

**The Week That Was: 2013-02-16 (February 16, 2013)**  
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**The Science and Environmental Policy Project**

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**Quote of the Week:** “As long ago as 1994, cosmologist Carl Sagan expressed concern about the trend toward an American society in which, ‘clutching our crystals and religiously consulting our horoscopes, our critical faculties in steep decline, unable to distinguish between what’s true and what feels good, we slide, almost without noticing, into superstition and darkness.’” Henry Miller From “Investing in Bad Science,” below.

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**Number of the Week:** 41,350 acres approved, additional 670,599 acres pending.

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**THIS WEEK:**

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

**State of the Union:** President Obama’s State of the Union address confirmed what Fred Singer wrote in the outlook for 2013 and beyond – get ready for the worst in 2013 and thereafter. As typical in such modern addresses, the speech appealed to the President’s supporters and was factually challenged. The one part of the speech that is particularly disturbing is his determination to pursue his energy and climate goals with or without the approval of Congress. This is setting the tone for an authoritarian government. Please see links under Defending the Orthodoxy, for energy issues see Communicating Better to the Public – Exaggerate, or be Vague? and for Singer’s previous comments <http://www.sepp.org/whichwayfornow.cfm>

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**Sue and Settle:** The Fifth Amendment of the US Constitution states: “nor [shall any person] be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

In *Forbes*, Larry Bell exposes a long term, clever technique used by Washington regulators working hand-in-glove with environmental organizations to deprive unsuspecting property owners of the use of their property without any compensation from the government. The trick is called Sue and Settle. The agencies and their allies secretly redefine the scope of the law, including legal definitions, and reach an agreement that is then sanctified by the Federal Courts. Individuals and small organizations do not have a chance.

Bell’s article covers both the EPA and the Department of Interior’s Fish and Wildlife Service (USFWS). In a similar article, Marita Noon focuses on the USFWS and the damage it is causing in the Southwest. All too often the claims are prompted by speculative findings by government scientists, or government funded scientists, that are erroneously called scientific. The spotted owl and polar bear listings of threatened or endangered species are a few examples. To these agencies, the interests of the American public are subordinate to the quest for power and control. Please see Article # 1 and link under Sue and Settle.

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**Poor Science:** Henry Miller of the Hoover Institution has very strong statements concerning the declining quality of Federal government funded science. Some projects with funny names may be easy targets and result in important work. But Miller asserts that for much of the government funded science, proper oversight is lacking and he provides examples.

Sometimes the fault is not that of the administrators, but lies with members of Congress who are “out of touch,” such as funding of certain programs at the National Center for Complementary and Alternative Medicine.

Miller is particularly blunt with the EPA, and states: “The overwhelming majority of it [science he reviewed] was shoddy, irrelevant, and unpublishable.” This is not particularly surprising, because the EPA has subordinated science for legal activity and public relations. Miller states that much of the \$800 Million EPA research budget goes to public relations and to favored nonprofit groups that support EPA activities. Of course, as Bell exposes, many of these groups are involved in sue and settle.

A previous TWTW discussed, in the April 15, 2009 Federal Register, the EPA was soliciting research on the effects of lowering of pH in sea water (called ocean acidification). The EPA described one acceptable technique was using hydrochloric acid to lower the pH. Even tropical fish hobbyists realize that you don’t clean the fish tank with bleach while the fish are in it.

Major independent scientific institutions such as the American Association for the Advancement of Science (AAAS) appear to be a part of the problem rather than a possible solution to it. Please see link under Other Scientific News.

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**Changing pH:** NIPCC reviewed two articles that covered research on effects of changing pH in sea water. One experiment used CO<sub>2</sub> to gradually lower the pH as low as 6.9, an acid. It showed no specific effects except delaying hatch of the species covered. The second study took advantage of a natural pH gradient; the study focused on two types of coral over the pH gradient from 7.3 to 8.1 and showed no significant effects.

The results are not surprising. For certain types of tropical fish, hobbyists often take the pH of the tank to 6 by bubbling CO<sub>2</sub> in the tank. The Okefenokee Swamp, a natural bog covering part of Florida and Georgia, has thriving animal and plant populations, non-specialized, even though the average pH is below 4. Recall that 7 is the dividing line, above 7 the solution is alkaline, and below 7 the solution is acid. Please see links under Review of Recent Scientific Articles...

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**AMS:** The new president of the American Metrological Society (AMS), Marshall Shepherd, briefed the Senate Committee on Environment and Public Works. Hardly a climate change denier, Roger Pielke, Jr, took Shepherd to task because Shepherd is the president of a major scientific society and was not at the hearing to present his personal views. Pielke’s critique is blistering and presents scientific facts.

The main points in Shepherd’s written testimony were: 1) most of the warming of the last 50 years was caused by humans and there is extensive evidence supporting this; 2) climate change is increasing the probability of extreme events, including blizzards, (the new loaded dice argument); and 3) strong evidence that extreme events are linked to human induced climate change. As all too typical, he ignores weather events that do not support his arguments. For example, the drought graph covers 2000 to 2013 and ignores the 1950s and the 1930s. Of course, Shepherd does not produce physical evidence of human cause.

According to reports, a new survey of AMS meteorologists showed only some 30% of those responding are worried about climate change. Please note the link to the survey no longer works. However, the results are not surprising because meteorologists have long expressed skepticism about dangerous human caused global warming / climate change.

The AMS is one of the sponsors of Climate Science Day on Capitol Hill scheduled for February 27. One can speculate if only the view of the leadership will be permitted, which apparently is a minority view. Please see link under Scientific Institutions Becoming Political

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**Tricks of the Trade:** In *Quadrant*, Michael Kyle has a three part series exposing some of the new gimmicks being used to try to convince the public that humans are causing unprecedented and dangerous global warming / climate change and extreme weather events (EWE). The loaded dice trick was used by AMS president Shepherd. According to Kyle, the effort began at a conference in 2009 to inaugurate the Attribution of Climate-related Events (ACE) initiative. Kyle suggests that some of the efforts are befitting of Swift's Grand Academy of Lagado. Please see link under Challenging the Orthodoxy.

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**Science at Work:** On Thursday, when a meteor was seen to explode over the Urals of Russia, Roy Spencer speculated that it may have been a fragment of the asteroid that was due to pass near the earth on Friday. The coincidence was very strong. Within the day, he concluded he was wrong because the trajectories were incompatible. Great to see science at work! Please see comments and video at link under Other Scientific News.

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**Gleick Affair:** The Heartland Institute has posted the evidence it compiled against Peter Gleick who Heartland believes committed a Federal crime, which the Federal Attorneys refused to prosecute. You be the judge. Please see links under the Gleick Affair.

