon dioxide emissions from existing power plants, a group of 16 states submitted requests to EPA for an administrative stay of the rule. Requests for an administrative stay were also submitted by the National Mining Association, Texas, and New Jersey.

Lewis v. McCarthy

Name and Date	Description
Lewis v. McCarthy, No. 15-1254 (D.C. Cir., filed Aug. 3, 2015)	Two individuals filed a pro se petition in the D.C. Circuit Court of Appeals for review of EPA's determination that it had completed the Clean Air Act's requirement that it promulgate emissions standards for source categories accounting for at least 90% of aggregated emissions of seven hazardous air pollutants. The petition asserted that the determination was "intricately-intertwined" with EPA's proposed endangerment finding for greenhouse gases from aircraft.

Montana Elders for a Livable Tomorrow v. U.S. Office of Surface Mining

Name and Date	Description
Montana Elders for a Livable Tomorrow v. U.S. Office of Surface Mining, No. 9:15-cv-00106 (D. Mont., filed Aug. 17, 2015)	Three environmental groups filed a lawsuit in the federal district court for the District of Montana challenging federal approvals for a mining plan modification for the Bull Mountains Mine No. 1 in central Montana. The plaintiffs contended that the modification would permit the mine's expansion by 7,000 acres and allow production of up to 15 million tons of coal annually, making the mine the largest domestic source by annual production of underground coal. The plaintiffs alleged that the mining, transportation, and combustion of coal from the mine would have annual greenhouse gas emissions greater than any single point source in the U.S. They contended that the federal defendants failed to comply with NEPA by, among other things, failing to take a hard look at indirect and cumulative effects of coal transportation, coal exports, and coal combustion, and failing to consider foreseeable greenhouse gas emission impacts.

Oceana Inc. v. Pritzker

Name and Date	Description
Oceana, Inc. v. Pritzker, No. 12-cv-0041 (D.D.C. Aug. 31, 2015)	The federal district court for the District of Columbia declined to vacate a biological opinion in which the National Marine Fisheries Service (NMFS) determined that the operation of seven fisheries would not jeopardize the continued existence of the Northwest Atlantic distinct population segment of loggerhead sea turtles. The court did, however, remand the matter to NMFS to address various concerns, including the short-term impacts of climate change on the loggerheads. The court said the biological opinion had described "clear evidence that climate change is exerting significant environmental impacts right now," but had nevertheless concluded that climate change impacts on sea turtles in the short-term future would be negligible. The court required NMFS to provide an explanation of this conclusion. The court rejected most of plaintiff Oceana, Inc.'s other arguments, including the argument that NMFS had failed to consider the long-term effects of climate change on the loggerheads.

California Native Plant Society v. County of Los Angeles

Name and Date	Description
California Native Plant Society v. County of Los Angeles, No. B258090 (Cal. Ct. App. Sept. 29, 2015)	The California Court of Appeal affirmed a trial court's dismissal of claims in connection with environmental approvals for a section of Newhall Ranch known as Mission Village. As in *Center for Biological Diversity v. Department of Fish & Wildlife* and *Friends of the Santa Clara River v. County of Los Angeles*, the court was not persuaded by claims that it was legally impermissible for the environmental review to compare the project's emissions with emissions under a business-as-usual scenario. The petitioners indicated that they would ask the California Supreme Court to hear this case.

Backcountry Against Dumps v. San Diego County Board of Supervisors

Name and Date	Description
Backcountry Against Dumps v. San Diego County Board of Supervisors, No. D066135 (Cal. Ct. App. Sept. 16, 2015)	The California Court of Appeal upheld a final environmental impact report and amendments to a general plan and zoning ordinance related to wind turbines in San Diego County. One claim rejected by the court was that the County's Board of Supervisors had not provided sufficient support for the conclusion that the wind energy project's benefits would outweigh its significant environmental impacts. The Board identified four categories of benefits in its "statement of overriding considerations," one of which was energy and greenhouse gas reductions. The petitioners' claims were primarily focused on other purported benefits; the court found that petitioners' had failed to show that substantial evidence did not support the Board's findings regarding the benefits.

Arkema Inc. v. EPA
Mexichem Fluor, Inc. v. EPA
Compsys Inc. v. EPA

Name and Date	Description
Arkema Inc. v. EPA, No. 15-1329 (D.C. Cir., filed Sept. 17, 2015); ***Mexichem Fluor, Inc. v. EPA***, No. 15-1328 (D.C. Cir., filed Sept. 17, 2015); ***Compsys, Inc. v. EPA***, No. 15-1334 (D.C. Cir., filed Sept. 18, 2015)	Two chemical manufacturers and a manufacturer of composite preform products used in the marine and transportation industries filed petitions in the D.C. Circuit Court of Appeals seeking review of EPA's final rule prohibiting or restricting use of certain hydrofluorocarbons (HFCs) under its Significant New Alternatives Policy program for replacing ozone-depleting substances under Section 612 of the Clean Air Act. The final rule changed the status of certain HFCs and HFC blends for end-uses in the aerosols, foam blowing, and refrigeration and air conditioning sectors based on their high global warming potential. EPA determined that alternatives were available or potentially available that posed a lower overall risk to human health and the environment. On September 23, the D.C. Circuit consolidated the three cases.
Compsys, Inc. v. EPA, No. 15-1334 (D.C. Cir. order May 31, 2016)	The challenge to EPA's final rule prohibiting or restricting use of certain hydrofluorocarbons (HFCs) under its Significant New Alternatives Policy (SNAP) program by a manufacturer of composite preform products used in the marine and transportation industries was held in abeyance while EPA considers the manufacturer's request for reconsideration.

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Arkema Inc. v. EPA
Mexichem Fluor, Inc. v. EPA
Compsys Inc. v. EPA

Name and Date	Description
Mexichem Fluor, Inc. v. EPA, Nos. 15-1328 and 15-1329 (D.C. Cir.)	Parties filed a first round of briefs in a D.C. Circuit Court of Appeals proceeding in which two chemical manufacturers challenge EPA's final rule prohibiting or restricting use of certain hydrofluorocarbons (HFCs) under its Significant New Alternatives Policy (SNAP) program. The program implements Section 612 of the Clean Air Act, which concerns alternatives to ozone-depleting substances. In their opening brief, the chemical manufacturers argued that EPA had exceeded its statutory authority by banning HFCs that were not ozone-depleting. The manufacturers also contended that EPA had acted arbitrarily and capriciously, arguing that EPA had not explained why differences in global warming potential (GWP) between banned HFCs and other chemicals were significant, had improperly used GWP as a "proxy" for atmospheric effects, and had not provided an objective standard for what levels of GWP are acceptable. In its brief, EPA responded that it had authority to change the listing of a non-ozone-depleting substance where alternatives were available that posed a lower risk to human health and the environment. EPA also defended its use of GWP in its analysis of atmospheric effects. Other industry participants intervened on EPA's behalf and argued, among other things, that Section 612 was intended to foster continued development of safer alternatives to ozone-depleting substances. NRDC also intervened on EPA's behalf, arguing that EPA acted within its statutory and regulatory authority.

WildEarth Guardians v. Jewell

Name and Date	Description
WildEarth Guardians v. Jewell, No. 1:15-cv-02026 (D. Colo., filed Sept. 15, 2015)	WildEarth Guardians filed a lawsuit in the federal district court for the District of Colorado alleging that the federal government improperly approved mining plans for the development of federally owned coal in Colorado, New Mexico, and Wyoming. More generally, WildEarth Guardians accused the Secretary of the Interior, the Department of the Interior, and the Office of Surface Mining, Reclamation and Enforcement of engaging in an "ongoing pattern and practice of uninformed decisionmaking." The complaint included seven claims for relief under NEPA, including failure to consider direct, indirect, and cumulative climate impacts resulting from mining, burning, and transporting coal, and failure to consider the climate impacts of similar and cumulative actions. WildEarth Guardians contended that the defendants should have used the social cost of carbon protocol to address the costs of reasonably foreseeable carbon dioxide emissions.
WildEarth Guardians v. Jewell, No. 1:15-cv-02026 (D. Colo. Jan. 29, 2016)	On January 29, 2016, WildEarth Guardians and federal defendants filed a joint motion seeking a stay of proceedings in an action where WildEarth Guardians charged that the federal government improperly approved mining plans for the development of federally owned coal in Colorado, New Mexico, and Wyoming. The motion sought a stay until April 1, 2016 so that the parties can conduct settlement negotiations. The motion indicated that the parties would meet in person by March 4, 2016 for settlement discussions after exchanging written term sheets, and then notify the court within two weeks of the meeting regarding whether they had been able to reach a settlement. A motion to sever the action and transfer claims relevant to the New Mexico and Wyoming to the federal courts in those states remained pending, and was opposed by WildEarth Guardians.

WildEarth Guardians v. Jewell

Name and Date	Description
WildEarth Guardians v. Jewell, No. 15-cv-1984 (D. Colo., filed Sept. 11, 2015)	WildEarth Guardians filed a petition for review in the federal district court for the District of Colorado, seeking to vacate federal approvals of a lease to expand and extend the life of the Skyline Mine, an underground coal mine in Utah. WildEarth Guardians alleged that the United States Bureau of Land Management, which issued the lease, and the United States Forest Service, which consented to the lease's issuance, had not complied with NEPA or the Mineral Leasing Act. WildEarth Guardians alleged that the agencies' environmental review relied on an analysis that was 15 years old, and had failed to consider air quality and climate impacts, including climate impacts associated with coal mining, transport, and burning. The organization also alleged that the agencies had failed to consider costs associated with carbon dioxide emissions and had failed to consider cumulative climate impacts of similar mining approvals and proposals.

Center for Community Action and Environmental Justice v. City of Moreno Valley

Name and Date	Description
Center for Community Action and Environmental Justice v. City of Moreno Valley, No. RIC1511327 (Cal. Super. Ct., filed Sept. 23, 2015)	Five environmental groups commenced a lawsuit against the City of Moreno Valley, California, alleging that it failed to comply with CEQA when it approved the World Logistics Center Project. The groups alleged that the project would cover 2,610 acres and more than 40 million square feet, which would make the warehouse complex larger than Central Park in New York City. The groups alleged numerous procedural and substantive failures in the City's CEQA review, including that the final environmental impact report (EIR) failed to analyze and mitigate mobile source greenhouse gas emissions based on the allegedly faulty premise that such emissions are capped by California law.

Letter from Center for Biological Diversity and Sierra Club to U.S. Army Corps of Engineers

Name and Date	Description
Letter from Center for Biological Diversity and Sierra Club to U.S. Army Corps of Engineers (Sept. 24, 2015)	The Center for Biological Diversity and Sierra Club sent a request for reevaluation and 60-day notice of intent to sue to the U.S. Army Corps of Engineers (Corps) in connection with permits issued by the Corps for an oil transport facility in Yorktown, Virginia. The letter asked the Corps to reevaluate the granting of permits under the River and Harbors Act and the Clean Water Act. The organizations said that the Corps had failed to consider certain information in its "public interest review," including threats posed by rising sea levels. The organizations also asserted that the Corps violated the Endangered Species Act by failing to consult with the National Marine Fisheries Service regarding potential effects of the agency action on the endangered Atlantic sturgeon and Kemp's ridley and loggerhead sea turtles.

West Virginia v. EPA

Name and Date	Description
West Virginia v. EPA, No. 15-1363; Oklahoma v. EPA, No. 15-1364; International Brotherhood of Boilermakers v. EPA, No. 15-1365; Murray Energy Corp. v. EPA, No. 15-1366; National Mining Association v. EPA, No. 15-1367; American Coalition for Clean Coal Electricity v. EPA, No. 15-1368; Utility Air Regulatory Group v. EPA, No. 15-1370; Alabama Power Co. v. EPA, No. 15-1371; CO_2 Task Force of the Florida Electric Power Coordinating Group, Inc. v. EPA, No. 15-1372; Montana-Dakota Utilities Co. v. EPA, No. 15-1373; Tri-State Generation & Transmission Association, Inc. v. EPA, No. 15-1374; United Mine Workers of America v. EPA, No. 15-1375; National Rural Electric Cooperative Association v. EPA, No. 15-1376; Westar Energy, Inc. v. EPA, No. 15-1377; Northwestern Corp. d/b/a NorthWestern Energy v. EPA, No. 15-1378; National Association of Home Builders v. EPA, No. 15-1379; North Dakota v. EPA, No. 15-1380; Chamber of Commerce of the United States of America v. EPA, No. 15-1382; Association of American Railroads v. EPA, No. 15-1383 (D.C. Cir. filed Oct. 23, 2015); Luminant Generation Co. LLC v. EPA, No. 15-1386 (D.C. Cir. filed Oct. 26, 2015); Basin Electric Power Cooperative v. EPA, No. 15-1393 (D.C. Cir. filed Oct. 29, 2015)	After the United States Environmental Protection Agency (EPA) published its final Clean Power Plan rule in the *Federal Register*, 21 petitions for review were filed in the D.C. Circuit Court of Appeals to challenge the rule, which regulates carbon dioxide emissions from existing power plants. The petitioners included 26 states; a number of utilities, electric cooperatives, and trade associations representing utilities; two unions representing miners and workers in skilled trades such as welding and fabrication of boilers, ships, pipelines, and other industrial facilities; a coal mining company and other organizations representing the coal industry; the National Association of Home Builders; the U.S. Chamber of Commerce; a trade association for railroads; and other organizations representing manufacturing, industrial, and business interests. The pending petitions, which the D.C. Circuit has consolidated, are listed in the left column. The states led by West Virginia have asked the D.C. Circuit to stay the rule and to expedite consideration of their petition. In addition, Oklahoma and North Dakota each asked for a stay in their separate proceedings, and three other motions for a stay were filed: one by petitioners representing the coal industry, one by the U.S. Chamber of Commerce and its co-petitioners, and one by utility interests (led by Utility Air Regulatory Group) and the two unions. The American Wind Energy Association, Advanced Energy Economy ("a national organization of businesses dedicated to making the energy we use secure, clean, and affordable"), and nine environmental and public health organizations (led by the American Lung Association) sought to intervene on behalf of EPA, while Peabody Energy Corporation, a coal company, sought to intervene on behalf of the petitioners. After EPA submitted a motion for a consolidated briefing schedule, the D.C. Circuit issued an order on October 29 that would require any additional motions for a stay to be filed by November 5, though one petitioner, Basic Electric Power Cooperative, has objected to this schedule as unfair and asked for reconsideration. The October 29 order required briefing on the stay motions to be completed on December 23. In addition petitioners were ordered to identify lead or liaison counsel for appropriate groups of petitioners within 10 days. In a separate clerk's order, deadlines were set for other submissions, including statements of issues to be raised (November 30), procedural motions (November 30), and dispositive motions (December 14).

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West Virginia v. EPA

Name and Date	Description
West Virginia v. EPA, Nos. 15-1363 et al. (D.C. Cir. scheduling order Nov. 30, 2015; EPA brief opposing motions to stay Dec. 3, 2015)	As of December 4, additional petitions challenging the final Clean Power Plan rule had been filed, bringing the total number of petitions challenging EPA's carbon dioxide emission standards for existing power plants to 28 and the total number of states challenging the rule to 27. All of the petitions have been consolidated under the caption *West Virginia v. EPA*. On December 3, 2015, EPA filed its brief opposing motions to stay the rule. EPA said that the petitioners were unlikely to succeed on the merits, arguing that its carbon dioxide emissions guidelines were within its authority and that it had not impinged on the regulatory turf of other federal agencies or the states. In addition, EPA said that neither the states nor the industry petitioners had shown a likelihood of irreparable injury, and that a stay would not be in the public interest because climate change was already affecting the national public health, welfare, and environment and because grid reliability and electricity rates were not threatened by the rule. A group of 18 states, joined by the District of Columbia and six municipalities, have moved to intervene on behalf of EPA, along with a number of other parties, including owners, developers, and operators of power plants; the municipally-owned utilities of Austin and Seattle; and Pacific Gas and Electric Company, a utility that provides electricity and gas to northern and central California. In addition, two former EPA administrators—William D. Ruckelshaus, EPA's first and fifth administrator, and William K. Reilly, who led the agency during President George H.W. Bush's administration—sought to participate on EPA's behalf as amici curiae. Additional parties have also asked to intervene on behalf of the petitioners challenging the Clean Power Plan rule. On November 30, the D.C. Circuit extended the deadline for filing initial submissions and procedural motions from November 30 to December 18. The deadline for dispositive motions was extended to December 28.

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West Virginia v. EPA

Name and Date	Description
West Virginia v. EPA, Nos. 15-1363 et al. (D.C. Cir., petitioners' motion for expedited briefing schedule Dec. 8, 2015; Biogenic CO2 Coalition motion to hold in abeyance Jan. 4, 2016)	Petitioners challenging EPA's Clean Power Plan asked the D.C. Circuit to expedite the briefing schedule on "fundamental legal issues" raised by the regulations so that oral argument on these issues would be held by May 2016. The petitioners contended that it was "critical" the Clean Power Plan's lawfulness be adjudicated as soon as possible, "[g]iven the acute importance of this case to the nation's energy system and its customers" and the irreparable harm the regulations were causing. The fundamental legal issues for which the petitioners sought speedy adjudication included EPA's authority to regulate power plants under Section 111(d) when they are already regulated under Section 112, and to use Section 111(d) to "fundamentally restructure the way in which electricity is generated and distributed." The petitioners asked that "state-specific and programmatic" issues be severed and placed in a separate docket. EPA opposed the petitioners' plan. Separately, the petitioner Biogenic CO2 Coalition, which filed its petition for review on December 22, asked the D.C. Circuit not to consolidate its petition with the other proceedings challenging the Clean Power Plan, or that the court sever and hold in abeyance the issues raised in its appeal concerning the regulation of "biogenic carbon dioxide emissions" to permit the petitioner to continue ongoing discussions to achieve an administrative resolution of its concerns. Two other organizations also filed petitions for review on December 22 that made similar requests with respect to issues relating to biogenic emissions.

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West Virginia v. EPA

Name and Date	Description
West Virginia v. EPA, Nos. 15-1363 et al. (D.C. Cir. order denying stay Jan. 21, 2016)	On January 21, 2016, the D.C. Circuit Court of Appeals denied motions asking for a stay of EPA's Clean Power Plan. The order stated that the petitioners had not "satisfied the stringent requirements for a stay pending court review." The court also ordered that consideration of the appeals be expedited. Oral argument was scheduled for June 2, 2016, and the court asked the parties to reserve June 3 in the event that argument did not conclude on the 2nd. The order indicated that the members of the panel that will review the challenge are Judges Judith W. Rogers (appointed by President Bill Clinton), Karen LeCraft Henderson (appointed by President George H.W. Bush) and Sri Srinivasan (appointed by President Barack Obama). On January 28, the court set the briefing schedule, after receiving proposals from the parties. The schedule required submission of petitioners' briefs by February 19, EPA's brief by March 28, and final briefs by April 22. After the D.C. Circuit denied the stay, a group of 29 states and state agencies led by West Virginia and Texas filed an application for an immediate stay with the Supreme Court. That application was joined by applications from business associations, from the coal industry, from utility and allied parties, and from North Dakota. The applications are directed to Chief Justice John Roberts, who is the circuit justice for the D.C. Circuit. Roberts requested EPA's response by February 4.

