TRANSPORTATION RESEARCH BOARD COMMITTEE ON ENVIRONMENTAL ISSUES IN TRANSPORTATION LAW (AL050)

THE NATURAL LAWYER

Volume 22 April, 2015 Number 3

Richard A. Christopher, Editor

HDR Engineering, Chicago

richard.christopher@hdrinc.com

NEPA CLAIMS REJECTED AS UNRIPE OR UNJUSTIFIED IN INDIANA INTERSTATE HIGHWAY EXTENSION

Submitted by Deborah Cade

DeborahC@ATG.WA.GOV

Individuals and a non-profit transportation policy group challenged the Record of Decision for Section 4 of the extension of Interstate 69 in Southern Indiana. The court granted the defendant agencies' motion for summary judgment and dismissed all claims.

This project is part of a new route connecting Evansville and Indianapolis, and has been in planning and development since the early 1990s. FHWA and INDOT prepared a Tier 1 FEIS for the entire corridor, issuing a Record of Decision in 2004. The agencies then divided the project into six sections for Tier 2 analysis. The project-level FEIS and ROD for Section 4 included analysis of impacts on air quality and endangered species, in particular the endangered Indiana bat. The agencies also consulted with the U.S. Fish and Wildlife Service regarding the Indiana bat.

Plaintiffs filed suit after issuance of the FEIS but prior to issuance of the ROD. The agencies moved for summary judgment on several grounds. Because the case was filed prior to issuance of the ROD, the agencies argued that the claims were not ripe for review under the Administrative Procedure Act, because neither FHWA nor INDOT had taken a final agency action. Subsequent issuance of the ROD did not cure this defect. The court held that the "claims challenging the decisions embodied in the Section 4

ROD were thus unripe at the time of their filing" and the court lacked jurisdiction. In addition, the court noted that the plaintiffs did not respond to this argument, which resulted in waiver. The complaint also alleged that certain work had taken place prior to the ROD in violation of NEPA. The court found that these claims were moot because these activities were complete, and the court could not grant any further relief.

Plaintiffs also alleged that the agencies should have prepared a supplemental EIS on air quality impacts and effects on the Indiana bat. The court evaluated this claim under the APA standard applicable to a decision not to prepare an EIS, which is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." In addition, the court stated "When an agency has already submitted an EIS, its decision whether or not to prepare a supplemental EIS is lent an additional layer of deference." The court relied on a Seventh Circuit decision (*Wisconsin v. Weinberger*, 745 F.2d 412, 418 (7th Cir. 1984)), which held that new information must provide a "seriously different picture of the environmental landscape" to require an SEIS. The court found that there was no new information that rose to this level, based on "the evidently comprehensive nature of the consultations [with USFWS]" and the "absence of any evidence that the end result was unreasonable." It concluded that the decision not to prepare a SEIS was not arbitrary and capricious. Similarly, the court concluded that the agencies' reliance on older air quality data did not require a SEIS, in part because the argument that the project was in nonconformity with the State Implementation Plan had become "immaterial" when the area had been upgraded from "maintenance" to "attainment."

Lastly, the plaintiffs requested leave to conduct discovery, based on their assertion that the agencies withheld material evidence regarding the air quality analysis. The court found that the plaintiffs failed to allege that the record was insufficient by the deadline for making such an objection, and also failed to make a "persuasive showing" that the agencies engaged in any misconduct that would justify allowing discovery. While the plaintiffs' claim under ESA's citizen suit provision was not necessarily limited to the administrative record, the plaintiffs had failed to comply with the ESA's 60 day notice provision. The court concluded that the plaintiffs had not met the standards under either the APA or FRCP 56(d) for obtaining discovery. The court granted the agencies' motions for summary judgment and denied the plaintiff's request for preliminary injunction. Plaintiffs subsequently moved for reconsideration on several grounds, all of which were denied with the exception of correction of minor clerical errors.

Citizens for Appropriate Rural Roads et al. v. Anthony Foxx, et al.,14 F.Supp.3d 1217 (S.D. Ind. 2014). Reconsideration denied (2015 WL 179569 (S.D. Ind.))