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**Mice and Men:** A new medical study strongly suggests mice are poor models for studying trauma or infections in humans. This may apply for many other types of medical studies as well. A human is not a big rodent. Please see links under Health, Energy, and Climate

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**Fracking Food?** One of the big arguments against deep underground hydraulic fracturing for oil and gas is that the fracking fluid may poison water wells and aquifers. Colorado Governor John Hickenlooper, a Democrat, stated to the US Senate Committee on Energy and Natural Resources that he drank the new fracking fluid produced by Halliburton, which is made entirely from food additives. The opposition will not stop, but it will have one less credible argument. Please see link under Energy Issues – US.

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**Amplifications and Corrections:** Peter Friedman, Chairman of the Department of Mechanical Engineering, University of Massachusetts, Dartmouth, corrected TWTW for stating the superior, more efficient alternative to open cycle gas turbine unit is a closed cycle unit – it should have been combined cycle unit. “A combined cycle unit still uses an open cycle since the intake air is returned to the atmosphere. As you state, the combined cycle units are slow to react, since it is necessary to heat up the boiler as the unit is loaded. It takes about four hours to bring up a combined cycle from cold shutdown.” As always, TWTW deeply appreciates amplifications and corrections.

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**Number of the Week:** 41,350 acres approved, additional 670,599 acres pending. These are the areas of public lands which have been approved for solar plants by the Bureau of Land Management, part of the Department of Interior. Environmental groups are suing. It may become interesting. Unless on roof tops, etc. solar energy offends many environmentalists and is not green! Please see link under Alternative, Green (“Clean”) Solar and Wind.

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**ARTICLES:**

For the numbered articles below please see this week’s TWTW at: [www.sepp.org](http://www.sepp.org). The articles are at the end of the pdf.

**1. EPA's Secret and Costly 'Sue and Settle' Collusion With Environmental Organizations**

By Larry Bell, Forbes, Feb 17, 2013

<http://www.forbes.com/sites/larrybell/2013/02/17/epas-secret-and-costly-sue-and-settle-collusion-with-environmental-organizations/>

**2. The Wind Power Tax**

A regulator socializes transmission-line costs, and a utility fights back.

Editorial, WSJ, Feb 11, 2013

[http://online.wsj.com/article/SB10001424127887324900204578284392827567184.html?mod=IT\\_P\\_opinion\\_2](http://online.wsj.com/article/SB10001424127887324900204578284392827567184.html?mod=IT_P_opinion_2)

**3. Germany and Spain Move to Curb Green-Energy Supports**

By William Boston and James Angelos and Ilan Brat, WSJ, Feb 15, 2013

<http://online.wsj.com/article/SB10001424127887323478004578304181995426900.html>

**4. A Warning From the Asteroid Hunters**

The likelihood in this century of an asteroid impact with 700 times the destructive power of the Hiroshima A-bomb: 30%.

By Ed Lu and Martin Rees, WSJ, Feb 14, 2013

[http://online.wsj.com/article/SB10001424127887324196204578297823983416036.html?mod=W\\_SJ\\_Opinion\\_LEFTTopOpinion](http://online.wsj.com/article/SB10001424127887324196204578297823983416036.html?mod=W_SJ_Opinion_LEFTTopOpinion)

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**NEWS YOU CAN USE:**

***Commentary: Is the Sun Rising?***

**UV shift in the leaked IPCC report: more inversion of the scientific method**

By Alec Rawls, WUWT, Feb 12, 2013

<http://wattsupwiththat.com/2013/02/12/uv-shift-in-the-leaked-ipcc-report-more-inversion-of-the-scientific-method/>

*[SEPP Comment: Technical comments from the scientist who leaked the Second Draft of the Fifth Assessment Report of the IPCC. Rawls thinks that the role of the sun on the earth’s climate is greatly underestimated.]*

“...that solar-climate correlations found in the geologic record seem to imply a substantially stronger solar effect on climate than can be accounted by the very slight variation by TSI.” [Total Solar Irradiance – Amount of sunlight received at the top of the atmosphere]

***Challenging the Orthodoxy***

### **This year's climate model**

By Michael Kyle, Quadrant, Feb 12, 2013

<http://www.quadrant.org.au/blogs/doomed-planet/2013/02/this-year-s-model>

*[SEPP Comment: The third of a three part series on how to play the climate game, with links to the previous parts.]*

### **How Germany's Climate Scientists Suddenly Changed Their Predictions Of Warm Winters...To Cold Snowy Ones**

By P. Gosselin, No Tricks Zone, Feb 15, 2013

Translating post by Klaus-Eckart Puls and Sebastian Lüning

<http://notrickszone.com/2013/02/15/how-germanys-climate-scientists-suddenly-changed-their-predictions-of-warm-winters-to-cold-snowy-ones/>

### **German Meteorology Professor Expects Cooling For The Decades Ahead..."Climate Protection Is Ineffective"**

By P. Gosselin, No tricks Zone, Feb 13, 2013

<http://notrickszone.com/2013/02/13/german-meteorology-professor-expects-cooling-for-the-decades-ahead-climate-protection-is-ineffective/>

*[SEPP Comment: After the Professor's article posted on the European Institute for Climate and Energy (EIKE) web site, the web site suffered an outside internet attack.]*

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

#### **On climate change, Obama delivered**

By Frances Beinecke, Politico, Feb 12, 2013 [H/t Timothy Wise]

<http://www.politico.com/story/2013/02/on-climate-change-obama-delivered-87566.html?ml=la>

*[SEPP Comment: So says the president of the Natural Resources Defense Council.]*

#### **Obama gives Congress a climate change ultimatum**

By Patrick Rucker and Deborah Zabarenko, Reuters, Feb 13, 2013 [H/t Cork Hayden]

<http://www.reuters.com/article/2013/02/13/us-obama-speech-climate-idUSBRE91C09T20130213>

#### **Obama's State of the Union climate call may buy time for EPA**

By Darren Goode, Politico, Feb 12, 2013 [H/t Timothy Wise]

<http://www.politico.com/story/2013/02/obamas-state-of-the-union-climate-call-may-buy-time-for-epa-87567.html?hp=13>

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

#### **Global warming 'scientific consensus' debunked**

Thomas Lifson, American Thinker, Feb 13, 2013 [H/t Neil Craig]

[http://www.americanthinker.com/blog/2013/02/global\\_warming\\_scientific\\_consensus\\_debunked.html](http://www.americanthinker.com/blog/2013/02/global_warming_scientific_consensus_debunked.html)

*[SEPP Comment: A survey of geoscientists and engineers in Alberta, Canada.]*

#### **CO2 argument begins cooling**

By Jeffrey Phelps, Washington Examiner, Feb 8, 2013 [H/t Climate Depot]