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West Virginia v. EPA

Name and Date	Description
West Virginia v. EPA, Nos. 15A773 et al. (U.S. Feb. 9, 2016)	In five identical half-page orders, the United States Supreme Court granted five applications requesting that it stay implementation of the Clean Power Plan, which regulates carbon emissions from existing power plants. The orders indicated that Justices Ginsburg, Breyer, Sotomayor, and Kagan voted to deny the applications. A blog post by Sabin Center Director Michael Gerrard about the stay is available here.
West Virginia v. EPA, Nos. 15-1363 et al. (D.C. Cir. opening brief on core legal issues and opening brief on procedural and record-based issues Feb. 19, 2016; amicus briefs Feb. 23, 2016)	The petitioners filed joint opening briefs in the D.C. Circuit, and on February 23, a number of briefs were filed by amicus parties in support of the petitioners, including members of Congress, former state public utility commissioners, and a group of "organizations that represent women, minorities, and seniors, and those who advocate for free-market solutions to help these vulnerable populations." In their joint brief on core legal issues, the petitioners contended that the Clean Power Plan was outside the authority vested in the United States Environmental Protection Agency (EPA) by Section 111 of the Clean Air Act, and that Section 112 expressly prohibited the Clean Power Plan. They also argued that the Clean Power Plan rule unconstitutionally abrogated state authority and "commandeer[ed] and coerc[ed]" states into implementing federal energy policy.

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West Virginia v. EPA

Name and Date	Description
West Virginia v. EPA, Nos. 15-1363 et al. (D.C. Cir. order denying EELI motion to file supplemental brief Mar. 21, 2016; EPA initial brief Mar 28, 2016; amicus briefs Mar. 31, 2016 and Apr. 1, 2016)	On March 28, the United States Environmental Protection Agency (EPA) filed its initial brief defending the Clean Power Plan, which regulates carbon dioxide emissions from existing power plants. The brief defended EPA authority to rely on shifting generation of electricity to cleaner sources of power as the best system of emission reduction. EPA also argued that regulation of hazardous air pollutants from power plants under Section 112 of the Clean Air Act did not bar regulation of carbon dioxide emissions under Section 111 and struck back at arguments that the Clean Power Plan unconstitutionally impinged on state authority. The brief also addressed procedural claims regarding changes made to the regulations between the proposed and final versions and defended the reasonableness of specific facets of the rule. In the days after EPA filed its brief, a number of intervenor-respondents and amicus parties filed their briefs in support of the Clean Power Plan, including 18 states; power companies representing almost 10 percent of the nation's total generating capacity; renewable energy trade associations; environmental and public health groups; more than 200 current and former members of Congress; two former EPA administrators in Republican administrations; and more than 50 city and county governments along with three mayors, the U.S. Conference of Mayors, and the National League of Cities. Earlier in March, the D.C. Circuit denied a motion by petitioner Energy & Environment Legal Institute (EELI) to file a supplemental brief that addressed EELI's claims that an EPA official engaged in improper communications with environmental advocacy groups using a personal email account.

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West Virginia v. EPA

Name and Date	Description
West Virginia v. EPA, Nos. 15-1363 et al. (D.C. Cir. May 16, 2016)	On its own motion, the D.C. Circuit Court of Appeals ordered that oral argument on the challenges to the United States Environmental Protection Agency's Clean Power Plan be rescheduled to occur before the en banc court on September 27, 2016, rather than before a three-judge panel on June 2, 2016. The Federal Rules of Appellate Procedure provide that an en banc hearing "is not favored and ordinarily will not be ordered unless: (1) en banc consideration is necessary to secure or maintain uniformity of the court's decisions; or (2) the proceeding involves a question of exceptional importance." The order indicated that Judge Merrick Garland and Judge Cornelia Pillard had not participated in the matter. An en banc court without Judges Garland and Pillard would be composed of three judges appointed by President Obama, three judges appointed by President George W. Bush, two judges appointed by President Clinton, and one judge appointed by President George H.W. Bush.

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West Virginia v. EPA

Name and Date	Description
West Virginia v. EPA, Nos. 15-1363 et al. (D.C. Cir. Sept. 27, 2016)	Oral argument on the Clean Power Plan took place on September 27 in the D.C. Circuit Court of Appeals. The D.C. Circuit allocated time for argument over approximately three and a half hours on five categories of issues: statutory issues other than Section 112 of the Clean Air Act, Section 112, constitutional issues, notice issues, and record-based issues. In July and August, the petitioners and EPA submitted letters to the court to notify it of supplemental authorities—recent opinions issued by the D.C. Circuit and other circuit courts of appeal—that the parties believed to be pertinent and significant. Petitioners argued that the Fifth Circuit Court of Appeals' stay of an EPA rule that disapproved state implementation plans from Texas and Oklahoma supported their argument that EPA's assessment of grid reliability was insufficient. EPA said the ruling had minimal relevance and that none of the deficiencies identified by the Fifth Circuit were present in this case. EPA told the D.C. Circuit that the Seventh Circuit's analysis upholding DOE's consideration of the global benefits of reducing carbon emissions when setting energy efficiency standards would support EPA's accounting for global benefits in the Clean Power Plan. The Clean Power Plan petitioners responded that the Seventh Circuit decision was not binding, involved a different statutory scheme, and did not address their arguments regarding comparison of global benefits and domestic costs. Clean Power Plan challengers also told the D.C. Circuit that its decision in a challenge to solid waste incineration units supported their argument that EPA could not base a standard based on averaging regulated sources' and non-sources' emissions, and that its decision upholding EPA's withdrawal of a Clean Water Act disposal permit supported its arguments concerning consideration of costs. EPA said that these decisions did not support petitioners' arguments.

North Dakota v. EPA

Name and Date	Description
North Dakota v. EPA, No. 15-1381 (D.C. Cir. filed Oct. 23, 2015)	In addition to its petition challenging the regulation of carbon dioxide emissions for existing power plants, North Dakota filed a petition for review of EPA's new source performance standards for greenhouse gas emissions from new, modified, and reconstructed power plants.
North Dakota v. EPA, Nos. 15-1381 et al. (D.C. Cir.)	Additional petitions were filed seeking review of EPA's carbon dioxide standards for new and modified power plants. The new petitioners, whose proceedings were consolidated with the one filed by North Dakota, included the coal company Murray Energy Corporation, the nonprofit group Energy & Environmental Legal Institute, and 23 states led by West Virginia (but not including Colorado, which had joined the West Virginia coalition in the challenge to the Clean Power Plan rule). Sixteen states and the District of Columbia and New York City moved to intervene on behalf of EPA in the challenge to the New Source Performance Standards.
EPA Notice of Denial of Reconsideration of New Source Performance Standards, 81 Fed. Reg. 27442 (May 6, 2016); **EPA Basis for Denial** (Apr. 2016)	On May 6, 2016, EPA published notice in the Federal Register of its denial of five petitions for reconsideration of its performance standards for greenhouse gas emissions from new, modified, and reconstructed electric utility generating units. A number of the issues on which EPA denied reconsideration were related to the performance of carbon capture systems, and whether carbon capture was an adequately demonstrated technology. EPA also denied a petition that objected to allegedly impermissible communications between an EPA official and nongovernmental organizations. EPA said it was deferring action on the issue of its treatment of biomass emissions when co-fired with fossil fuels.

North Dakota v. EPA

Name and Date	Description
North Dakota v. EPA, Nos. 15-1381 et al. (D.C. Cir. May 24, 2016)	Petitioners challenging the United States Environmental Protection Agency's (EPA's) greenhouse gas emissions standards for new, modified, and reconstructed power plants asked the D.C. Circuit Court of Appeals to suspend briefing to permit the parties to add challenges to EPA's denial of administrative petitions for reconsideration of the standards. EPA published notice of its denial of reconsideration in the May 6, 2016 issue of the Federal Register. The motion to suspend the briefing schedule said that three petitioners in the D.C. Circuit proceedings—Wisconsin, the Utility Air Regulatory Group, and Energy & Environment Legal Institute—would be challenging the denial of their petitions for reconsideration, and that the petitioners would seek to consolidate those challenges with the pending D.C. Circuit proceedings.
North Dakota v. EPA, Nos. 15-1381 et al. (D.C. Cir. order June 24, 2016)	On June 24, 2016, the D.C. Circuit granted a motion to suspend the briefing schedule in pending challenges to the standards to allow parties to consolidate their challenges of the denial of reconsideration with their challenges to the original rule. Motions to consolidate must be filed by July 12, and motions for an amended briefing schedule must be filed by August 4.
West Virginia v. EPA, No. 16-1220 (D.C. Cir., filed July 1, 2016); ***Utility Air Regulatory Group v. EPA***, No. 16-1221 (D.C. Cir., filed July 1, 2016)	Utility Air Regulatory Group, American Public Power Association, and 23 states or state agencies or officials filed petitions for review in the D.C. Circuit Court of Appeals challenging the United States Environmental Protection Agency's (EPA's) denial of petitions for reconsideration of its new source performance standards for greenhouse gas emissions from power plants. EPA published notice of its denial of the petitions for reconsideration in May.
North Dakota v. EPA, Nos. 15-1381 et al. (D.C. Cir. joint scheduling motion Aug. 4, 2016)	After the D.C. Circuit Court of Appeals consolidated appeals of EPA's denial of reconsideration of its final performance standards for carbon emissions from new, modified, and reconstructed power plants with the challenges to the original rule, the parties submitted a proposed briefing schedule, which the D.C. Circuit approved on August 30. Briefing will conclude on February 6, 2017.

Georgia Aquarium, Inc. v. Pritzker

Name and Date	Description
Georgia Aquarium, Inc. v. Pritzker, No. 1:13-CV-3241-AT (N.D. Ga. Sept. 28, 2015)	The Georgia Aquarium lost its appeal of a federal denial of a permit to import 18 beluga whales from Russia for use in a breeding cooperative and for public display. The aquarium applied for the permit under the Marine Mammal Protection Act (MMPA). The National Marine Fisheries Service (NMFS) denied the application on the grounds that the aquarium had not provided sufficient information to demonstrate that MMPA import permit criteria were met, including information to demonstrate that the permit would not have an adverse impact on a beluga whale stock in Russia's Sea of Okhotsk. NMFS's findings included that in considering impacts on the whale stock the aquarium should not discount other sources of "human-caused" removal besides intentional live captures—possibly including climate change, though FWS said that predicting the type and magnitude of climate change impacts was "difficult at this time." The federal district court for the Northern District of Georgia upheld FWS's findings regarding other potential human-caused removals as a reasonable adoption of a precautionary approach.

Permian Basin Petroleum Association v. Department of the Interior

Name and Date	Description
Permian Basin Petroleum Association v. Department of the Interior, No. 14-cv-50 (W.D. Tex. Sept. 1, 2015)	The federal district court for the Western District of Texas vacated the listing of the lesser prairie chicken as a threatened species under the Endangered Species Act. The court said that the United States Fish and Wildlife Service (FWS) had not properly followed its own Policy for Evaluation of Conservation Efforts When Making Listing Decisions (PECE) when it considered a rangewide plan (RWP) implemented by five states to protect the lesser prairie chicken's habitat and range. Under the plan voluntary private participants, including oil and gas companies, fund conservation efforts. The court said FWS improperly interpreted and applied the PECE "in a cursory and conclusory manner." One of the numerous findings in which the court grounded its determination that the FWS had acted arbitrarily and capriciously was a finding that FWS made a "critical assumption" that the RWP did not address the threat of drought and climate change, and that this assumption might have tainted FWS's assessment of whether the RWP described threats to the species and how the conservation plan reduced those threats. The court said that FWS's assumption "fail[ed] to adequately account for the main function of the RWP: creating additional habitat and access to that habitat (through connectivity zones) to ameliorate the effects of drought and habitat fragmentation."
Permian Basin Petroleum Association v. United States Department of the Interior, No. 16-50453 (5th Cir. May 10, 2016)	The United States Department of the Interior and the United States Fish and Wildlife Service (FWS) moved to voluntarily withdraw their appeal of a Texas federal district court decision that vacated the FWS's listing of the lesser prairie chicken as a threatened species under the Endangered Species Act. The district court found that the listing was arbitrary and capricious. One of the numerous aspects of the listing determination that the district court found to be arbitrary and capricious was the FWS's "critical assumption" that a plan implemented by five states to protect the lesser prairie chicken's habitat and range did not address the threat of drought and climate change. The court said that this assumption might have tainted FWS's assessment.

In re Deseret Power Electric Cooperative, Bonanza Power Plant

Name and Date	Description
In re Deseret Power Electric Cooperative, Bonanza Power Plant, Nos. 15-01, 15-02 (Envtl. Appeals Bd. settlement agreement signed by EPA Oct. 5, 2015, *Federal Register* notice Oct. 22, 2015)	EPA Region 8, Sierra Club, WildEarth Guardians, and Deseret Generation & Transmission Cooperative (Deseret) reached an agreement to settle two appeals of a Title V permit issued for the coal-fired Bonanza Power Plant in Uintah County, Utah. The settlement agreement provided that Deseret would apply for a Minor New Source Review (NSR) permit with specified terms restricting emissions of nitrogen oxides and limiting coal consumption for the remainder of the plant's coal-fired unit's operating life to 20 million short tons unless specified pollution control requirements are met. The settlement agreement provided that neither EPA nor the two environmental groups would oppose credit taken by the facility for reductions in carbon dioxide emissions resulting from the reduced coal consumption or from relying on the carbon dioxide reductions to demonstrate compliance with any applicable carbon dioxide standards. In addition to dismissal of the Title V permit appeals, WildEarth Guardians agreed that it would withdraw its lawsuit in the federal district court for the District of Colorado challenging approvals authorizing development of a coal lease for a mine that that was the sole source of fuel for the Deseret power plant (*WildEarth Guardians v. United States Bureau of Land Management*, No. 1:14-cv-01452 (D. Colo.)). The agreement does not, however, prevent WildEarth Guardians or Sierra Club from opposing any application by Deseret to acquire additional sources of fuel. Deseret agreed that it would withdraw an application to construct a waste coal-fired unit at the plant. A pending Prevention of Significant Deterioration (PSD) permit application and a proposed PSD permit would also be withdrawn. EPA published notice of the proposed settlement in the *Federal Register* on October 22, 2015, which opened a 30-day period for public comment.

In re Murray Energy Corp.

Name and Date	Description
In re Murray Energy Corp., MUR 6659 (FEC Sept. 15, 2015)	Murray Energy Corporation (Murray Energy) paid a $5,000 fine to resolve an enforcement case brought by the Federal Election Commission (FEC) involving the company's campaign spending for yard signs in Ohio and Pennsylvania in 2012 that read "STOP the WAR on COAL—FIRE OBAMA." The conciliation agreement executed by Murray Energy and the FEC said that the FEC had "found reason to believe" that Murray Energy violated disclosure and reporting requirements for public communications that expressly advocate for the election or defeat of a federal candidate.

Petition for Change of Status of HFCs Under Clean Air Act Section 612 (Significant New Alternatives Policy)

Name and Date	Description
NRDC & IGSD, **Petition for Change of Status of HFCs Under Clean Air Act Section 612 (Significant New Alternatives Policy)** (Oct. 6, 2015)	The Natural Resources Defense Council (NRDC) and the Institute for Governance & Sustainable Development (IGSD) petitioned EPA to remove additional high global warming potential (GWP) chemicals from its list of acceptable substitutes in its Significant New Alternatives Policy Program (SNAP). The SNAP list identifies alternatives to ozone-depleting substances for specified end uses. NRDC and IGSD noted EPA's delisting of a number of high-GWP chemicals from the SNAP list earlier this year, and urged EPA to continue to remove high-GWP hydrofluorocarbons when lower-GWP alternatives are available.

Hickenlooper v. Coffman

Name and Date	Description
Hickenlooper v. Coffman, No. 2015 SA 296 (Colo., petition filed Nov. 4, 2015, attorney general's brief Nov. 20, 2015, order Dec. 3, 2015)	The Colorado Supreme Court denied Governor John W. Hickenlooper's petition for a ruling requiring Attorney General Cynthia H. Coffman to show cause regarding her authority to sue the federal government on behalf of the State without authorization from the governor. The governor filed the petition after the attorney general joined West Virginia and other states in their D.C. Circuit challenge to the Clean Power Plan. The governor and attorney general are elected separately. Governor Hickenlooper is a Democrat; Attorney General Coffman is a Republican. In its one-page order denying the governor's petition, the court said that the governor had an "adequate alternative remedy." The granting of relief in an original proceeding in the Colorado Supreme Court requires that the case involve an extraordinary matter of public importance and that there be no adequate conventional appellate remedies. The governor had asked the court to declare that the governor has ultimate authority to determine whether the State will sue the federal government and that the attorney general must withdraw the State from the Clean Power Plan lawsuit. The petition also said that the attorney general's challenges of the federal "waters of the United States" rule and federal regulations regarding hydraulic fracturing on federal and tribal lands should be withdrawn. The petition asserted that the attorney general was without statutory, common law, or other authority to sue the federal government, that the lawsuits challenging the federal environmental laws were at odds with the attorney general's statutory obligations to be legal counsel to the State, and that the actions violated the Colorado Constitution, which the petition said grants the governor power to set executive department policy. On November 20, the attorney general responded, arguing that the Colorado Supreme Court should not invoke its "extraordinary" original jurisdiction to resolve "a political disagreement between state officials of different parties." The attorney general contended that the governor was seeking to re-litigate issues that the court resolved 12 years earlier in a case where the attorney general sued to invalidate an act of the Colorado legislature. In that case, the attorney general said, the court ruled that the attorney general could independently seek judicial review on behalf of the people of the State.

San Francisco Baykeeper v. California State Lands Commission

Name and Date	Description
San Francisco Baykeeper v. California State Lands Commission, No. A142449 (Cal. Ct. App. Nov. 18, 2015)	The California Court of Appeal ruled that the California State Lands Commission had complied with the California Environmental Quality Act (CEQA) when it authorized continued dredge mining of sand from sovereign lands under the San Francisco Bay, but remanded to the commission for consideration of whether sand mining leases were a proper use of public trust property. The court's analysis of CEQA compliance did not address the environmental impact report's (EIR's) consideration of greenhouse gas emissions, but the court noted that the final EIR identified the selected alternative as environmentally preferable in part because not continuing the dredging likely would require the Bay Area construction industry to obtain sand from more distant locations, which would lead to increased air emissions, including greenhouse gas emissions.

Friends of Highland Park v. City of Los Angeles

Name and Date	Description
Friends of Highland Park v. City of Los Angeles, No. B261866 (Cal. Ct. App. Nov. 4, 2015)	In an unpublished opinion, the California Court of Appeal reversed a trial court decision that upheld a negative declaration prepared pursuant to the California Environmental Quality Act (CEQA) for the Highland Park Transit Village Project in Los Angeles, a residential development composed of 20 condominiums and a 50-unit building for affordable housing. The appellate court found that the initial study prepared by the City of Los Angeles was inadequate because its discussion of greenhouse gas emissions did not comply with CEQA guidelines. The appellate court said that the study made no attempt to quantify greenhouse gas emissions, did not include qualitative analysis or performance-based standards, and did not support the effectiveness of a mitigation measure that required used of construction materials that contained no, or low levels of, volatile organic compounds.

In re Peabody Energy Corp.