CEQ RELEASES REVISED DRAFT GUIDANCE ON CLIMATE CHANGE ANALYSIS IN NEPA DOCUMENTS

Submitted by

William G. Malley, Perkins Coie LLP

WMalley@perkinscoie.com

On December 24, 2014, the Council on Environmental Quality issued revised draft guidance on the consideration of climate change in National Environmental Policy Act ("NEPA") documents. The revised draft guidance - which supersedes an earlier draft issued in February 2010 - states that "the relation of Federal actions to [climate change] falls squarely within NEPA's focus." It outlines principles and approaches that agencies should consider in determining whether, and to what extent, to consider two aspects of climate change: "(1) The potential effects of a proposed action on climate change as indicated by its GHG emissions; and (2) the implications of climate change for the environmental effects of a proposed action."

The comment period for the revised draft guidance closed on March 25, 2015. The CEQ has not announced a timetable for issuance of final guidance.

Key Points in the Guidance

1. The guidance applies to all proposed federal actions and NEPA document types.

Unlike the January 2010 draft guidance, which included an exemption for certain federal land management actions, the December 2014 revised draft guidance "is applicable to all Federal proposed actions, including individual Federal site-specific actions, Federal grants for or funding of small-scale or broad-scale activities, Federal rulemaking actions, and Federal land and resource management decisions."

In addition, the revised draft guidance would require consideration of GHG emissions and climate change effects in all types of NEPA documents - environmental impact statements, environmental assessments, and even categorical exclusions. The guidance states that "CEQ expects that agencies will continue to consider potential GHG emissions and climate impacts when applying an existing CE or when establishing a new CE."

The guidance does include some flexibility with regard to ongoing NEPA reviews, stating that "Agencies are encouraged to apply this guidance to all new agency actions moving forward and, to the extent practicable, to build its concepts into currently on-going reviews."

2. The guidance emphasizes agencies' discretion to determine how to address climate change issues in NEPA documents.

By comparison to the 2010 draft guidance, the revised draft guidance places a heavier emphasis on agencies' discretion to determine the appropriate level of detail for considering climate change in NEPA documents.[1] The guidance states that agencies have "substantial discretion in how they tailor their NEPA processes to accommodate the concerns raised in this guidance ... so long as they provide the public and decisionmakers with explanations of the bases for their determinations."

Consistent with the emphasis on agency discretion, the guidance notes that "agencies can develop practices and guidance for framing the NEPA review by determining whether an environmental aspect of the proposed action merits detailed analysis and disclosure."

3. The guidance clarifies that NEPA does not require agencies to conduct new scientific research on climate change.

The 2010 guidance stated that agencies "need not undertake exorbitant research or analysis of projected climate change impacts in the project area or on the project itself, but may instead summarize and incorporate by reference the relevant scientific literature." The revised draft guidance states more clearly that "Agencies are not required to conduct original research in NEPA analyses to fill scientific gaps." In addition, it states that "agencies are not expected to await the development of new tools or scientific information to conclude their NEPA analyses and documentation." Together, these statements provide greater assurance that agencies can rely on existing scientific research when addressing climate change in NEPA documents.

4. The guidance recommends a principle of "proportionality" in determining the level of detail of GHG emissions analysis.

The 2010 draft guidance stated that when, when determining the level of detail of a GHG emissions analysis, "CEQ expects agencies to ensure that such description is commensurate with the importance of the GHG emissions of the proposed action." Expanding on that point, the revised draft guidance states that "In addressing GHG emissions, agencies should be guided by the principle that the extent of the analysis should be commensurate with the quantity of projected GHG emissions. This concept of proportionality is grounded in the fundamental purpose of NEPA to concentrate on matters that are truly important to making a decision on the proposed action."

5. The guidance cautions agencies against simply stating that each project contributes a small amount to the global total of GHG emissions.

The guidance cautions agencies against "providing a paragraph that simply asserts, without qualitative or quantitative assessment, that the emissions from a particular proposed action represent only a small fraction of local, national, or international emissions or are otherwise immaterial is not helpful to the decisionmaker or public."

[1] Notably, the word "discretion" did not appear at all in the 2010 guidance. It is used 19 times in the revised draft guidance.

This statement in the revised draft guidance marks a clear rejection of a practice that has been used fairly widely by federal agencies as a way to address GHG emissions. This statement is a strong signal that CEQ expects NEPA documents to include substantive analysis - whether quantitative or qualitative - of GHG emissions. While standard boilerplate may have a role, it would not suffice in all instances.

6. The guidance recommends using 25,000-ton/year of GHG emissions as a "reference point" for determining whether to include a quantitative GHG emissions analysis.

