

# **The Week That Was: 2023-05-27 (May 27, 2023)**

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### **The Science and Environmental Policy Project**

**Quote of the Week:** *“You can see what we are up against.”* – Professor William Happer (May 27, 2023) when his presentation on “Why Climate Change is Not an Emergency” from the Princeton University Media Central Live was sabotaged.

**Number of the Week: 86% Imagination? 2 out of 14**

#### **THIS WEEK:**

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

**Scope:** The following topics will be discussed. The sabotage of the presentation “Why Climate Change is Not an Emergency” broadcast from Media Central Live at Princeton University.

AMO physicist Howard Hayden wrote an essay in *The Energy Advocate* explaining that the greenhouse effect requires an understanding of radiation transfer. The transfer of radiative energy to greenhouse gas molecules and the subsequent transfers are not captured by convection or general measurements used in weather forecasting or in global climate models. The effect can only be measured with reasonable accuracy using spectroscopy instruments on satellites. Part of that essay is reproduced below.

Previous TWTWs discussed the problems of converting generation of electricity from fossil fuels to wind and solar as well as the problems of transforming motor vehicles from fossil fuels to batteries. A major issue is that the lightest material that works in batteries is relatively rare Lithium, the least dense metal and solid element with an atomic number of 3. Lithium is found in low concentrations. Extraction and processing are very expensive. Exxon Mobil has announced an experimental project to extract lithium from brine, which is produced in great quantities from oil and gas wells, particularly those developed by hydraulic fracturing.

The Supreme Court has announced a unanimous decision to curtail the practice by Federal Agencies of using the Clean Water Act to justify great expansion of Federal control over private property. Though the decision was unanimous, there were several different opinions that were announced.

Francis Menton writes about the miracle considered by many advocates of wind and solar to cover the fact that there is no successful demonstration project showing that wind and solar plus storage can supply the electricity needed by modern civilization – virtual power plants.

Andrew Montford writes that the low costs claimed by the International Energy Agency (IEA) depend on imaginary wind turbines. IEA ignores the costs of power generation in the UK, which has the largest set of wind turbines in the world.

Each May, the US Department of Agriculture makes a well-documented estimate of world grain production, including coarse grains such as corn, and fine grains such as wheat and rice. In order, corn, wheat, and rice are the most important cereals produced. Despite the invasion of Ukraine by

Russia, involving an important “breadbasket” of the world, the estimated total production of cereals is at the highest levels ever, or increasing. So much for the climate emergency.

Last week, TWTW discussed that the global climate models continue to use the imaginary assertion of imagined huge increases in human carbon dioxide (CO<sub>2</sub>) emissions identified in the UN Intergovernmental Panel on Climate Change as RCP8.5 and later as SSP5-8.5. Since this scenario did not appear in the Working Group I, Physical Science, report, some skeptics hoped it would disappear. It has turned up again in projections (guesses) on what may happen in the Caribbean.

Canada has an estimated 300 billion trees. Wood burns. Now forest fires in Canada are being claimed to be a result of “climate change?”

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**Sabotage:** On May 27, the Conservative Princeton Association sponsored a hard-hitting panel discussion on “Why Climate Change is NOT an Emergency.” Dr. Patrick Moore, co-founder of Greenpeace, Dr. Bruce Everett, climate economist, and Princeton physicist William Happer were scheduled to present data and analysis to show that adding CO<sub>2</sub> in the atmosphere will be beneficial, that the atmospheric temperature is relatively insensitive to addition of CO<sub>2</sub> and decarbonization is unnecessary, undesirable, impossible and not happening.

The event was live streamed from Media Central Live, at Princeton University. There were difficulties with the broadcast of the presentation by Patrick Moore. Then, as William Happer began to talk, someone else took control of the media presentation. Several cartoons were drawn on the slides, then an obscene, juvenile one. Just before the video went dead, Happer politely said: “You can see what we are up against.”

Certainly, this was a deliberate effort. One hopes it does not reflect the quality of education at Princeton and the juvenile cartoons are not examples of what is considered mature, critical thinking.

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**Energy Is Conserved, Not Photons:** In the May issue of his monthly newsletter, The Energy Advocate, AMO physicist Howard Hayden uses a graph of the Infrared Radiation (IR) measured by the Nimbus satellite passing over Guam in 1970 and a graph of the Planck’s curve for Blackbody radiation AMO physicist Hayden writes: [Boldface was Italics in original]

*“The important message here is that the radiation to space that balances the heat absorbed from the sun can be calculated from the spectral properties of the GHGs [Greenhouse Gases] and surface temperature on a latitude-by-latitude basis. Just as important is the fact that no climate model produced by anybody has replicated the outgoing spectrum without **invoking** the greenhouse effect.”*

Hayden refutes some claims that the greenhouse effect does not exist and goes on to explain what is involved in the greenhouse effect.

*“Absorption of IR is not a one-and-done process. The energy absorbed by the molecule results in an excited vibrational/rotational state. The molecule can radiate the energy away as IR or can lose the energy to heat by collision with atmospheric molecules, primarily N<sub>2</sub> [Nitrogen molecule] and O<sub>2</sub> [Oxygen molecule].”*

Hayden gives an example from nuclear fission showing that the number of protons plus the number of neutrons remains constant, as does the number of electrons. He continues:

*“The total energy remains constant, but the number of photons – particles of light – does not. A photon absorbed by a molecule (or anything else) is gone forever. When a photon is emitted, it does not come from a warehouse of photons. It springs into existence and transports energy away from the source. It makes no sense to say that a molecule “re-radiates IR” because that expression implies that the molecule somehow stored the photon. The correct word is **radiates**.*

*“In our atmosphere composed mostly of nitrogen (N<sub>2</sub>) and oxygen (O<sub>2</sub>), neither of which interacts with IR, the greenhouse gas molecules are bombarded with IR emanating from the surface. If one absorbs an IR photon, the molecule reacts by wiggling and rotating, having been kicked into one of a plethora of excited rotational/vibrational states. It can shed that excess energy by radiation and return to its ground state, but it is more likely that the energy will be shed by a collision with another molecule. A molecule has such encounters millions of times per second. But the collisions can also kick the greenhouse molecule into an excited state from which it can radiate IR or lose the excess energy by collision.*

*“Such collisions happen so frequently that in any locality in the atmosphere, there is thermodynamic equilibrium in which a few percent of the molecules are in excited states. The actual percentage depends on the local temperature. So, in every region of the atmosphere, there is some IR being emitted and some IR being absorbed, overall, in random directions.*

*“The theoretical approach to determining the IR emitted to space is therefore to combine knowledge of the known spectral properties of the GHG molecules, account for the latitude and altitude, and track the IR flux upward. At sufficiently high altitude, a good fraction of the IR can escape to outer space because of the low density of the air and its GHGs. For CO<sub>2</sub>, and for some of the spectrum absorbed by H<sub>2</sub>O, that atmosphere is so high that the temperature is about minus 50°C (minus 65°F). [This causes a big spike in the graph at 15-micrometers].*

