

The Week That Was: 2013-01-19 (January 19, 2013)
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The Science and Environmental Policy Project

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Quote of the Week: *The more I study the history of intellectuals, the more they seem like a wrecking crew, dismantling civilization bit by bit -- replacing what works with what sounds good.*
- Thomas Sowell

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Number of the Week: 14 feet (4.3 meters) v. 17 feet (7.6 meters)

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SAVE THE DATE: February 2 -- 1:30 to 3:30 A SEPP / VA-SEEE presentation on National and Virginia Energy Issues. At the Conference Center, Norfolk International Airport, 2200 Norview Avenue Norfolk, VA. Details to Follow.

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THIS WEEK:

By Ken Haapala, Executive Vice President, Science and Environmental Policy Project (SEPP)

James Hansen: The most iconic scientist in global warming / climate change establishment is James Hansen of NASA's Goddard Institute of Space Studies (NASA-GISS). With two colleagues he published a paper this week stating: "The 5-year mean global temperature has been flat for a decade, which we interpret as a combination of natural variability and a slowdown in the growth rate of the net climate forcing."

In spite of the statement, Hansen asserts his belief that background warming is occurring, but the evidence is weak. The paper states: "The long-term warming trend, including continual warming since the mid-1970s, has been conclusively associated with the predominant global climate forcing, human-made greenhouse gases," citing the 2007 IPCC report. The paper also states that: "If solar irradiance were the dominant drive of climate change that most global warming contrarians believe, then a global cooling trend might be expected." This is a misstatement because many carbon-dioxide-caused-global-warming skeptics recognize that there are forms of solar energy, other than irradiance, that may be involved and that has been made clear to Hansen. For a critique of the paper see the comments by David Whitehouse of GWPF.

One may not always agree with Hansen's conclusions or methodology, but at least he is demonstrating honesty and integrity in publishing the paper with the first quoted statement that will put him at odds with much of the climate establishment. One can only speculate if the UN Intergovernmental Panel on Climate Change (IPCC), which is preparing its Fifth Assessment Report (AR5), will reach the same conclusion. If not, and if the IPCC continues claim that humans are causing unprecedented and dangerous global warming by emitting greenhouse gases (GHG), particularly carbon dioxide (CO2), and that the IPCC understands the causes of global warming / climate change, then the IPCC, once again, will demonstrate it is a political body not a scientific one.

Although the second draft of AR5, including the summary for policymakers, has been leaked onto the internet, we do not know what the final draft will say. That is due to be released in September 2013. There are massive sums of money involved both for political policy and for the climate establishment to keep the global warming express on track.

No doubt Hansen will come under intense pressure from the climate establishment and from politicians to retract or significantly modify the paper. Similarly, no doubt the research scientists of Britain's MET Office are under intense pressure to retract or significantly modify their findings of no statistically significant global warming in the surface data for 16 years and their projections of no warming through 2017. Whatever the MET's shortcomings, the integrity of the research scientists is to be admired. Please see links under Problems in the Orthodoxy and Challenging the Orthodoxy.

Black Carbon: A new study appeared in the Journal of Geophysical Research stating that the role of black carbon in causing global warming / climate change has been greatly underestimated. According to the abstract, the influence of carbon black in climate warming is second only to carbon dioxide and the climate models greatly underestimate the influence of carbon black. If so, then the climate models overestimate the warming influence of carbon dioxide. It will be interesting to see how this study holds up to the criticism it will no doubt receive, and if the IPCC will include it in its AR5. Please see links under Challenging the Orthodoxy.

Credible Science: Sections of the report of the US Global Climate Research Program (USGCRP) are being picked-up by once credible Federal agencies such as the US Department of Agriculture, which used part of the report in projecting future major droughts in the US. The projections were used in a business publication stating the country can expect a century of drought, with emphasis of projections of the Palmer Drought Severity Index contained in a chart prepared by the Department of Commerce and the National Oceanic and Atmospheric Administration (NOAA). On his blog, Reference Frame, Lubos Molt explains why no one should believe such charts. The explanation is somewhat technical.

On his blog, Roger Pielke Jr. addresses another section of the USGCRP report – extreme floods. Pielke states the report is out of step with the scientific literature, including some of the literature it cites and that of the IPCC. As Pielke states, the report is a draft that could be corrected: "... but a four-year effort by the nation's top scientists should be expected to produce a public draft report of much higher quality than this."

The damage is being done. If these alarmist games from supposedly scientific government agencies continue, first businesses, than much of the public will realize that many government agencies can no longer be relied upon to produce credible reports. As with the absurd year 2000 climate report produced under the guidance of Al Gore, parts of the country may experience severe droughts, parts of the country may experience severe floods, and parts of the country may experience both – at the same time. Please see links under Challenging the Orthodoxy and Communicating Better to the Public – Make things up.

USGCRP – a Lobbying Effort by Environmentalists? On her web site, Donna Laframboise traces the associations of 13 of the senior scientists involved in preparing the USGCRP. Many are associated with environmental lobbying groups and at least 8 are associated with the IPCC. Given this association with the IPCC, it is curious that Pielke finds some of the work is inconsistent with the IPCC. Please see links under Questioning the Orthodoxy.

Interior Department: The Secretary of Interior Ken Salazar has announced his retirement. Mr Salazar banned oil and gas drilling on great expanses of US lands and waters. He placed a

moratorium on drilling for oil in the Gulf of Mexico while falsely asserting the moratorium was supported by petroleum experts. He banned uranium mining on over a million acres of US lands, including some of the most promising sites in the country. At the same time, he promoted the industrial exploitation of hundreds of thousands of acres of US lands for major wind farms and solar energy businesses, which have a footprint far exceeding oil and gas drilling and even mining. At this time a replacement has not been selected and it is unknown if a future Secretary will be better or worse for American prosperity. Please see Article # 1 and links under EPA and other Regulators on the March.

Amplifications and Corrections: Last week's TWTW used a link with Number Watch by John Brignell to identify some of the important criteria developed by Sir Austin Bradford Hill in establishing a strong link between cigarette smoking and lung cancer. Alerted by Anthony Watts' WUWT of the SEPP comment, Brignell mentioned it on his web site and provided a link to all nine of Hill's criteria. As Brignell states, following these criteria does not establish causation, but they are the basis for scientific epidemiology – something many government agencies have forgotten. <http://www.numberwatch.co.uk/2004%20February.htm#NOM>

New Authoritarianism: Naomi Oreskes, who bills herself as the historian of climate science, was recently honored by the new AGU, and her book, co-written with Erik Conway, received great praise in *Science*, even though the authors were unable to provide hard evidence against the scientists they attacked and the part on the Cold War requires ignorance of the Cold War history. Oreskes has a new proposal. She draws an analogy between World War II with Nazi Germany obtaining the atomic bomb, and President Roosevelt using war time executive powers to build an atomic bomb first; and global warming. She calls on President Obama to use war time executive powers to fight global warming / climate change – as if the president could stop climate change that has been ongoing for hundreds of millions of years.