Like the 2010 guidance, the revised draft guidance recommends using 25,000 tons/year as a "reference point" for determining whether to prepare a quantitative GHG emissions analysis. The guidance emphasizes that this threshold is "not a substitute for an agency's determination of significance under NEPA." The threshold is simply an indicator to be used in determining whether to conduct a quantitative (as opposed to qualitative) GHG emissions analysis for a project.

The guidance does not explain what level of detail is needed to determine whether the 25,000 tons/year threshold is met. In practice, it seems likely that agencies will develop simplified methods for identifying projects that have the potential to generate 25,000 tons/year in net new GHG emissions. For example, because GHG emissions correlate with vehicle miles traveled ("VMT"), transportation agencies could develop a VMT threshold above which a GHG analysis would be required.

The guidance also does not specifically explain what baseline should be used for determining whether a project increases GHG emissions by 25,000 ton/year. In the context of a transportation project, it seems reasonable to base this calculation on a project's *net* contributions to GHG emissions - i.e., the *incremental increase* in GHG emissions relative to the No Action scenario. It is possible that this and other methodological issues will be clarified in the final guidance.

7. The guidance indicates that consideration of short-term and long-term effects, as well as upstream and downstream emissions, should be included in a GHG emissions analysis.

The revised draft guidance states that "agencies should take into account both the short- and long-term effects and benefits based on what the agency determines is the life of a project and the duration of the generation of emissions." It also requires agencies to take into account "emissions from activities that have a reasonably close causal relationship to the Federal action, such as those that may occur as a predicate for the agency action (often referred to as upstream emissions) and as a consequence of the agency action (often referred to as downstream emissions) should be accounted for in the NEPA analysis."

These statements, while broadly consistent with principles typically applied in analyzing environmental impacts under NEPA, could raise challenging methodological questions

in the context of a GHG emissions analysis. For example, in the context of a transportation project, it could be argued that "short term effects" would include construction-related GHG emissions, which can be difficult to estimate during the NEPA process, when construction methods may not be known. It also could be argued that consideration of "upstream" emissions would include the GHG emissions associated with manufacturing of motor vehicles and the production and transportation of fuels, while "downstream" emissions could include the GHG emissions associated with land use changes (if any) that would be influenced by the project.

8. The guidance recommends considering the effects of climate change on the project and on the project's affected environment.

Like the 2010 guidance, the revised draft guidance recommends considering the effect of climate change on the project and the affected environment, stating that "Such considerations are squarely within the realm of NEPA, informing decisions on whether to proceed with and how to design the proposed action so as to minimize impacts on the environment, as well as informing possible adaptation measures to address these impacts, ultimately enabling the selection of smarter, more resilient actions."

With regard to methodology for considering the effects of climate change, the revised draft echoes some of the points in the 2010 guidance. For example, it recommends considering the effects of climate change in areas that "are considered vulnerable to specific effects of climate change, such as increasing sea level or other ecological change, within the project's anticipated useful life." The revised draft also encourages agencies to disclose the inherent limitations of climate change models, and notes in particular that "outputs of coarse-resolution global climate models, commonly used to predict or project climate change contingent on a particular emission scenario at a continental or national scale, may have limitations on how they can be used in regional or local impact studies."

Potential Effects of the Guidance on Agency Practice and Case Law involving NEPA Compliance for Transportation Projects

To date, FHWA generally has taken the position that a project-level GHG emissions analysis is not useful and therefore is not required by NEPA. This position has been challenged in court on several occasions, and has been consistently upheld - most recently by the U.S. Court of Appeals for the 6th Circuit. *See. e.g., Coalition for Advancement of Regional Transportation v. FHWA*, 576 F. App'x 477, 491 (6th Cir. 2014) ("In short, defendants cannot usefully evaluate greenhouse gas emissions on a Project-specific basis because of the non-localized, global nature of potential climate impacts.") To the extent that FHWA has included project-level GHG emissions analysis in its NEPA documents, it has done so largely in response to State-specific policies or requirements - for example, in California, Washington State, Oregon, and New York.

If the CEQ guidance is finalized, FHWA and other federal agencies will likely begin including climate change analyses in at least some NEPA documents. Those analyses

may, in turn, lead to a new line of cases, which ultimately would create a new body of case law regarding the consideration of climate change in NEPA documents.