*“This discussion has been a bit long and involved, but it comes with a very important lesson. The IR that goes to space balances the heat input from the sun can only be calculated by accounting for the properties of greenhouse gases. Were there not interactions with GHGs, the IR from the surface would go directly to space. The spectrum [observed by satellites] would be identical to that of blackbody radiation from the surface, both in shape and in quantity.*

*“Importantly, there is no way to use pure thermodynamics, the lapse rate [decrease in temperature with altitude], fluid-flow equations, variations in cloud cover, weather patterns, ocean dynamics, temperature trends, or any combinations of such information to explain the spectrum of IR that goes to space.”*

Hayden gives two graphs, one showing Planck’s blackbody emissions of infrared energy (IR) to space, the second being the observed emissions. The difference between the smooth Planck curve for blackbody emissions (theoretical) and the Schwartzwald jagged line (observed). Figure #4, in van Wijngaarden and Happer shows both together. Hayden continues:

*“Models by skeptics abound, and probably most make significant contributions to climate science, but none can be considered complete unless they either acknowledge the roles of greenhouse gases or find some other way to explain the outgoing radiation. “*

TWTW comment: The 1979 Charney Report reflected the insistence by climate modelers that warming from CO2 would be greatly amplified by warming from water vapor in the atmosphere. Laboratory experiments could not show what was occurring in the atmosphere. But already the Nimbus experiments over Guam, in the Tropics, provided physical evidence contradicting the modelers claims. The evidence was ignored. Since then, the contradictory evidence has grown enormously, yet it is still ignored. For citations in the Hayden essay, see the first two links under Challenging the Orthodoxy.

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**Drilling for Lithium:** With an atomic number of 3, three protons and electrons, and a mass of 7, Lithium (Li) lies between helium (He) (atomic number 2 and mass of 4) and Beryllium (Be) (atomic number 4 and mass of 9) and is the lightest solid in the Periodic table. Having only one electron in its outer ring, Lithium is ideal for lightweight batteries. Research on Lithium-ion batteries began in earnest in the 1960s with major breakthroughs in the 1970s and 1980s. Lithium salt dissolved in an organic solvent provides the medium for conducting ions passing between two poles. Lithium-ion (Li-ion) batteries are rechargeable, but there are stability issues leading to safety issues.

Because lithium is a somewhat scarce element and not found in significant concentrations such as iron ore, the mining and processing of Lithium is a massive earth-moving process. According to reports, Exxon Mobil is investing over \$100 million to explore the possibility of extracting Lithium from brine. Brine is a wastewater produced from oil and gas drilling, particularly from hydraulic fracturing. Perhaps the company will use a process similar to that developed by the Israelis and widely used to extract fresh water from oceans.

It is clear that this research project is similar to the company's research into oil from algae in one regard. Unlike politically driven countries which are betting future prosperity on the hope that wind, solar, and storage can replace fossil fuels, Exxon Mobil is not betting the future of the company on an experimental project. TWTW considers it an exploratory investment because Exxon Mobil is moving prudently, something which many governments fail to do. See link under {Alternative, Green ("Clean") Energy – Other} for earlier research; and see Article # 2 for the Exxon Mobil acquisition.

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**Unanimous:** In a unanimous decision, the Supreme Court ruled against the EPA which stopped a couple from building a home on dry land for 16 years. The ruling is an outcome of Federal government zeal in broadly defining what are called "waters of the United States."

Article 1 of the US Constitution states the enumerated powers of the Legislative Branch (Congress). Section 8 Clause 3 gives Congress the power "to regulate commerce with foreign nations, and among the several states, and with the Indian tribes." The power to regulate commerce was extended to "navigable waters of the United States" in *Gibbons v. Ogden* (1824) with the definitions of the US Army Corps of Engineers prevailing. What defines "navigable waters" has been a contention since The Clean Water Act of 1972, amended in 1977, complicated the issues with the EPA and Corps of Engineers broadly expanding definitions. Piles of wet leaves far from any moving water or navigable lakes have been labeled "waters of the United States."

Although the decision was unanimous, the opinions varied, and Environmental Groups are insisting that any use of land is polluting (except industrial wind, solar and needed transmission lines). See link under Litigation Issues and Article # 1.

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**Virtual Power Plants:** Francis Menton has repeatedly written that there is no example in the world where a modern civilization can run on wind, solar, and storage. Yet, countries including the US and many political jurisdictions are spending vast sums of money pursuing wind and solar power, without proven storage needed. Menton has discovered how they cover up the need for storage – Virtual Power Plants. Menton writes:

*“A Manhattan Contrarian investigation now reveals that the Virtual Power Plant is exactly what you undoubtedly already suspect it to be: another new level of Orwellian doubletalk. ‘Virtual Power Plant’ turns out to be another term for pointless enforced sacrifice in service to the climate cult.”*

For Menton’s essay and the US Department of Energy’s essays on Virtual Power Plants (VPPs) and its loan programs see links under Challenging the Orthodoxy.

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**Virtual Wind Turbines:** During the OPEC Oil Embargo opposing US support of Israel in the 1973 Arab-Israeli War, countries in Europe plus the US and Japan formed the International Energy Agency (IEA). The IEA was once a reliable resource for energy information. But no longer. Andrew Montford writes about levelised costs of renewable power.

*“Meanwhile, the IEA’s levelised cost figures are staggeringly low. At a 3% cost of capital, the numbers cited for the US fall to around £20/MWh, which is roughly one sixth of what offshore windfarms cost in the UK.*

*“But there’s a second problem here. While 14 (unnamed) windfarms are outlined for the US, unfortunately, out in the real world, Uncle Sam has only got round to building two, both tiny pilot plants. Block Island, the larger of the two, has been so staggeringly expensive it makes even the UK ones look cheap.*

*“So where is the IEA getting these numbers for US offshore windfarms from? I have no idea.”*

*“Finally, it’s worth noting that at the time of the report’s publication, half of the world’s offshore wind capacity was in the UK, where hard data on the (very high) costs and the (rapidly deteriorating) operating performance is freely available. Strangely though, the IEA has chosen to include not a single windfarm from these shores.”*

See link under Communicating Better to the Public – Make things up.

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**Real Food – Farmers Fight Back:** Each May, the US Department of Agriculture (USDA) produces what are probably the most reliable estimates of grain production worldwide. Paul Homewood brings up the estimates for 2023/24, when production is expected to exceed consumption. By weight, Corn is the most produced grain. The estimates for 2023/24 are similar to production in 2021/22 and will support consumption, over 1,200 Million Metric Tons (MMT) thanks to continued high production in Brazil (a tropical country).