There are a few issues with this analogy including one that the war with Nazi Germany was real and millions were being killed. The threat of human caused dangerous global warming is imaginary – the product of computer models that have never been validated and verified, and which are failing.

The Sierra Club has also chosen a similar theme, the president must use full executive powers, even if it means by-passing the democratic process.

The founders of the nation would be horrified. In writing and approving the Constitution, they expressed the need for strong central government; but the powers of that government, and its various branches, should be few, defined, and limited. No matter what it is labeled, a government in which the executive has powers over the nation, and its people and its economy, unchecked by other branches of government and by a democratic process is Authoritarian. Let us hope that these views do not represent most of those involved in global warming alarmism, including various scientific institutions. Please see links under Below The Bottom Line.

Number of the Week: 14 feet (4.3 meters) v. 17 feet (7.6 meters). According to the financial report of Munich Re, discussed last week, the Sandy, (a low, category 1 hurricane) caused a 14 foot storm surge at the Battery in New York City (the most southern tip of Manhattan). This includes the amplification caused by the strong spring tide.

Although precise measurements do not exist, the 1938 hurricane (a category 3 hurricane) which hit Long Island about 100 miles east of New York had a storm surge estimated to be about 17 feet with waves as high as 25 to 35 feet. It swept a movie theater with the audience out to sea.

http://en.wikipedia.org/wiki/1938_New_England_hurricane

New York City is built in a natural funnel, the New York Bight, which amplifies tidal action and storm surges. This can easily be demonstrated from tide charts that show high tides at the Battery of 4 to 5.8 feet as compared with eastern Long Island of 3 to 4 feet. Although accurate numbers cannot be calculated, there is little doubt that if the 1938 hurricane had hit New York City, Sandy would be an important storm, but not the freak, global warming enhanced storm it is made out to be. Please see: <http://ny.us harbors.com/new-york-tide-charts>

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ARTICLES:

For the numbered articles below please see this week’s TWTW at: www.sepp.org. The articles are at the end of the pdf.

1. Green Energy's Baptists and Bootleggers

If Warren Buffett likes solar, it's not because the technology is cutting-edge.

By Holman Jenkins, WSJ, Jan 15, 2013

http://online.wsj.com/article/SB10001424127887324235104578243593278114024.html?mod=djemEditorialPage_t

[SEPP Comment: High profits guaranteed for 20 to 25 years by government regulations.]

2. The EPA's Stormy Weather

The agency loses another case, this time over water regulation.

Editorial, WSJ, Jan 18, 2013

http://online.wsj.com/article/SB10001424127887323596204578244162699645422.html?mod=djemEditorialPage_h

3. This Metamorphosis Will Require a Permit

Sandy wrecked our house, but bureaucrats are keeping it broken.

By Roger Kimball, WSJ, Jan 14, 2013

http://online.wsj.com/article/SB10001424127887324081704578237722576889786.html?mod=ITP_opinion_0

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NEWS YOU CAN USE:

Science: Is the Sun Rising?

Solar vs. Anthropogenic—Better Understanding of 20th Century Climate Change

By Nir Shaviv, Video of Lecture, EIKE Conference, posted Jan 15, 2013

<http://sciencebits.com/Munich-2012>

Climategate Continued

Acton and Muir Russell at Tribunal

By Steve McIntyre, Climate Audit, Jan 14, 2013

<http://climateaudit.org/2013/01/14/acton-and-muir-russell-at-tribunal/>

Acton's blind eye

By Andrew Montford, Bishop Hill, Jan 18, 2013

<http://www.bishop-hill.net/blog/2013/1/18/actons-blind-eye.html>

Acton and “Natural Person Powers”

By Steve McIntyre, Climate Audit, Jan 15, 2013

<http://climateaudit.org/2013/01/15/acton-and-natural-person-powers/>

Suppressing Scientific Inquiry

A Barrage Of Legal Threats Shuts Down Whistleblower Site, Science Fraud

By Bill Frezza, Forbes, Jan 9, 2013 [H/t Jo Nova]

<http://www.forbes.com/sites/billfrezza/2013/01/09/a-barrage-of-legal-threats-shuts-down-whistleblower-site-science-fraud/>

Challenging the Orthodoxy

Extreme Misrepresentation: USGCRP and the Case of Floods

By Roger Pielke Jr, His Blog, Jan 15, 2013

<http://rogerpielkejr.blogspot.ca/2013/01/extreme-misrepresentation-usgcrp-and.html>

Black carbon larger cause of climate change than previously assessed

By Staff Writers, Washington DC (SPX), Jan 17, 2013

http://www.spacedaily.com/reports/Black_carbon_larger_cause_of_climate_change_than_previously_assessed_999.html

Link to Article: Bounding the role of black carbon in the climate system: A scientific assessment

By Bond, et al, Journal of Geophysical Research, [unedited], Jan 2013

<http://onlinelibrary.wiley.com/doi/10.1002/jgrd.50171/abstract>

A bit of a bombshell from the AGU IGBR: Black carbon is a larger cause of climate change than previously assessed

By Anthony Watts, WUWT, Jan 15, 2013

<http://wattsupwiththat.com/2013/01/15/a-bit-of-a-bombshell-from-the-agu-igbr-black-carbon-is-a-larger-cause-of-climate-change-than-previously-assessed/>

[SEPP Comment: May be overstated, but good graphics.]

Weather And Climate Commentary Confirms That A Little Knowledge Is A Dangerous Thing.

By Tim Ball, A Different Perspective, Jan 15, 2013

<http://drtimball.com/2013/weather-and-climate-commentary-confirms-that-a-little-knowledge-is-a-dangerous-thing/>

The IPCC's fatal founding flaw

The media at large and the public that the media influences seem to believe that the IPCC is an international authority on all aspects of climate. This is a popular but false notion. The IPCC is, in fact, no more than a craftily assembled government-supported lobby group, doing what lobby groups usually do.

By John McLean, Quadrant, Jan 17, 2013

<http://www.quadrant.org.au/blogs/doomed-planet/2013/01/the-ipcc-s-fatal-founding-flaw>

[SEPP Comment: Perhaps less kind than Roy Spencer's book, Blunder, but perhaps more accurate in what the IPCC has become.]

A projection of future drought one can't believe

By Lubos Molt, Reference Frame, Jan 13, 2013

<http://motls.blogspot.com/2013/01/a-projection-of-future-drought-one-cant.html#more>

New Met Office Botch: Climate Scientists Get the Stratosphere Wrong

By Doug Hoffman, The Resilient Earth, Jan 16, 2013

<http://www.thegwpf.org/met-office-botch-climate-scientists-stratosphere-wrong/>

Link to the Article: The mystery of recent stratospheric temperature trends,

By Thompson, et al, Nature, Nov 29, 2013

<http://www.nature.com/nature/journal/v491/n7426/full/nature11579.html>

NASA Warns Earth May Be Entering a Period of “Global Cooling”

By Staff Writers, ICECAP, Jan 18, 2013

<http://icecap.us/index.php/go/joes->

[blog/nasa-warns-earth-may-be-entering-a-period-of-global-cooling1/](http://icecap.us/index.php/go/joes-blog/nasa-warns-earth-may-be-entering-a-period-of-global-cooling1/)

European Climate Institute: “Climate In Germany Has Been Cooling For 15 Years”!