<http://www.examiner.com/article/co2-argument-begins-cooling>

## **Conclusive Study: Most Scientists Have Serious Doubts About The Claimed Extent Of Man-Made Global Warming**

By P. Gosselin, No Tricks Zone, Feb 16, 2013

<http://notrickszone.com/2013/02/16/conclusive-study-most-scientists-have-serious-doubts-about-the-claimed-extent-of-man-made-global-warming/>

Link to the survey of AMS members:

[http://www.climatechangecommunication.org/images/files/AMS\\_CICCC\\_Survey\\_Preliminary\\_Findings-Final.pdf](http://www.climatechangecommunication.org/images/files/AMS_CICCC_Survey_Preliminary_Findings-Final.pdf)

*[SEPP Comment: Gosselin's headline is a little misleading.]*

## **Questioning European Green**

### **Renewable Energy Investment Goes Up in Smoke**

By Staff Writers, GWPF, Feb 15, 2013

<http://www.thegwpf.org/renewable-energy-investment-smoke/>

*[SEPP Comment: Green power turns out to be too expensive for the Spanish government. The government gives and then takes away. It will be interesting to see if international lawyers can overcome Spain's Parliament.]*

## **Exclusive: Foreign investors set to sue Spain over energy reform**

By Staff Writers, Reuters, Feb 15, 2013

<http://planetark.org/wen/67930>

The problem was that the cost of the subsidies was not passed on fully to consumers because that would have pushed prices to unprecedented highs.

*[SEPP Comment: It is the government's fault for not forcing the consumers to pay more for unreliable electricity.]*

## **Gas Bonanza for Germany?: Berlin Wants to Fast-Track Frackin**

By Staff Writer, Spiegel, Feb 8, 2013 [H/t Anne Debeil]

<http://www.spiegel.de/international/germany/berlin-wants-to-end-moratorium-on-fracking-in-germany-a-882313.html>

*[SEPP Comment: Spiegel apparently is not aware of Halliburton's new fracking fluid.]*

## **Expanding the Orthodoxy**

### **Obama acting too slowly on climate change risks, government audit finds**

For first time, climate change makes list of the Government Accountability Office's biennial review of risks facing the US

By Suzanne Goldenberg, Guardian UK, Feb 14, 2013

<http://www.guardian.co.uk/environment/2013/feb/14/obama-too-slowly-climate-change>

Link to Report: High-Risk Series,

By Staff Writers, GAO, Feb 14, 2013

<http://gao.gov/products/GAO-13-283>

## **Behind the curtain**

By Andrew Montford, Bishop Hill, Feb 15, 2013

<http://bishophill.squarespace.com/blog/2013/2/15/behind-the-curtain.html>

*[SEPP Comment: A non-public meeting organized by Bloomberg New Energy Finance.]*

### ***Funding Fights***

#### **Secret funding helped build vast network of climate denial thinktanks**

Anonymous billionaires donated \$120m to more than 100 anti-climate groups working to discredit climate change science

By Suzanne Goldenberg, Guardian, UK, Feb 14, 2013 [H/t Oil Price.com]

<http://www.guardian.co.uk/environment/2013/feb/14/funding-climate-change-denial-thinktanks-network/print>

*[SEPP Comment: Perhaps nature is part of the group as well!]*

#### **Rockefellers behind ‘scruffy little outfit’**

Anti-Keystone protests get millions in funding

By Vivian Krause, Financial Post, Feb 14, 2013

<http://opinion.financialpost.com/2013/02/14/rockefellers-behind-scruffy-little-outfit/>

### ***The Gleick Affair***

#### **Why Isn’t Pacific Institute's Peter Gleick in Jail?**

The Criminal Case Against Peter Gleick

By Staff Writers, Heartland Institute, Feb 14, 2013

<http://fakegate.org/>

#### **Protecting Global Warming Liars**

By Alan Caruba, Warning Signs, Feb 11, 2013

<http://factsnotfantasy.blogspot.com/2013/02/protecting-global-warming-liars.html>

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

#### **The Geological Perspective on Global Warming: A Debate**

By Dr Colin P. Summerhayes, Professor Robert Carter and Professor Vincent Courtillot, GWPF, Feb 14, 2013

<http://www.thegwpf.org/geological-perspective-global-warming-debate/>

*[SEPP Comment: Outlines general points of agreement and disagreement. Graph of the last 10,000 years shows a general cooling trend.]*

#### **The Horsemeat in Your Lasagna**

By Roger Pielke Jr, His Blog, Feb 10, 2013

<http://rogerpielkejr.blogspot.com/2013/02/the-horsemeat-in-your-lasagna.html>

*[SEPP Comment: An amusing analogy that one must insure that the product is pure – don’t confuse weather with climate and costs of weather events with evidence of human caused climate change.]*

### ***Scientific Institutions Becoming Political***

#### **A Case for Playing it Straight**

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

<http://rogerpielkejr.blogspot.com/2013/02/a-case-for-playing-it-straight.html>

Link to published briefing of the Senate Committee by Marshall Shephard:

[http://www.epw.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore\\_id=1f670e51-ddc9-4ef0-a3a7-b8d4afb8effc](http://www.epw.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore_id=1f670e51-ddc9-4ef0-a3a7-b8d4afb8effc)



### **Nurse accuses Lawson of cherrypicking**

By Andrew Montford, Bishop Hill, Feb 16, 2013

<http://bishophill.squarespace.com/blog/2013/2/16/nurse-accuses-lawson-of-cherrypicking.html>

*[SEPP Comment: Under Paul Nurse, the Royal Society is becoming increasingly political. One salient fact is sufficient to reject a hypothesis. That is not cherrypicking.]*

Link to an audio

### **I'm following Paul**

By Andrew Montford, Bishop Hill, Feb 9, 2013

<http://bishophill.squarespace.com/blog/2013/2/9/im-following-paul.html>

*[SEPP Comment: Selected quotes from the new fellow of the Royal Society.]*

### **A right royal dogmatist**

By Andrew Montford, Bishop Hill, Feb 12, 2013

<http://bishophill.squarespace.com/blog/2013/2/12/a-right-royal-dogmatist.html>

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

#### **SOTU: Energy Fabrications, Falsehoods and Fantasies**

By David Middleton, WUWT, Feb 13, 2013

<http://wattsupwiththat.com/2013/02/13/sotu-energy-fabrications-falsehoods-and-fantasies/>

### **Climate change impacts to US coasts threaten public health, safety and economy**

By Staff Writers, Washington DC (SPX), Feb 12, 2013

[http://www.terraily.com/reports/Climate\\_change\\_impacts\\_to\\_US\\_coasts\\_threaten\\_public\\_health\\_safety\\_and\\_economy\\_999.html](http://www.terraily.com/reports/Climate_change_impacts_to_US_coasts_threaten_public_health_safety_and_economy_999.html)