Global Wheat Production is expected to surpass consumption and be over 780 MMT. This is surprising. The USDA report states that Russia is expected to have a 11% decline; Australia a 26% decline, after 3 record crops; and Ukraine about one-half of its 2021/22 crop. Production in Argentina is expected to recover after last year’s drought, India’s production is expected to

increase by 6%, EU's production is expected to increase despite bad weather in Spain, Canada and China are projected to have higher production, and the US about the same. Thanks to farmers worldwide, Russia's invasion of Ukraine is having a major impact, but it is not causing the world to starve.

Global Rice Production is forecast at record levels at about 520 MMT. Bangladesh, India, and China are forecast to produce record levels.

Contrary to the claims of climate alarmists, basic food production is increasing, not decreasing. Fewer people are starving, and what human starvation continues is largely from political problems, not climate problems. The use of modern, modified plant varieties and modern fertilizer are a great boon to humanity, despite false claims by climate alarmists. Also, the addition of carbon dioxide into the atmosphere greatly promotes this growth in agriculture, for the benefit of humanity. Politicians who condemn the use of modern agriculture as causing dangerous food varieties and global warming (climate change) without physical evidence have contempt for humanity. See links under Challenging the Orthodoxy.

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**Fantasy Games:** Charles Rotter of Watts Up With That brings attention to a paper on the rates of future climate change in the Gulf of Mexico and the Caribbean and its implications to the coral reef ecosystem. The abstract states:

*“We use a top-down modeling framework to diagnose future projected changes in thermal stress and ocean acidification and discuss its implications for coral reef ecosystems. We find that ocean temperatures increase by 2°C–3°C, over the 21st century and surpass reported regional bleaching thresholds by mid-century. Whereas ocean acidification occurs, the rate and magnitude of temperature changes outpace and outweigh the impacts of changes in aragonite saturation state.”*

The work was funded by the National Science Foundation (NSF) and the National Academies of Sciences.

Last fall, a number of skeptics expressed hope in the new IPCC Working Group I, the Physical Science. It did not explicitly contain the high emissions scenario RCP 8.5. However, the RCP 8.5 scenario was already built into global climate models, such as the ones produced by the US National Center for Atmospheric Research (NCAR) which is funded by the National Science Foundation (NSF). NCAR refused to recognize the temperature trends calculated by UAH from NOAA satellites, which NOAA atmospheric researchers finally recognized. Further, NCAR fails to recognize the HITRAN database, a high-resolution spectroscopy database from laboratory experiments updated by over 40 years of recordings from instruments on weather balloons. It appears that to NSF, atmospheric research is confined to playing with elaborate, expensive computers, not data, physical evidence.

Further, the claims of ocean acidification are absurd. Warm water absorbs less carbon dioxide (CO<sub>2</sub>) than cold water. Further, the extensive deposits of chalk, limestone, dolomite, etc. made by calcium forming fossils using CO<sub>2</sub>, when CO<sub>2</sub> was at greater concentrations than today, contradict ocean acidification assertions. See link under Defending the Orthodoxy – Bandwagon Science.

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**Trees Burn?** John Robson writes:

*“This just in, there are wildfires in the Canadian province of Alberta. It could be connected with Canada having 300 billion trees made of wood, the same combustible stuff as fire logs.”*

Meteorologist Cliff Mass addresses the false claims that the Alberta fires are the result of climate change (CO2 caused warming).

In his book, **Climate, History, and the Modern World**, H.H. Lamb, a pioneer in studying climate change wrote that after the Holocene Climate Optimum, which ended about 8300 years ago, a cooling caused massive areas of trees covering the Northern Hemisphere to die. This resulted in massive burning with associated ash deposits. Increasing CO2 is causing woodlands to flourish. Sometimes they burn. The burning may be associated with warming or cooling, but not with increasing CO2 which causes trees to flourish. See links under Communicating Better to the Public – Use Yellow (Green) Journalism?

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**No TWTW June 3.** Due to international travel, there will be No TWTW on the weekend of June 3. TWTW will resume on the weekend of June 10.

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### **SEPP’S APRIL FOOLS AWARD – THE JACKSON**

SEPP is conducting its annual vote for the recipient of the coveted trophy, The Jackson, a lump of coal. Readers are asked to nominate and vote for who they think is most deserving. Senators Schumer and Manchin won in 2022.

**The voting will close on June 30.** Please send your nominee and a brief reason why the person is qualified for the honor to Ken@SEPP.org. The awardee will be announced at the annual meeting of the Doctors for Disaster Preparedness on July 7 to 9.

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**Number of the Week: 86% Imagination?** According to Andrew Montford, who is careful about numbers, in calculating the falling costs of offshore wind power generation, the International Energy Agency (IEA) referenced 14 offshore wind projects in the US. Only two projects are operating: Block Island (completed in 2016) with five 6MW turbines and Coastal Virginia Offshore (completed in 2020) with two 6MW turbines. The remaining 12 projects, 86%, are imaginary. So are the IEA’s calculated costs.

[https://en.wikipedia.org/wiki/List\\_of\\_offshore\\_wind\\_farms\\_in\\_the\\_United\\_States](https://en.wikipedia.org/wiki/List_of_offshore_wind_farms_in_the_United_States)

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### **NEWS YOU CAN USE:**

#### ***Censorship***

**Regime Climate Censorship Enforcer NewsGuard: The tragic case of Zack Fishman**

By Anthony Watts, WUWT, May 23, 2023

<https://wattsupwiththat.com/2023/05/23/regime-climate-censorship-enforcer-newsguard-the-tragic-case-of-zack-fishman/>

#### ***Challenging the Orthodoxy -- NIPCC***

**Climate Change Reconsidered II: Physical Science**

Idso, Carter, and Singer, Lead Authors/Editors, Nongovernmental International Panel on Climate Change (NIPCC), 2013

<https://www.heartland.org/media-library/pdfs/CCR-II/CCR-II-Full.pdf>

Summary: <https://www.heartland.org/template-assets/documents/CCR/CCR-II/Summary-for-Policymakers.pdf>

### **Climate Change Reconsidered II: Biological Impacts**

Idso, Idso, Carter, and Singer, Lead Authors/Editors, Nongovernmental International Panel on Climate Change (NIPCC), 2014

<http://climatechangereconsidered.org/climate-change-reconsidered-ii-biological-impacts/>

Summary: <https://www.heartland.org/media-library/pdfs/CCR-IIb/Summary-for-Policymakers.pdf>

### **Climate Change Reconsidered II: Fossil Fuels**

By Multiple Authors, Bezdek, Idso, Legates, and Singer eds., Nongovernmental International Panel on Climate Change, April 2019

<http://store.heartland.org/shop/ccr-ii-fossil-fuels/>

Download with no charge:

<http://climatechangereconsidered.org/wp-content/uploads/2019/01/Climate-Change-Reconsidered-II-Fossil-Fuels-FULL-Volume-with-covers.pdf>