By P Gosselin, No Tricks Zone, Jan 13, 2013

<http://notrickszone.com/2013/01/16/european-climate-institute-climate-in-germanys-has-been-cooling-for-15-years/>

[SEPP Comment: EIKE announcement.]

Defending the Orthodoxy

Urgent CO2 cuts may spare millions hardship: report

By Staff Writers, Paris (AFP), Jan 13, 2013

http://www.terraviva.com/reports/Urgent_CO2_cuts_may_spare_millions_hardship_report_999.html

Link to Article: A global assessment of the effects of climate policy on the impacts of climate change

By Arnell, et al, Nature Climate Change, Jan 13, 2013

[SEPP Comment: According to the abstract: “This study presents the first global-scale multi-sectoral regional assessment of the magnitude and uncertainty in the impacts of climate change avoided by emissions policies.” It is yet to be demonstrated that climate models accurately predict regional climate change. A massive cut in CO2 may spare no one from climate change, but cause many to suffer from poverty.]

An early sign of spring, earlier than ever

Unprecedented flowering follows record warmth

By Peter Reuell, Harvard Science, Jan 16, 2013 [H/t WUWT]

<http://news.harvard.edu/gazette/story/2013/01/an-early-sign-of-spring-earlier-than-ever/>

[SEPP Comment: Early flowering does not go to cause, and what applies in the US does not necessarily apply to the world. Carbon dioxide fertilization from enhanced atmospheric carbon dioxide promotes early growth.]

Questioning the Orthodoxy

Authors of ‘Extreme Misrepresentation’

By Donna Laframboise, NFC, Jan 19, 2013

<http://nofrackingconsensus.com/2013/01/19/authors-of-extreme-misrepresentation/>

Uncovering U.S. climate agency’s global warming propaganda – Part 3

By Tom Harris, FCPP, Jan 15, 2013

<http://www.fcpp.org/blog/uncovering-u-s-climate-agencys-global-warming-propaganda-part-3/>

Climate Change Impacts in the U.S.: Sober Analysis, Cool Graphics from Patrick Michaels and Chip Knappenberger

By Marlo Lewis, Global Warming, Jan 18, 2013

<http://www.globalwarming.org/2013/01/18/climate-change-impacts-in-the-u-s-sober-analysis-cool-graphics-from-patrick-michaels-and-chip-knappenberger/>

Global warming apocalypse canceled

21st century has seen no rise in temperature, after all

By Patrick Michaels, Washington Times, Jan 17, 2013

<http://www.washingtontimes.com/news/2013/jan/17/global-warming-apocalypse-canceled/?page=all#pagebreak>

Spooky Story for 2013 —Third National Climate Assessment Report

By James H. Rust, Somewhat Reasonable, Jan 12, 2013

<http://blog.heartland.org/2013/01/spooky-story-for-2013-third-national-climate-assessment-report/#more-12321>

Rajendra Pachauri, Pessimist-in-Chief

By Donna Laframboise, NFC, Jan 17, 2013

<http://nofrackingconsensus.com/2013/01/17/pessimist-in-chief-pachauri-insists-hes-an-optimist/>

Researchers Puzzled about Global Warming

By Axel Bajanowski, Spiegel Online, Trans: Philipp Mueller, GWPF, Jan 18, 2013

<http://www.thegwpf.org/researchers-puzzled-global-warming-standstill/>

Warmist gasbags' noxious emissions

By Geoffrey Luck, Quadrant, Jan 14, 2013

<http://www.quadrant.org.au/blogs/doomed-planet/2013/01/warmist-gasbags-noxious-emissions>

[SEPP Comment: A lengthy, but amusing, article on the gullibility of some investors – especially those who wish to invest in saving the planet – using other people’s money.]

Obama Administration Stacks Deck on Global Warming

By William Bigelow, Breitbart, Jan 13, 2013 [H/t Timothy Wise]

<http://www.breitbart.com/Big-Government/2013/01/13/Obama-Administration-Stacks-The-Deck-On-Global-Warming>

No Global Warming for Almost Two Decades

By Christopher Monckton, SPPI, Jan 15, 2013

http://scienceandpublicpolicy.org/originals/no_global_warming_for_almost_two_decades.html

http://scienceandpublicpolicy.org/images/stories/papers/originals/two_decades_no_warming.pdf

NY Times Environmental Desk Goes the Way of Global Warming

By Alan Caruba, Warming Signs, Jan 14, 2013

<http://factsnotfantasy.blogspot.com/2013/01/ny-times-environmental-desk-goes-way-of.html>

Has the Met Office committed fraud?

By Christopher Monckton of Brenchley, WUWT, Jan 14, 2013

<http://wattsupwiththat.com/2013/01/14/has-the-met-office-committed-fraud/>

A forecast the Met Office hoped you wouldn't see

By Christopher Booker, Telegraph, Jan 12, 2013 [H/t Vincent Jappi]

<https://docs.google.com/document/d/11SCcyUh0j8s-59bsKVRM7G2dvC3EPzMDKNNzWuCZ6ds/edit?pli=1>

Global warming takes a vacation

Promoters of climate hysteria admit planetary temperatures are stable

Editorial, Washington Times, Jan 17, 2013

<http://www.washingtontimes.com/news/2013/jan/17/global-warming-takes-a-vacation/>

Government issues warnings, but are rising temperatures a health risk?

By Steve Gorham, Washington Times, Jan 15, 2013

<http://communities.washingtontimes.com/neighborhood/climatism-watching-climate-science/2013/jan/15/us-government-warns-are-warm-temperatures-health-r/>

News Alert To Climate Alarmists: Most Arctic Species Will Benefit From Global Warming

By James Taylor, Forbes, Jan 2, 2013

<http://www.forbes.com/sites/jamestaylor/2013/01/02/news-alert-to-climate-alarmists-most-arctic-species-will-benefit-from-global-warming/>

Link to Article: Future Climate Change Will Favour Non-Specialist Mammals in the (Sub)Arctics

By Hof AR, Jansson R, Nilsson C, Plos One, Dec 20, 2012

<http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0052574>

Questioning European Green

U.K. Offshore Wind Link Licences May Push Up Consumer Prices

By Sally Bakewell, Bloomberg, Jan 13, 2013

<http://www.bloomberg.com/news/2013-01-14/u-k-offshore-wind-link-licences-may-push-up-consumer-prices.html>

[SEPP Comment: A \$27 Billion for an offshore collection system for electricity MAY push up consumer prices?]

Germany's Green "Energiewende" (Energy Transition) Has Only Led To Greater Coal Consumption!