*[SEPP Comment: More on the draft of the US global change report that makes outrageous claims about the future.]*

### **Climate change risks to U.S. security seen**

By Staff Writers, Cambridge, Mass. (UPI), Feb 11, 2013

[http://www.terraily.com/reports/Climate\\_change\\_risks\\_to\\_US\\_security\\_seen\\_999.html](http://www.terraily.com/reports/Climate_change_risks_to_US_security_seen_999.html)

### **Administration's New Climate Report: Next Ice Age 'Has Now Been Delayed Indefinitely'**

By Terence Jeffrey, CNSNews, Feb 8, 2013 [H/t Deke Forbes]

<http://cnsnews.com/news/article/administration-s-new-climate-report-next-ice-age-has-now-been-delayed-indefinitely>

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

#### **Science is the Shortcut**

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

<http://rogerpielkejr.blogspot.com/2013/02/science-is-shortcut.html>

*[SEPP Comment: Pielke debunks another new concept to get around messy data – a systematic bias on “erring on the side of least drama (ESLD.” The wild projections of the IPCC models, which nature refuses to obey are erring on the side of least drama. 50 million climate refugees by 2010, etc. Perhaps it would be more appropriate to state the public has reached Stephen Schneider saturation. A “tipping point” where hyperbole by the climate establishment no longer works.]*



### **Renewable energy now cheaper than new fossil fuels in Australia**

Australia wind beats new coal in the world's second-largest coal exporter

By Nathaniel Bullard, Bloomberg New Energy Finance, Feb 7, 2013

<http://about.bnef.com/2013/02/07/renewable-energy-now-cheaper-than-new-fossil-fuels-in-australia/>

*[SEPP Comment: The calculations include the government's carbon tax, but do not include penalties when wind fails. Of course, the technology for reliable wind is just around the corner, as it has been for over a century.]*

### **Bloomberg's baloney**

By Andrew Montford, Bishop Hill, Feb 11, 2013

<http://bishophill.squarespace.com/blog/2013/2/11/bloombergs-baloney.html>

*[SEPP Comment: See link immediately above.]*

### **Measurement Issues**

#### **Using data to attribute episodes of warming and cooling in instrumental records**

By Ka-Kit Tung1 and Jiansong Zhou, PNAS, Feb 5, 2013 [H/t Gordon Fulks]

<http://www.pnas.org/content/110/6/2058>

*[SEPP Comment: Suggests the Atlantic Multidecadal Oscillation accounts for 40% of recent warming.]*

### **2012 Was Not The Hottest Year In The US**

By Steven Goddard, Real Science, Feb 14, 2013 [H/t Climate Depot]

<http://stevengoddard.wordpress.com/2013/02/14/2012-was-not-the-hottest-year-in-the-us/>

*[SEPP Comment: 1921 was warmer.]*

### **Preliminary comments on Hausfather et al 2013**

By Anthony Watts, WUWT, Feb 13, 2013

<http://wattsupwiththat.com/2013/02/13/preliminary-comments-on-hausfather-et-al-2013/>

*[SEPP Comment: Addressing the Urban Heat Island Effect?]*

### **Changing Weather**

#### **Heading for ANOTHER top 5 snow year for the Northern Hemisphere**

By Joseph D'Aleo, ICECAP, Feb 14, 2013

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

[blog/heading\\_for\\_another\\_top\\_5\\_snow\\_year\\_for\\_the\\_northern\\_hemisphere/](http://icecap.us/index.php/go/joes-blog/heading_for_another_top_5_snow_year_for_the_northern_hemisphere/)

### **The NHC Sandy Report**

By Roger Pielke Jr, His Blog, Feb 12, 2013

<http://rogerpielkejr.blogspot.com/2013/02/the-nhc-sandy-report.html>

Link to report: Tropical Cyclone Report - Hurricane Sandy

By Blake, et al, National Hurricane Center, Feb 12, 2013

[http://www.nhc.noaa.gov/data/tcr/AL182012\\_Sandy.pdf](http://www.nhc.noaa.gov/data/tcr/AL182012_Sandy.pdf)

*[SEPP Comment: According to the National Hurricane Center Sandy was no longer a hurricane when it made landfall.]*

### ***Changing Cryosphere – Land / Sea Ice***

#### **New paper finds Greenland surface melt was due to natural variability**

The Hockey Schtick, Feb 8, 2013 [H/t GWPF]

<http://hockeyschtick.blogspot.co.uk/2013/02/new-paper-finds-brief-greenland-surface.html>

Link to article: "Important role of the mid-tropospheric atmospheric circulation in the recent surface melt increase over the Greenland ice sheet"

By Fettweis et al, Cryosphere, Feb 7, 2013

<http://www.the-cryosphere.net/7/241/2013/tc-7-241-2013.pdf>

#### **Ice loss model verification via satellite observations**

By Anthony Watts, WUWT, Feb 13, 2013

<http://wattsupwiththat.com/2013/02/13/ice-loss-model-verification-via-satellite-observations/>

[SEPP Comment: *The Arctic summer ice loss applies to volume as well as surface area.*]

#### **Most Ice Gain Ever Recorded**

By Steve Goddard, Real Science, Feb 12, 2013 [H/t GWPF]

<http://stevengoddard.wordpress.com/2013/02/12/most-ice-gain-ever-recorded/>

[SEPP Comment: *See link immediately below.*]

#### **Goddard, Watts vs Tamino: Arctic ice**

By Lubos Molt, Reference Frame, Feb 13, 2013

<http://motls.blogspot.com/2013/02/goddard-watts-vs-tamino-arctic-ice.html#more>

[SEPP Comment: *A lengthy post addressing the reaction to the claim that the expansion of Arctic sea ice this winter is the greatest measured. However, this fact is not more scientifically important than the fact that the Arctic sea ice extent in September 2012 was the lowest measured. There were no precise measurements before satellites. Other data indicates the loss of sea ice has occurred numerous times over the past 10,000 years.*]

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

#### **Benefits of Bt corn go beyond rootworm resistance**

By Staff Writers, Washington DC (SPX), Feb 13, 2013

[http://www.seeddaily.com/reports/Benefits\\_of\\_Bt\\_corn\\_go\\_beyond\\_rootworm\\_resistance\\_999.html](http://www.seeddaily.com/reports/Benefits_of_Bt_corn_go_beyond_rootworm_resistance_999.html)

Link to paper, Transgenic Corn Rootworm Protection Increases Grain Yield and Nitrogen Use of Maize

By Haegele and Below, Crop Science, Feb 6, 2013

<https://www.crops.org/publications/cs/abstracts/53/2/585>

[SEPP Comment: *Not what anti-GM food crowd wishes to read.*]

#### **A Golden Rice Opportunity**

By Bjørn Lomborg, Project Syndicate, Feb 15, 2013

<http://www.project-syndicate.org/commentary/the-costs-of-opposing-gm-foods-by-bj-rn-lomborg>

[SEPP Comment: *More on the disregard the anti-GM food crowd have for humanity.*]

### ***Review of Recent Scientific Articles by NIPCC***

***For a full list of articles see [www.NIPCCreport.org](http://www.NIPCCreport.org)***

#### **The Reproduction of a Key Arctic Copepod in Low-pH Seawater**

Reference: Weydmann, A., Soreide, J.E., Kwasniewski, S. and Widdicombe, S. 2012. Influence of CO<sub>2</sub>-induced acidification on the reproduction of a key Arctic copepod *Calanus glacialis*. *Journal of Experimental Marine Biology and Ecology* 428: 39-42.