### **Why Scientists Disagree About Global Warming**

The NIPCC Report on the Scientific Consensus

By Craig D. Idso, Robert M. Carter, and S. Fred Singer, Nongovernmental International Panel on Climate Change (NIPCC), Nov 23, 2015

<http://climatechangereconsidered.org/>

Download with no charge:

<https://www.heartland.org/policy-documents/why-scientists-disagree-about-global-warming>

### **Nature, Not Human Activity, Rules the Climate**

S. Fred Singer, Editor, NIPCC, 2008

[http://www.sepp.org/publications/nipcc\\_final.pdf](http://www.sepp.org/publications/nipcc_final.pdf)

### **Global Sea-Level Rise: An Evaluation of the Data**

By Craig D. Idso, David Legates, and S. Fred Singer, Heartland Policy Brief, May 20, 2019

<https://www.heartland.org/template-assets/documents/publications/SeaLevelRiseCCRII.pdf>

### ***Challenging the Orthodoxy***

#### **Record World Cereal Outputs Forecast for 2023/24**

By Paul Homewood, Not a Lot of People Know That, May 24, 2023

<https://notalotofpeopleknowthat.wordpress.com/2023/05/24/record-world-cereal-outputs-forecast-for-2023-24/>

Link to: **Grain: World Markets and Trade**

2023/24 Grain Production Exceeds Consumption

By Staff, United States Department of Agriculture Foreign Agricultural Service, May 2023

[https://downloads.usda.library.cornell.edu/usda-esmis/files/zs25x844t/2b88rv31n/9593w900b/grain.pdf?mc\\_cid=6b3759f437&mc\\_eid=4961da7cb1](https://downloads.usda.library.cornell.edu/usda-esmis/files/zs25x844t/2b88rv31n/9593w900b/grain.pdf?mc_cid=6b3759f437&mc_eid=4961da7cb1)

“Cereals: Generic name for certain grasses that produce edible seeds. Also used for certain products made from seeds. Cereals include wheat, rice, and **coarse grains** such as oats, barley,



rye, millet, **corn**, and sorghum grain.” [Boldface added] <https://www.ers.usda.gov/data-products/food-availability-per-capita-data-system/glossary/#cereals>

### **Climate Alarmist Claim Fact Checks**

By Joseph D'Aleo, ICECAP, May 21, 2023

[http://icecap.us/index.php/go/political-climate/alarmist\\_claim\\_rebuttals\\_updated/](http://icecap.us/index.php/go/political-climate/alarmist_claim_rebuttals_updated/)

A set of videos

### **Finally, A Solution To The Problem Of Intermittent Power Generation -- The "Virtual Power Plant"**

By Francis Menton, Manhattan Contrarian, May 20, 2023

<https://www.manhattancontrarian.com/blog/2023-5-20-finally-a-solution-to-the-problem-of-intermittent-power-generation-the-virtual-power-plant>

Link to: **Virtual Power Plants**

By Staff, US Department of Energy, Accessed May 25, 2023

<https://www.energy.gov/lpo/virtual-power-plants>

### ***Defending the Orthodoxy***

#### **DAVID BLACKMON: The EU Chief Just Let Slip The Dirty Secret Behind The 'Green' Transition**

By David Blackmon, The Daily Caller, May 17, 2023

<https://dailycaller.com/2023/05/17/opinion-the-eu-chief-just-let-slip-the-dirty-secret-behind-the-green-transition-david-blackmon/>

“... European Commission President Ursula Von Der Leyen said out loud what the climate alarm movement has been trying to keep under wraps for a decade: That economic de-growth enforced by authoritarian governments is a fundamental element of its agenda.”

### ***Defending the Orthodoxy – Bandwagon Science***

#### **More RCP 8.5 Fantasy Games:**

By Charles Rotter, WUWT, May 22, 2023

<https://wattsupwiththat.com/2023/05/22/more-rcp-8-5-fantasy-games/>

Link to paper: **Rates of Future Climate Change in the Gulf of Mexico and the Caribbean Sea: Implications for Coral Reef Ecosystems**

By A. E. Lawman, et al., JGR Biogeosciences, Aug 27, 2023

<https://agupubs.onlinelibrary.wiley.com/doi/10.1029/2022JG006999>

#### **Early season snowmelt could bring the West summer water scarcity: study**

By Sharon Udasin, The Hill, May 22, 2023

<https://thehill.com/policy/energy-environment/4014728-early-season-snowmelt-could-bring-the-west-summer-water-scarcity-study/>

Link to paper: **Recent decreases in snow water storage in western North America**

By Katherine E. Hale, et al., Communications Earth & Environment, May 22, 2023

<https://www.nature.com/articles/s43247-023-00751-3>

From the abstract: “In western North America, annual SSI has decreased ( $p < 0.05$ ) from 1950–2013 in over 25% of mountainous areas, as a result of substantially earlier snowmelt and rainfall in spring months, with additional declines in winter precipitation.”

*[SEPP Comment: There is a shortage of reservoirs, but the probabilities are meaningless. They are not a reason to assume what applied from 1950 to 2013 will apply in the future, just as there is no reason to assume that what applied in the winter of 2022-23 will apply in the future.]*

### **Current emissions trajectory could expose billions to extreme heat: study**

By Zack Budryk, The Hill, May 23, 2023

<https://thehill.com/policy/energy-environment/4017145-current-emissions-trajectory-could-expose-billions-to-extreme-heat-study/>

Link to paper: **Quantifying the human cost of global warming**

By Timothy M. Lenton, et al., Nature Sustainability, May 22, 2023

<https://www.nature.com/articles/s41893-023-01132-6>

*[SEPP Comment: Falsely claiming CO2 is responsible for temperature increase since the Little Ice Age, then making calculations from the false claims.]*

### ***Questioning the Orthodoxy***

#### **Climate Hypocrisy Wednesday Part Two: It's Not Hypocrisy if Your Heart is Pure**

By Charles Rotter, WUWT, May 24, 2023

<https://wattsupwiththat.com/2023/05/24/climate-hypocrisy-wednesday-part-2-its-not-hypocrisy-if-your-heart-is-pure/>

Link to: **Climate hypocrisy and environmental integrity**

By Valentin Beck, Social Philosophy, May 18, 2023

<https://onlinelibrary.wiley.com/doi/10.1111/josp.12522>

#### **Climate Hypocrisy Wednesday Part Three: Nature Magazine Calls Out the IPCC for Climate Hypocrisy**

By Charles Rotter, WUWT, May 24, 2023

<https://wattsupwiththat.com/2023/05/24/climate-hypocrisy-wednesday-part-three-nature-magazine-calls-out-the-ippc-for-climate-hypocrisy/>

Link to article: **Against climate hypocrisy: why the IPCC needs its own net-zero target**

By Benjamin M. Sanderson, Nature, May 23, 2023

<https://www.nature.com/articles/d41586-023-01707-5>

“A robust strategy to slash the IPCC’s carbon emissions would be a testbed for international climate policy — and serve as an example of effective action.”