By P. Gosselin, No Tricks Zone, Jan 12, 2013

<http://notrickszone.com/2013/01/12/germanys-green-energiewende-energy-transition-has-only-led-to-greater-coal-consumption/>

Expanding the Orthodoxy

Catching them young

By Martin Livermore, Scientific Alliance, Jan 18, 2013
<http://www.scientific-alliance.org/scientific-alliance-newsletter/catching-them-young>

Problems in the Orthodoxy

James Hansen Admits Global Temperature Standstill Is Real

By David Whitehouse, GWPF, Jan 17, 2013

<http://www.thegwpf.org/hansen-admits-global-temperature-standstill-real/>

Link to Paper by Hansen, Sato, & Ruedy, Global temperature Update Through 2012, Jan 15, 2013

http://www.columbia.edu/~jeh1/mailings/2013/20130115_Temperature2012.pdf

Climate change inaction the fault of environmental groups, report says

Academic paper largely clears President Obama of blame over failure to pass climate legislation through Congress

By Suzanne Goldenberg, Guardian, UK, Jan 14, 2013

<http://www.guardian.co.uk/environment/2013/jan/14/environmental-groups-climate-change-inaction>

[SEPP Comment: Environmental groups guilty of political malpractice??]

Beyond baby steps: Analyzing the cap-and-trade flop

By Bill McKibben, Grist, Jan 14, 2013 [H/t John McClaughry]

<http://grist.org/article/beyond-baby-steps-analyzing-the-cap-and-trade-flop/>

[SEPP Comment: From one of the most strident promoters of the orthodoxy.]

Harvard Flunks the Greens

By Waler Russell Mead, Via Meadia, Jan 16, 2013 [H/t Timothy Wise]

<http://blogs.the-american-interest.com/wrm/2013/01/16/harvard-flunks-the-greens/>

Germany Gives Up On Binding Global Climate Treaty, Now Pushing For A “Coalition Of The Willing” On Green Energy

By P. Gosselin, No Tricks Zone, Jan 14, 2013

<http://notrickszone.com/2013/01/14/germany-gives-up-on-binding-global-climate-treaty-now-pushing-for-a-coalition-of-the-willing-on-green-energy/>

IPCC Leaks

Searchable Secret Santa

Simon Barnett has created a wonderful analysis tool for the new IPCC data.

By Donna Laframboise, NFC, Jan 11, 2013

<http://nofrackingconsensus.com/2013/01/11/searchable-secret-santa/>

Seeking a Common Ground

The Authoritarian Science Myth

By Roger Pielke, Jr, His Blog, Jan 17, 2013

<http://rogerpielkejr.blogspot.com/2013/01/the-authoritarian-science-myth.html>

Energy, Pollution Control and Economic Growth.

Ross Mckitrick, WUWT-TV Presentation, Nov 15, Video

<http://wattsupwiththat.com/2012/11/23/the-next-video-from-wuwt-tv-dr-ross-mckitrick/>

Draft U.S. Climate Assessment Report

By Judith Curry, Climate Etc, Jan 12, 2013

<http://judithcurry.com/2013/01/12/draft-u-s-climate-assessment-report/#more-10910>

Global warming and an inconvenient truth

Daily Mail Comment, Jan 10, 2013

https://docs.google.com/document/d/1IakG1Z3JLmJVE5kuFywqs26ePnd_WLbnnP-zpFGxyLY/edit?pli=1

Communicating Better to the Public – Exaggerate, or be Vague?

ScienceShot: It's Official ... Last Year Was One of the Warmest on Record

By Sid Perkins, Science, Jan 15, 2013 [H/t Toshio Fujita]

<http://news.sciencemag.org/sciencenow/2013/01/scienceshot-its-official-last-ye.html>

*[SEPP Comment: It's official, Science magazine has embraced purple prose! "Last year, the globe **sweltered** through..." (boldface added) Note the cooling in central Asia and Antarctica.]*

Communicating Better to the Public – Make things up.

Hansen's NASA GISS – cooling the past, warming the present

The Climate of Gavin: How GISS Have Changed The Temperature Record Since 2008

By Paul Homewood, WUWT, Jan 18, 2013

<http://wattsupwiththat.com/2013/01/18/hansens-nasa-giss-cooling-the-past-warming-the-present/>

[SEPP Comment: If the recorded temperatures do not show the trend you want, change the data.]

America, Prepare For A Century Of Drought

By Rob Wile, Business Insider, Jan 11, 2013 [H/t Lubos Molt]

<http://www.businessinsider.com/noaa-commerce-department-drought-report-2013-1>

Link to Report: <http://ncadac.globalchange.gov/download/NCAJan11-2013-publicreviewdraft-chap2-climate.pdf>

Climate: Monthly heat records have increased fivefold

By Staff Writers, Paris (AFP), Jan 14, 2013

http://www.terraviva.com/reports/Climate_Monthly_heat_records_have_increased_fivefold_999.html

Link to Article: Global increase in record-breaking monthly-mean temperatures,

By Coumou, et al, <http://link.springer.com/article/10.1007/s10584-012-0668-1>

If man-made warming is stripped out of the equation, 80 percent of the records for hottest-ever months would not have occurred, it said.

"This doesn't mean there will be 12 times more hot summers in Europe than today -- it actually is worse," Coumou said in a press release issued by PIK.

[SEPP Comment: Not only does Dim Coumou rely on the logical fallacy of Petitio Principii, but he also claims Sandy was influenced by human-caused global warming.]

Ehrlichian Catastrophe-Obsessed Potsdam Climate Institute Claims 12 Times More Heat Records By 2040!

By P. Gosselin, No Tricks Zone, Jan 14, 2013

<http://notrickszone.com/2013/01/14/ehrllichian-catastrophe-obsessed-potsdam-climate-institute-claims-12-times-more-heat-records-by-2040/>

[SEPP Comment: See link immediately above.]

Hot enough for you?

By Eugene Robinson, Washington Post, Jan 10, 2013

http://articles.washingtonpost.com/2013-01-10/opinions/36272697_1_climate-change-climate-change-noaa

“The climate-change denialists — especially those who manipulate the data in transparently bogus ways to claim that warming has halted or even reversed course — have been silent, as one might expect.”

[SEPP Comment: Fails to point out that it was hot for the US but not for the rest of the world – and in terms of insurance monetary losses, the weather was extreme for the US, but benign for the rest of the world. But for a Washington journalist, Washington is the center of the earth.]

Changing Weather

Fed agency: 2012 was 10th-warmest year on record worldwide

By Ben Geman, The Hill, Jan 15, 2013

<http://thehill.com/blogs/e2-wire/e2-wire/277311-fed-agency-2012-was-10th-warmest-on-record-worldwide>

Weather Warning: Blizzards To Blanket Britain

By Staff Writers, Sky News, UK, Jan 17, 2013 [H/t Gordon Fulks]

<http://uk.news.yahoo.com/weather-warning-blizzards-blanket-britain-114001927.html#KzUvOr6>

Australia – was hot and is hot. So what? This is not an unusual heat-wave

By Jo Nova, Her Blog, Jan 15, 2013

<http://joannenova.com.au/2013/01/australia-was-hot-and-is-hot-so-what-this-is-not-an-unusual-heat-wave/>

William Kininmonth: Is it Extreme Weather or Climate Change?