<http://www.nipccreport.org/articles/2013/feb/12feb2013a2.html>

### **Coral Microbial Communities Along a Natural pH Gradient**

Reference: Meron, D., Rodolfo-Metalpa, R., Cunning, R., Baker, A.C., Fine, M. and Banin, E. 2012. Changes in coral microbial communities in response to a natural pH gradient. *ISME Journal* 6: 1775-1785.

<http://www.nipccreport.org/articles/2013/feb/12feb2013a3.html>

### **The Middle and Late Holocene in Central European Russia**

Reference: Novenko, E.Yu., Volkova, E.M., Glasko, M.P. and Zuganova, I.S. 2012. Palaeoecological evidence for the middle and late Holocene vegetation, climate and land use in the upper Don River basin (Russia). *Vegetation History and Archaeobotany* 21: 337-352.

<http://www.nipccreport.org/articles/2013/feb/12feb2013a4.html>

*[SEPP Comment: More evidence that current warm period is significantly cooler than past warm periods, say the period between 7,200 and 5,700 years ago.]*

### **Modeling the Link Between ENSO and North Australian SSTs**

Reference: Catto, J.L., Nicholls, N. and Jakob, C. 2012b. North Australian sea surface temperatures and the El Niño-Southern Oscillation in the CMIP5 models. *Journal of Climate* 25: 6375-6382.

<http://www.nipccreport.org/articles/2013/feb/13feb2013a2.html>

### ***Litigation Issues***

#### **Federal judge overturns EPA human experiments case**

Illegal testing continues to endanger lives

By Steve Milloy, Washington Times, Feb 13, 2013

<http://www.washingtontimes.com/news/2013/feb/13/milloy-federal-judge-overturns-epa-human-experimen/>

### ***Cap-and-Trade and Carbon Taxes***

#### **Sanders/Boxer Climate Legislation [H/t David Kreutzer]**

<http://www.sanders.senate.gov/imo/media/doc/021413-2pager.pdf>

*[SEPP Comment: Taxing fossil fuel polluters – those who emit beneficial carbon dioxide \$20 / ton rising by 5.6% per year over 10 years – \$32.7 after 10 years.]*

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

#### **Crunch time**

By Andrew Montford, Bishop Hill, Feb 12, 2013

<http://bishophill.squarespace.com/blog/2013/2/12/crunch-time.html>

*[SEPP Comment: Why build reliable, efficient combined cycle natural gas plants when government mandates that unreliable wind takes precedence for delivery to the customers?]*

### ***Sue and Settle***

#### **Speak Up for Small Businesses, Family Farmers, Ranchers, and Energy Job Creators**

By Marita Noon, Energy Tribune, Feb 11, 2013

<http://www.energytribune.com/72904/speak-up-for-small-businesses-family-farmers-ranchers-and-energy-job-creators>

*[SEPP Comment: Department of Interior's Fish and Wildlife Service using sue and settle to deprive property owners use of their property.]*

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

#### **EPA Releases Draft Climate Change Adaptation Plan**

By Staff Writers, Power News, Feb 14, 2013

[http://www.powermag.com/news/5379.html?hq\\_e=el&hq\\_m=2617153&hq\\_l=6&hq\\_v=5e660500d0](http://www.powermag.com/news/5379.html?hq_e=el&hq_m=2617153&hq_l=6&hq_v=5e660500d0)

Link to plan: <http://epa.gov/climatechange/pdfs/EPA-climate-change-adaptation-plan-final-for-public-comment-2-7-13.pdf>

#### **University of Oxford to identify 'stranded' high carbon assets**

HSBC and Aviva-backed research aims to highlight investments whose value is likely to decline in a low-carbon future

By Staff Writers, Business Green, Guardian, UK, Feb 11, 2013

<http://www.guardian.co.uk/environment/2013/feb/11/oxford-stranded-high-carbon-assets>

*[SEPP Comment: Doubt regulators take into account the stranded assets when they calculate the costs of their regulations.]*

#### **EPA Corruption and Scandal**

By Jim O'Sullivan, American Thinker, Feb 15, 2013

[http://www.americanthinker.com/2013/02/epa\\_corruption\\_and\\_scandal.html](http://www.americanthinker.com/2013/02/epa_corruption_and_scandal.html)

### ***Energy Issues – Non-US***

#### **Czech taxpayers will pay a trillion [crowns] for a solar mistake**

By Lubos Motl, Reference Frame, Feb 11, 2013

<http://motls.blogspot.com/2013/02/czech-taxpayers-will-pay-trillion-for.html#more>

#### **Shale oil surge poses threat to renewable energy, PwC warns**

Green groups warn against huge shale oil risks as report finds it could comprise 12 per cent of oil production in 2035

By Will Nicholas, Guardian Environment, Feb 14, 2013 [H/t GWPF]

<http://www.guardian.co.uk/environment/2013/feb/14/shale-oil-threat-renewables-pwc>

#### **RWE warns on UK energy policy**

German energy giant RWE has warned it will significantly scale back its investment in Britain unless the Government provides “desperately needed” certainty over energy policy.