#### **Jude Clemente: “Five Things I Truly Don’t Understand About... the Energy Transition”**

By David Middleton, WUWT, May 23, 2023

<https://wattsupwiththat.com/2023/05/23/jude-clemente-five-things-i-truly-dont-understand-about-the-energy-transition/>

#### **Energy and Environmental Review: May 22, 2023**

By John Droz, Jr., Master Resource, May 22, 2023

<https://www.masterresource.org/alliance-for-wise-energy-decisions/energy-and-environmental-review-04-22-2023/>

### ***After Paris!***

#### **Major LNG Liquefaction Projects 2023-2027**

By Tim Daiss, Energy Tracker Asia, Apr 3, 2023

<https://energytracker.asia/major-lng-liquefaction-projects>

“Against this massive LNG development backdrop, the 2023 UN Climate Change Conference, including COP28, will have its hands full when it takes place in Dubai from November 30 to December 12.

“Much of their task, like those summits before them, involves convincing and proving how bad the LNG projects are for the environment.”

### ***Seeking a Common Ground***

#### **Colorado River basin states reach agreement on water cutbacks**

By Sharon Udasin, The Hill, May 22, 2023

<https://thehill.com/policy/equilibrium-sustainability/4015302-colorado-river-basin-states-reach-agreement-on-water-usage-cutbacks/>

*[SEPP Comment: The Colorado River compact was based on poor science – falsely assuming a wet period will apply into the future.]*

#### **Biden administration announces new investments in Colorado River conservation**

By Sharon Udasin, The Hill, May 24, 2023

<https://thehill.com/policy/equilibrium-sustainability/4019355-biden-administration-announces-new-investments-in-colorado-river-conservation/>

“Funded by the Inflation Reduction Act, these agreements will help finance system conservation and bolster reservoir storage volumes amid climate change-driven drought conditions, according to the agency.”

### ***Measurement Issues -- Atmosphere***

#### **New NASA mission will help improve extreme weather forecasts**

By Amy Thompson, The Hill, May 21, 2023

<https://thehill.com/policy/energy-environment/4004539-new-nasa-mission-will-help-improve-extreme-weather-forecasts/>

*[SEPP Comment: Who knows, NASA-GISS may discover that satellites can measure atmospheric temperature trends? Article continues usual bunk that hurricanes are intensifying.]*

### ***Changing Weather***

#### **#CoolClimateData: Dr. Maue's tropical cyclone data**

By John Robson, Climate Discussion Nexus, May 24, 2023

<https://climatediscussionnexus.com/2023/05/24/coolclimatedata-dr-maues-tropical-cyclone-data/>

#### **Global warming means more hurricanes unless it means fewer hurricanes**

By John Robson, Climate Discussion Nexus, May 24, 2023

<https://climatediscussionnexus.com/2023/05/24/global-warming-means-more-hurricanes-unless-it-means-fewer-hurricanes/>

#### **May 22, 1911, Record Heat**

By Tony Heller, His Blog, May 22, 2023

<https://realclimatescience.com/2023/05/may-22-1911-record-heat/>

### ***Changing Climate***

#### **Another New Study Shows The Siberian Arctic Is Warmer When CO2 Is Low And Colder As CO2 Rises**

By Kenneth Richard, No Tricks Zone, May 22, 2023

<https://notrickszone.com/2023/05/22/another-new-study-shows-the-siberian-arctic-is-warmer-when-co2-is-low-and-colder-as-co2-rises/>

Link to latest paper: **Stabilization of mineral-associated organic carbon in Pleistocene permafrost**

By Jannik Martens, et al., Nature Communications, Apr 13, 2023  
<https://www.nature.com/articles/s41467-023-37766-5>

### ***Changing Earth***

**Tonga underwater volcano disrupted satellite signals halfway around the world**

By Staff Writers, Nagoya, Japan (SPX) May 24, 2023

[https://www.spacedaily.com/reports/Tonga\\_underwater\\_volcano\\_disrupted\\_satellite\\_signals\\_half\\_way\\_around\\_the\\_world\\_999.html](https://www.spacedaily.com/reports/Tonga_underwater_volcano_disrupted_satellite_signals_half_way_around_the_world_999.html)

Link to paper: **Generation of equatorial plasma bubble after the 2022 Tonga volcanic eruption**

By Atsuki Shinbori, et al. Nature, Scientific Reports, May 22, 2023

<https://www.nature.com/articles/s41598-023-33603-3>

### ***Acidic Waters***

**Six months of natural pH fluctuations on the Heron Island reef flat**

By John Robson, Climate Discussion Nexus, May 24, 2023

<https://climatediscussionnexus.com/2023/05/24/six-months-of-natural-ph-fluctuations-on-the-heron-island-reef-flat/>

### ***Agriculture Issues & Fear of Famine***

**John Kerry targets farmers: ‘We can’t get to Net-Zero...unless agriculture is front & center as part of the solution’ – ‘I refuse to call it climate change anymore. It’s not change. It’s a crisis’**

By Marc Morano, Climate Depot, May 19, 2023

<https://www.climatedepot.com/2023/05/19/john-kerry-targets-farmers-we-cant-get-to-net-zero-unless-agriculture-is-front-center-as-part-of-the-solution-i-refuse-to-call-it-climate-change-anymore-its-not-change-its-a-crisi/>

*[SEPP Comment: Of course, he is too busy to stop flying in private jets.]*

### ***Communicating Better to the Public – Use Yellow (Green) Journalism?***

**Alberta on fire, must be you-know-what**

By John Robson, Climate Discussion Nexus, May 24, 2023

<https://climatediscussionnexus.com/2023/05/24/alberta-on-fire-must-be-you-know-what/>

**Are the Large Alberta Fires the Result of Climate Change?**

By Cliff Mass, Weather Blog, May 23, 2023

<https://cliffmass.blogspot.com/2023/05/are-large-alberta-fires-result-of.html>

**Charles Darwin, call your office**

By John Robson, Climate Discussion Nexus, May 24, 2023

<https://climatediscussionnexus.com/2023/05/24/charles-darwin-call-your-office/>

*[SEPP Comment: Salmon are incapable of changing migration patterns? Nonsense.]*

**Tidbits**

By John Robson, Climate Discussion Nexus, May 24, 2023

<https://climatediscussionnexus.com/2023/05/24/tidbits-15/>

*[SEPP Comment: “Pero-Masculinity?”]*

***Communicating Better to the Public – Make things up.***

### **The IEA's comedy data**

By Andrew Montford, Net Zero Watch, May 23, 2023

<https://www.netzerowatch.com/the-ieas-comedy-data/>

### **UN: 2 Million Lives Lost to Global Warming Over the Last 50 Years**

By Eric Worrall, WUWT, May 22, 2023

<https://wattsupwiththat.com/2023/05/22/al-jazeera-2-million-climate-deaths-in-other-countries-50-years/>