By Jo Nova, Her Blog, Jan 17, 2013

<http://joannenova.com.au/2013/01/william-kininmonth-is-it-extreme-weather-or-climate-change/>

Changing Seas

Seattle calculates how climate change will redraw its shores

Seattle Public Utilities maps the local effects of global climate change and projects that by 2050, higher shorelines will inundate parts of Interbay, Georgetown, South Park, West Seattle, Golden Gardens and Harbor Island.

By Lynda Mapes, Seattle Times, Jan 12, 2013

http://seattletimes.com/html/localnews/2020120911_climatechange13m.html

[SEPP Comment: Sea levels will continue to rise even if there is no climate change – until another ice age.]

Changing Cryosphere – Land / Sea Ice

Arctic Sea Ice Area Back to Normal

P. Gosslin, No Tricks Zone, Jan 16, 2013

<http://notrickszone.com/2013/01/16/arctic-sea-ice-area-back-to-normal-dramatic-record-refreeze-wipes-out-dramatic-melt-of-august/>

Review of Recent Scientific Articles by NIPCC

For a full list of articles see www.NIPCCreport.org

Global Tropical Cyclone Activity of the Past Five Thousand Years

Reference: Nott, J. and Forsyth, A. 2012. Punctuated global tropical cyclone activity over the past 5,000 years. *Geophysical Research Letters* 39: 10.1029/2012GL052236.

<http://www.nipccreport.org/articles/2013/jan/15jan2013a1.html>

Based on such findings, it is clear that something has orchestrated the ebbing and flowing of global TC activity over the last 5,000 years, but that something has most certainly not been changes in the atmosphere's CO₂ concentration, as it has remained quite stable over this entire period (with the exception of the past 100 years or so, when it has risen substantially, but without any demonstrable change in global TC activity). As a result, there is no compelling reason to believe that any further increase in the air's CO₂ content will have any significant impact on these destructive storms.

Free-Air CO₂-Enrichment May Not Be All It's Cracked Up to Be

Reference: Bunce, J.A. 2012. Responses of cotton and wheat photosynthesis and growth to cyclic variation in carbon dioxide concentration. *Photosynthetica* 50: 395-400.

<http://www.nipccreport.org/articles/2013/jan/15jan2013a2.html>

Thus, Earth's plant life could well be far better off in a high-CO₂ world of the future than even the more optimistic assessments have suggested it will be.

Climate Change in China Over the Past Century

Reference: Ren, G., Ding, Y., Zhao, Z., Zheng, J., Wu, T., Tang, G. and Xu, Y. 2012. Recent progress in studies of climate change in China. *Advances in Atmospheric Sciences* 29: 958-977.

<http://www.nipccreport.org/articles/2013/jan/15jan2013a4.html>

Iron Released from the Melting of Antarctic Glaciers

Reference: Alderkamp, A.-C., Mills, M.M., van Dijken, G.L., Laan, P., Thuroczy, C.-E., Gerringa, L.J.A., de Baar, H.J.W., Payne, C.D., Visser, R.J.W., Buma, A.G.J. and Arrigo, K.R. 2012. Iron from melting glaciers fuels phytoplankton blooms in the Amundsen Sea (Southern Ocean): Phytoplankton characteristics and productivity. *Deep-Sea Research II* 71-76: 32-48.

<http://www.nipccreport.org/articles/2013/jan/16jan2013a2.html>

The significance of such finding is revealed in the authors' additional comments that "the high phytoplankton productivity as a result of glacial input of dissolved Fe is the first evidence that melting glaciers have the potential to increase phytoplankton productivity and thereby CO₂ uptake, resulting in a small negative feedback to anthropogenic CO₂ emissions."

The Political Games Continue

Vitter: 'Political purposes' behind EPA fracking study

By Zack Colman, The Hill, Jan 17, 2013

<http://thehill.com/blogs/e2-wire/e2-wire/277669-vitter-political-purposes-behind-epa-fracking-study->

Litigation Issues

Court denies challenge to EPA ethanol ruling

By Zack Colman, The Hill, Jan 15, 2013

<http://thehill.com/blogs/e2-wire/e2-wire/277269-court-denies-challenge-to-high-ethanol-fuel-sales>

Federal Court Declines to Bind EPA to New Source MATS Deadline

By Sonal Patel, Power News, Jan 17, 2013

http://www.powermag.com/news/5301.html?hq_e=el&hq_m=2599381&hq_l=8&hq_v=5e660500d0

Cap-and-Trade and Carbon Taxes

Carbon Tax Would Raise Unemployment, Not Swap Revenue

By David Kreutzer and Nicolas Loris, Heritage Foundation, Jan 8, 2013

<http://www.heritage.org/research/reports/2013/01/carbon-tax-would-raise-unemployment-not-revenue>

[SEPP Comment: Those who believe that the revenues from a carbon tax can be passed through Washington to the general public without major diversion of funds should read the recently enacted emergency legislation for those who suffered from Sandy. It contains large expenditures of funds unrelated to relieving the suffering of the victims of the storm.]

Grimm's carbon tax

By David Kreutzer, Washington Times, Jan 16, 2013

<http://www.washingtontimes.com/news/2013/jan/16/kreutzer-grimms-carbon-tax/>

Subsidies and Mandates Forever

Government incentives speed up installation of utility-scale solar power plants

By Staff Writers, Mountain View CA (SPX), Jan 16, 2013

http://www.solardaily.com/reports/Government_incentives_speed_up_installation_of_utility_scale_solar_power_plants_999.html

EPA and other Regulators on the March

EPA Doubles Down on 'Richard Windsor' Stonewall

By Chris Horner, WUWT, Jan 15, 2013

<http://wattsupwiththat.com/2013/01/15/epa-doubles-down-on-richard-windsor-stonewall/>

New mysteries in EPA's Windsorgate scandal

By Mark Tapscott, Washington Examiner, Jan 15, 2013

http://washingtonexaminer.com/new-mysteries-in-epas-windsorgate-scandal/article/2518591?utm_source=Washington%20Examiner:%20Opinion%20Digest%20-%2001/16/2013&utm_medium=email&utm_campaign=Washington%20Examiner:%20Opinion%20Digest#.UPacBmfb_fE

Interior Secretary Salazar to step down

By Ben Geman, The Hill, Jan 16, 2013

<http://thehill.com/blogs/e2-wire/e2-wire/277417-interior-secretary-salazar-to-step-down>

[SEPP Comment: See link immediately below.]