By Emily Gosden, Telegraph, UK, Feb 9, 2013

<http://www.telegraph.co.uk/finance/newsbysector/energy/9860104/RWE-warns-on-UK-energy-policy.html>

### ***Energy Issues -- US***

#### **I drank fracking fluid, says Colorado Gov. John Hickenlooper**

By Ben Wolfgang, Washington Times, Feb 13, 2013

<http://www.washingtontimes.com/blog/inside-politics/2013/feb/12/colorado-gov-hickenlooper-i-drunk-fracking-fluid/>

### **To frack or not to frack: Governor Cuomo, make up your mind!**

By Staff Writers, ACSH, Feb 13, 2013

<http://www.acsh.org/to-frack-or-not-to-frack-governor-cuomo-make-up-your-mind/>

### **Natural Gas Exports: A Boost The U.S. Economy Needs**

Editorial, IBD, Feb 11, 2013

<http://news.investors.com/ibd-editorials/021113-644015-washington-should-not-block-gas-exports-to-overseas-markets.htm>

### **Lessons From North Dakota's Oilfields**

By John Hoeven, American Spectator, Feb 2013

<http://spectator.org/archives/2013/02/14/lessons-from-north-dakotas-oil>

*[SEPP Comment: Views from the former governor, now senator from North Dakota on creating the right conditions to promote energy development.]*

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

#### **Canada, Friend or Foe, Redux**

By Donn Dears, Power for USA, Feb 12, 2012

<http://dddusmma.wordpress.com/2013/02/12/canada-friend-or-foe-redux/>

### **8 reasons America should welcome Canada's oil — and Keystone XL**

By Diane Frances, Financial Post, Feb 15, 2013

<http://opinion.financialpost.com/2013/02/15/8-reasons-america-should-welcome-canadas-oil-and-keystone-xl/>

*[SEPP Comment: Does reason still apply? A Manhattan Project to reduce emissions takes away from the argument.]*

### **Will Obama Trade A Carbon Tax For Keystone XL?**

Editorial, IBD, Feb 14, 2013

<http://news.investors.com/ibd-editorials/021513-644722-carbon-tax-trade-for-keystone-xl-possible.htm>

### **The price of Keystone may be a carbon tax**

By Terence Corcoran, Financial Post, Feb 11, 2013

<http://opinion.financialpost.com/2013/02/11/terence-corcoran-the-price-of-keystone-may-be-a-carbon-tax/>

*[SEPP Comment: Washington trying to dictate tax policy in Canada.]*

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

#### **UK Shale Gas Numbers Could Be Stratospheric**

By Peter Glover, Energy Tribune, Feb 14, 2013

<http://www.energytribune.com/73234/uk-shale-gas-numbers-could-be-stratospheric>

### **Shale oil 'could add £50bn to UK economy'**

A shale oil revolution could add up to £800 to each person's economic output in the UK, according to a report from accountants PwC.

By Emma Rowley, Telegraph, UK, Feb 14, 2013 [H/t GWPF]

<http://www.telegraph.co.uk/finance/newsbysector/energy/9868680/Shale-oil-could-add-50bn-to-UK-economy.html>

### **NI shale gas deposits 'could be worth £80bn' says report**

By Julian Fowler, BBC, Feb 14, 2013 [H/t GWPF]

<http://www.bbc.co.uk/news/uk-northern-ireland-21444270>

### **Purification on the cheap**

By David L. Chandler for MIT News, Cambridge, MA (SPX), Feb 12, 2013

[http://www.terraily.com/reports/Purification\\_on\\_the\\_cheap\\_999.html](http://www.terraily.com/reports/Purification_on_the_cheap_999.html)

*[SEPP Comment: Addressing a major issue with unwanted products from deep underground hydraulic fracturing for oil and natural gas.]*

### **Return of King Coal?**

#### **Gas dependence imperils electric reliability**

By Frank Clemente, Energy Facts, Feb 12, 2013

<http://us1.campaign-archive1.com/?u=29bc7d5d85828d574f86c157a&id=1c12ec5c20&e=>

*[SEPP Comment: Can the net increase in natural gas supply provide sufficient energy to replace coal for electrical generation under an aggressive EPA anti-coal plant program?]*

### **Coal Can Be Good for America**

By Donn Dears, Power for USA, Feb 16, 2013

<http://dddusmma.wordpress.com/2013/02/16/coal-can-be-good-for-america/>

Ultra-supercritical (USC) coal-fired power plants are 40% more efficient than the plants built previously in the United States.

*[SEPP Comment: China is leading in building USC coal-fired plants because EPA regulations on CO2 prevent the US from doing so. The effort by the EPA appears to be intentional.]*

### **Nuclear Energy and Fears**

#### **No health effects from Fukushima: Japan researcher**

By Staff Writers, Tokyo (AFP), Feb 15, 2013

[http://www.terraily.com/reports/No\\_health\\_effects\\_from\\_Fukushima\\_Japan\\_researcher\\_999.html](http://www.terraily.com/reports/No_health_effects_from_Fukushima_Japan_researcher_999.html)

*[SEPP Comment: Greenpeace states that government should not play down health worries – it may hurt Greenpeace donations.]*

### **Finland's TVO says reactor may be delayed until 2016**

By Staff Writers, Helsinki (AFP) Feb 11, 2013

[http://www.nuclearpowerdaily.com/reports/Finlands\\_TVO\\_says\\_reactor\\_may\\_be\\_delayed\\_until\\_2016\\_999.html](http://www.nuclearpowerdaily.com/reports/Finlands_TVO_says_reactor_may_be_delayed_until_2016_999.html)

### **Duke gives up on Crystal River**

By Staff Writers, WNN, Feb 5, 2013

[http://www.world-nuclear-news.org/C\\_Duke\\_gives\\_up\\_on\\_Crystal\\_River\\_0502131.html](http://www.world-nuclear-news.org/C_Duke_gives_up_on_Crystal_River_0502131.html)

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

#### **Environmental Groups Sue DOI for Narrow Focus on Public Lands as Solar Zones**

By Staff Writers, Power News, Feb 14, 2013

[http://www.powernmag.com/news/5376.html?hq\\_e=el&hq\\_m=2617153&hq\\_l=10&hq\\_v=5e660500d0](http://www.powernmag.com/news/5376.html?hq_e=el&hq_m=2617153&hq_l=10&hq_v=5e660500d0)

#### **Clean Energy Faces Hurdles in Legislature**

By Kate Galbraith, NYT, Feb 14, 2013

[http://www.nytimes.com/2013/02/15/us/clean-energy-foresees-fight-in-texas-legislature.html?\\_r=1&](http://www.nytimes.com/2013/02/15/us/clean-energy-foresees-fight-in-texas-legislature.html?_r=1&)

*[SEPP Comment: With more installed wind capacity than any other state in the US, it appears Texas is having its fill of electricity generation that does not deliver when needed the most.]*

#### **Windpower propaganda: At a School Near You?**

By Sherri Lange, Master Resource, Feb 11, 2013

<http://www.masterresource.org/2013/02/windpower-propaganda-high-school/#more-23891>

*[SEPP Comment: Government agencies promoting windpower in schools is unconscionable.]*

#### **Global wind energy capacity grows 19 per cent in 2012**

By Staff Writers, Ottawa, Canada (SPX), Feb 15, 2013

[http://www.winddaily.com/reports/Global\\_wind\\_energy\\_capacity\\_grows\\_19\\_per\\_cent\\_in\\_2012\\_999.html](http://www.winddaily.com/reports/Global_wind_energy_capacity_grows_19_per_cent_in_2012_999.html)

*[SEPP Comment: And 100% unreliable.]*

#### **Thousands of wind turbines to go up as subsidies cut**

Britain is building more wind turbines this year than ever before with more than 1,200 turbines due to start spinning throughout the countryside and around the coast over the next 12 months.