### ***Communicating Better to the Public – Do a Poll?***

#### **German Greens In Crisis, Plummet 40% In Opinion Polls As Anger Mounts Over Bans, Scandals**

By P Gosselin, No Tricks Zone, May 21, 2023

<https://notrickszone.com/2023/05/21/german-greens-in-crisis-plummet-40-in-opinion-polls-as-anger-mounts-over-bans-scandals/>

### **Do humans cause climate change? Even now, only half of Americans say yes.**

By Daniel De Vise, The Hill, May 25, 2023

<https://thehill.com/policy/energy-environment/4019474-do-humans-cause-climate-change-even-now-only-half-of-americans-say-yes/>

Link to press release: **Inflation Reduction Act Guidebook**

The White House, Accessed, May 25, 2023

<https://www.whitehouse.gov/cleanenergy/inflation-reduction-act-guidebook/>

“The Inflation Reduction Act, signed last year by President Biden, doesn’t sound like a climate-change initiative. But the measure marks ‘the most significant action Congress has taken on clean energy and climate change in the nation’s history,’ according to a White House summary.”

### ***Communicating Better to the Public – Use Propaganda***

#### **Explosion of AP climate change stories following \$8 million environmental grant**

By Paul Bedard, Washington Examiner, May 22, 2023

<https://www.washingtonexaminer.com/news/washington-secrets/explosion-of-ap-climate-change-stories-following-8m-enviro-grant>

“The media giant [AP], which feeds news outlets worldwide, received grants totaling \$8 million from the William and Flora Hewlett Foundation, the Howard Hughes Medical Institute, Quadrivium, the Rockefeller Foundation, and the Walton Family Foundation in February 2022.”

### **The Telegraph & Infectious Diseases.**

By Paul Homewood, Not a Lot of People Know That, May 24, 2023

<https://notalotofpeopleknowthat.wordpress.com/2023/05/20/the-telegraph-infectious-diseases/>

### ***Communicating Better to the Public – Protest***

#### **Climate activists blacken Trevi Fountain over Italy floods**

By Staff, DW.com, May 21, 2023

<https://www.dw.com/en/climate-activists-blacken-trevi-fountain-over-italy-floods/a-65692022>

### ***Questioning European Green***

#### **How the foreign funded climate cabal bought Germany to its knees**

By Jo Nova, Her Blog, May 24, 2023

<https://joannenova.com.au/2023/05/how-the-foreign-funded-climate-cabal-bought-germany-to-its-knees/>

### **Lord Frost warns: Hurling towards net zero at any cost will be a mistake**

By Paul Homewood, Not a Lot of People Know That, May 20, 2023

<https://notalotofpeopleknowthat.wordpress.com/2023/05/20/lord-frost-warns-hurling-towards-net-zero-at-any-cost-will-be-a-mistake/>

### **Europe can achieve Net Zero by demolishing historic buildings and starting again, Central Bank claims**

By Paul Homewood, Not a Lot of People Know That, May 22, 2023

<https://notalotofpeopleknowthat.wordpress.com/2023/05/22/europe-can-achieve-net-zero-by-demolishing-historic-buildings-and-starting-again-central-bank-claims/>

*[SEPP Comment: Build Back Better – destroy first!]*

### **Germany's Growing List Of Bans: Next Up: Wood Stoves And Heating With Wood!**

By P Gosselin, No Tricks Zone, May 20, 2023

<https://notrickszone.com/2023/05/20/germanys-growing-list-of-bans-next-up-wood-stoves-and-heating-with-wood/>

### ***Questioning Green Elsewhere***

#### **Exxon says NetZero degrades global standard of living so much there's only a remote chance it will happen**

By Jo Nova, Her Blog, May 22, 2023

<https://joannenova.com.au/2023/05/91411/>

### **Another Green Energy Assault on the West**

By Jonathan Lesser, Real Clear Energy, May 24, 2023

[https://www.realclearenergy.org/articles/2023/05/24/another\\_green\\_energy\\_assault\\_on\\_the\\_west\\_901421.html](https://www.realclearenergy.org/articles/2023/05/24/another_green_energy_assault_on_the_west_901421.html)

*[SEPP Comment: The Senators want to forget the locals.]*

### **Electricity Prices and the Ukraine Excuse**

By Aynsley Kellow, Quadrant, May 22, 2023

<https://quadrant.org.au/magazine/2023/05/electricity-prices-and-the-ukraine-excuse/>

### ***Funding Issues***

#### **The Numbers Are In on How Biden-Era Funding Is Skewing Scientific Research Ever-Wokeward**

By Steve Miller, Real Clear Investigations, May 16, 2023

[https://www.realclearinvestigations.com/articles/2023/05/16/the\\_numbers\\_are\\_in\\_on\\_how\\_biden-era\\_funding\\_is\\_skewing\\_scientific\\_research\\_ever-wokeward\\_899601.html](https://www.realclearinvestigations.com/articles/2023/05/16/the_numbers_are_in_on_how_biden-era_funding_is_skewing_scientific_research_ever-wokeward_899601.html)

### ***The Political Games Continue***

#### **House votes in favor of overturning Biden truck pollution rule**

By Rachel Frazin, The Hill, May 23, 2023

<https://thehill.com/policy/energy-environment/4016866-house-overturns-biden-truck-pollution-rule/>

“The Biden rule in question, which aims to cut pollution from heavy-duty trucks, would be expected to reduce emissions of nitrogen oxides by 50 percent in the year 2045. These pollutants can worsen respiratory health conditions, like asthma, and long-term exposure to them can contribute to the development of respiratory infections.

“Proponents point to the rule’s expected health benefits; it is expected to reduce premature deaths each year, saving 2,900 lives in 2045.”

*[SEPP Comment: Math mania is not science.]*

### ***Litigation Issues***

#### **Sackett et ux. V. Environmental Protection Agency et al.**

Supreme Court of the United States, October Term, 2022

[https://www.supremecourt.gov/opinions/22pdf/21-454\\_4g15.pdf](https://www.supremecourt.gov/opinions/22pdf/21-454_4g15.pdf)

### ***Subsidies and Mandates Forever***

#### **Volkswagen's Monster**

By John Robson, Climate Discussion Nexus, May 24, 2023

<https://climatediscussionnexus.com/2023/05/24/volkswagens-monster/>

“Or as Rudyard Kipling put it more than a century ago, ‘if once you have paid him the Dane-geld/ You never get rid of the Dane.’

“P.S. In the National Post Fr. Raymond de Souza reminds us that Volkswagen was caught less than eight years ago committing a massive, deliberate fraud on diesel particulate emissions readings and fined tens of billions of dollars worldwide, while no fewer than 60 charges were laid in Canada alone under our Environmental Protection Act. Who better to get a massive green subsidy?”