Name and Date	Description
In re Peabody Energy Corp., Assurance No. 15-242 (N.Y. State Att'y Gen. Nov. 8, 2015)	On November 8, Peabody Energy Corporation reached a settlement with the New York State Attorney General's Office (NYAG) in which the company agreed to revise its financial disclosures to reflect the potential impact of climate change regulations on its future business. The settlement followed an investigation by the NYAG concerning Peabody's disclosure of financial risks associated with climate change policies in filings to the Securities and Exchange Commission (SEC). The NYAG found—and Peabody neither admitted nor denied—that Peabody had repeatedly denied its ability to reasonably predict the potential impacts of climate change policies on future operations, financial conditions, and cash flows, while at the same time making market projections about the impact of future climate change policies, some of which concluded that regulatory actions could have a severe negative impact on Peabody's future financial condition. The NYAG also found that Peabody misrepresented findings and projections of the International Energy Agency regarding global coal demand in SEC filings and in communications to the investment community and general public. The NYAG concluded that Peabody had violated New York's Martin Act, which forbids financial fraud. In the assurance of discontinuance of the investigation, Peabody agreed to add specific language on climate policy risks in its next quarterly report and to acknowledge potential effects of climate regulation on demand for Peabody's products and securities.

Alliance for a Regional Solution to Airport Congestion v. City of Los Angeles

Name and Date	Description
Alliance for a Regional Solution to Airport Congestion v. City of Los Angeles, No. BS158633 (Cal. Super. Ct. filed Nov. 2, 2015)	An organization commenced a lawsuit challenging a licensing agreement approved by the City of Los Angeles that would allow the manager of the Los Angeles International Airport (LAX) to grant "Transportation Network Companies" such as Uber, Sidecar, and Lyft permits to conduct operations at LAX. The organization alleged that the City had violated CEQA by improperly using categorical exemptions to avoid environmental review. The organization said the categorical exemptions were not appropriate because the action would result in an increase in the use of vehicles not subject to clean fleet vehicle rules. Among the potential impacts alleged by the organization was a substantial increase in carbon monoxide emissions; the petition cited carbon monoxide's health effects, but also its "important indirect effects on global warming" due to its reaction in the atmosphere with hydroxyl radicals that would otherwise reduce the lifetimes of strong greenhouse gases such as methane.

POET, LLC v. California Air Resources Board

Name and Date	Description
POET, LLC v. California Air Resources Board, No. 15 CECG03380 (Cal. Super. Ct., filed Oct. 30, 2015)	An ethanol producer and a California resident filed a lawsuit in California Superior Court challenging the California Air Resources Board's (CARB's) re-adopted low carbon fuel standard (LCFS) regulation and related alternative diesel fuel regulations. The petitioners alleged that CARB failed to comply with its obligations under CEQA or with the terms of a peremptory writ of mandate issued by the California Superior Court in 2014 that ordered CARB to consider its 2009 LCFS regulation's potential adverse environmental effects of emissions of nitrogen oxides. The petitioners asserted a number of substantive CEQA violations. The petitioners also contended that CARB had failed to respond adequately to numerous environmental comments or to maintain a public rulemaking file, and that CARB had not complied with California's Global Warming Solutions Act of 2006.

Exxon Mobil Corp. & New York Attorney General

Name and Date	Description
Exxon Mobil Corp. (subpoena from New York Attorney General Nov. 2015)	Exxon Mobil Corporation (Exxon) confirmed that it had received a subpoena from the New York State Attorney General's Office related to the company's statements to investors and its board of directors regarding climate change risks and their consistency with the company's internal research. The subpoena reportedly seeks extensive financial records, emails, and other documents covering a 40-year period as part of an investigation that began a year earlier. The investigation is being conducted under the State's Martin Act, which forbids financial fraud and gives the State broad investigative powers. The investigation is also reported to be looking into whether Exxon violated state consumer protection laws. The subpoena itself is not publicly available, but reports on the subpoena are available in the *New York Times*, *Bloomberg Business*, and *InsideClimate News*.

Blosser/Romain v. Rosenblum

Name and Date	Description
Blosser/Romain v. Rosenblum, Nos. S063527, S063531 (Or. Nov. 27, 2015); ***Blosser/Romain v. Rosenblum***, Nos. S063528, S063532 (Or. Nov. 27, 2015)	The Oregon Supreme Court weighed in on the wording of ballot titles for two voter initiatives that would modify requirements for the state's low carbon fuel standards (LCFS). Oregon voters could see the oil industry-sponsored initiatives on November 2016 ballots. Both measures would, among other provisions, limit application of the LCFS to blended liquid fuels and would eliminate a fuel credit trading program as an alternative means of compliance. Both initiatives would also restrict the LCFS requirements to blending of liquid fuels that are "available in commercial quantities." The court said that the caption should mention the elimination of the fuel credit trading component. The court also agreed with an LCFS advocate's view that the use of "commercially available" in the "yes" result statement was misleading because voters would think the LCFS would apply if the alternative fuel was available for purchase in the marketplace, while the initiatives would actually establish a more restrictive definition for commercially available. The court did not require the caption or "yes" result statement to mention one initiative's creation of an administrative review action to challenge commercial availability determinations, citing the word limits and the complexity of the initiative's provisions—but did require that the ballot title's 125-word summary refer to the review action. The court rejected some challenges to the ballot title's language made by an oil industry lobbyist, concluding that the concerns raised were more relevant to "ultimate efforts to persuade voters" to vote for the initiatives. The court referred the ballot titles to the Oregon Attorney General for modification.

California Clean Energy Committee v. County of Placer

Name and Date	Description
California Clean Energy Committee v. County of Placer, No. C072680 (Cal. Ct. App. Dec. 22, 2015)	In an unpublished opinion, the California Court of Appeal largely upheld Placer County's approval of a plan to expand an existing ski resort at Lake Tahoe, but concluded that the approval was invalid under CEQA because the County failed to analyze wildfire evacuation risk. The court said that the petitioner had failed to establish CEQA violations related to any of the energy-related issues it raised—which included the energy impacts of increased snowmaking, energy conservation, transportation and equipment energy impacts, and renewable energy resources. The court also found that the petitioner had failed to exhaust administrative remedies regarding a claim that the environmental impact report did not contain substantial evidence to support the determination that carbon credits were not feasible mitigation measures.

Maryland Office of People's Counsel v. Maryland Public Service Commission

Name and Date	Description
Maryland Office of People's Counsel v. Maryland Public Service Commission, No. 2173 (Md. Ct. Spec. App. Dec. 15, 2015)	The Maryland Court of Special Appeals upheld a grid resiliency charge authorized by the Maryland Public Service Commission. The grid resiliency charge would provide $24 million to accelerate "hardening" projects for 24 "feeders" (low-voltage distribution lines that deliver electricity to end users). Potomac Electric Power Company (Pepco) requested approval for the grid resiliency charge in response to recommendations made by a state task force established to address the potential impact of climate change on regional weather patterns and prolonged power outages brought by extreme weather events. The court said that the issue of whether the Commission exceeded its statutory authority when it approved the grid resiliency charge was not properly before the court because it was not raised before the Commission. The court also concluded that the Commission did not act arbitrarily in approving the charge and that there was substantial evidence that the charge was just and reasonable.

Center for Biological Diversity v. U.S. Fish & Wildlife Service

Name and Date	Description
Center for Biological Diversity v. U.S. Fish & Wildlife Service, No. 3:15-cv-05754 (N.D. Cal., filed Dec. 17, 2015)	The Center for Biological Diversity and the Environmental Protection Information Center filed a lawsuit in the federal district court for the Northern District of California challenging the U.S. Fish & Wildlife Service's (FWS's) determination that listing the coastal marten as endangered or threatened under the Endangered Species Act was not warranted. The plaintiffs contended that the "not warranted" finding was "inexplicable," arbitrary, capricious, and contrary to the best scientific and commercial data available. They cited a report prepared by FWS biologists that allegedly documented substantial threats to coastal martens in Oregon and northern California, including climate change.

Judicial Watch, Inc. v. United States Department of Commerce

Name and Date	Description
Judicial Watch, Inc. v. United States Department of Commerce, No. 1:15-cv-02088 (D.D.C., filed Dec. 2, 2015)	Judicial Watch, a conservative, non-partisan educational foundation, filed a Freedom of Information Act (FOIA) lawsuit against the National Oceanic and Atmospheric Administration (NOAA) in the federal district court for the District of Columbia. Judicial Watch alleged that NOAA had failed to respond to the foundation's request for documents and records of communications concerning certain climate data and related press releases, as well as records related to a subpoena issued by Congressman Lamar Smith for the same categories of records. Judicial Watch asked the court to order NOAA to search for and produce the responsive records. In a December 22 press release, Judicial Watch said that NOAA had submitted the requested documents to Congress after the complaint was filed

Committee for a Better Arvin v. County of Kern

Name and Date	Description
Committee for a Better Arvin v. County of Kern, No. BCV-15101679 (Cal. Super. Ct., filed Dec. 10, 2015)	Environmental and community groups filed a lawsuit in California Superior Court against Kern County challenging amendments to the County zoning ordinance that would purportedly authorize development of up to 3,647 new oil and gas wells annually, as well as related construction and operational activities, without further site-specific assessment. The groups said that the final environmental impact report (EIR) prepared under the California Environmental Quality Act for the ordinance failed to disclose the extent and severity of impacts. The petitioners' enumeration of the final EIR's shortcomings included an alleged failure to explain how the activities authorized by the ordinance will comply with state-mandated greenhouse gas reduction targets. The petitioners also alleged that the County failed to support the conclusion that mitigation measures would reduce greenhouse gas impacts to insignificant levels.

WildEarth Guardians v. U.S. Office of Surface Mining, Reclamation & Enforcement

Name and Date	Description
WildEarth Guardians v. U.S. Office of Surface Mining, Reclamation & Enforcement, Nos. 14-cv-13, 14-cv-103 (D. Mont. Jan. 21, 2016)	The federal district court for the District of Montana ordered the United States Office of Surface Mining, Reclamation and Enforcement (OSMRE) to prepare an updated environmental assessment that considered the direct and indirect effects of a mining plan amendment for expansion of a surface coal mine in Montana. The court adopted the findings and recommendations issued by a magistrate judge in October 2015. The magistrate judge found that OSMRE's finding of no significant impact (FONSI) was based on a six-year-old environmental assessment that expressly stated that it was not analyzing site-specific plans and contained no explanation of its conclusion that the amendment would have no significant impact on air quality, coal combustion, or reclamation. The court agreed with the magistrate judge that OSMRE had not taken a hard look at environmental impacts and also agreed with the magistrate judge that OSMRE's failure to provide public notice of the FONSI was not harmless error. The district court deferred vacating the mining plan amendment for 240 days to give OSMRE time to complete the review.

Bitters v. Federal Highway Administration

Name and Date	Description
Bitters v. Federal Highway Administration, No. 1:14-cv-01646 (E.D. Cal. Jan. 12, 2016)	The federal district court for the Eastern District of California ruled against plaintiffs who challenged the approval of the reintroduction of vehicular traffic to the Fulton Mall area in downtown Fresno as part of a revitalization plan. The court upheld the finding of no significant impact for the project issued by the California Department of Transportation on behalf of the Federal Highway Administration, finding that the plaintiffs had failed to raise substantial questions as to whether the project would have significant impacts, including on greenhouse gas emissions. The court found that the environmental assessment considered "the potential traffic-generating effects of the project and accounted for expected future land uses." The court also found no violations of Section 4(f) of the Department of Transportation Act.

In re Maryland Office of People's Counsel

Name and Date	Description
In re Maryland Office of People's Counsel, No. 17-C-15-019974 (Md. Cir. Ct. Jan. 8, 2016)	The Maryland Circuit Court for Queen Anne's County denied petitions by the Maryland Office of People's Counsel, Sierra Club, Chesapeake Climate Action Network, and Public Citizen, Inc. for review of the Maryland Public Service Commission's (PSC's) approval of a merger between the utility and energy generating businesses, Exelon Corporation and Pepco Holdings, Inc. Among other things, the court found that the PSC had not acted arbitrarily or capriciously when it determined that the petitioners' allegations that the merger could cause harm to distributed generation and renewable energy markets were speculative and not a basis for disapproval of the merger. At least two of the petitioners appealed the circuit court's judgment.

In re Algonquin Gas Transmission, LLC

Name and Date	Description
In re Algonquin Gas Transmission, LLC, No. CP14-96 (FERC Jan. 28, 2016)	The Federal Energy Regulatory Commission (FERC) denied requests for rehearing of its order approving an application by Algonquin Gas Transmission, LLC to construct and operate a natural gas pipeline project that would expand capacity in New York, Connecticut, Rhode Island, and Massachusetts. FERC found that two other pipeline projects were not cumulative, connected, or similar action and that its environmental review was not improperly segmented. FERC also rejected the contentions that it should have prepared a programmatic environmental impact statement for natural gas infrastructure projects in the Utica and Marcellus shale formations and that it should have considered the pipeline project's indirect effects of induced shale gas production, including increased greenhouse gas emissions. FERC also found that the final environmental impact statement properly excluded the impacts of induced production from the Marcellus and Utica shale formations from its cumulative impact analysis. FERC also rejected arguments regarding inadequacies in its analysis of the impacts of greenhouse gas emissions from the pipeline project.

TransCanada Keystone Pipeline, LP v. Kerry

Name and Date	Description
TransCanada Keystone Pipeline, LP v. Kerry, No. 4:16-cv-00036 (S.D. Tex., filed Jan. 6, 2016)	TransCanada Keystone Pipeline, LP and TC Oil Pipeline Operations Inc. (TransCanada) filed a complaint in the federal district court for the Southern District of Texas alleging that the president could not prohibit the development of the Keystone XL pipeline based on a belief that approval of the pipeline would undermine U.S. influence in international climate change negotiations. The lawsuit stemmed from the announcement on November 6, 2015 that Secretary of State John F. Kerry had denied a presidential permit to enable the construction of cross-border facilities for the proposed Keystone XL pipeline. The complaint said that the prohibition of the pipeline's development was unauthorized by statute, was contrary to express congressional actions, and was an unprecedented exercise of unilateral presidential authority to prohibit domestic and foreign commerce transacted through a cross-border facility. TransCanada also contended that the actions unlawfully exceeded the executive's constitutional powers and encroached on congressional power to regulate foreign and domestic commerce. The complaint alleged that United States' review of the Keystone XL pipeline had concluded that the pipeline would not increase greenhouse gas emissions, but that the Secretary of State's November 2015 determinations had "reasoned that the government must 'prioritize actions that are not perceived as enabling further GHG emissions globally"' and had relied on the "purely symbolic role a permit denial would play abroad" as the basis for denying the permit.

Americans for Clean Energy v. EPA

Name and Date	Description
Americans for Clean Energy v. EPA, No. 16-01005 (D.C. Cir., filed Jan. 8, 2016)	Seven petitioners representing the ethanol and biofuel industry asked the D.C. Circuit Court of Appeals to review the final renewable fuel standard rule published in December 2015. The American Fuel & Petrochemical Manufacturers sought leave to intervene as a respondent, citing the rule's direct regulation of its members and asserting that EPA could not adequately represent its membership's interests. In the final rule, EPA established percentage standards for blending cellulosic biofuel, biomass-based diesel, advanced biofuel, and total renewable fuel into motor vehicle gasoline and diesel produced and imported in 2014, 2015, and 2016. Citing "real-world challenges," the rule set standards that are lower than would be required to meet statutory renewable fuel targets set in the Energy Independence and Security Act of 2007. EPA said it was making use of the statute's waiver provisions, and also noted that, after failing to meet statutory deadlines for issuing the renewable fuel standards for multiple years, it was returning to the statutory timeline. EPA said that the rule's final volume requirements exceeded actual renewable fuel use in 2015 and that the required volumes would not result in stagnation in the growth of renewable fuel use.

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Americans for Clean Energy v. EPA

Name and Date	Description
Americans for Clean Energy v. EPA, No. 16-1005 (D.C. Cir., DuPont motion to intervene Feb. 5, 2016); ***Monroe Energy, LLC v. EPA***, No. 16-1044 (D.C. Cir., filed Feb. 9, 2016); ***American Fuel & Petrochemical Manufacturers v. EPA***, No. 16-1047 (D.C. Cir., filed Feb. 10, 2016); ***American Petroleum Institute v. EPA***, No. 16-1050 (D.C. Cir., filed Feb. 11, 2016); ***Alon Refining Krotz Springs, Inc. v. EPA***, No. 16-1049 (D.C. Cir., filed Feb. 11, 2016); ***Valero Energy Corp. v. EPA***, Nos. 16-1054, 16-1055 (D.C. Cir., filed Feb. 12, 2016)	Additional parties joined the proceedings in the D.C. Circuit Court of Appeals challenging EPA's final renewable fuel standard rule (RFS rule), which was published in December 2015. E.I. du Pont de Nemours and Company (DuPont) moved to intervene on the ground that was a leading supplier to the "first generation" ethanol industry and also that it had recently completed a "second generation" ethanol project—a cellulosic ethanol plant in Iowa. DuPont said it could bring the perspective of the "nascent cellulosic renewable fuel industry" to the proceedings. Monroe Energy, LLC, a petroleum products refiner, filed a separate petition for review, as did another group of refiners, the American Petroleum Institute, and the American Fuel & Petrochemical Manufacturers. Valero Energy Corporation, an energy company that refines transportation fuels and owns multiple ethanol plants, filed a petition for review challenging the RFS rule and also a separation petition seeking review of earlier EPA rulemakings concerning renewable fuel standard requirements, contending that the D.C. Circuit had jurisdiction to consider the challenges to the older rules because the petition was based on grounds that arose within 60 days after new grounds arose for challenging those rules.

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Americans for Clean Energy v. EPA

Name and Date	Description
Americans for Clean Energy v. EPA, Nos. 16-1005 et al. (D.C. Cir. Sept. 8, 2016)	Parties challenging various aspects of EPA's final renewable fuel standard rule filed initial briefs in the D.C. Circuit Court of Appeals. The final rule established percentage standards for blending renewable fuels into motor vehicle gasoline and diesel produced and imported in 2014, 2015, and 2016. One brief filed by "obligated parties" (i.e., companies required to purchase credits to meet the rule's volume requirements) argued that the 2016 cellulosic fuel volume requirement was unreasonable and unlawful and that EPA acted outside its authority in setting biomass-based diesel requirements. A second obligated-party brief argued that EPA arbitrarily and capriciously failed to obligate appropriate parties, namely by excluding blenders. Renewable energy companies and trade groups argued in their brief that EPA had improperly used a waiver to reduce the statutory volume requirements. In a separate brief, the National Biodiesel Board also argued that EPA had exceeded its waiver authority and argued that the final rule's advanced biofuel volumes were arbitrary and capricious.
Americans for Clean Energy v. EPA, Nos. 16-1005 et al. (D.C. Cir. opposition to motions for leave to file amicus briefs Sept. 28, 2016)	On September 15, 2016, three motions were filed seeking leave to file amicus briefs in support of the petitioners. The movants were CVR Energy, Inc., the Small Retailers Coalition, and multiple "Biodiesel Associations." Petitioner-intervenor American Petroleum Institute (API) opposed these motions, arguing that they should have been filed earlier and that the delay prejudiced API. API also said that the parties had not explained why they were not adequately represented by other parties.