By Louise Gray, Telegraph, UK, Feb 8, 2013

<http://www.telegraph.co.uk/earth/energy/windpower/9858849/Thousands-of-wind-turbines-to-go-up-as-subsidies-cut.html>

#### **The dirty side of clean solar energy**

Solar is far less polluting than coal or natural gas, but faces a hazardous waste problem.

By Jason Dearen, MSN, Feb 11, 2013

<http://news.msn.com/science-technology/the-dirty-side-of-clean-solar-energy>

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

#### **The all-electric car: still an idea ahead of its time**

By Martin Livermore, Scientific Alliance, Feb 15, 2013

<http://www.scientific-alliance.org/scientific-alliance-newsletter/all-electric-car-still-idea-ahead-its-time>

### ***Health, Energy, and Climate***

#### **Graph of the Day: Life Expectancy vs. Energy Use**

By Roger Pielke Jr, His Blog, Feb 14, 2013

<http://rogerpielkejr.blogspot.com/2013/02/graph-of-day-life-expectancy-vs-energy.html>



Energy poverty is not the only factor which contributes to below-average life expectancies, but it is clearly a very important factor.

### **We've said it before and we'll say it again: Mice are not little men**

By Staff Writers, ACSH, Feb 13, 2013

<http://www.acsh.org/weve-said-it-before-and-we'll-say-it-again-mice-are-not-little-men/>

Link to paper, Genomic responses in mouse models poorly mimic human inflammatory diseases

By Seok, et al, PNAS, Feb 11, 2013

<http://www.pnas.org/content/early/2013/02/07/1222878110>

### **Peer Review failure: Science and Nature journals reject papers because they “have to be wrong”**

By Jo Nova, Her Blog, Feb 12, 2013

<http://joannenova.com.au/2013/02/peer-review-failure-science-and-nature-journals-reject-papers-because-they-have-to-be-wrong/#more-26933>

### **Plastic Bag Ban Responsible For Spike In E. Coli Infections, Study Says**

By Aaron Sankin, Huffington Post, Feb 7, 2013 [H/t Anne Debeil]

[http://www.huffingtonpost.com/2013/02/07/plastic-bag-ban\\_n\\_2641430.html](http://www.huffingtonpost.com/2013/02/07/plastic-bag-ban_n_2641430.html)

### ***Other Scientific News***

#### **Exploding Russian Meteor: An Asteroid Fragment?**

By Roy Spencer, His Blog, Feb 15, 2013

<http://www.drroyspencer.com/2013/02/exploding-russian-meteor-an-asteroid-fragment/>

#### **Research Investments Are Frequently Fruitless**

By Staff Writers, NCPA, Feb 13, 2013

[http://www.ncpa.org/sub/dpd/index.php?Article\\_ID=22841&utm\\_source=newsletter&utm\\_medium=email&utm\\_campaign=DPD](http://www.ncpa.org/sub/dpd/index.php?Article_ID=22841&utm_source=newsletter&utm_medium=email&utm_campaign=DPD)

*[SEPP Comment: Summary of the report immediately below.]*

#### **Investing in Bad Science**

The dubious projects of government agencies

By Henry Miller, Hoover Institution, Feb 1, 2013

<http://www.hoover.org/publications/policy-review/article/139306>

I saw evidence of this while I was an official at the FDA. For some reason I was favored with periodic reports of the research funded by the EPA. The overwhelming majority of it was shoddy, irrelevant, and unpublishable.

#### **Ozone depletion trumps greenhouse gas increase in jet-stream shift**

By Staff Writers, University Park PA (SPX), Feb 12, 2013

[http://www.terraily.com/reports/Ozone\\_depletion\\_trumps\\_greenhouse\\_gas\\_increase\\_in\\_jet\\_stream\\_shift\\_999.html](http://www.terraily.com/reports/Ozone_depletion_trumps_greenhouse_gas_increase_in_jet_stream_shift_999.html)

Link to article: S. Lee, S. B. Feldstein. Detecting Ozone- and Greenhouse Gas-Driven Wind Trends with Observational Data. Science, Feb 1, 2013

<http://www.sciencemag.org/content/339/6119/563>

*[SEPP Comment: Based on modeling studies.]*

**ORNL scientists solve mercury mystery**

By Staff Writers, Oak Ridge TN (SPX), Feb 13, 2013

[http://www.spacemart.com/reports/ORNL\\_scientists\\_solve\\_mercury\\_mystery\\_999.html](http://www.spacemart.com/reports/ORNL_scientists_solve_mercury_mystery_999.html)

**'The end of the world?': Terror over Russian meteor**

By Dmitry Zaks and Stuart Williams, Moscow (AFP), Feb 15, 2013

[http://www.spacedaily.com/reports/The\\_end\\_of\\_the\\_world\\_Terror\\_over\\_Russian\\_meteor\\_999.html](http://www.spacedaily.com/reports/The_end_of_the_world_Terror_over_Russian_meteor_999.html)

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

**The Myth of Overpopulation**

By Trevor Thomas, American Thinker, Feb 10, 2013

[http://www.americanthinker.com/2013/02/the\\_myth\\_of\\_overpopulation.html](http://www.americanthinker.com/2013/02/the_myth_of_overpopulation.html)

*[SEPP Comment: Challenging David Attenborough's declaration that humanity is a plague.]*

**We have 93 years left till the next End of the World: killer asteroid to hit Earth in 2106**

By Yulia Zamanskaya, Moscow (Voice of Russia), Feb 12, 2013

[http://www.spacedaily.com/reports/We\\_have\\_93\\_years\\_left\\_till\\_the\\_next\\_End\\_of\\_the\\_World\\_killer\\_asteroid\\_to\\_hit\\_Earth\\_in\\_2106\\_999.html](http://www.spacedaily.com/reports/We_have_93_years_left_till_the_next_End_of_the_World_killer_asteroid_to_hit_Earth_in_2106_999.html)

*[SEPP Comment: A new asteroid.]*

**Unilever's most dangerous brand**

Those who spout about a "new model" for capitalism invariably hold a -demonic image of the original

By Peter Foster, Financial Post, Feb 14, 2013

<http://opinion.financialpost.com/2013/02/14/peter-foster-unilevers-most-dangerous-brand/>