#### **Pouring green Kool Aid into your tank**

By John Robson, Climate Discussion Nexus, May 24, 2023

<https://climatediscussionnexus.com/2023/05/24/pouring-green-kool-aid-into-your-tank/>

### ***EPA and other Regulators on the March***

#### **World’s worst air quality: This US city ranked in the top 5**

By Dara Bitler, and Russell Falcon, The Hill, May 21, 2023

<https://thehill.com/policy/energy-environment/4013068-worlds-worst-air-quality-this-u-s-city-ranked-in-the-top-5/>

Link to IQAir <https://www.iqair.com/us/world-air-quality-ranking>

*[SEPP Comment: Since EPA has no minimum threshold, will people in Denver die in massive numbers? Interestingly, for 2022 the highest ranked city in the US was Oakridge, Oregon, with a rating of 33.5 and a ranking of 382. Far below many population centers in China, India, South Asia, and the Mid-East.]*

### ***Energy Issues – Non-US***

#### **If it were COVID...**

By John Robson, Climate Discussion Nexus, May 24, 2023

<https://climatediscussionnexus.com/2023/05/24/if-it-were-covid/>

“And more, because ‘Looking across countries reveals that those with the highest excess deaths typically experienced the biggest increases in fuel costs.’ Not the biggest drops in temperature.”

#### **The Case for Expanding Copper Production Is Compelling**

By Danny Ervin, Real Clear Energy, May 24, 2023

[https://www.realclearenergy.org/articles/2023/05/24/the\\_case\\_for\\_expanding\\_copper\\_production\\_is\\_compelling\\_901373.html](https://www.realclearenergy.org/articles/2023/05/24/the_case_for_expanding_copper_production_is_compelling_901373.html)

### ***Washington's Control of Energy***

#### **Biden Supports Manchin: The Time to Expand Mining and Streamline Permitting Is Now**

By Jude Clemente, Real Clear Energy, May 23, 2023

[https://www.realclearenergy.org/articles/2023/05/23/biden\\_supports\\_manchin\\_the\\_time\\_to\\_expand\\_mining\\_and\\_streamline\\_permitting\\_is\\_now\\_901245.html](https://www.realclearenergy.org/articles/2023/05/23/biden_supports_manchin_the_time_to_expand_mining_and_streamline_permitting_is_now_901245.html)

[SEPP Comment: More optimism, not reality?]

### ***Oil and Natural Gas – the Future or the Past?***

#### **Fossil Fuels Saved The Whales**

By Tony Heller, His Blog, May 25, 2023

<https://realclimatescience.com/2023/05/fossil-fuels-saved-the-whales/>

“ In the 1850’s the industrialization of the United States caused a rapid’ increase in demand for illuminants and lubricants.”

#### **The Race To Secure Long-Term LNG Contracts**

By Irina Slav, Oil Price.com, May 19, 2023

<https://oilprice.com/Energy/Energy-General/The-Race-To-Secure-Long-Term-LNG-Contracts.html>

#### **Haynesville Natural Gas Production Sets New Record... Again**

By David Middleton, WUWT, May 25, 2023

<https://wattsupwiththat.com/2023/05/25/haynesville-natural-gas-production-sets-new-record-again/>

### ***Nuclear Energy and Fears***

#### **Electrifying for Climate Must Include Much More Nuclear Power**

By Patrick Gibbons, Real Clear Energy, May 23, 2023

[https://www.realclearenergy.org/articles/2023/05/23/electrifying\\_for\\_climate\\_must\\_include\\_much\\_more\\_nuclear\\_power\\_900918.html](https://www.realclearenergy.org/articles/2023/05/23/electrifying_for_climate_must_include_much_more_nuclear_power_900918.html)

### ***Alternative, Green (“Clean”) Solar and Wind***

#### **Green Projects Hit Iron Wall**

By James E. Hanley, Real Clear Policy, May 22, 2023

[https://www.realclearpolicy.com/articles/2023/05/22/green\\_projects\\_hit\\_iron\\_wall\\_900782.html](https://www.realclearpolicy.com/articles/2023/05/22/green_projects_hit_iron_wall_900782.html)

“The Iron Law, coined by Oxford Professor Bent Flyvbjerg, says that “megaprojects” — which cost billions of dollars, take years to complete, and are socially transformative — reliably come in over budget, over time, over and over.”

#### **Feds play shell game with wind / whale impacts**

By David Wojick, CFACT, May 23, 2023

<https://www.cfact.org/2023/05/23/feds-play-shell-game-with-wind-whale-impacts/>

### ***Alternative, Green (“Clean”) Energy -- Other***

#### **Lithium Recovery from Brines Including Seawater, Salt Lake Brine, Underground Water and Geothermal Water**

By Samadiy Murodjon, et al, Thermodynamics and Energy Engineering, Sep 15, 2019



<https://www.intechopen.com/chapters/70887>

### ***Alternative, Green (“Clean”) Vehicles***

#### **EVs: Political Pushback (151 Republicans vs. Big Brother)**

By Robert Bradley, Jr. Master Resource, May 24, 2023

<https://www.masterresource.org/electric-vehicles/evs-political-pushback/>

“Specifically, over its lifetime, an EV only has lower emissions than an internal combustion engine vehicle if it travels between 28,069 and 68,160 miles and remains in service for more than 10 years – circumstances which are not being realized today.”

#### **EV’s increase pollution: heavier cars wear out tyres 50% faster, increasing waste and poisonous particles...**

By Jo Nova, Her Blog, May 22, 2023

<https://joannenova.com.au/2023/05/evs-increase-pollution-heavier-cars-wear-out-tyres-50-faster-increasing-waste-and-poisonous-particles/>

*[SEPP Comment: Without petroleum, what would be the material for tires?]*

### ***California Dreaming***

#### **“California’s Duck Curve Hits Record Lows”**

By Robert Bradley Jr., Master Resource, May 23, 2023

<https://www.masterresource.org/california-electricity-issues/californias-duck-curve-hits-record-lows/>

*[SEPP Comment: Without extensive natural gas generation and imports the lights would go out every night in California.]*

### ***Other News that May Be of Interest***

#### **NYCHA, Circling The Drain**

By Francis Menton, Manhattan Contrarian, May 23, 2023

<https://www.manhattancontrarian.com/blog/2023-5-23-nycha-circling-the-drain>

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## **BELOW THE BOTTOM LINE**

#### **World’s Biggest Nuclear Plant May Stay Closed Due to Papers Left on Car Roof**

By Shoko Oda, Yahoo, May 22, 2023

<https://finance.yahoo.com/news/world-biggest-nuclear-plant-may-020404137.html>

#### **German Green Parliamentarian Shocks The Nation...Couldn’t Even Name First German Empire Chancellor!**

By P Gosselin, No Tricks Zone, May 23, 2023

<https://notrickszone.com/2023/05/23/german-green-parliamentarian-shocks-the-nation-couldnt-even-name-first-german-empire-chancellor/>