In short, while the guidance itself is non-binding, it is hardly inconsequential. If finalized, the guidance will likely precipitate a set of changes in agency practice and case law, which collectively will push agencies to address GHG emissions and the effects of climate change much more frequently and in a higher degree of detail.

79 *Federal Register* 77801-77831, December 24, 2014

NEW EXECUTIVE ORDER REVISES STANDARDS FOR FLOODPLAIN MANAGEMENT BASED ON CLIMATE CHANGE

Submitted By

Fred R. Wagner; Beveridge & Diamond, P.C.

fwagner@bdlaw.com

Lost in a series of higher-profile actions concerning his Administration's climate change initiatives, President Obama on January 30, 2015 issued an Executive Order that will have a profound impact on any future federally-funded transportation projects.

Executive Order (EO) 13690, awkwardly titled: "Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input" amends a long-standing EO on Floodplain Management. President Carter issued EO 11988 in 1977, which required federal departments and agencies to avoid, to the extent possible, "the long- and short-term adverse impacts associated with the occupancy and modification of floodplains…" In short, pursuant to EO 11988, the federal government was supposed to consider the flooding implications of any actions and to determine if there were practicable alternatives to development in or near floodplains.

Almost 40 years later, EO 13690 establishes a revised Federal Flood Risk Management Standard (FFRMS) for federally-funded projects. Importantly, the scope of this new EO deals not only with projects proposed and developed by federal agencies, but also those funded and/or approved by federal agencies. As summarized in the revised EO, the intent behind this action is clearly to "ensure that projects funded with taxpayer dollars last as long as intended."

In light of President Obama's Climate Action Plan and other informal Administration actions designed to promote the resiliency of federally-funded projects, the EO dramatically amends the previous definition of a floodplain. The 1977 EO had established a floodplain to include, at a minimum, "that area subject to a one percent or greater chance of flooding in any given year." This definition is now substantially

broadened. The new EO proposes to amend Section 6(c) of EO 11988 to state that a floodplain shall be:

- The elevation and flood hazard area that result from using a climate-informed science approach that used the best-available, actionable hydrologic and hydraulic data and methods that integrate current and future changes in flooding based on climate science.
- The elevation and flood hazard area that result from using the freeboard value, reached by adding an additional 2 feet to the base flood elevation for non-critical actions and by adding an additional 3 feet to the base flood elevation for critical actions.
- The area subject to flooding by the 2 percent annual chance flood, or
- The elevation and flood hazard area that result from using any other method identified in an update to the FFRMS.

To stress the scope of this revised EO, the term "critical action" is further defined to include "any activity for which even a slight chance of flooding would be too great." Given the breadth of that definition, it is hard to imagine any significant highway or bridge project not qualifying as "critical," especially if the facility serves in any way as a major evacuation route.

If implemented as currently proposed, EO 13690 would likely compel transportation project proponents to expand the reasonable range of alternatives under NEPA to reflect more resilient facilities from an engineering perspective. Bridges in certain areas of the country that need repair may, in some cases, now face replacement if floodplain data requires additional clearance. While the EO claims to reflect a desire to protect taxpayer investment in the long run, there could well be additional costs incurred in the short-term to meet these proposed revised standards.

Without a doubt, EO 13690 is an important piece of the climate change puzzle being pursued by this Administration before it leaves office in January 2017. The EO reflects many of the key components of the President's climate strategy, from recognizing how a changing climate and potential sea rise could impact infrastructure development, to reliance on current "best available science," to incorporation of a policy of resilience to higher standards than previously used. It could be argued that this new EO will have a more profound impact on governmental action over the next decade than even proposed sweeping GHG regulations, as those proposals face inevitable legal challenges that will drag on for years.

80 *Federal Register* 6425, February 4, 2015

CASES PENDING BEFORE THE CALIFORNIA SUPREME COURT ON CLIMATE CHANGE MAY FORESHADOW FEDERAL LAW CHALLENGES

Submitted by

Robert Thornton
Ben Rubin
Nossaman LLP

rthornton@nossaman.com

While federal courts to date have approved summary analyses of climate change impacts, the status quo is about to change. The Council on Environmental Quality is proposing guidance governing the evaluation of climate change impacts under NEPA. Pending cases before the California Supreme Court may foreshadow new NEPA-based greenhouse gas (GHG) challenges to transportation projects.