Center for Biological Diversity v. Federal Highway Administration

Name and Date	Description
Center for Biological Diversity v. Federal Highway Administration, No. 5:16-cv-00133 (C.D. Cal., filed Jan. 22, 2016)	Four environmental groups filed a complaint in the federal district court for the Central District of California to challenge the Federal Highway Administration's (FHWA's) approval of a highway project in Riverside County in California. The plaintiffs alleged that FHWA failed to disclose and evaluate environmental impacts, including increased greenhouse gas emissions. The plaintiffs said that FHWA should have considered greenhouse gas emissions from "all sources," including building materials, truck hauls, and water trucks. Plaintiffs alleged violations of NEPA, as well as violations of Section 4(f) of the Department of Transportation Act because the project did not avoid certain parks and schools.
Center for Biological Diversity v. Federal Highway Administration, No. 5:16-cv-00133 (C.D. Cal. Sept. 22, 2016)	Four environmental groups moved for summary judgment in their challenge to a major highway project in Riverside County, California. In their motion, filed in the federal district court for the Central District of California, the plaintiffs argued, among other things, that the Federal Highway Administration's review under the National Environmental Policy Act failed to consider a reasonable range of alternatives, including certain alternatives that could reduce greenhouse gas emissions.

Idaho Conservation League v. U.S. Forest Service

Name and Date	Description
Idaho Conservation League v. U.S. Forest Service, No. 16-cv-25 (D. Idaho, filed Jan. 15, 2016)	Three Idaho environmental groups filed a complaint in the federal district court for the District of Idaho alleging that the U.S. Forest Service violated NEPA, the National Forest Management Act, and the Forest Service Organic Act when it approved a mine exploration project in the Boise National Forest. The plaintiffs faulted the Forest Service's NEPA review for failing to consider the impacts of the project on Sacajawea's bitterroot. The complaint alleged that the project site was home to the world's largest populations of this flower and that the flower's long-term survival was at risk due to climate change and other threats.

California ex rel. South Coast Air Quality Management District v. Southern California Gas Co.

Name and Date	Description
California ex rel. South Coast Air Quality Management District v. Southern California Gas Co., No. BC608322 (Cal. Super. Ct., filed Jan. 26, 2016)	On January 26, 2016, the South Coast Air Quality Management District (SCAQMD) commenced a public nuisance action against Southern California Gas Company (SoCalGas), the owner and operator of the Aliso Canyon Storage Facility, a natural gas storage facility at which a leak was discovered in October 2015. The complaint alleged that odors and adverse health effects had forced people living in the communities near the facility to leave their homes, and that the leak had also contributed to global warming and increased the risks of harm from global warming by emitting billions of cubic feet of methane into the atmosphere. The lawsuit asserted statutory public nuisance claims, claims of statutory violations that caused actual injury, and claims of negligent and knowing emission of air contaminants in violation of statutes. The complaint sought civil penalties. The SCAQMD action came after the City Attorney for the City of Los Angeles filed an action on behalf of the state in December 2015.

California v. Southern California Gas Co.

Name and Date	Description
California v. Southern California Gas Co., No. BC602973 (Cal. Super. Ct., filed Dec. 7, 2015; first amended complaint Jan. 8, 2016; stipulation and second amended complaint Feb. 1, 2016)	The City Attorney for the City of Los Angeles filed an action on behalf of the state in December 2015 against Southern California Gas Company (SoCalGas), the owner and operator of the Aliso Canyon Storage Facility, a natural gas storage facility at which a leak was discovered in October 2015. The County Counsel joined the action in January 2016, and in February 2016, the California Attorney General sought to join the action both in her independent capacity and on behalf of the California Air Resources Board. The causes of action in the second amended complaint filed by the California Attorney General included public nuisance and violation of California's Unfair Competition Law. The complaint alleged that the release of methane would have detrimental impacts on the state, city, county, environment, and economy due to the exacerbation of climate change impacts. The alleged unfair business practices were also grounded in part in the release of significant quantities of a potent greenhouse gas. The action sought injunctive relief and civil penalties.

WildEarth Guardians, Petition Requesting a Programmatic Environmental Impact Statement Addressing the Bureau of Land Management's Oil and Gas Leasing Program

Name and Date	Description
WildEarth Guardians, ***Petition Requesting a Programmatic Environmental Impact Statement Addressing the Bureau of Land Management's Oil and Gas Leasing Program and Formal Adoption of the Council on Environmental Quality's Guidance for Greenhouse Gas Emissions and Climate Change Impacts*** (Jan. 20, 2016)	The Environmental Law Clinic at the UC Irvine School of Law filed a petition with the United States Bureau of Land Management (BLM) on behalf of WildEarth Guardians asking BLM to evaluate the direct, indirect, and cumulative impacts on climate change of its oil and gas leasing program. WildEarth Guardians asked BLM to prepare a programmatic environmental impact statement (PEIS) to look at these climate impacts, and also at non-climate impacts associated with oil and gas development. WildEarth Guardians requested a moratorium on new oil and gas leasing and approvals of applications for permits to drill pending preparation of the PEIS. The organization also asked that the Department of the Interior amend its NEPA regulations to incorporate the Council on Environmental Quality's 2014 revised draft guidance for considering greenhouse gas emissions and climate change in NEPA review.

In re Trunkline Gas Co.

Name and Date	Description
In re Trunkline Gas Co., Docket Nos. CP14-119, CP14-120, CP14-122, PF12-8 (FERC, filed Jan. 19, 2016)	Sierra Club filed a request for rehearing with the Federal Energy Regulatory Commission (FERC) concerning FERC's authorization of the siting, construction, and operation of natural gas liquefaction equipment, liquefied natural gas (LNG) export facilities, and related pipeline infrastructure at an existing LNG import facility in Louisiana. Sierra Club asked FERC to withdraw the final environmental impact statement (FEIS) for the proposed projects and to conduct additional environmental review, including review of indirect effects related to supply and consumption of natural gas, consideration of the impacts of greenhouse gas emissions, and review of cumulative impacts of the approved projects with other approved and proposed LNG export projects.

Catskill Mountainkeeper, Inc. v. Federal Energy Regulatory Commission

Name and Date	Description
Catskill Mountainkeeper, Inc. v. Federal Energy Regulatory Commission, No. 16-345 (2d Cir. order Feb. 24, 2016; petition for review filed Feb. 5, 2016; emergency motion for stay and brief Feb. 5, 2016)	Sierra Club filed a request for rehearing with the Federal Energy Regulatory Commission (FERC) concerning FERC's authorization of the siting, construction, and operation of natural gas liquefaction equipment, liquefied natural gas (LNG) export facilities, and related pipeline infrastructure at an existing LNG import facility in Louisiana. Sierra Club asked FERC to withdraw the final environmental impact statement (FEIS) for the proposed projects and to conduct additional environmental review, including review of indirect effects related to supply and consumption of natural gas, consideration of the impacts of greenhouse gas emissions, and review of cumulative impacts of the approved projects with other approved and proposed LNG export projects.

DJL Farm LLC v. EPA

Name and Date	Description
DJL Farm LLC v. EPA, Nos. 15-2245, 15-2246, 15-2247, & 15-2248 (7th Cir. Feb. 23, 2016)	The Seventh Circuit Court of Appeals dismissed Illinois landowners' challenges to permits issued under the Safe Drinking Water Act that authorized FutureGen Industrial Alliance (FutureGen) to construct and operate wells to store carbon dioxide. The permits were part of FutureGen's plan to use carbon capture and storage to develop a near-zero emissions coal-fired power plant. The United States Department of Energy suspended funding for the project in January 2015, and the permits expired as of February 2, 2016. The Seventh Circuit said the proceedings challenging the permits were moot because the permits were no longer in effect and could not be reissued without new regulatory proceedings.

Dalton Trucking, Inc. v. EPA

Name and Date	Description
Dalton Trucking, Inc. v. EPA, Nos. 13-1283, 13-1287 (D.C. Cir. Dec. 18, 2015)	The D.C. Circuit Court of Appeals ruled that it was not the proper venue for a challenge to EPA's authorization of California regulations concerning in-use nonroad diesel engine emissions. The D.C. Circuit agreed with petitioners led by Dalton Trucking, Inc. that venue was not proper because EPA's determination did not have national applicability and because EPA had not made a determination of nationwide scope or effect.
Dalton Trucking, Inc. v. EPA, Nos. 13-1283, 13-1287 (D.C. Cir. Feb. 11, 2016)	The D.C. Circuit Court of Appeals denied a petition for rehearing of its December 2015 ruling that it was not the proper venue for a challenge to EPA's authorization of California regulations concerning in-use nonroad diesel engine emissions. Rehearing was sought by petitioner American Road & Transportation Builders Association, which objected to language in the court's opinion that indicated that the California regulations could be adopted by other states. The challenge will instead be heard by the Ninth Circuit.

Idaho Rivers United v. United States Army Corps of Engineers

Name and Date	Description
Idaho Rivers United v. United States Army Corps of Engineers, No. 14-cv-1800 (W.D. Wash. Feb. 9, 2016)	The federal district court for the Western District of Washington granted summary judgment to the United States Corps of Engineers in a case in which environmental and conservation groups alleged that the Corps' plan for maintaining the Snake River navigation channel violated the National Environmental Policy Act (NEPA) and the Clean Water Act. The court rejected the plaintiffs' argument that the Corps had violated NEPA by failing to incorporate the impacts of climate change on sediment deposition in its decision-making. The court said that "[p]laintiffs' climate change argument boils down to an assertion that the Corps should have forecasted future climate change sediment yields …, despite the speculation inherent in such an exercise," and that NEPA did not require consideration of speculative information.

Accokeek, Mattawoman, Piscataway Creeks Communities Council, Inc. v. Maryland Public Service Commission

Name and Date	Description
Accokeek, Mattawoman, Piscataway Creeks Communities Council, Inc. v. Maryland Public Service Commission, No. 2437 (Md. Ct. Spec. App. Feb. 16, 2016)	The Maryland Court of Special Appeals affirmed the Maryland Public Service Commission's (PSC's) approval of an electric generating station intended to power the Dominion Cove Point natural gas liquefaction facility. An environmental organization unsuccessfully argued that the PSC's requirement that the project's sponsor contribute $40 million to the Strategic Energy Investment Fund (SEIF)—which finances investments in energy efficiency and conservation programs, renewable energy resources, low-income energy assistance, and other purposes—was an impermissible tax. The court said that the purpose of requiring the contribution to SEIF was to offset "societal harms" identified by the PSC, including increased carbon emissions and use of a limited supply of industrial greenhouse gas emission allowances under the Regional Greenhouse Gas Initiative.

Washington v. Brockway

Name and Date	Description
Washington v. Brockway, Nos. 5035A-14D, 5039A-14D, 5040-14D, 5041-14D, 5042-14D (Wash. Dist. Ct. order initially dismissing necessity defense Jan. 6, 2016; motion to reconsider Jan. 6, 2016; verdict Jan. 15, 2016)	Five individuals who blocked a rail yard in Washington state to draw attention to climate change and the risks of coal and oil trains were convicted of trespass in Washington state court on January 15, 2016. Before the trial, the judge in Snohomish County District Court initially dismissed the protesters' necessity defense—in which the individuals argued that civil disobedience was necessary to address climate change and harms caused by oil trains. On reconsideration, however, the judge allowed the defense to present testimony in support of the necessity defense at the trial. The defense relied on the testimony of a climate scientist, a physician, a rail-safety specialist, an environmental policy researcher, and a former rail company employee. Ultimately, the judge directed the jury to disregard the testimony, saying that the defendants had not shown that they had exhausted legal means of advocating for changes in climate change and rail safety policies. The judge said from the bench that the defendants were "tireless advocates whom we need in this society to prevent the kind of catastrophic effects that we see coming and our politicians are ineffectually addressing." The defendants were not convicted on charges of obstructing or trying to delay trains.

A Piece of Paradise, LLC v. Borough of Fenwick Zoning Board of Appeals

Name and Date	Description
A Piece of Paradise, LLC v. Borough of Fenwick Zoning Board of Appeals, No. LNDCV136047679S (Conn. Super. Ct. Dec. 23, 2015)	A Connecticut Superior Court rejected a property owner's challenge to the denial of variances and coastal site plan approval for a single-family home on a parcel in the town of Old Saybrook that was formerly part of a larger parcel containing Katharine Hepburn's home. Among the reasons cited by the court for upholding the decisions of the Borough of Fenwick Zoning Board of Appeals was the owner's failure to consider impacts on coastal resources, including impacts of sea level rise. Citing a 2010 report on climate change impacts prepared by a subcommittee to the Governor's Steering Committee on Climate Change, the court noted that the required review was "underscored by the likely impact on Long Island Sound from rising sea levels—with estimates ranging from twelve to fifty-five inches by the end of the century."

Western Watersheds Project v. Schneider

Name and Date	Description
Western Watersheds Project v. Schneider, No. 16-cv-83 (D. Idaho, filed Feb. 25, 2016)	Four environmental organizations filed a complaint in the federal district court for the District of Idaho to challenge approvals by the United States Forest Service and the United States Bureau of Land Management (BLM) of revised land use plans for lands located in the range of the greater sage-grouse in Idaho and other states. The plaintiffs alleged that the plans did not implement best available science and government experts' recommendations and would not ensure the greater sage-grouse's survival, which was threatened by the "synergistic impacts of climate change and human activities" on their habitat. The plaintiffs alleged claims under NEPA, the Federal Land Policy and Management Act, and the National Forest Management Act.

Benton v. Global Companies, LLC

Name and Date	Description
Benton v. Global Companies, LLC, No. 1:16-cv-00125 (N.D.N.Y., filed Feb. 3, 2016)	Public housing tenants in Albany whose homes were adjacent to a petroleum product transloading facility filed a Clean Air Act citizen suit against the facility's operator. The County of Albany and six environmental groups joined the tenants as plaintiffs. The plaintiffs claimed that the operator modified and operated the facility in violation of the Clean Air Act, New York's State Implementation Plan, and the facility's Title V permit. The complaint's allegations focused on traditional air pollutants—particularly volatile organic compounds—but also asserted that the offloading, storage, handling, and transloading of petroelum products at the facility resulted in greenhouse gas emissions.

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SEC Letters to ExxonMobil and Chevron

Name and Date	Description
SEC Letter to Exxon Mobil Corp. (Mar. 23, 2016); SEC Letter to Chevron Corp. (Mar. 23, 2016); SEC Letter to Exxon Mobil Corp. (Mar. 22, 2016); SEC Letter to Exxon Mobil Corp. (Mar. 22, 2016); SEC Letter to Exxon Mobil Corp. (Mar. 14, 2016) and SEC Letter to Exxon Mobil Corp. denying Commission review (Mar. 23, 2016); SEC Letter to Chevron Corp. (Mar. 11, 2016)	The United States Securities and Exchange Commission (SEC) issued letters to Exxon Mobil Corporation (ExxonMobil) and Chevron Corporation (Chevron) advising them to include proposals in their shareholder proxy materials that would, if approved, require the companies to provide additional information to investors about, and to take actions to address, climate change risks. The proposals to be included in the proxy materials included requests for annual assessments of the long-term portfolio impacts of possible climate change policies. The SEC rejected Chevron's argument that this proposal could be excluded based on the exclusion for matters related to "ordinary business operations." The SEC said this exclusion did not apply because the proposal related to the significant policy issue of climate change. The SEC's letter to ExxonMobil said that the proposal was not "so inherently vague or indefinite that neither the shareholders voting on the proposal, nor the company in implementing the proposal, would be able to determine with any reasonable certainty exactly what actions or measures the proposal requires." The letter to ExxonMobil also indicated that the SEC did not agree that the company's previous public disclosures substantially implemented the disclosure guidelines set forth in the proposals. The SEC also said in March letters that Chevron and ExxonMobil should include proposals to increase the total amount authorized for capital distributions to shareholders as a prudent response to the climate change-related risks of stranded assets. In two other letters to ExxonMobil, the SEC said that the company could not omit either a proposal asking the company to "quantify and report to shareholders its reserve replacements in British Thermal Units, by resource category, to assist the company in responding appropriately to climate change induced market changes" or a proposal that the company commit to supporting the goal of limiting global warming to less than 2°C.

SEC Letters to ExxonMobil and Chevron

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Center for Food Safety v. Jewell

Name and Date	Description
Center for Food Safety v. Jewell, No. 4:16-cv-00145 (D. Ariz., filed Mar. 10, 2016)	The Center for Food Safety and the Center for Biological Diversity filed an action in the federal district court for the District of Arizona to compel action on a 2014 petition asking FWS to list the monarch butterfly as a threatened species under the Endangered Species Act (ESA). The plaintiffs cited a number of threats to the butterfly, including global climate change. The plaintiffs alleged that FWS and the Secretary of the U.S. Department of the Interior had failed to comply with nondiscretionary deadlines for responding to petitions under the ESA.

Alaska Oil & Gas Association v. National Marine Fisheries Service

Name and Date	Description
Alaska Oil & Gas Association v. National Marine Fisheries Service, No. 4:14-cv-00029 (D. Alaska Mar. 17, 2016)	The federal district court for the District of Alaska struck down the listing of the Arctic subspecies of ringed seal as threatened under the Endangered Species Act. The court said that the listing was not reasonable because the subspecies population was currently strong and healthy and the listing was grounded primarily in "speculation as to what circumstances may or may not exist 80 to 100 years from now." The court said that the National Marine Fisheries Service had acknowledged that it lacked reliable data regarding the impacts of loss of sea-ice due to climate change in that extended timeframe.

Defenders of Wildlife v. Jewell

Name and Date	Description
Defenders of Wildlife v. Jewell, Nos. CV 14-246-M-DLC, CV 14-247-M-DLC,CV 14-250-M-DLC (D. Mont. Apr. 4, 2016)	The federal district court for the District of Montana vacated the withdrawal by the United States Fish and Wildlife Service (FWS) of a proposal to list the distinct population segment of the North American wolverine as threatened under the Endangered Species Act (ESA). The court described at length the 20-year period over which the FWS considered whether to list the DPS. The process culminated in the withdrawal of the proposed listing 18 months after it was proposed. In withdrawing the proposal, the FWS reversed course on its previous determinations regarding climate change's impacts on the wolverine and said it did not have sufficient information to suggest the wolverine population would be at risk of extinction due to climate change. The court agreed with the plaintiffs that the FWS unlawfully ignored the best available science by dismissing the threat to the wolverine posed by climate change and also by dismissing the threat to the wolverine posed by genetic isolation and small population size. The court remanded the matter to the FWS, stating: "It is the undersigned's view that if there is one thing required of the [FWS] under the ESA, it is to take action at the earliest possible, defensible point in time to protect against the loss of biodiversity within our reach as a nation. For the wolverine, that time is now."

Hughes v. Talen Energy Marketing, LLC

Name and Date	Description
Hughes v. Talen Energy Marketing, LLC, No. 14-614 (U.S. Apr. 19, 2016)	The United States Supreme Court ruled that a Maryland program that subsidized new electricity generation in the state was preempted because it disregarded an interstate wholesale rate required by the Federal Energy Regulatory Commission. The Court said that Maryland impermissibly guaranteed a new generator a price for interstate sales of capacity other than the clearing price determined through the capacity auction operated by the entity that oversees the regional electricity grid. The Court noted, however, that states were not foreclosed from adopting programs to encourage development of clean energy generation "[s]o long as a State does not condition payment of funds on capacity clearing the auction."