#### **King Charles backed these care homes for 40 years – now Net Zero is forcing them to close**

By Paul Homewood, Not a Lot of People Know That, May 20, 2023

<https://notalotofpeopleknowthat.wordpress.com/2023/05/20/king-charles-backed-these-care-homes-for-40-years-now-net-zero-is-forcing-them-to-close/>

#### **It’s Climate Hypocrisy Wednesday Part One: Climate Activists Channel Michael Crichton**

By Charles Rotter, WUWT, May 24, 2023

<https://wattsupwiththat.com/2023/05/24/its-climate-hypocrisy-wednesday-part-one-climate-activists-channel-michael-crichton/>

## **They Believe In Science**

By Tony Heller, His Blog, May 24, 2023

<https://realclimatescience.com/2023/05/they-believe-in-science-2/>

Funny photo

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## **ARTICLES**

### **1. A Clean Water Landmark for Liberty at the Supreme Court**

In *Sackett v. EPA*, the Justices rebuke the agency for its land grab over ‘waters of the United States.’

By The Editorial Board, WSJ, Updated May 25, 2023

[https://www.wsj.com/articles/supreme-court-sackett-v-epa-waters-of-the-u-s-clean-water-act-a9eb9729?mod=hp\\_opin\\_pos\\_1](https://www.wsj.com/articles/supreme-court-sackett-v-epa-waters-of-the-u-s-clean-water-act-a9eb9729?mod=hp_opin_pos_1)

*“The Supreme Court issued another landmark decision pruning back an overgrown administrative state on Thursday in *Sackett v. EPA*. Don’t believe the cries that the 5-4 decision will despoil America’s precious wetlands. The majority simply stopped a regulatory land grab.*

*Michael and Chantell Sackett’s ordeal reveals how rule by an unfettered administrative state can cause significant cost and hardship. For 16 years the couple has been battling the bureaucracy to build a home. The Environmental Protection Agency and U.S. Army Corps of Engineers claim their dry property is a wetland subject to federal regulation.*

*The Clean Water Act (CWA) authorizes EPA to regulate only ‘navigable waters’ in interstate commerce. Yet the EPA said the Sacketts’ property was connected to a wetland some 30 feet away, which was connected to a ditch that connected to a nonnavigable creek that connected to a lake. Follow that?*

*Americans anywhere in the country could have their backyard declared a wetland, but they wouldn’t know it until the EPA swoops in and threatens enormous penalties for pouring herbicide on weeds. EPA advises landowners to solicit the Army Corps’ opinion before doing anything with their property. But 75% of the time the Corps claims jurisdiction.*

*Does federal jurisdiction really ‘encompass any backyard that is soggy enough for some minimum period of time?’ Justice Samuel Alito asks in the majority opinion joined by Chief Justice John Roberts and Justices Clarence Thomas, Neil Gorsuch and Amy Coney Barrett. ‘How about ditches, swimming pools, and puddles?’*

*A majority in *Rapanos* (2006) couldn’t agree on how to limit EPA’s authority over wetlands. Four Justices said the Clean Water Act’s scope extended to ‘only those relatively permanent, standing or continuously flowing bodies of water’ such as oceans, rivers and lakes, and wetlands that were directly adjacent and ‘indistinguishable’ from those waters.*

*However, the agencies and lower courts have adopted Justice Anthony Kennedy's lone opinion that federal jurisdiction extends to land that has a 'significant nexus' to a waterway. This test is as clear as a swamp.*

*While all nine Justices ruled for the Sacketts, they disagreed on the scope of federal power. The majority strips away the 'significant nexus' ambiguity from Justice Kennedy's Rapanos opinion, but reaffirms the conservative plurality's view that a 'wetland' must 'be indistinguishably part of a body of water that itself constitutes 'waters' under the CWA.'*

*Justice Thomas writes separately that the majority should have also considered the scope of the term 'navigable.' He echoes an originalist criticism that the Court has expanded Congress's authority 'to regulate any private intrastate activity that substantially affects interstate commerce.' Too bad only Justice Gorsuch joined his concurrence.*

*The other four Justices say the law should be interpreted broadly to cover land that is 'adjacent' to navigable water, which need not be 'adjoining' as long as it is 'close to' or 'lying near.' Under their opinion, there would be no limiting principle to federal authority.*

*In an opinion joined by the three liberals, Justice Brett Kavanaugh writes that the majority's limitations on federal authority could endanger 'water quality and flood control throughout the United States.' But states will still be able to regulate land and water within their borders, and Congress can rewrite the Clean Water Act.*

*As Justice Alito writes, the minority doesn't even attempt 'to explain how the wetlands included in their interpretation fall within a fair reading of 'waters.' Textualist arguments that ignore the operative text cannot be taken seriously.' It's disappointing that Justice Kavanaugh departed from his typically rigorous administrative law analysis."*

The editorial closes by declaring that the decision is a triumph of liberty over the administrative state.

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## **2. Exxon Joins Hunt for Lithium in Bet on EV Boom**

Oil giant quietly laid plans this year for producing mineral in Arkansas

By Benoît Morenne and Collin Eaton, WSJ, May 21, 2023

[https://www.wsj.com/articles/exxon-joins-hunt-for-lithium-in-bet-on-ev-boom-1d72cdd6?mod=hp\\_lead\\_pos6](https://www.wsj.com/articles/exxon-joins-hunt-for-lithium-in-bet-on-ev-boom-1d72cdd6?mod=hp_lead_pos6)

Key parts of the article on the Exxon Mobile acquisition of 120,000 acres in southern Arkansas that TWTW has not addressed previously include:

*"The Biden administration is seeking to encourage domestic production of the metal, despite opposition from environmentalists and others. The Inflation Reduction Act signed by President Biden into law last year includes tax credits covering 10% of the cost of producing critical minerals, including lithium.*

*The U.S. once was the world's largest lithium producer, but its output has plummeted, and it is now dependent on other nations such as China for its supply of the mineral. Producing lithium from regions such as Arkansas could help the U.S. meet its domestic needs as well as compete globally, analysts said.*

*In the 1970s, Exxon played a key role in the foundation of the lithium industry. Exxon chemist Stanley Whittingham won a Nobel Prize in 2019 for helping to develop the lithium-ion battery while working at Exxon's corporate laboratory in Linden, N.J. Exxon began to manufacture the batteries in 1976, but the market ultimately proved too small, so the company ceased making the batteries some years later."*

*"Southern Arkansas in recent years has emerged as a potential future lithium hub. Smackover brine, a rich broth of saltwater and minerals, has long been known to contain relatively high concentrations of lithium, but new technologies have recently made it possible to extract the metal from the brine in warehouse-size facilities. "*