1. Cleveland National Forest Foundation v. San Diego Association of Governments

The California Court of Appeal held that the analysis of greenhouse gas emissions from transportation projects in a metropolitan transportation plan violated the California Environmental Quality Act (CEQA). The metropolitan planning organization (MPO) for San Diego certified an environmental impact report ("EIR") evaluating the impacts of the region's transportation plan. The MPO concluded that the transportation plan achieved GHG emission reductions for 2020 and 2035 established pursuant to state law for the San Diego region. State law does not currently require MPOs to achieve the much more aggressive GHG reduction goal for 2050 included in an executive order by former Governor Schwarzenegger. Nevertheless, the Court of Appeal concluded that CEQA required the MPO to evaluate the consistency of the transportation plan with the 2050 GHG goal, and to evaluate alternatives and mitigation measures to achieve 2050 goal.

In March 2015, the California Supreme Court granted the MPO's petition for review. The MPO argued that the Legislature did not adopt the 2050 goal and that an executive order is unenforceable unless adopted in legislation. The MPO also argued that mandating the evaluation of alternatives and mitigation measures to achieve the 2050 goal conflicts with the MPO's discretion under CEQA to identify an appropriate threshold of significance for GHG emissions.

The California Supreme Court will address whether an environmental impact report for a regional transportation plan must analyze the plan's consistency with the 2050 GHG emission reduction goal in the Governor's Executive Order. The case presents important questions regarding whether CEQA requires MPOs in California to evaluate transportation plan alternatives and mitigation measures to achieve GHG reduction goals that are not mandated by California's climate change legislation. If the Supreme Court affirms the Court of Appeal, and if a federal court were to apply this logic in the NEPA context, the scope of review for transportation projects could be expanded to include goals for GHG emissions that are not mandated by federal law.

2. Center for Biological Diversity v. Department of Fish & Wildlife

Because the California Supreme Court granted review of this case in July 2014, this matter is now fully briefed and awaiting a date for argument. *Center for Biological Diversity v. Department of Fish & Wildlife* will address whether a public agency can use a hypothetical future "business as usual" baseline in order to determine whether a project's GHG emissions will have a significant impact on the environment.

In response to California climate change legislation (Assembly Bill No. 32), the California Air Resources Board determined that California's overall emissions must be reduced to 29% below "business as usual" in order to meet the legislation's GHG reduction target for 2020. In *Center for Biological Diversity*, the environmental impact report for the project adopted the standard of 29% reduction from business as usual as the threshold of significance for purposes of determining whether a project's GHG emissions will have a significant impact on the environment.

The Court of Appeal concluded that the state lead agency had the discretion under CEQA to use the Air Resources Board's methodology for determining whether the project GHG emissions were significant under California law. The petition for review filed in the Supreme Court argued that CEQA requires the lead agency to determine the significance of GHG emissions by comparing project emissions against existing GHG emissions in the project area. Because the project area is largely undeveloped, an "existing conditions" baseline would necessarily establish a very low threshold of significance for GHG emissions. If the California Supreme Court reverses the Court of Appeal, lead agencies in California will be required to determine that project GHG emissions are significant – even in circumstances where the project is meeting the legislatively-adopted GHG reduction goal using a methodology approved by the California Air Resources Board.

California is at the forefront of GHG emissions and climate change issues. There is a distinct possibility that the California Supreme Court's decisions in the above cases will determine whether transportation agencies will face a more burdensome environmental review process.

EIS FOR NORTH CAROLINA TOLL ROAD INADEQUATE BASED ON SAME ASSUMPTIONS IN NO BUILD AND BUILD TRAFFIC FORECASTS

Submitted by

William G. Malley
Perkins Coie LLP

WMalley@perkinscoie.com

In a case involving a proposed toll road in North Carolina, a federal district court held that an environmental impact statement did not comply with the National Environmental

Policy Act ("NEPA") because the same socio-economic assumptions were used in the traffic forecasts for both the "No-Build" and "Build" alternatives.

The proposed project, known as the Gaston East-West Connector or Garden Parkway, involved construction of a new toll road in Gaston County and Mecklenburgh County, North Carolina. The Federal Highway Administration and North Carolina Department of Transportation jointly prepared an environmental impact statement, which considered a range of alternative routes for constructing the toll road. The traffic forecasts in the EIS were based on the socioeconomic data in the Metrolina Regional Model ("MRM"). The court found that "The MRM included socioeconomic forecasts by area metropolitan planning organizations ('MPOs') that assumed the construction of the Garden Parkway."