National Wildlife Federation v. National Marine Fisheries Service

Name and Date	Description
National Wildlife Federation v. National Marine Fisheries Service, No. 3:01-cv-00640 (D. Or. May 4, 2016)	The federal district court for the District of Oregon ruled that the National Marine Fisheries Service (NMFS or NOAA Fisheries), the U.S. Army Corps of Engineers (Corps), and the U.S. Bureau of Reclamation (BOR) had acted arbitrarily and capriciously when they undertook reviews of the Federal Columbia River Power System (FCRPS) pursuant to the Endangered Species Act and the National Environmental Policy Act (NEPA). The FCRPS is a system of hydroelectric dams, powerhouses, and reservoirs on the Columbia and Snake Rivers, which are also home to 13 species or populations of endangered or threatened salmon and steelhead. In 2014, NOAA Fisheries issued a Biological Opinion (BiOp) that concluded the FCRPS would avoid jeopardy to listed species based on implementation of 73 "reasonable and prudent alternatives." No new environmental impact statement (EIS) was prepared in connection with the records of decisions issued by the Corps and BOR that implemented the reasonable and prudent alternatives. The court identified a number of deficiencies in the agencies' determinations. Among other shortcomings, the court found that the 2014 BiOp had not adequately assessed the effects of climate change. The court said that NOAA Fisheries had not applied the best available science, had overlooked important aspects of the problem, and had failed to analyze climate change effects, including the "additive harm" of climate change; its impacts on the effectiveness of reasonable and prudent alternative actions, particularly long-term habitat actions; and the increased chances of an event that would be catastrophic for protected species. The court said that NOAA Fisheries had apparently failed to consider information indicating that climate change could diminish or eliminate the effectiveness of habitat mitigation efforts and that the agency had not explained why a "warm ocean scenario" it rejected was less representative of expected future climate conditions than the scenario on which it relied. With respect to the NEPA review, the court found that the Corps and the Bureau of Reclamation could not continue to rely on EISs prepared in the 1990s and some more recent narrowly focused documents. The court said that there had been "significant developments in the scientific information relating to climate change and its effects" that "leads to the conclusion that the relevant physical environment has changed." The court directed NOAA Fisheries to produce a new BiOp by March 1, 2018 (but kept the 2014 BiOp in place in the meantime) and ordered preparation of a new EIS to consider the 2014 BiOp's reasonable and prudent alternatives.

Horner v. Rector & Visitors of George Mason University

Name and Date	Description
Horner v. Rector & Visitors of George Mason University, No. CL15-4712 (Va. Cir. Ct. Apr. 22, 2016)	A Virginia state court found that George Mason University should have produced records, including emails, of a professor who served as director of the university's Center For Climate Change Communication in response to a request under the Virginia Freedom of Information Act. The request was submitted by the Competitive Enterprise Institute (CEI), which sought communications that CEI said would show that the professor helped to organize a campaign to prosecute fossil fuel companies and lobbyists for deceiving the public about the risks of climate change. The court found that the university's search for records was inadequate and was not persuaded by the university's argument that the records sought were not records relating to "the transaction of public business."

In re Further Investigation into Environmental and Socioeconomic Costs Under Minnesota Statutes Section 216B.2422, Subdivision 3

Name and Date	Description
In re Further Investigation into Environmental and Socioeconomic Costs Under Minnesota Statutes Section 216B.2422, Subdivision 3, OAH 80-2500-31888 MPUC E-999/CI-14-643 (Minn. Pub. Utils. Comm'n Apr. 15, 2016)	An administrative law judge (ALJ) with the Minnesota Public Utilities Commission (Commission) recommended that the Commission adopt the federal social cost of carbon (FSCC) as reasonable and as the best available measure to determine the environmental costs of carbon dioxide. Under Minnesota law, utilities must use environmental costs "when evaluating and selecting resource options in all proceedings before the [Commission], including resource planning and certificate of need proceedings." The ALJ found that various assertions by parties challenging the use of the FSCC were not adequately demonstrated, including assertions that climate change was not occurring, that climate change impacts were beneficial, and that the discount rates used in the FSCC's development were arbitrary. The ALJ also said that it was necessary to consider a global scope for damages, not just damages to the United States or Minnesota. The ALJ found, however, that state agencies and environmental organizations had not presented a reasonable basis for their calculation of a value for the social cost of carbon that took into account the risk of a "tipping point," even though the ALJ concluded that the agencies and organizations had demonstrated that the FSCC likely understated damages associated with this risk. The ALJ also concluded that a 2300 time horizon for the FSCC was not reasonably supported by adequate evidence, but said that it would be reasonable to extrapolate to the year 2200. The ALJ also recommended that the Commission open a separate proceeding for considering issues related to "leakage," i.e., the replacement of lower-emissions power in one jurisdiction by higher-emissions power in other jurisdictions.

In re Dominion Cove Point LNG, LP

Name and Date	Description
In re Dominion Cove Point LNG, LP, No. 11-128-LNG (U.S. Dep't of Energy Apr. 18, 2016)	The United States Department of Energy (DOE) denied a request by Sierra Club for reconsideration of its authorization for export to non-free trade agreement nations of liquefied natural gas (LNG) from the Dominion Cove Point LNG terminal in Maryland. DOE said it had thoroughly considered the greenhouse gas impacts of its actions and rejected Sierra Club's other arguments regarding shortcomings in the environmental review. Among other things, DOE said induced natural gas production attributable to the project was not required to be assessed because it was not reasonably foreseeable. DOE also rejected the argument that the impacts of potential increased use of coal in power generation should be examined, finding that the relationship between DOE's determination and increased coal consumption was even more attenuated than for increased natural gas production. DOE also found that the methodology used for the Life Cycle Greenhouse Gas Report was reasonable and that DOE had properly considered economic benefits and impacts.

Defenders of Wildlife v. U.S. Fish & Wildlife Service

Name and Date	Description
Defenders of Wildlife v. U.S. Fish & Wildlife Service, No. 5:16-cv-1993 (N.D. Cal., filed Apr. 15, 2016)	Three environmental groups filed a complaint in the federal district court for the Northern District of California alleging that the FWS and the U.S. Army Corps of Engineers had not complied with the Endangered Species Act and the Clean Water Act in connection with a proposed solar energy project in the Panoche Valley in California. The ESA claims involved allegations that a Biological Opinion (BiOp) issued for the endangered blunt-nosed leopard lizard failed to adequately consider the project's impacts on the recovery of the lizard. The complaint alleged that recent science indicated that climate change would have a "devastating range-wide impact" on the species. The ESA claims also concerned the BiOp for the giant kangaroo rat; the complaint said destruction and fragmentation of habitat could cause "localized extirpations" that might not recover, particularly if climate change projections for the species' habitat were correct.

Center for Biological Diversity v. EPA

Name and Date	Description
Center for Biological Diversity v. EPA, No. 16-cv-00681 (D.D.C., filed Apr. 12, 2016)	The Center for Biological Diversity and Friends of the Earth filed a complaint in the federal district court for the District of Columbia to compel EPA to take action to address carbon dioxide emissions from aircraft engines. The plaintiffs alleged that EPA had unreasonably delayed both issuing an endangerment finding for emissions from aircraft and also promulgating emissions limitations. The plaintiffs said they had petitioned EPA to take these actions in 2007 and noted that the court had previously ruled in 2011 that EPA had a duty to issue an endangerment finding determining whether greenhouse gas emissions from aircraft engines cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. EPA published a proposed finding in July 2015.
Center for Biological Diversity v. EPA, No. 1:16-cv-00681 (D.D.C. motion to dismiss Aug. 19, 2016; plaintiffs' response to court's order Aug. 5, 2016; order July 27, 2016)	EPA asked the federal district court for the District of Columbia to dismiss an action in which environmental groups sought to compel EPA to regulate aircraft carbon dioxide emissions. EPA argued that its issuance in July of a final endangerment finding for such emissions made the entire action moot. After EPA issued the final determination, the court ordered the environmental groups to show cause why the action should not be dismissed. The environmental groups concurred that the portion of their lawsuit seeking a final endangerment finding was moot (and the court subsequently dismissed that count), but the groups argued that EPA's ongoing failure to set emissions standards constituted unreasonable delay. In support of its motion to dismiss, EPA argued that the groups could not make an unreasonable delay claim because EPA had no obligation to take action at the time the groups filed the action; only EPA's issuance of the final endangerment finding triggered any duty. Briefing on the motion to dismiss was scheduled to be completed on September 23.
Center for Biological Diversity v. EPA, No. 16-cv-681 (D.D.C. Sept. 9, 2016)	Center for Biological Diversity, Friends of the Earth, and EPA filed a joint stipulation of dismissal without prejudice of the environmental groups' lawsuit that sought to compel EPA to respond to their petition seeking regulation of aircraft greenhouse gas emissions. The dismissal came after EPA issued a final endangerment finding in July 2016 for certain aircraft greenhouse gas emissions. EPA said in July that it anticipated proposing emissions standards that would be at least as stringent as standards that the International Civil Aviation Organization is expected to formally adopt in March 2017.

Exxon Mobil Corp. v. Walker

Name and Date	Description
Exxon Mobil Corp. v. Walker, No. 017-284890-16 (Tex. Dist. Ct., filed Apr. 13, 2016)	Exxon Mobil Corporation (ExxonMobil) filed a lawsuit in a Texas state court against the Attorney General of the United States Virgin Islands (USVI), whose office had issued a subpoena to ExxonMobil under the territory's Criminally Influenced and Corrupt Organizations Act. The subpoena said that ExxonMobil misrepresented its contributions to climate change to defraud consumers and the government. ExxonMobil's petition for declaratory relief asserted that the subpoena was "a pretextual use of law enforcement power to deter ExxonMobil from participating in ongoing public deliberations about climate change and to fish through decades of ExxonMobil's documents with the hope of finding some ammunition to enhance" the attorney general's policy stance. The lawsuit also named a Washington law firm that represented the attorney general and one of the law firm's lawyers as defendants. ExxonMobil alleged causes of action for violations of the First, Fourth, Fifth, and Fourteenth Amendments, as well as abuse of process under common law. The petition sought a declaration that the subpoena was unenforceable.
Exxon Mobil Corp. v. Walker, No. 017-284890-16 (Tex. Dist. Ct. plea in intervention May 16, 2016)	The States of Alabama and Texas intervened in the Texas state court action brought by Exxon Mobil Corporation (ExxonMobil) to quash the subpoena issued by the United States Virgin Islands (USVI) Office of the Attorney General. The USVI attorney general issued the subpoena in its investigation of whether ExxonMobil misrepresented its contributions to climate change to defraud consumers and the government. In their plea in intervention, Alabama and Texas said that their "sovereign power and investigative and prosecutorial authority" were implicated by the USVI attorney general's tactics. Alabama and Texas asserted that the USVI attorney general's representation by a private law firm in the proceeding and the potential use of contingency fees in a criminal or quasi-criminal matter raised due process considerations that they had an interest in protecting.

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Exxon Mobil Corp. v. Walker

Name and Date	Description
Exxon Mobil Corp. v. Walker, No. 4:16-CV-00364-K (N.D. Tex. notice of removal May 18, 2016)	The USVI attorney general removed ExxonMobil's action to federal court, asserting that there was federal question jurisdiction over ExxonMobil's federal constitutional and statutory claims and supplemental jurisdiction over state law claims.
Exxon Mobil Corp. v. Walker, No. 4:16-CV-00364-K (N.D. Tex. memorandum of law in support of motion to remand May 23, 2016)	ExxonMobil asked the federal court to remand the action to state court and to award it costs and fees. ExxonMobil argued that the federal court did not have jurisdiction because its action was a pre-enforcement challenge to the subpoena that would be treated as unripe under Fifth Circuit Court of Appeals precedent. ExxonMobil contended that Texas state courts had a more expansive conception of ripeness for declaratory judgment actions and would exercise jurisdiction over the action.
Exxon Mobil Corp. v. Walker, No. 4:16-CV-00364-K (N.D. Tex. joint stipulation June 21, 2016)	The federal court denied ExxonMobil's motion to remand the action to state court.
Exxon Mobil Corp. v. Walker, No. 4:16-CV-00364-K (N.D. Tex. joint stipulation June 29, 2016)	On June 29, 2016, Exxon Mobil Corporation (ExxonMobil) and the Attorney General for the United States Virgin Islands (USVI) told the federal district court for the Northern District of Texas that they had reached an agreement pursuant to which the Attorney General would withdraw the subpoena issued to ExxonMobil in March 2016 and ExxonMobil would dismiss its lawsuit against the Attorney General. In the lawsuit, ExxonMobil had alleged that the USVI Attorney General's subpoena—issued the investigation under the territory's Criminally Influenced and Corrupt Organizations Act into suspected misrepresentations regarding ExxonMobil's contributions to climate change—violated ExxonMobil's constitutional rights and common law due process.

United States Virgin Islands Office of the Attorney General v. Exxon Mobil Corp.

Name and Date	Description
United States Virgin Islands Office of the Attorney General v. Exxon Mobil Corp., No. 16-002469 (D.C. Super. Ct., CEI subpoena Apr. 4, 2016)	On April 7, 2016, the Competitive Enterprise Institute announced that it would fight an investigative subpoena issued by the U.S. Virgin Islands Attorney General that demanded documents and communications from or to Exxon Mobil Corporation dating from 1997 to 2007 that concerned climate change.
United States Virgin Islands Office of the Attorney General v. ExxonMobil Corp., No. 2016 CA 002469 (D.C. Super. Ct. notice of termination May 20, 2016; motion to dismiss May 16, 2016)	On May 20, 2016, the United States Virgin Islands (USVI) Office of the Attorney General agreed to revoke an investigative subpoena issued by the District of Columbia Superior Court to the Competitive Enterprise Institute (CEI). The subpoena requested climate change-related documents and communications from or to ExxonMobil Corporation (ExxonMobil). The USVI attorney general filed a notice terminating its subpoena action against CEI in the District of Columbia Superior Court, but indicated in a May 13 letter that the USVI Department of Justice would reissue the subpoena if the attorney general intended to ask the court to compel CEI's compliance with the subpoena in its current form. On May 16, 2016, CEI moved to dismiss the action under the District of Columbia Anti-SLAPP Act of 2010. In its motion papers, CEI said it intended to seek attorneys' fees and other litigation costs should the subpoena be withdrawn.

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United States Virgin Islands Office of the Attorney General v. Exxon Mobil Corp.

Name and Date	Description
United States Virgin Islands Office of the Attorney General v. ExxonMobil Oil Corp., No. 2016 CA 2469 (D.C. Super. Ct. consent motion for leave to file notice of supplemental authority June 30, 2016)	A day after Exxon Mobil Corporation (ExxonMobil) and the Attorney General for the United States Virgin Islands (USVI) notified a Texas federal court of an agreement under which the Attorney General withdrew a subpoena and ExxonMobil withdrew the lawsuit, a law firm representing the Virgin Islands sent a letter to counsel for the Competitive Enterprise Institute (CEI) providing notice that it would withdraw the third-party subpoena issued to CEI as part of the USVI ExxonMobil climate investigation. CEI then asked the District of Columbia Superior Court for leave to file a "Notice of Supplemental Authority" in support of its special motion to dismiss and motions for sanctions and costs and attorney's fees. CEI said the withdrawal of the ExxonMobil subpoena confirmed the "pretextual nature" of the USVI Attorney General's investigation, raised "serious questions about the veracity" of the Attorney General's representations to the D.C. court, and supported the argument that the Attorney General's demands on CEI were unsupported by need.

Diné Citizens Against Ruining Our Environment v. Bureau of Indian Affairs

Name and Date	Description
Diné Citizens Against Ruining Our Environment v. Bureau of Indian Affairs, No. 3:16-cv-08077 (D. Ariz., filed Apr. 20, 2016)	Environmental groups filed a lawsuit against federal defendants in the federal district court for the District of Arizona challenging expanded coal strip-mining operations at the Navajo Mine and extended coal combustion at the Four Corners Power Plant. The facilities are located in New Mexico and Arizona, including on tribal lands. The groups challenged a Biological Opinion (BiOp) prepared pursuant to the Endangered Species Act that concluded that operations at the mine and power plant would neither jeopardize the survival and recovery of, nor adversely modify designated critical habitat of, two endangered species of fish. The groups' allegations included that the BiOp's analysis of cumulative effects failed entirely to address evidence of significant impacts to the fishes' habitat from climate change. The groups also challenged compliance with the National Environmental Policy Act. They alleged that the final environmental impact statement rejected alternatives such as conversion to natural gas that were technically and economically feasible and that would have greatly reduced greenhouse gas emissions at the power plant, which the complaint said was one of the largest domestic sources of greenhouse gas emissions.

Shupak v. Reed

Name and Date	Description
Shupak v. Reed, No. BC617444 (Cal. Super. Ct., filed Apr. 19, 2016)	A Sempra Energy (Sempra) shareholder filed a stockholder derivative complaint in California Superior Court alleging that officers and directors of Sempra and its subsidiary Southern California Gas Company (SoCalGas) violated their fiduciary duties in connection with the months-long leak from a natural gas storage facility in southern California. The complaint alleged that the leak was the largest methane leak in United States history and that the link had undermined California's "vaunted program to combat climate change," "erasing years of the progress made under California's effort to overhaul its energy industry, a program that has cost consumers tens of billions since 2006."

PEER Letters to CEQ and Interior Department regarding U.S. Bureau of Land Management Noncompliance with Requirements to Consider Climate Change

Name and Date	Description
PEER Letter to CEQ regarding U.S. Bureau of Land Management NEPA Noncompliance (Apr. 11, 2016); PEER Letter to Interior Department regarding BLM Violation of Climate Change Directives (Apr. 11, 2016)	Public Employees for Environmental Responsibility (PEER) submitted complaints to the Council on Environmental Quality (CEQ) and the Secretary of the Interior contending that the United States Bureau of Land Management (BLM) was systematically failing to consider climate change issues in its public lands grazing programs. The complaint letters asserted that public land grazing has "three-fold" climate-related consequences: (1) domestic cattle are a significant source of methane; (2) overgrazing has reduced the ability of public lands to offset greenhouse gas emissions through carbon sequestration; and (3) degraded rangelands have reduced resiliency to climate impacts. The letters said that BLM had "consistently shirked" its obligation to consider climate change in NEPA reviews despite guidance instructing it to do so. The letters asked CEQ and the Interior Secretary to take certain actions, including requiring BLM to adopt a climate change adaptation strategy and greenhouse gas emission reduction plan for the public lands livestock grazing program and to review and alter its NEPA practices to take climate change into account.

Center for Biological Diversity, Protests of Bureau of Land Management Oil and Gas Lease Sales

Name and Date	Description
Center for Biological Diversity, Protest of Bureau of Land Management Oil and Gas Lease Sale (Montana State Office) (BLM Mar. 7, 2016); Center for Biological Diversity, Protest of Bureau of Land Management Oil and Gas Lease Sale (Wyoming State Office) (BLM Mar. 2, 2016)	The Center for Biological Diversity (CBD) filed two protests of oil and gas lease sales in Montana and Wyoming with BLM. CBD contended that BLM should halt all leasing until it had conducted a programmatic review of the climate impacts of its fossil fuel extraction programs. The protest letters said that "[p]roceeding with new leasing proposals ad hoc in the absence of a comprehensive plan that addresses climate change and fracking is premature and risks irreversible damage." CBD urged BLM to consider limiting greenhouse gas emissions by keeping fossil fuels in the ground and to consider banning new oil and gas leasing and fracking. In its protest letter filed with the Montana state office, CBD also said that BLM had failed to comply with the Endangered Species Act's consultation requirements and had failed to consider impacts to a sensitive bird species in violation of BLM regulations. CBD said that climate change would continue to exacerbate threats to the bird's habitat and would change natural fire cycles in a way that would harm the species. In the Wyoming letter, CBD said that the lease sale was not consistent with its obligations to prioritize development outside greater sage-grouse habitat.