Salazar's Disastrous Tenure At Interior—Less Energy, Higher Costs

Editorial, IBD, Jan 17, 2013

<http://news.investors.com/ibd-editorials/011713-641096-salazar-deserves-much-of-blame-for-high-us-energy-costs.htm>

Interior finalizes Ariz. solar energy plan

By Zack Colman, The Hill, Jan 18, 2013

<http://thehill.com/blogs/e2-wire/e2-wire/278005-interior-finalizes-arizona-solar-energy-plan>

Obama officials delay ‘fracking’ rules

By Ben Geman, The Hill, Jan 18, 2013

<http://thehill.com/blogs/e2-wire/e2-wire/278107-interior-pumps-brakes-on-gas-fracking-rule-plans-revision>

Energy Issues – Non-US

Falling U.S. Oil Imports Will Reshape the World Crude Market

By Matthew Philips, Bloomberg, Jan 16, 2013

<http://www.businessweek.com/articles/2013-01-16/falling-u-dot-s-dot-oil-imports-will-reshape-the-world-crude-market>

Power Play: Politician Calls for Nationalization of Electricity Grid

By Frank Dohmen and Gerald Traufetter, Spiegel Online, Jan 16, 2013 [H/t GWPF]

<http://www.spiegel.de/international/business/member-of-merkel-cabinet-calls-for-nationalization-of-german-power-grid-a-877576.html>

The oil sands’ benefits

By David McLellan, Financial Post, Jan 14, 2013

<http://opinion.financialpost.com/2013/01/14/the-oil-sands-benefits/>

Woodland Heists: Rising Energy Costs Drive Up Forest Thievery

By Renuka Rayasam, Spiegel Online, Jan 17, 2013 [H/t GWPF]

<http://www.spiegel.de/international/zeitgeist/tree-theft-on-the-rise-in-germany-as-heating-costs-increase-a-878013.html>

Energy Issues -- US

Distorted Energy Efficiency Assertions

By Donn Dears, Power for USA, Jan 18, 2013

<http://dddusmma.wordpress.com/2013/01/18/distorted-energy-efficiency-assertions/>

[SEPP Comment: The vision of those green organizations that preach energy conservation.]

Senior State Dept. climate official heads to DOE

By Zack Colman, The Hill, Jan 18, 2013

<http://thehill.com/blogs/e2-wire/e2-wire/278019-lead-us-international-climate-negotiator-heads-to-doe>

Oil and Natural Gas – the Future or the Past?

Oil companies read the tea leaves (and lots of data)

By Harry Weber, Houston Chronicle, Jan 15, 2013

<http://fuelfix.com/blog/2013/01/15/oil-companies-read-the-tea-leaves-and-lots-of-data/>

Dueling Documentaries: FrackNation gives the counter-argument to the anti-fracking Gasland

By Jack Kemp, American Thinker, Jan 15, 2013

http://www.americanthinker.com/2013/01/dueling_documentaries_fracknation_gives_the_counter-argument_to_the_anti-fracking_gasland.html

Fracking: A Boom or Bust Decision for New York

By Chris Faulkner, President and CEO Breitling Oil and Gas, New York NY (SPX) Jan 15, 2013

http://www.energy-daily.com/reports/Fracking_A_Boom_or_Bust_Decision_for_New_York_999.html

Washington's Control of Energy

Obama coal regulations crippling communities

War on fossil fuels strangling the economy, too

By Rep. David B. McKinley and Rep. H. Morgan Griffith, Washington Times, Jan 18, 2013

<http://www.washingtontimes.com/news/2013/jan/18/obama-coal-regulations-crippling-communities/>

Obama's wishful thinking on green energy

Fed crackdown on fracking ignores facts

By Paul Driessen, Washington Times, Jan 18, 2013

<http://www.washingtontimes.com/news/2013/jan/18/obamas-wishful-thinking-on-green-energy/>

The Government Gives, The Government Has Taken Away

By Marita Noon, Energy Tribune, Jan 16, 2013

<http://www.energytribune.com/70798/the-government-gives-the-government-has-taken-away>

Groups battle on Keystone XL pipeline

By Zack Colman, The Hill, Jan 17, 2013

<http://thehill.com/blogs/e2-wire/e2-wire/277765-groups-battle-on-keystone-xl-pipeline>

Nuclear Energy and Fears

Nuclear fears contaminate sales for Japan farmers

By Staff Writers, Tokyo (AFP), Jan 14, 2013

http://www.seeddaily.com/reports/Nuclear_fears_contaminate_sales_for_Japan_farmers_999.html

[SEPP Comment: Damage caused by alarmists.]

DOE Unveils Used Nuclear Fuel Strategy

By Sonal Patel, Power News, Jan 17, 2013

http://www.powermag.com/news/5295.html?hq_e=el&hq_m=2599381&hq_l=4&hq_v=5e66050d0

Alternative, Green ("Clean") Solar and Wind

Wind Energy Distortions

By Donn Dears, Power for USA, Jan 15, 2013

<http://dddusmma.wordpress.com/2013/01/15/wind-energy-distortions/>

Creative Energy Destruction: Renewables Lost Long Ago

By Robert Bradley Jr, Master Resource, Jan 15, 2013

<http://www.masterresource.org/2013/01/creative-energy-destruction-renewables-lost/#more-23635>

NERC Demands ERCOT Address Declining Reserve Margin Levels

By Sonal Patel, Power News, Jan 17, 2013

http://www.powermag.com/news/5303.html?hq_e=el&hq_m=2599381&hq_l=9&hq_v=5e660500d0

[SEPP Comment: Thanks to Enron, Texas has the largest installed capacity of wind turbines in the US.]

Japan plans world's largest wind farm

By Staff Writers, Tokyo (UPI), Jan 16, 2013

http://www.winddaily.com/reports/Japan_plans_worlds_largest_wind_farm_999.html

[SEPP Comment: Off-shore at that.]

Environmental Industry

Wake-up call for boreal alarmism

By Peter Foster, Financial Post, Jan 17, 2013

<http://opinion.financialpost.com/2013/01/17/peter-foster-wake-up-call-for-boreal-alarmism/>

Dear Carl Pope: What About the “Cuisinarts of the Air” (Sierra Club term still part of the windpower debate)

By Robert Bradley Jr, Master Resource, Jan 14, 2013

<http://www.masterresource.org/2013/01/dear-carl-pope-what-about-cuisinarts-of-the-air/>

[SEPP Comment: According to the article, the Serra Club conceived the labeling of wind turbines as Cuisinarts of the Air.]

Other Scientific News

Like We've Been Saying -- Radiation Is Not A Big Deal

By James Conca, Forbes, Jan 11, 2013 [H/t Jerry Cuttler]

<http://www.forbes.com/sites/jamesconca/2013/01/11/like-weve-been-saying-radiation-is-not-a-big-deal/?ss=business%3Aenergy>

Link to the Report: http://www.unscear.org/docs/reports/Biological_mechanisms_WP_12-57831.pdf

UNSCEAR “does not recommend multiplying low doses by large numbers of individuals to estimate numbers of radiation-induced health effects within a population exposed to incremental doses at levels equivalent to or below natural background levels.”

[SEPP Comment: So much for the linear no-threshold model.]