The plaintiffs argued that the EIS was flawed because the same assumptions had been used in developing the traffic forecasts for the No Build and Build alternatives. The district court found that, in fact, "The administrative record shows that defendants used the same socioeconomic data in analyzing the traffic forecasts and direct and indirect effects of both alternatives and that these underlying data assumed the construction of the Garden Parkway." The court held that the defendants violated NEPA by "simply assum[ing] that the total regional growth will be equivalent in both scenarios rather than us[ing] their 'scientific, economic, and technological resources' to independently predict future growth under both alternatives ...."

In reaching this conclusion, the district court relied on a decision by the U.S. Court of Appeals for the 4th Circuit involving another North Carolina highway project, the Monroe Connector/Bypass. In that case, *North Carolina Wildlife Federation v. North Carolina Department of Transportation*, 677 F.3d 596 (4th Cir. 2012), the 4th Circuit held that the EIS was inadequate because FHWA had not sufficiently disclosed the assumptions underlying the No Build traffic forecasts. In the Garden Parkway case, the district court held that "The lack of disclosure that was dispositive in North Carolina Wildlife Federation does not exist in this case." Nonetheless, it found that the 4th Circuit's decision in that earlier case "strongly suggested that assuming the construction of the proposed project when analyzing the No Build baseline was clear error." The district court also relied on a 9th Circuit case, which held that the "baseline alternative" used in a NEPA document was flawed because it "assumed the existence of the very plan being proposed." *See Friends of Yosemite Valley v. Kempthorne*, 520 F.3d 1024 (9th Cir. 2008).

Having found that the traffic forecasts were flawed, the district court vacated FHWA's Record of Decision ("ROD") for the Garden Parkway project. The court did not grant an injunction prohibiting construction, finding that an injunction was unnecessary because the Council on Environmental Quality regulations (40 CFR 1506.1) prohibit agencies from taking actions that would have adverse environmental impacts or limit consideration of alternatives until after a ROD is issued. The court stated that it "expects defendants to comply with all applicable regulations, including, should they choose to move forward with the project, the issuance of a supplemental EIS that corrects the above-discussed error by constructing an appropriate No Build scenario, with socioeconomic data that do not assume construction of the Garden Parkway, and also a

new Record of Decision, before taking any action that would violate section 1506.1. Should defendants take actions inconsistent with this order, the court will reconsider whether to issue an injunction."

As of this writing, it is not known whether the defendants intend to appeal the district court's decision.

Catawba Riverkeeper Foundation, et al. v. North Carolina Dept. of Transportation, Eastern District, North Carolina, Western Division, # 5:15-CV-29-D, March 13, 2015

NOTES FROM THE CHAIR

Submitted by Janet Myers

Janet.Myers@dot.gov

Special thanks go to Richard Christopher for another edition of *The Natural Lawyer*. He and this edition's band of authors once again have provided a great service with their analyses of important legal issues affecting the transportation sector. In addition to those articles, I want to point you towards a case that did not make this issue because of publication lead time. The case is *Perez v. Mortgage Bankers Association* (http://www.supremecourt.gov/opinions/14pdf/13-1041_0861.pdf), decided by the Supreme Court on March 9. I am pretty sure you will see an article on *Perez* in the next edition, but in the meantime, if you are interested in the baroque world of interpretive and legislative rules under the Administrative Procedure Act, you will want to take a look at the opinion. The decision has a direct impact on the use of "informal" guidance by Federal agencies.

April is the season of transitions not just for nature, but for TRB committee chairs as well. As many of you already know, this month Fred Wagner becomes Chair of AL050, Environmental Issues in Transportation Law. I want to thank him for being willing to take on the role. I also want to thank all of the Committee's members and friends for their support during my term as AL050 Committee Chair. The success of AL050 is driven by the volunteer efforts of its members and friends, and it is impossible to overstate the importance and the impacts of those efforts. I know all the hard work will continue. I also know Fred will bring his usual combination of energy and humor to his new position. I look forward to working with Fred, and all of you, on future AL050 activities.

NEXT DEADLINE IS JUNE 15, 2015

Anyone who would like to submit an article for the July, 2015 edition of this newsletter should get the material to the Editor at Richard.christopher@hdrinc.com by close of business on June 15, 2015. Please use Microsoft Word.