Idaho Rivers United v. Probert

Name and Date	Description
Idaho Rivers United v. Probert, No. 3:16-cv-00102-CWD (D. Idaho May 12, 2016)	The federal district court for the District of Idaho granted a motion for a preliminary injunction to prevent on-the-ground timber harvesting operations on federal land surrounding the Lower Selway and Middle Fork Clearwater watersheds in Idaho. The plaintiffs in the action asserted that the United States Forest Service and other federal defendants did not comply with the National Environmental Policy Act (NEPA), the Wild and Scenic Rivers Act, the National Forest Management Act, and the Endangered Species Act when they approved a timber salvage project after a 2014 wildfire. The district court found that the plaintiffs had established that they were likely to succeed on the merits of two NEPA claims and one Wild and Scenic Rivers Act claim. The court also found that the plaintiffs had shown irreparable harm and that preservation of the status quo was in the public interest. The court noted that the plaintiffs had raised arguments in their reply papers regarding the environmental review's failure to consider climate effects on sedimentation in detail. The court said it would defer these issues for full consideration during further proceedings. The court asked the parties to file a joint litigation plan providing for an expedited schedule for adjudication on the merits.

Panoche Energy Center, LLC v. Pacific Gas & Electric Co.

Name and Date	Description
Panoche Energy Center, LLC v. Pacific Gas & Electric Co., No. A140000 (Cal. Ct. App. May 5, 2016)	The California Court of Appeal reinstated an arbitration panel's determination that a producer of electricity in California had assumed the cost of implementing the Global Warming Solutions Act of 2006 (AB 32). The producer entered into a power purchase and sale agreement (PPA) with a utility in 2006, prior to AB 32's enactment. The arbitration panel found that the PPA's contract price took into account AB 32's potential costs after the producer had been forewarned that it would have to cover compliance costs. A California Superior Court had vacated the arbitration award, finding that the producer had been "substantially prejudiced" by the arbitrators' refusal to delay the arbitration while the California Public Utilities Commission and the California Air Resources Board considered regulations that addressed, among many other things, how the AB 32 program would deal with "legacy contracts" such as the PPA. In reversing the Superior Court, the Court of Appeal rejected the producer's argument that final regulations providing relief to the producer and similarly situated parties rendered the utility's appeal moot. The appellate court also said that the contractual dispute had been ripe when arbitration commenced despite the pending regulatory proceedings. The appellate court said that the producer therefore had not shown sufficient cause for postponement of the arbitration.

Brentwood Stakeholders Alliance for Better Living v. City of Los Angeles

Name and Date	Description
Brentwood Stakeholders Alliance for Better Living v. City of Los Angeles, No. B263037 (Cal. Ct. App. Apr. 26, 2016)	In an unpublished opinion, the California Court of Appeal upheld approvals granted by the City of Los Angeles for a six-story building with 49 condominium units. The appellate court concluded that the City had complied with the California Environmental Quality Act (CEQA). The parties that challenged the CEQA review had contended that the greenhouse gas study commissioned by the developer did not analyze greenhouse gas emissions from mobile sources and construction, and that the mitigated negative declaration for the project did not address greenhouse gas emission impacts. The appellate court said that the study had considered both stationary and mobile source emissions and had indicated that the project's emissions would be below the significance thresholds proposed by the South Coast Air Quality Management District. The court also found that the plaintiffs had not cited substantial evidence to support the argument that greenhouse gas mitigation measures were inadequate, or that there would be a significant impact.

San Juan Citizens Alliance v. United States Bureau of Land Management

Name and Date	Description
San Juan Citizens Alliance v. United States Bureau of Land Management, No. 1:16-cv-00376 (D.N.M., filed May 3, 2016)	Five environmental groups filed an action in the federal district court for the District of New Mexico seeking review of the authorization of oil and gas leases in the Santa Fe National Forest. The environmental groups alleged that the United States Bureau of Land Management and the United States Forest Service had not complied with the National Environmental Policy Act (NEPA). The groups said that the agencies had failed to acknowledge or analyze the environmental consequences of the actions, including climate change. They alleged that the leases could significantly increase methane emissions and also increase carbon dioxide emissions.

Conservation Law Foundation v. ExxonMobil Corp.

Name and Date	Description
Conservation Law Foundation, **Notice of Violations and Intent to File Suit under the Resource Conservation and Recovery Act and Clean Water Act** (May 17, 2016)	Conservation Law Foundation (CLF) sent a letter to ExxonMobil Corporation, ExxonMobil Oil Corporation, and ExxonMobil Pipeline Company notifying them that it intended to file a lawsuit alleging violations of the Resource Conservation and Recovery Act (RCRA) and the Clean Water Act in connection with the Everett Terminal, a marine distribution terminal in Massachusetts. With respect to RCRA, CLF asserted that ExxonMobil's past or present handling, storage, treatment, transportation, or disposal of hazardous and solid waste might present an imminent or substantial endangerment to health or the environment. CLF contended that ExxonMobil was aware that a significant rise in sea level would put the Everett Terminal under water but that the companies had not taken any action to protect the public or the environment from this risk. CLF also said that failures to disclose information regarding climate change risks could also expose ExxonMobil to liability under other theories. With respect to the Clean Water Act, CLF said that ExxonMobil had not disclosed climate change information in its applications for coverage under National Pollutant Discharge Elimination System (NPDES) permits and had failed to address sea level rise, increased precipitation, and increased magnitude and frequency of storm events and storm surges in its Stormwater Pollution Prevention Plan.

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Conservation Law Foundation v. ExxonMobil Corp.

Name and Date	Description
Conservation Law Foundation v. ExxonMobil Corp., No. 1:16-cv-11950-MLW (D. Mass., filed Sept. 29, 2016)	Conservation Law Foundation (CLF) filed a citizen suit under the Resource Conservation and Recovery Act (RCRA) and the Clean Water Act against ExxonMobil Corporation and two related companies (ExxonMobil) alleging that the defendants had failed to take climate change impacts into account in connection with their operation of the Everett Terminal, a marine distribution terminal in Massachusetts. The complaint, filed four months after CLF submitted a notice of intent to ExxonMobil, alleged that the terminal was vulnerable to sea level rise, increased precipitation, increased magnitude and frequency of storm events, and increased magnitude and frequency of storm surge, and that ExxonMobil had not taken action to address these vulnerabilities despite having "long been well aware of" climate change impacts and risks. In the RCRA cause of action, the complaint said that the threats of storm surge and sea level rise were imminent and that the failure to adapt the Everett Terminal would result in the release of hazardous and solid wastes into the environment and surrounding residential communities. In the Clean Water Act causes of action, the complaint asserted that the facility was violating its National Pollutant Discharge Elimination System (NPDES) permit because discharges from the facility were occurring more frequently than allowed under the permit and numeric effluent limitations were exceeded. In addition, the complaint alleged that discharges from the facility violated state water quality standards and that the facility's stormwater pollution prevention plan and spill prevention, control and countermeasures plan were inadequate because they failed to address climate change impacts.

In re Magnolia LNG, LLC

Name and Date	Description
In re Magnolia LNG, LLC, Nos. CP14-347, CP14-511 (FERC request for rehearing May 16, 2016)	Sierra Club asked the Federal Energy Regulatory Commission (FERC) to withdraw its environmental impact statement and approvals for natural gas liquefaction equipment, liquefied natural gas (LNG) export facilities, and related pipeline infrastructure in Lake Charles, Louisiana. Sierra Club contended that FERC erred in determining that indirect effects on the supply and consumption of natural gas were outside the scope of its Natural Gas Act and NEPA analyses. Sierra Club also argued that FERC had erred by failing to consider the cumulative impacts of the Lake Charles project together with other approved and pending LNG export projects.

Sierra Club v. Federal Energy Regulatory Commission

Name and Date	Description
Sierra Club v. Federal Energy Regulatory Commission, No. 14-1275 (D.C. Cir. June 28, 2016)	The D.C. Circuit Court of Appeals ruled against environmental groups in a challenge to Federal Energy Regulatory Commission (FERC) authorizations for modifications to a liquefied natural gas (LNG) facility in Texas to support LNG export. The environmental groups—Sierra Club and Galveston Baykeeper—had argued that FERC's review of the project under the National Environmental Policy Act (NEPA) did not fully consider the environmental consequences of FERC's authorizations of the facility's construction, including impacts of induced natural gas production. The D.C. Circuit held that Sierra Club had established standing, rejecting FERC's argument that petitioners were required to tie their injury to the increase in natural gas production allegedly caused by FERC's actions. The D.C. Circuit also said that the challenge to FERC's approvals was not mooted by reports prepared by the Department of Energy (DOE) on environmental consequences of LNG production and export. On the merits, however, the D.C. Circuit held that FERC did not have to consider the indirect effects—including potential increases in domestic natural gas production—of exporting LNG because only DOE had authority to license the export of LNG from the facilities. The court said that FERC had "reasonably explained that the asserted linkage [between induced production and the FERC approvals] was too attenuated to be weighed" in FERC's NEPA review. The D.C. Circuit also upheld FERC's analysis of cumulative impacts, rejecting the contention that FERC should have conducted a "nationwide analysis" of other pending or approved LNG export terminals. The D.C. Circuit also declined to consider the petitioners' argument that emissions from the LNG facilities' electricity use should have been disclosed in pounds per megawatt-hour instead of in tons per year. The D.C. Circuit said it was without jurisdiction to consider this argument because it had not been raised in the underlying FERC proceeding.

Sierra Club v. Federal Energy Regulatory Commission

Name and Date	Description
Sierra Club v. Federal Energy Regulatory Commission, No. 14-1249 (D.C. Cir. June 28, 2016)	The D.C. Circuit Court of Appeals ruled against Sierra Club in a challenge to Federal Energy Regulatory Commission (FERC) authorization of increased production at a Louisiana liquefied natural gas (LNG) terminal. The court ruled that Sierra Club had standing, saying that the organization had satisfied the causation and redressability requirements for standing based on harm to a member's aesthetic and recreational interests if the volume of tanker traffic to and from the terminal increased. As with the FERC authorizations for an LNG facility in Texas (*Sierra Club v. FERC*, No. 14-1275 (D.C. Cir.), the court concluded, however, that FERC's authorization of increases in production capacity were "not the legally relevant cause of the indirect effects Sierra Club raises." The court stated: "Sierra Club, of course, remains free to raise these issues in a challenge to the Energy Department's NEPA review of its export decision. Nothing in our opinion should be read to foreclose that challenge or predetermine its outcome." The court also concluded that it lacked jurisdiction to consider Sierra Club's arguments regarding FERC's cumulative impacts analysis because Sierra Club had not raised the issue in its motion for rehearing before FERC. The court also rejected the cumulative impact argument on the merits for the same reasons given in the decision on the Texas facility in which it had rejected the contention that FERC should have conducted a "nationwide analysis" of other pending or approved LNG export terminals.

United States v. Trader Joe's Co.

Name and Date	Description
United States v. Trader Joe's Co., No. 3:16-cv-03444–EDL (N.D. Cal. complaint and proposed consent decree June 21, 2016)	The United States and Trader Joe's Company (Trader Joe's) filed a proposed consent decree in the federal district court for the Northern District of California to resolved alleged violations by Trader Joe's of Clean Air Act requirements regarding leak repair and recordkeeping for commercial refrigeration equipment. The consent decree would require Trader Joe's to pay a $500,000 civil penalty and to establish a refrigerant compliance management system, to maintain a company-side average refrigerant leak rate of 12.1% or less, and to use refrigerants with lower global warming potential values in new and remodeled stores. In its announcement of the consent decree, the United States Environmental Protection Agency (EPA) said that the "[t]he total estimated greenhouse gas emissions reductions from this settlement are equal to the amount from over 6,500 passenger vehicles driven in one year, the CO2 emissions from 33 million pounds of coal burned, or the carbon sequestered by 25,000 acres of forests in one year." The Department of Justice published notice of the proposed consent decree in the June 28 issue of the Federal Register.

Oregon Wild v. U.S. Forest Service

Name and Date	Description
Oregon Wild v. U.S. Forest Service, No. 1:15-cv-00895 (D. Or. June 17, 2016)	The federal district court for the District of Oregon upheld actions by the U.S. Forest and Service and U.S. Fish and Wildlife Service authorizing continued livestock grazing on or around the Sycan River in Oregon. The area included recently designated critical habitat for the Klamath River bull trout, which had been designated as threatened under the Endangered Species Act (ESA). Among the arguments rejected by the court was that the Forest Service's analysis of potential impacts on the bull trout critical habitat in an informal biological assessment was inadequate because it did not fully analyze the cumulative effects of public land grazing with other activities taking place in the area or consider other factors such as climate change. The court said that the ESA imposed no duty on federal agencies to consider cumulative effects in informal consultation, and that the Forest Service therefore "had no obligation to consider cumulative effects at all, let alone in conjunction with the proposed action and climate change."

Partnership for Policy Integrity v. McCarthy

Name and Date	Description
Partnership for Policy Integrity v. McCarthy, No 5:16-cv-00038 (M.D. Ga. proposed consent decree May 16, 2016)	EPA and the Partnership for Policy Integrity (PPI) filed a proposed consent decree in the federal district court for the Middle District of Georgia to resolve PPI's claims that EPA had failed to perform its nondiscretionary duty to respond to PPI's petition requesting that the agency object to a Title V permit issued by the Georgia Department of Natural Resources for a biomass-fueled power plant in Lamar County. PPI submitted the petition in May 2015 and filed its lawsuit in January 2016. The organization asked EPA to object to the Title V permit because it would not assure compliance with the Clean Air Act. PPI said that EPA should direct that the facility be required to go through the Prevention of Significant Deterioration permitting process. PPI argued, among other things, that the facility was a major source for greenhouse gases and should undergo a BACT analysis. The consent decree would require EPA to sign a response to PPI's petition by December 16, 2016.

Harris County Flood Control District v. Kerr

Name and Date	Description
Harris County Flood Control District v. Kerr, No. 13-0303 (Tex. June 17, 2016)	The Texas Supreme Court held that municipal governments were not liable under a takings theory for flood damage when they approved development without implementing mitigation measures to address known flood risks. The court withdrew a 2015 opinion in which it had said that homeowners who suffered flood damage had raised an issue of fact in their takings claim. The new majority opinion noted that many public and private amicus curiae had urged rehearing because the homeowners' theory of liability would "vastly and unwisely expand the liability of governmental entities." The court described some of the hypothetical situations in which liability might be expanded, including a "disturbing" hypothetical raised by the Harris County Metropolitan Transit Authority that suggested that imposition of liability under a takings theory in the instant case could serve as precedent for holding governments liable for hurricanes allegedly caused by global warming. The court quoted the amicus brief, which stated: "Experts can be hired who will testify that burning fossil fuels raises sea levels and makes storms more intense. Yet governments issue permits allowing exploration and production of fossil fuels, and construction and operation of the power plants that burn them."

Ukiah Citizens for Safety First v. City of Ukiah

Name and Date	Description
Ukiah Citizens for Safety First v. City of Ukiah, No. A145581 (Cal. Ct. App. June 21, 2016)	The California Court of Appeal found that the City of Ukiah had not sufficiently analyzed the energy impacts of a proposed Costco retail store and gas station in an environmental impact report (EIR) prepared under the California Environmental Quality Act (CEQA). The EIR was certified in December 2013. The court said that the EIR had improperly relied on building code compliance to mitigate construction and operational energy impacts and on mitigation measures to reduce greenhouse gas emissions. The court noted that these shortcomings were similar to inadequacies identified in the Court of Appeals' decision in February 2014 (several months after the City of Ukiah certified the Costco EIR) in California Clean Energy Committee v. City of Woodland. In that case, the Court of Appeals stated that "[a]lthough there is likely to be a high correlation between reducing greenhouse emissions and energy savings, this court cannot assume the overlap is sufficient under CEQA's study and mitigation requirements." After the court issued its City of Woodland decision, the City of Ukiah issued an addendum to the EIR to address energy impacts; the trial court considered this addendum when it upheld the EIR. The Court of Appeals ruled, however, that the addendum "does not cure the prior approval of an inadequate EIR."

Spring Valley Lake Association v. City of Victorville

Name and Date	Description
Spring Valley Lake Association v. City of Victorville, No. D069442 (Cal. Ct. App. May 25, 2016)	The California Court of Appeal ruled that the environmental review for a shopping center in the City of Victorville did not comply with CEQA. The court found that substantial evidence did not support the City's finding that the project was consistent with a provision of the general plan requiring new commercial and industrial projects to generate electricity on-site to the maximum extent feasible. The court also found that the record did not support a finding that the project would comply with the general plan's energy efficiency objective and therefore did not support the City's conclusion that the project would not have significant air quality impacts from greenhouse gas emissions.

John R. Lawson Rock & Oil, Inc. v. California Air Resources Board

Name and Date	Description
John R. Lawson Rock & Oil, Inc. v. California Air Resources Board, No. 14CECG01494 (Cal. Super. Ct. June 7, 2016)	A California Superior Court ruled in favor of the challengers to amendments adopted in 2014 to the 2010 emissions standards for on-road heavy duty diesel vehicles. The amendments allowed small fleets of trucks and low-use vehicles extra time to come into compliance with the standards. The court held that CARB had engaged in post hoc environmental review by approving the amendments before it finished its CEQA review. The court also found that there was substantial evidence supporting a fair argument that the amendments would have a significant effect on the environment, including on criteria pollutant and greenhouse gas emissions. The court said that CARB used an improper baseline when it used existing environmental conditions and ignored the 2010 regulations.

Delta Stewardship Council Cases

Name and Date	Description
Delta Stewardship Council Cases, JCCP No. 4758 (Cal. Super. Ct. ruling on motions for clarification and tentative ruling May 18, 2016)	A California Superior Court invalidated the long-term management plan for the Sacramento-San Joaquin Delta but was not persuaded by an argument that the plan relied on sea level rise projections that were too high and not based on best available science. The management plan was prepared by the Delta Stewardship Council pursuant to the Sacramento-San Joaquin Delta Reform Act of 2009. A draft conservation strategy report was based on an assumption of a rise in sea level of 55 inches over the next 50 to 100 years, a projection also referenced in the Act. While petitioners argued that data in the report predicted a rise of only 13.8 inches by 2050 and 35 inches by 2100, the court noted that the 55-inch level was supported in other studies cited by the Council.