NASA Ozone Study May Benefit Air Standards, Climate

By Staff Writers, Pasadena CA (JPL), Jan 17, 2013

http://www.terraily.com/reports/NASA_Ozone_Study_May_Benefit_Air_Standards_Climate_99.html

[SEPP Comment: Note the poor editing: High-latitude regions such as Europe had a smaller impact than lower-latitude regions like North America. A better statement would have compared northern Europe with the southern US and Mexico.]

Press release: http://www.nasa.gov/mission_pages/aura/media/tes20130116.html

New study reveals gas that triggers ozone destruction

By Staff Writers, York UK (SPX), Jan 16, 2013

http://www.terraily.com/reports/New_study_reveals_gas_that_triggers_ozone_destruction_999.html

Other News that May Be of Interest

Global warming beneficial to ratsnakes

By Staff Writers, Urbana IL (SPX), Jan 14, 2013

http://www.terraily.com/reports/Global_warming_beneficial_to_ratsnakes_999.html

[SEPP Comment: And most other creatures.]

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BELOW THE BOTTOM LINE:

Mobilizing scientists on climate change,

By Naomi Oreskes, Washington Post, Jan 17, 2013

http://www.washingtonpost.com/opinions/put-government-labs-to-work-on-climate-change/2013/01/17/bfd2d546-6003-11e2-b05a-605528f6b712_story.html

Sierra Club urges Obama to wield ‘full executive authority’ against climate change

By Zack Colman, The Hill, Jan 14, 2013

<http://thehill.com/blogs/e2-wire/e2-wire/276985-sierra-club-starts-campaign-to-push-obama-on-climate>

Doomsday Clock remains at five minutes to midnight

By Staff Writers, Bulletin of the Atomic Scientists, Jan 14, 2013

<http://www.thebulletin.org/content/media-center/announcements/2013/01/14/doomsday-clock-remains-five-minutes-to-midnight>

[SEPP Comment: Members of the Science and Security Board that issued the report include James Hansen, etc. It’s Chair is Robert Socolow, who debated Fred Singer and Ken Haapala at Purdue, and failed, when asked, to accurately reveal his corporate support.]

<http://www.thebulletin.org/content/about-us/science-and-security-board>

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ARTICLES:

1. Green Energy's Baptists and Bootleggers

If Warren Buffett likes solar, it's not because the technology is cutting-edge.

By Holman Jenkins, WSJ, Jan 15, 2013

http://online.wsj.com/article/SB10001424127887324235104578243593278114024.html?mod=djemEditorialPage_t

[SEPP Comment: High profits guaranteed for 20 to 25 years by government regulations.]

President Obama was right: Solar is back. Exchange-traded indexes of solar shares are up 60% since Election Day. One big solar company, SunPower, saw its share price surge 41% in a single day this month.

Of course, it might be more accurate to say President Obama is back, and solar is riding his coattails. The fiscal-cliff deal extended an accelerated write-off for "renewable" energy investments and protects (at least for now) the Treasury's "1603" program, in which taxpayers hand green developers 30% of their project costs in cash. Mr. Obama's new Treasury chief will be Jack Lew, once a K Street lawyer for alternative energy interests.

Obama supporter Warren Buffett, meanwhile, has suddenly emerged as America's second biggest solar operator. If the Sage of Omaha is buying, you should too, right?

Not really. What was true a year ago is true now. As solar analyst Michael Horwitz explained to the Financial Times when the Sage first began nosing around: "Let's be clear, this is not Warren Buffett taking a bet on solar technology. This is Warren Buffett investing in a power plant that is guaranteed to yield large cash flows for at least 20 to 25 years."

California utilities are under legislative mandate to get 33% of their electricity from renewable sources by 2020. The state's own watchdog, the Division of Ratepayer Advocates, issued a report complaining that utilities have been rushing to sign overpriced contracts that have already locked-in \$6 billion in above-market costs for California electricity users.

According to the watchdog, 59% of contracts feature a price at least half-again higher than available conventional energy. Which utility has been most lavish? Pacific Gas & Electric which Mr. Buffett will be selling to.

Twenty-nine states now have such mandates, and a recent defeat signals no topping out in this most enduring source of subsidies for solar entrepreneurs. In November, activists largely funded by a San Francisco green-energy promoter failed to amend Michigan's state constitution to up the state's existing mandate to 25% from 10%.

Yes, amend the state constitution: Most greenies now agree the campaign failed by overreaching and should have settled for seeking a legislated increase.

Political scholars use the term "baptists-and-bootleggers" to describe the coalitions of do-gooders and mercenaries that gather around such agendas. The pitch wouldn't be complete without claims about how, with enough transmission (after all, the sun is always shining and the wind always blowing somewhere), renewables are a real answer to America's energy needs, not just a costly indulgence.

Yet funny how the bootleggers' interests are the only ones that end up being served. Notice, for instance, that though shale gas has done more than wind or solar to reduce America's CO2 output by displacing coal, the green lobby has had to attack shale because it accentuates the high cost of wind and solar.

Notice, too, the absence of any meaningful baptist-and-bootlegger counterweight to citizen opposition to new power lines, which would mean more competition and lower prices for renewables. Notice that many states actually prohibit or discourage shopping out-of-state to meet green-energy mandates, which would also mean lower prices for renewables.

A parody of baptist-bootlegging is the case of AEP Ohio. The local utility has been losing customers to cheaper power, so it has been lobbying regulators to approve a costly new solar plant and make its competitors' customers help pay for it.

It may be pleasant still to assume that President Obama's motives are pure; that his green agenda may require corrupt bargains with private interests, but the sparks fly upward.

After all, even allowing for corruption, inefficiency and high costs, aren't solar and wind being encouraged to make the technological leaps that will make them viable someday? Don't be so sure. The political networks here consist of owners who aren't in business to risk capital on technological advances, but to extract cash from political favoritism.

But isn't it important somehow to encourage alternative energy, and aren't we constantly told that the most efficient, least corrupting approach—a carbon tax—would never fly with voters?

That may not be quite right either. Baptist-bootlegger campaigns have no trouble promoting higher costs for voters, but notice that the bootleggers don't reach into their ample pockets to promote a carbon tax. They aren't interested in wide-open, competitive approaches to reducing carbon emissions. They're interested in the guaranteed, uncompetitive cashflows that Mr. Buffett will enjoy from his California solar projects.

James Buchanan, the economist who won a Nobel Prize for his cold-eyed analysis of political behavior, died last week. We'll have to rely on our own instincts, then, to suggest it doesn't matter what politicians believe about their own motives. The result is a green political machine that exists to extract high prices from electricity users for the machine's own benefit.

2. The EPA's Stormy Weather

The agency loses another case, this time over water regulation.

Editorial, WSJ, Jan 18, 2013

http://online.wsj.com/article/SB10001424127887323596204578244162699645422.html?mod=djemEditorialPage_h

If Washington gave awards for creative regulatory overreach, the Environmental Protection Agency would sweep the field. Fortunately, the courts are getting wise to its nonsense, as shown by a stinging legal rebuke this month to the agency's novel theory that water is a pollutant.