TransCanada Corp. v. Government of the United States of America

Name and Date	Description
Notice of Intent to Submit a Claim to Arbitration Under Chapter 11 of the North American Free Trade Agreement, TransCanada Corp. v. Government of the United States of America (Jan. 6, 2016)	Canadian affiliates of TransCanada filed a notice of intent to submit a claim to arbitration pursuant to the North American Free Trade Agreement (NAFTA). They said they would seek damages of more than $15 billion. The notice asserted that environmental activists had succeeded in turning opposition to the Keystone XL Pipeline into a "litmus test" for politicians, and that the delay in considering the presidential permit and the ultimate denial of the permit were "politically-driven, directly contrary to the findings of the [Obama] Administration's own studies, and not based on the merits of Keystone's application." The notice cited core investment protections that the United States government committed to provide under NAFTA, including national treatment (Article 1102), most-favored-nation treatment (Article 1103), treatment in accordance with international law (Article 1105), and protection against uncompensated expropriations (Article 1110). The notice asserted that the Obama administration's actions breached its obligations to provide these protections.
TransCanada Corp. v. Government of the United States of America (request for arbitration June 24, 2016)	TransCanada Corporation and TransCanada PipeLines Limited submitted a formal request for arbitration seeking damages arising from the United States government's denial of a presidential permit for the Keystone XL Pipeline. The companies asserted that the U.S. had breached its obligations under the North American Free Trade Agreement (NAFTA), including under Articles 1102 (National Treatment), 1103 (Most-Favored Nation Treatment), 1105 (Minimum Standard of Treatment), and 1110 (Expropriation and Compensation). The two Canadian companies submitted claims for damages of more than $15 billion on their own behalf as well as on behalf of U.S. companies owned or controlled by the Canadian companies. They sought to arbitrate the dispute before the International Centre for Settlement of Investment Disputes. The companies asserted that the U.S. had unjustifiably delayed the decision on the pipeline based on "arbitrary and contrived" excuses; that the unjustified denial of the permit was based not on the merits of the application but on "how the international community might react to an approval in light of [the] erroneous perception that the pipeline would result in higher GHG emissions"; and that the U.S. had unjustifiably discriminated against the Keystone XL Pipeline, having previously approved pipeline applications from other investors.

Sierra Club v. Department of Energy

Name and Date	Description
Sierra Club v. Department of Energy, No. 16-1186 (D.C. Cir., filed June 15, 2016)	Sierra Club filed a petition for review in the D.C. Circuit Court of Appeals seeking to overturn the Department of Energy's authorizations of the export of LNG from the Cove Point LNG Terminal in Maryland. The Department of Energy denied Sierra Club's request for rehearing in April, rejecting Sierra Club's arguments that it had not adequately considered greenhouse gas impacts and that it should have considered induced natural gas production and increased coal consumption as indirect effects of its action.
Sierra Club v. United States Department of Energy, No. 16-1186 (D.C. Cir. Aug. 8, 2016)	The D.C. Circuit Court of Appeals authorized intervention by the American Petroleum Institute and Dominion Cove Point LNG, LP in Sierra Club's challenge to DOE's authorization of the export of liquefied natural gas (LNG) from the Cove Point LNG Terminal in Maryland. During the administrative process leading up to the export approval, DOE rejected Sierra Club's arguments that its environmental review should have accounted for indirect effects including greenhouse gas emissions from induced natural gas production and increased coal consumption.

Exxon Mobil Corp. v. Healey

Name and Date	Description
Exxon Mobil Corp. v. Healey, No. 4:16-cv-00469 (N.D. Tex. filed June 15, 2016; joint motion June 22, 2016; order June 30, 2016)	ExxonMobil filed a complaint in the federal district court for the Northern District of Texas against the Massachusetts Attorney General, asking the court to bar enforcement of a civil investigative demand (CID) issued to ExxonMobil in April 2016 and to declare that the CID violated ExxonMobil's rights under federal and state law. ExxonMobil also moved for a preliminary injunction in the Texas federal court, and said that it would file a protective motion in Massachusetts state court to argue that the court lacked personal jurisdiction. ExxonMobil said it would lodge its objections to the CID in state court but would ask the Massachusetts court to stay its consideration of the objections because the Texas federal court should resolve the issue of the CID's enforceability in the first instance. ExxonMobil's complaint in the Texas federal court said that the CID indicated that ExxonMobil was the subject of an investigation under a Massachusetts statute concerning unfair or deceptive acts or practices in trade or commerce. ExxonMobil argued that it could not have violated the statute because it had not sold fossil fuel products, operated retail stores, or sold any form of equity to the general public in Massachusetts in the past five years. ExxonMobil alleged that the CID violated its rights under the First, Fourth, and Fourteenth Amendments and Dormant Commerce Clause of the U.S. Constitution and constituted an abuse of process under common law. At the end of June, the Texas federal court granted the parties' joint motion to enlarge the time period for the Massachusetts Attorney General to respond to the complaint and motion for preliminary injunction "[i]n light of the complex nature of the case and the extensive documents filed by ExxonMobil."

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Exxon Mobil Corp. v. Healey

Name and Date	Description
Exxon Mobil Corp. v. Healey, No. 4:16-cv-00469-K (N.D. Tex. ExxonMobil reply Aug. 24, 2016; states' amicus brief Aug. 17, 2016; motion to dismiss and opposition to preliminary injunction Aug. 8, 2016)	Massachusetts Attorney General Maura Healey filed a motion to dismiss Exxon Mobil Corporation's (ExxonMobil's) lawsuit against her in a Texas federal court. Healey argued that the federal district court for the Northern District of Texas was not the proper forum for ExxonMobil's action, which sought to bar enforcement of a civil investigative demand (CID) issued by Healey in connection with her office's investigation into unfair or deceptive acts or practices in trade or commerce with respect to fossil fuel products and securities. Healey said the federal court did not have personal jurisdiction over her, that abstention was warranted, that the action was unripe, and that the venue was improper. Healey also opposed ExxonMobil's motion for a preliminary injunction, stating that ExxonMobil had not demonstrated that it would suffer irreparable harm or that it was substantially likely to prevail on its constitutional claims. Healey also argued that a preliminary injunction would undermine Massachusetts' investigatory powers and harm the state's consumers and investors and the public interest. In reply, ExxonMobil reiterated its arguments that the CID violated the First, Fourth, and Fourteenth Amendments of the Constitution, as well as the dormant Commerce Clause, and argued that a violation of constitutional rights constituted irreparable harm and that the public had an interest in ensuring that law enforcement powers were executed constitutionally. Eighteen states, the District of Columbia, and the Virgin Islands submitted an amicus curiae brief supporting Healey. They argued that Exxon could not ask a federal court to impede a state attorney general's investigation where a process for challenging the subpoena was available in state court.

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Exxon Mobil Corp. v. Healey

Name and Date	Description
Exxon Mobil Corp. v. Healey, No. 4:16-cv-00469-K (N.D. Tex. Sept. 22, 2016)	In Exxon Mobil Corporation's (ExxonMobil's) action challenging a civil investigative demand (CID) issued by Massachusetts Attorney General Maura Healey, the federal district court for the Northern District of Texas appointed a mediator and ordered Exxon Mobil Corporation and Massachusetts Attorney General Maura Healey to mediate within 16 days of the court's order (by October 8). ExxonMobil's lawsuit alleged that the CID—which sought up to 40 years of ExxonMobil records related to climate change—violated constitutional and common law rights. The court's mediation order followed a hearing at which the judge encouraged the parties to attempt to resolve their dispute out of court. Prior to the hearing, ExxonMobil filed its opposition to the attorney general's motion to dismiss the case, arguing that the court had personal jurisdiction over the attorney general and that abstention would not be appropriate. ExxonMobil also said that the constitutional claims were ripe for adjudication and that the venue was proper, and asserted that the attorney general had not contested the adequacy of the complaint's allegations. In reply, the attorney general stated that it was not conceding the sufficiency of ExxonMobil's claims and argued that ExxonMobil had misapplied precedents regarding personal jurisdiction. The attorney general reiterated that the court should abstain because ExxonMobil could pursue—and was pursuing—relief in Massachusetts state court. The attorney general also reiterated that Texas was not the proper venue. Parties that interceded in the lawsuit on ExxonMobil's behalf included 11 states that expressed concern regarding unconstitutional use of investigative powers by state attorneys general, and a Massachusetts doctor to whom the attorney general had submitted a CID in an unrelated Medicaid fraud investigation.

Resolute Forest Products, Inc. v. Greenpeace International

Name and Date	Description
Resolute Forest Products, Inc. v. Greenpeace International, No. 1:16-tc-05000 (S.D. Ga., filed May 31, 2016)	A company in the forest products industry and six of its subsidiaries sued Greenpeace, another environmental organization, and a number of individual employees of the organizations under the Racketeer Influenced and Corruption Organizations (RICO) Act in the federal district court for the Southern District of Georgia. The plaintiffs alleged that Greenpeace and the other defendants mounted a campaign identifying the forest products company as a "Forest Destroyer." The complaint's allegations included that the defendants told a "whopping lie" by suggesting that the plaintiffs created climate change risks by harvesting the Boreal forest. The plaintiffs claimed that the defendants created and disseminated false and misleading reports and information concerning the plaintiffs, "under the guise of protecting the environment, but in truth, for the unlawful purpose of soliciting fraudulent donations from the public at-large." In addition to RICO claims, the plaintiffs asserted claims for defamation, tortious interference with prospective business relations, tortious interference with contractual relations, common law civil conspiracy, and trademark dilution.

Energy & Environment Legal Institute v. Attorney General of Vermont

Name and Date	Description
Energy & Environment Legal Institute v. Attorney General of Vermont, No. 349-6-16WNCV (Vt. Super. Ct., filed June 13, 2016)	Energy & Environmental Legal Institute and Free Market Environmental Law Clinic filed a lawsuit in Vermont Superior Court against the Vermont attorney general under the State's Public Records Law. The organizations asked the court to require the attorney general's office to respond to a public records request submitted in May 2016. The organizations asked for emails of the Vermont attorney general and an assistant attorney general that included the terms "climate denial" or "climate denier" or the names or email addresses of certain lawyers at environmental nongovernmental organizations or the names or email addresses of the New York State Attorney General (NYAG) or the chief of the NYAG's Environmental Protection Bureau.
Energy & Environment Legal Institute v. Attorney General of Vermont, No. 349-6-16WNCV (Vt. Super. Ct. Sept. 19, 2016)	A Vermont Superior Court denied a motion by the Attorney General of Vermont to dismiss an action seeking to compel disclosure of documents under the Vermont Public Records Act. Energy & Environmental Legal Institute and Free Market Environmental Law Clinic had requested emails that included the terms "climate denial" or "climate denier" or the names or email addresses of certain lawyers at environmental nongovernmental organizations or the names or email addresses of the New York State Attorney General (NYAG) or the chief of the NYAG's Environmental Protection Bureau. The court rejected the attorney general's defense that the plaintiffs had failed to exhaust administrative remedies, but said that the attorney general had shown that "exceptional circumstances" existed given the breadth of the request and the need for individual review of documents and redaction of privileged material. The court ordered the attorney general to complete its review by October 3, 2016.

NC WARN, Complaint and Request for Investigation Related to Underreporting and Lack of Correction of Methane Venting and Leakage in Natural Gas Industry

Name and Date	Description
NC WARN, **Complaint and Request for Investigation of Fraud, Waste and Abuse by a High-Ranking EPA Official Leading to Severe Underreporting and Lack of Correction of Methane Venting and Leakage Throughout the US Natural Gas Industry** (June 8, 2016)	NC WARN, a nonprofit group in North Carolina, submitted a complaint and request for investigation to the EPA Office of Inspector General (OIG) in which the organization alleged that there had been a "persistent and deliberate cover-up" at EPA that had prevented the agency from taking action to reduce methane venting and leakage in the natural gas industry. The complaint said that a whistleblower engineer had brought concerns regarding problems with measurement of methane emissions from natural gas facilities to the attention of a University of Texas engineering professor who served as chair of EPA's Science Advisory Board and led a study co-sponsored by Environmental Defense Fund (EDF). The complaint said the whistleblower had also brought his concerns to the attention of other participants in the EDF project and various EPA officials. NC WARN contended that the failure to address these concerns had set back efforts to under methane leakage and its impact on climate. The complaint asked the OIG to conduct an expedited investigation and asked that certain studies be retracted and new studies be undertaken. The complaint also asked OIG to investigate EPA's use of researchers with "industry bias and direct conflicts of interest." NC WARN also recommended certain policy changes: a zero-emission goal for methane; a "full regimen" for oversight, testing, and remediation of methane emissions by EPA; and taking into account the global warming potential of methane over a 20-year, instead of a 100-year, timeframe.
NC WARN Complaint and Request for Investigation, Hotline No. 2016-021(EPA OIG NC WARN letter Aug. 4, 2016; EPA letter July 20, 2016)	The United States Environmental Protection Agency (EPA) Office of the Inspector General declined to open an investigation into an alleged cover-up regarding the extent of methane venting and leakage in the natural gas industry. EPA notified NC WARN, a nonprofit group that had submitted a complaint and request for information, of its decision on July 20, 2016. On August 4, 2016, NC WARN requested that EPA reconsider its decision not to pursue an investigation, or provide a written explanation for not looking into NC WARN's allegations.

Petition to EPA for Rulemaking to Adopt Ultra-Low NOx Exhaust Emission Standards for On-Road Heavy-Duty Trucks and Engines

Name and Date	Description
Petition to EPA for Rulemaking to Adopt Ultra-Low NOx Exhaust Emission Standards for On-Road Heavy-Duty Trucks and Engines (June 3, 2016)	Eleven local and state environmental agencies, led by the South Coast Air Quality Management District in California, petitioned EPA to reduce the on-road heavy-duty engine exhaust emission standards for oxides of nitrogen (NO_x) to a level ten times lower than the current level. The petitioners said that the lower standard was necessary in order for a number of areas to meet the national ambient air quality standard (NAAQS) for ozone. They asserted in the petition that it would be more cost-effective for engine manufacturers to simultaneously develop engines that met both the related EPA Phase 2 greenhouse gas reduction requirements and an ultra-low NO_x standard because the two standards would require modifications to the same engine system.

Funk v. Wolf

Name and Date	Description
Funk v. Wolf, No. 467 MD 2015 (Pa. Commw. Ct., filed Sept. 16, 2015)	Five children and a young adult filed a lawsuit in Pennsylvania Commonwealth Court against Pennsylvania Governor Tom Wolf and six Pennsylvania agencies and the heads of those agencies seeking to compel regulation of carbon dioxide and other greenhouse gas emissions. The plaintiffs claimed that the obligation to regulate arose under the Pennsylvania Constitution's Environmental Rights Amendment (Article I, Section 27). The plaintiffs asked the court to declare the atmosphere a public trust resource protected by the Environmental Rights Amendment and to declare that the defendants had failed to meet their duties as public trustees. They asked the court to require the defendants to take specific actions, including determining the atmospheric concentration of greenhouse gases that must be achieved to satisfy their constitutional obligations as trustees and to prepare and implement regulations to reduce greenhouse gas emissions to achieve those concentrations.
Funk v. Wolf, No. 467 M.D. 2015 (Pa. Commw. Ct. July 26, 2016)	The Pennsylvania Commonwealth Court dismissed a proceeding in which petitioners sought to compel the Pennsylvania Public Utility Commission, the Pennsylvania governor, and other officials and entities in the executive branch to develop and implement a comprehensive plan to regulate greenhouse gases. The petitioners unsuccessfully alleged that the Environmental Rights Amendment of the Pennsylvania Constitution obligated the respondents to undertake such actions. The court concluded that it did have subject matter jurisdiction and that plaintiffs had standing, but concluded that it could not issue a writ of mandamus compelling the respondents to take the actions sought by the petitioners because the petitioners did not have a "clear right" to have the respondents conduct studies, promulgate or implement regulations, or issue executive orders regarding greenhouse gases. The court also declined to grant declaratory relief because doing so would have no practical effect.

Downtown Fresno Coalition v. City of Fresno

Name and Date	Description
Downtown Fresno Coalition v. City of Fresno, No. F070845 (Cal. Ct. App. July 14, 2016)	The California Court of Appeal declined to overturn approvals for the reconstruction of the Fulton Mall area in downtown Fresno. The appellate court found that the City of Fresno had not prematurely approved the project in advance of its CEQA review. The court also found that the CEQA review was legally adequate, including its assessment of the project's greenhouse gas emissions. The court noted that the City had presented an "extensive rationale" for its determination in its initial study that impacts on greenhouse gas emissions would not be significant and that the City therefore had no legal obligation to do more than "succinctly discuss" such impacts in the environmental impact report.

Mission Bay Alliance v. Office of Community Investment and Infrastructure

Name and Date	Description
Mission Bay Alliance v. Office of Community Investment and Infrastructure, Nos. CPF-16-514892, CPF-16-514811 (Cal. Super. Ct. July 18, 2016; notice of appeal July 25, 2016)	A California Superior Court rejected challenges to the environmental review and approvals for a mixed-use development in San Francisco that featured a new arena for the Golden State Warriors. Among the arguments rejected by the court was a contention that a quantitative analysis of greenhouse gas emissions was required. The court noted that the lead agency had appropriately evaluated the project based on a local greenhouse gas strategy. The court also said that the California Environmental Quality Act (CEQA) did not require that project components considered in the greenhouse gas analysis be treated as mitigation measures. In response to the petitioners' challenge to the project's acquisition of greenhouse gas emissions offsets, the court noted that the project sponsor had agreed to obtain the offsets (in order to be certified as an "Environmental Leadership Development Project," in addition to complying with the local greenhouse gas strategy and that the commitment to purchase the offsets was further evidence that the project's greenhouse gas emissions were not significant. On July 25, 2016, the petitioners filed a notice of appeal.

North Dakota v. EPA

Name and Date	Description
North Dakota v. EPA, No. 16-1242 (D.C. Cir., filed July 15, 2016)	North Dakota filed a petition in the D.C. Circuit Court of Appeals for review of EPA's final rule establishing methane emission standards for new, reconstructed, and modified sources in the oil and natural gas sector. North Dakota asserted that the rule exceeded EPA's statutory authority, was unconstitutional, and was arbitrary, capricious, an abuse of discretion, and not in accordance with law.
North Dakota v. EPA, Nos. 16-1242 et al. (D.C. Cir. states' and environmental groups' motions to intervene Aug. 15, 2016)	Fifteen states and a number of trade groups joined early filer North Dakota in challenging EPA's methane emission standards for new, reconstructed, and modified sources in the oil and natural gas sector. The D.C. Circuit consolidated all nine petitions, with North Dakota's proceeding as the lead case. The petitioners said they would establish that the regulations exceeded EPA's statutory authority and were arbitrary, capricious, an abuse of discretion, and not in accordance with law. Six environmental groups filed a motion seeking to intervene on EPA's behalf, as did nine states and the City of Chicago.

Natural Resources Defense Council v. Federal Energy Regulatory Commission

Name and Date	Description
Natural Resources Defense Council v. Federal Energy Regulatory Commission, No. 16-1236 (D.C. Cir., filed July 8, 2016)	Natural Resources Defense Council, Sierra Club, and Union of Concerned Scientists challenged two orders issued by FERC approving PJM Interconnection L.L.C.'s (PJM's) proposed changes to its Reliability Pricing Model, also referred to as its capacity market rules. PJM is the grid operator for 13 states and the District of Columbia, and the Reliability Pricing Model rules dictate how PJM will secure power resources to meet power demands. In the press release announcing the lawsuit, the organizations said that the rule changes approved by FERC "would impose significant costs on customers and severely handicap clean energy participation in PJM's capacity markets."

California v. Southern California Gas Co.

Name and Date	Description
California v. Southern California Gas Co., No. BC628120 (Cal. Super. Ct., filed July 25, 2016)	Los Angeles County and the People of California, acting through the Los Angeles County Counsel, commenced a lawsuit against Southern California Gas Company (SoCalGas) to compel SoCalGas to install subsurface safety shut-off valves on the active gas wells and distribution pipelines it owns and operates in the county. Those facilities include wells in the Aliso Canyon gas storage field where the largest gas leak in U.S. history occurred over the course 112 days beginning in October 2015. The plaintiffs also sought civil penalties, response costs, punitive and exemplary damages, and attorney fees. The plaintiffs asserted causes of action for public nuisance, unfair competition, and breaches of a franchise agreement and a lease agreement, and for damages under the County Code. The complaint alleged that the methane released during the Aliso Canyon leak would exacerbate the impacts of climate change and affect the health and well-being of the County's citizens, even after the leak ended. The complaint also asserted that the four-month leak contributed roughly the same amount of warming as the greenhouse gas emissions produced by the entire country of Lebanon.

Petition for Moratorium on Fossil Fuel Leases

Name and Date	Description
Center for Biological Diversity, **Petition for a Moratorium on the Leasing of Federal Public Land Fossil Fuels Under the Mineral Leasing Act, 30 U.S.C. §§ 226, 241** (July 12, 2016)	On July 12, 2016, the Center for Biological Diversity (CBD) filed a petition with the United States Department of the Interior asking it to impose a moratorium on the leasing of federal public land fossil fuels under the Mineral Leasing Act. CBD said that the moratorium should be put in place immediately and that it should remain in effect until a comprehensive review of all federal fossil fuel leasing programs was completed and policies were developed to ensure that future leasing would be consistent with the United States' goals of holding global warming "well below 2°C above pre-industrial levels" and pursuing efforts to "limit the temperature increase to 1.5°C above pre-industrial levels."

Helping Hand Tools v. EPA

Name and Date	Description
Helping Hand Tools v. EPA, No. 14-72553 (9th Cir. Sept. 2, 2016)	The Ninth Circuit Court of Appeals upheld a Prevention of Significant Deterioration (PSD) permit for a biomass-burning power plant at a lumber mill in California. The Ninth Circuit concluded that the U.S. Environmental Protection Agency (EPA) had reasonably concluded that the Clean Air Act did not require consideration of solar power and a greater natural gas mix as control alternatives at the facility because doing so would impermissibly "redefine the source." The Ninth Circuit also deferred to EPA's application of its Guidance for Determining Best Available Control Technology for Reducing Carbon Dioxide Emissions from Bioenergy Production (Bioenergy BACT Guidance). The court said that this case appeared to be the first time a circuit court had addressed EPA's framework for evaluating BACT for greenhouse gas emissions from biomass facilities and concluded that deference to the Bioenergy BACT Guidance was required because EPA was acting "at the frontiers of science."

WildEarth Guardians v. U.S. Department of Interior

Name and Date	Description
WildEarth Guardians v. U.S. Department of Interior, Nos. CV 14–270–M–DLC, 14–272–M–DLC (D. Mont. Sept. 7, 2016)	The federal district court for the District of Montana ruled that the U.S. Fish and Wildlife Service (FWS) should reconsider whether areas in southern Colorado and on national forest lands in Montana and Idaho should be designated as critical habitat for the Canadian lynx. The court rejected, however, a claim by the plaintiffs that FWS erred by not designating areas that could serve as "climate change refugia" in the future. The court said the plaintiffs' arguments for such designations were at odds with a 2010 decision in which the court rejected essentially the same arguments.

Center for Biological Diversity v. Jewell

Name and Date	Description
Center for Biological Diversity v. Jewell, No. 2:15-cv-00004-SEH (D. Mont. Sept. 2, 2016)	The federal district court for the District of Montana upheld an FWS determination not to list the Upper Missouri River distinct population segment of Arctic grayling as endangered or threatened under the Endangered Species Act. The Arctic grayling is a freshwater fish only found in two locations in the conterminous United States, the upper Missouri River system above the Great Falls in Montana and in northwest Wyoming within Yellowstone National Park. The court rejected the plaintiffs' assertion that the analysis of climate change impacts had been inadequate and arbitrary, finding that FWS had reasonably concluded that the species would likely survive and adapt to a warming climate.

Public Service Co. of Colorado v. City of Boulder

Name and Date	Description
Public Service Co. of Colorado v. City of Boulder, No. 2016COA138 (Colo. Ct. App. Sept. 22, 2016)	The Colorado Court of Appeals ruled that a district court lacked jurisdiction over a challenge by Public Service Company of Colorado (Xcel) to ordinances passed by the City of Boulder to implement a charter amendment that authorized the City to establish a new light and power utility if certain conditions were met. (Xcel is the current provider of electricity to Boulder customers.) One of the charter amendment's conditions required that the new utility have a plan for reduced greenhouse gas emissions and increased renewable energy. The two ordinances challenged by Xcel accepted a third-party expert's conclusion that the conditions precedent had been met and stated the City's intention to establish a new utility. The appellate court said that the district court had erred in dismissing Xcel's action as time-barred, but that the district court did not have jurisdiction because the ordinances were not final actions.

People v. Southern California Gas Co.

Name and Date	Description
People v. Southern California Gas Co., No. 6SC00433 (Cal. Super. Ct. Sept. 13, 2016)	The Los Angeles County District Attorney and Southern California Gas Company (SoCalGas) agreed to a proposed settlement in the criminal case stemming from the 2015 methane link from SoCalGas's Aliso Canyon natural gas storage facility. SoCalGas agreed to plead no contest to a misdemeanor violation of failing to timely report the leak. SoCalGas must pay approximately $550,000 for fines, penalty assessments, and response costs and must also install and maintain an infrared methane leak detection system, and must hire and maintain six full-time employees for at least three years to operate and maintain the system. The settlement agreement indicated that the settlement's requirements would cost SoCalGas between $4,004,172 and $4,304,172.

In re Arizona Public Service Co. Ocotillo Power Plant

Name and Date	Description
In re Arizona Public Service Co. Ocotillo Power Plant, PSD Appeal No. 16-01 (EAB Sept. 1, 2016)	EPA's Environmental Appeals Board (EAB) upheld a PSD permit issued for the construction of five new natural gas-fired combustion turbines at a power plant in Tempe, Arizona. The EAB rejected petitioner Sierra Club's contention that the Maricopa County Air Quality Department abused its discretion in conducting its greenhouse gas BACT analysis and in concluding that a control alternative that paired energy storage with combustion turbines to reduce greenhouse gas emissions would impermissibly "redefine the source." The EAB cautioned that its decision should not be read as "an automatic off-ramp for energy storage technology" as a consideration in Step 1 of future BACT analyses.

Sierra Club v. Federal Energy Regulatory Commission

Name and Date	Description
Sierra Club v. Federal Energy Regulatory Commission, No. 16-1329 (D.C. Cir., filed Sept. 20, 2016); ***In re Florida Southeast Connection****, LLC*, Nos. CP14-554-001, CP15-16-001, CP15-17-001 (FERC Sept. 7, 2016)	Sierra Club, Flint Riverkeeper, and Chattahoochee Riverkeeper filed a petition in the D.C. Circuit Court of Appeals seeking review of Federal Energy Regulatory Commission (FERC) orders authorizing construction and operation of a natural gas pipeline project extending from Alabama to Florida. In a statement, Sierra Club said the petitioners would argue that FERC failed to disclose the pipeline's climate impacts, including the impacts of power plants supplied by the pipeline. The environmental organizations filed the lawsuit after FERC denied their request for rehearing. FERC rejected the organizations' call for consideration of indirect effects related to induced upstream production and downstream natural gas consumption. Sierra Club and Flint Riverkeeper also joined Gulf Restoration Network in filing a petition in the Eleventh Circuit Court of Appeals for review of the U.S. Army Corps of Engineers issuance of Clean Water Act permits for the pipeline.

Gulf Restoration Network v. U.S. Army Corps of Engineers

Name and Date	Description
Gulf Restoration Network v. U.S. Army Corps of Engineers, No. 16-15545 (11th Cir., filed Aug. 17, 2016)	Sierra Club and Flint Riverkeeper joined Gulf Restoration Network in filing a petition in the Eleventh Circuit Court of Appeals for review of the U.S. Army Corps of Engineers issuance of Clean Water Act permits for a natural gas pipeline extending from Alabama to Florida.

Constitution Pipeline Co., LLC v. Seggos

Name and Date	Description
Constitution Pipeline Co., LLC v. Seggos, No. 16-1568 (2d Cir. Sept. 12, 2016)	The New York State Department of Environmental Conservation (NYSDEC) filed a brief opposing Constitution Pipeline Co., LLC's challenge to NYSDEC's denial of a Clean Water Act Section 401 water quality certification for the Constitution Pipeline Project, approximately 100 miles of which passes through New York. DEC said that its denial was "timely, rational, supported by the record, and consistent with the applicable federal and state legal standards." In its brief, DEC noted that increased water temperatures caused by removal of riparian vegetation could limit habitat suitability for cold-water species, and that such impacts could be exacerbated by climate change in the long term. Two other briefs were filed by intervenors opposing the challenge, including a brief from a group called Stop the Pipeline (STP). STP's arguments included a call for additional environmental review to consider supplemental material regarding risks of extreme weather caused by climate change.

Energy & Environmental Legal Institute v. Attorney General of Vermont

Name and Date	Description
Energy & Environmental Legal Institute v. Attorney General of Vermont, No. __ (Vt. Super. Ct., filed Sept. __, 2016)	The New York State Department of Environmental Conservation (NYSDEC) filed a brief opposing Constitution Pipeline Co., LLC's challenge to NYSDEC's denial of a Clean Water Act Section 401 water quality certification for the Constitution Pipeline Project, approximately 100 miles of which passes through New York. DEC said that its denial was "timely, rational, supported by the record, and consistent with the applicable federal and state legal standards." In its brief, DEC noted that increased water temperatures caused by removal of riparian vegetation could limit habitat suitability for cold-water species, and that such impacts could be exacerbated by climate change in the long term. Two other briefs were filed by intervenors opposing the challenge, including a brief from a group called Stop the Pipeline (STP). STP's arguments included a call for additional environmental review to consider supplemental material regarding risks of extreme weather caused by climate change.

Prasinos v. Musk

Name and Date	Description
Prasinos v. Musk, No. 12723 (Del. Ch., filed Sept. 6, 2016)	A Tesla Motors, Inc. (Tesla) stockholder filed a stockholder derivative complaint asserting that Tesla's proposed acquisition of SolarCity Corporation (SolarCity) would cause substantial damage to Tesla. Tesla is in the energy storage and electric car business. SolarCity describes itself as "America's #1 full-service solar provider." The defendants were Tesla co-founder, chairman, and chief executive officer Elon Musk; other Tesla board members; SolarCity, for which Musk is chairman and the largest stockholder; other SolarCity directors and officers; and a Tesla subsidiary created for the purpose of acquiring SolarCity. The complaint, filed in the Delaware Court of Chancery, stated claims of breach of fiduciary duty, waste, and unjust enrichment. It is one of at least four complaints filed in the court in connection with the SolarCity acquisition. The complaint asserted that Tesla's proposed acquisition of SolarCity—a company that the complaint alleged was started "to support Musk's quest to fix climate change"— was driven by Musk's desire to "ensure his legacy to change the world" by shifting to a solar electric economy. The complaint alleged that the acquisition was intended to protect Musk and his family's and friends' financial interests, and that the acquisition would not be in the best interests of Tesla and its shareholders.

Notice of Intent to Sue the BLM and U.S. Fish and Wildlife Service Pursuant to the Endangered Species Act Regarding Oil and Gas Exploration and Development

Name and Date	Description
Center for Biological Diversity, Living Rivers, and Rocky Mountain Wild, **60-Day Notice of Intent to Sue the BLM and U.S. Fish and Wildlife Service Pursuant to the Endangered Species Act Regarding Oil and Gas Exploration and Development** (Sept. 12, 2016)	Three environmental groups sent a notice of intent to sue to the U.S. Bureau of Land Management (BLM) and the U.S. Fish and Wildlife Service asserting that the agencies had not complied with the Endangered Species Act (ESA) when BLM authorized oil and gas exploration and development in the Upper Colorado River Basin of western Colorado. The notice said that BLM's approval of resource management plans in August 2015 would allow development of almost 19,000 oil and gas wells in the region that would affect four endangered fish species and their critical habitat. The notice asserted that the agencies' failure to consider the water depletion and spill impacts on the four species violated the ESA. The groups contended, among other arguments, that the agencies relied on a 2008 programmatic biological opinion that did not take into account threats posed by climate change.

Zero Zone, Inc. v. United States Department of Energy

Name and Date	Description
Zero Zone, Inc. v. United States Department of Energy, Nos. 14-2147 et al. (7th Cir. Aug. 8, 2016)	The Seventh Circuit Court of Appeals upheld the United States Department of Energy's (DOE's) energy efficiency standards for commercial refrigeration equipment, including DOE's analysis of the standards' environmental benefits based on the Social Cost of Carbon (SCC). The court concluded that DOE had "acted in a manner worthy of our deference." The court found that the analytical model upon which the standards were based and DOE's cost-benefit analysis were supported by substantial evidence and not arbitrary and capricious. The court also said that DOE's cost-benefit analysis was within its statutory authority. With respect to environmental benefits and the SCC, the court rejected the petitioners' argument that the Energy Policy and Conservation Act did not permit consideration of environmental factors and also the petitioners' contention that DOE's calculation of the SCC was "irredeemably flawed." The court also rejected arguments that DOE had improperly considered long-term environmental benefits such as carbon reductions but not long-term costs such as worker displacement and that DOE arbitrarily considered global benefits but only national costs.

In re Ethical Electric, Inc.

Name and Date	Description
In re Ethical Electric, Inc. (Ill. Att'y Gen. Aug. 8, 2016)	On August 8, 2016, Illinois Attorney General Lisa Madigan announced a settlement with Ethical Electric, Inc., an alternative retail electricity supplier (ARES) that the attorney general contended misled consumers regarding the sources of energy provided through its "Clean Energy Option" product. The ARES direct mail solicitations promoted the product as providing power exclusively from renewable sources but the product instead provided power from a mix of sources matched with the purchase of renewable energy certificates (RECs). The attorney general also alleged that the ARES misrepresented the cost of the Clean Energy Option and misrepresented the Clean Energy Option as "licensed" for "green energy" supply. The settlement, which the attorney general entered into under authority of the Illinois Consumer Fraud Act, provided for a $10 refund for consumers enrolled in the product as well as additional refunds to eligible consumers upon request, a renaming of the product, and increased transparency regarding products, including disclosure of the purchase of RECs.

WildEarth Guardians v. Jewell

Name and Date	Description
WildEarth Guardians v. Jewell, No. 1:16-cv-01724 (D.D.C, filed Aug. 25, 2016)	WildEarth Guardians and Physicians for Social Responsibility asked the federal district court for the District of Columbia to vacate authorizations for almost 400 oil and gas leases on public lands in three states because the United States Bureau of Land Management (BLM) had not complied with the National Environmental Policy Act (NEPA). The plaintiffs asked the court to enjoin BLM from approving drilling applications until it had complied with NEPA by preparing an environmental impact statement that analyzed direct, indirect, and cumulative climate effects associated with the specific leasing authorizations challenged in this case as well as with BLM's oil and gas leasing at a programmatic level.

Western Energy Alliance v. Jewell

Name and Date	Description
Western Energy Alliance v. Jewell, No. 1:16-cv-00912 (D.N.M., filed Aug. 11, 2016)	Western Energy Alliance, which represents over 300 companies involved in oil and gas exploration and production, filed an action in the federal district court for the District of New Mexico asserting that the United States Bureau of Land Management (BLM) had failed to meet the Mineral Leasing Act's (MLA's) requirement that lease sales for federal minerals be held at least quarterly. Western Energy Alliance asked the court to compel BLM to abandon its current leasing schedule and adopt a new schedule in compliance with the MLA. Western Energy Alliance also alleged that BLM had unjustifiably denied requests under the Freedom of Information Act. In a blog post announcing the action, Western Energy Alliance said that the lawsuit would counter the "Keep-It-in-the-Ground" movement.

Competitive Enterprise Institute v. Attorney General of New York

Name and Date	Description
Competitive Enterprise Institute v. Attorney General of New York, No. 05050-16 (N.Y. Sup. Ct., filed Aug. 31, 2016)	Competitive Enterprise Institute (CEI) filed a proceeding in New York State Supreme Court under the New York Freedom of Information Law (FOIL) seeking to compel the New York Attorney General (NYAG) to produce documents in response to CEI's request for common interest agreements entered into by the NYAG during a specified period in 2016. CEI said it believed that the NYAG had shared information, consulted, and communicated with private parties and other attorneys general regarding climate change policies and possible investigation of entities opposed to climate policies. CEI's FOIL request came after ExxonMobil confirmed in November 2015 that it had received a subpoena from the NYAG and after the NYAG participated in a press conference in March 2016 with other state attorneys general to announce a coalition to pursue climate change-related initiatives. The NYAG denied CEI's FOIL request, asserting that the records were exempt from disclosure because they were shielded by attorney-client privilege and the work product doctrine, were compiled for law enforcement purposes, and were inter-agency or intra-agency materials.

Free Market Environmental Law Clinic v. Rhode Island Department of the Attorney General

Name and Date	Description
Free Market Environmental Law Clinic v. Rhode Island Department of the Attorney General, No. __ (R.I. Super. Ct., filed July 27, 2016)	Free Market Environmental Law Clinic and Energy & Environment Legal Institute filed an action in Rhode Island Superior Court under the Access to Public Records Act seeking disclosure by the Rhode Island Department of the Attorney General of certain emails between a person in the Department and the New York State Attorney General's office. The plaintiffs also sought the employee's emails containing the terms RICO, climate denial, climate denier, climate risk, or Gore. The plaintiffs contended that none of the documents they sought were properly exempted from disclosure.

Energy & Environment Legal Institute v. Attorney General of New York

Name and Date	Description
Energy & Environment Legal Institute v. Attorney General of New York, No. 101181/2016 (N.Y. Sup. Ct., filed July 25, 2016)	Free Market Environmental Law Clinic and Energy & Environment Legal Institute filed a proceeding in New York Supreme Court seeking documents from the Office of the New York Attorney General (NYAG) under FOIL. The petitioners said that they sought the correspondence of the attorney general with eight individuals—six private parties, an NYAG employee, and the California attorney general. The groups said the requested correspondence "contained certain keywords relating to the Attorney General's recent decision to investigate those who disagree with him on climate change and climate change policies." The NYAG denied the groups' FOIL request, citing FOIL exemptions for documents subject to attorney-client privilege and the work product doctrine and for intra-agency and inter-agency documents. In their lawsuit, the groups contended that NYAG did not have a reasonable basis for withholding the documents.

Virginia Chapter of the Sierra Club v. Virginia State Air Pollution Control Board

Name and Date	Description
Virginia Chapter of the Sierra Club v. Virginia State Air Pollution Control Board, No. __ (Va. Cir. Ct., filed Aug. 16, 2016)	The Virginia Chapter of the Sierra Club (Sierra Club) filed a proceeding in Virginia Circuit Court challenging a Prevention of Significant Deterioration (PSD) permit issued for a combined-cycle natural gas-fired power plant. Sierra Club's arguments included an assertion that the PSD permit was required to address emissions—including fugitive greenhouse gas emissions—associated with the pipeline that would deliver fuel to the power plant. Sierra Club also asserted that the Virginia State Air Pollution Control Board failed to conduct a proper best available control technology (BACT) analysis because the BACT analysis should have considered a solar-powered auxiliary component as an available control technology for reducing greenhouse gas and other air emissions.