The case concerns Virginia's Accotink Creek, a 25-mile tributary of the Potomac River. In April 2011 the EPA took the unprecedented step of demanding that Virginia's Fairfax County and the state's Department of Transportation restrict the amount of storm water that runs into the creek.

The EPA had never issued such a demand, for the simple reason that the Clean Water Act limits its role to regulating "pollutants." Last we checked, water was the substance protected by the Clean Water Act. The agency's way of getting around this hitch was to claim that storm water is stirring up sediment, which is a pollutant. Ergo storm water is a "surrogate" for sediment and open to EPA rules.

If allowed to stand, that argument would open sweeping new EPA power over local land use. The only way for Fairfax to have met the EPA's demands to cut storm water by nearly half would have been to spend more than \$200 million tearing down existing homes and businesses and replacing them with grass or storm ponds. While re-greening the suburbs might be an ideological goal of the Obama EPA, it isn't mentioned in the Clean Water Act.

All of this was breathtaking enough to inspire the Democrat-controlled Fairfax Board of Supervisors to join in GOP Attorney General Ken Cuccinelli's lawsuit. In early January U.S. District Judge Liam O'Grady agreed with Mr. Cuccinelli that the agency is drowning in audacity. The EPA, said Judge O'Grady, is charged with regulating "appropriate pollutants; that does not give them authority to regulate nonpollutants."

Judge O'Grady did a further service by warning the EPA against trying this in other contexts. The agency had argued it is entitled to regulate storm water for the reason that nothing in the statute specifically forbids it from doing so. Or, as Mr. Cuccinelli more colorfully summed up EPA's logic, "if Congress didn't prohibit it from invading Mexico, it had the authority to invade Mexico."

The EPA has it backward, ruled Judge O'Grady: "The question is whether the statute grants the agency the authority it is claiming, not whether the statute explicitly withholds that authority." That's a rule other Obama agencies might follow.

The ruling throws into doubt EPA attempts to impose storm-water rules in at least three other instances (two are pending in court), and no doubt the agency had similar plans for many of the 3,700 water bodies for which it regulates sediment. "This wasn't just a little power grab," Mr. Cuccinelli tells us. "This would have given the EPA enormous new say over land use across the country."

Judge O'Grady's opinion is sharp enough to have so far kept the EPA mum on whether it will appeal. In this instance, that silence is golden.

3. This Metamorphosis Will Require a Permit

Sandy wrecked our house, but bureaucrats are keeping it broken.

By Roger Kimball, WSJ, Jan 14, 2013

http://online.wsj.com/article/SB10001424127887324081704578237722576889786.html?mod=IT_P_opinion_0

"What sort of people were these? What were they talking about? What office did they belong to? K. was living in a free country, after all, everywhere was at peace, all laws were decent and were upheld, who was it who dared accost him in his own home?"

—Franz Kafka, "The Trial"

Like many people whose houses were badly damaged by Hurricane Sandy, my family and I have been living in a rented house since the storm. Unlike some whose houses were totalled, we could have repaired things and been home toasting our tootsies by our own fireplace by now. What happened?

Two things: zoning (as in "Twilight Zone") and FEMA.

Our first exposure to the town zoning authorities came a couple of weeks after Sandy. We'd met with insurance adjusters, contractors and "remediation experts." We'd had about a foot of Long Island Sound sloshing around the ground floor of our house in Connecticut, and everyone had the same advice: Rip up the floors and subfloors, and tear out anything—wiring, plumbing, insulation, drywall, kitchen cabinets, bookcases—touched by salt water. All of it had to go, and pronto, too, lest mold set in.

Yet it wasn't until the workmen we hired had ripped apart most of the first floor that the phrase "building permit" first wafted past us. Turns out we needed one. "What, to repair our own house we need a building permit?"

Of course.

Before you could get a building permit, however, you had to be approved by the Zoning Authority. And Zoning—citing FEMA regulations—would force you to bring the house "up to code," which in many cases meant elevating the house by several feet. Now, elevating your house is very expensive and time consuming—not because of the actual raising, which takes just a day or two, but because of the required permits.

Kafka would have liked the zoning folks. There also is a limit on how high in the sky your house can be. That calculation seems to be a state secret, but it can easily happen that raising your house violates the height requirement. Which means that you can't raise the house that you must raise if you want to repair it. Got that?

There were other surprises. A woman in our neighborhood has two adjoining properties, with a house and a cottage. She rents the house and lives in the cottage. For 29 years she has paid taxes on both. The cottage was severely damaged but she can't tear it down and rebuild because Zoning says the plots are not zoned for two structures, never mind that for 29 years two property-tax payments were gladly accepted.

Kafka would have liked FEMA, too. We've met plenty of its agents. Every one we've encountered has been polite and oozing with sympathy. Even the lady who reduced my wife to tears was nice. The issue was my wife's proof of income. We sent our tax return to FEMA, but that wasn't good enough. They wanted pay stubs. My wife works as a freelance writer and editor. She doesn't get a pay stub. Which apparently makes her a nonperson to this government agency.

In "The Road to Serfdom," Friedrich Hayek noted that "the power which a multiple millionaire, who may be my neighbor and perhaps my employer, has over me is very much less than that which the smallest functionnaire possesses who wields the coercive power of the state on whose discretion it depends whether and how I am to be allowed to live or to work."

And how. But what makes the phenomenon so insidious is that many of the functionaries are as friendly as can be. It's just that they're cogs in a machine whose overriding purpose is not service but self-perpetuation and control.

It is, as Alexis de Tocqueville saw, a recipe for a form of despotism peculiar to modern democracies. It does this, wrote Tocqueville, by enforcing "a network of small, complicated, painstaking, uniform rules" that reduces citizens "to being nothing more than a herd of timid and industrious animals of which the government is the shepherd." The sobering thought is that we're all complicit in that infantilization. After all, we keep voting for the politicians who put this leviathan in place.

Just before Christmas, our 5-year-old daughter had an encounter with Santa. What did she want for Christmas? "My house back."

It's not only us, of course. Thousands upon thousands have been displaced, but the bullying pedantry of the zoning establishment never wavers. While our house stands empty, the city authorities even showed a sense of humor by sending us a bill for property taxes. For a house they won't let us repair.

We've spent a few thousand dollars on a lawyer to appeal to Zoning, many thousands in rent, and hundreds getting a fresh appraisal of our house. The latest from our lawyer: Because of our new appraisal, we may be able to "apply for a zoning permit." "Apply," mind you.

I used to think that our house was, you know, our house. The bureaucrats have taught me otherwise. But then I also used to think that Franz Kafka wrote a species of dark fantasy. I know now that he was turning out nonfiction.

Mr. Kimball is the author, most recently, of "The Fortunes of Permanence: Culture and Anarchy in an Age of Amnesia" (St. Augustine's, 2012).

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