**Survey reveals fault lines in views on climate change**

By Staff Writers, Edmonton, Canada (SPX), Feb 12, 2013

[http://www.terraily.com/reports/Survey\\_reveals\\_fault\\_lines\\_in\\_views\\_on\\_climate\\_change\\_999.html](http://www.terraily.com/reports/Survey_reveals_fault_lines_in_views_on_climate_change_999.html)

**Most Geoscientists and Engineers are Global Warming skeptics**

By Jo Nova, Her Blog, Feb 11, 2013

<http://joannenova.com.au/2013/02/most-geoscientists-and-engineers-are-global-warming-skeptics/#more-26879>

**A sensitive, affordable sensor to detect tiny amounts of CO2**

By Staff Writers, Toronto, Canada (SPX), Feb 12, 2013

[http://www.spacedaily.com/reports/A\\_sensitive\\_affordable\\_sensor\\_to\\_detect\\_tiny\\_amounts\\_of\\_CO2\\_999.html](http://www.spacedaily.com/reports/A_sensitive_affordable_sensor_to_detect_tiny_amounts_of_CO2_999.html)

*[SEPP Comment: Imagine the uses!]*

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**BELOW THE BOTTOM LINE:**

**CNN anchor questions whether global warming to blame for asteroid**

By Staff Writer, Fox News, Feb 11, 2013 [H/t William Readdy]

<http://www.foxnews.com/science/2013/02/11/cnn-anchor-blames-asteroid-on-global-warming/>  
“Dinosaurs unavailable for comment,” one person slyly commented on Twitter.

### **Households asked to put a wash on when it's windy**

In the old days we would put a wash on when it is windy outside so clothes dry, but in the future we could be washing when it is windy because electricity bills are lower.

By Louise Gray Telegraph, UK, Feb 13, 2013 [H/t Malcolm Ross]

<http://www.telegraph.co.uk/earth/energy/windpower/9868388/Households-asked-to-put-a-wash-on-when-its-windy.html>

*[SEPP Comment: One of the great contributions of electricity was making household chores less laborious and more convenient. Is the new policy to make electricity available only when nature allows, thus making household chores more laborious and less convenient?]*

### **Greens Angered By Subsidized Photovoltaic System Installed On Energy-Guzzling Indoor Skiing Facility**

By P. Gosselin, No Tricks Zone, Feb 11, 2013

<http://notrickszone.com/2013/02/11/greens-angered-by-subsidized-photovoltaic-system-installed-on-energy-guzzling-indoor-skiing-facility/>

### **Gone with the wind: French scheme targets farting cows**

By Staff Writers, Paris (AFP), Feb 12, 2013

[http://www.winddaily.com/reports/Gone\\_with\\_the\\_wind\\_French\\_scheme\\_targets\\_farting\\_cows\\_999.html](http://www.winddaily.com/reports/Gone_with_the_wind_French_scheme_targets_farting_cows_999.html)

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### **ARTICLES:**

#### **1. EPA's Secret And Costly 'Sue And Settle' Collusion With Environmental Organizations**

By Larry Bell, Forbes, Feb 17, 2013

<http://www.forbes.com/sites/larrybell/2013/02/17/epas-secret-and-costly-sue-and-settle-collusion-with-environmental-organizations/>

“Sue and Settle “ practices, sometimes referred to as “friendly lawsuits”, are cozy deals through which far-left radical environmental groups file lawsuits against federal agencies wherein court-ordered “consent decrees” are issued based upon a prearranged settlement agreement they collaboratively craft together in advance behind closed doors. Then, rather than allowing the entire process to play out, the agency being sued settles the lawsuit by agreeing to move forward with the requested action they and the litigants both want.

In other words, the agency throws the case, somewhat like Peter Rabbit agreeing to be thrown into a favorite briar-patch. A big difference however, is that in this case, farmer McGregor and Peter were partners in the scam from the beginning. It’s the unwary American public that actually does get caught in the thorns.

While the environmental group is given a seat at the table, outsiders who are most impacted are excluded, with no opportunity to object to the settlements. Accordingly, both the litigants and the defendant agency, operating in coffee bars and friendly courtroom shadows, avoid the harsh outside glare of oversight. No public notice about the settlement is released until the agreement is filed in court...after the damage has been done.

On top of all that, we taxpayers, including those impacted regulatory victims, are put on the hook for legal fees of both colluding parties. According to a 2011 GAO report, this amounted to millions of dollars awarded to environmental organizations for EPA litigations between 1995 and 2010. Three “Big Green” groups received 41% of this payback: Earthjustice, \$4,655,425 (30%); the Sierra Club, \$966,687; and the Natural Resources Defense Council, \$252,004. Most of this was paid to environmental attorneys in connection to lawsuits filed under the Clean Air Act, followed next by the Clean Water Act.

In addition, the Department of Justice forked over at least \$43 million of our money defending EPA in court between 1998 and 2010. This didn’t include money spent by EPA for their legal costs in connection with those rip-offs, since EPA doesn’t keep track of their attorney’s time on a case-by-case basis.

While researching various broken government regulatory processes, the U.S. Chamber of Commerce discovered many new rulemakings and unreasonable permitting delays which appeared to have resulted from such consent decrees in which the EPA agreed to bind itself to issue new regulations on a specific timetable; i.e., “We can tell Congress the court made us do it.”

The Chamber concluded that such Sue and Settle rulemaking is responsible for many of EPA’s “most controversial, economically significant regulations that have plagued the business community for the past few years”. Included are regulations on power plants, refineries, mining operations, cement plants, chemical manufacturers, and a host of other industries. One of the most successful Sue and Settle strategies they cited “... has been on an issue few in Washington or around the nation are paying attention to: regional haze requirements under the Clean Air Act.”

The Chamber’s study author, William Yeatman, Assistant Director for Energy and Environment at the Competitive Enterprise Institute (CEI), emphasizes that EPA’s abuse of its Regional Haze authority forces states to relinquish their authority and accept EPA’s far more expensive plans, thereby increasing consumer utility charges. He concluded that: “... no state is immune from having its rightful Regional Haze authority trampled by EPA at profound costs for virtually nonexistent benefits.”

Having conducted eight state case studies, Yeatman found that:

- In Arizona, EPA’s Regional Haze regulation threatens to increase the cost of water, forcing the state to spend an additional \$90.2 million per year to implement the federal regulation.
- In Montana, EPA’s proposed Regional Haze controls are nearly 250% more expensive than what that agency’s standing rules presume to be “cost-effective” for compliance.
- In 2011, the EPA disregarded New Mexico’s Regional Haze plan, instead imposing a federal plan that requires nearly \$840 million more in capital costs...potentially raising average annual household utility bills by \$120.
- Although North Dakota is one of only 12 states that achieves all of EPA’s air quality standards for public health, it would not be able to achieve EPA’s Regional Haze goals for visibility even by shutting down all industry. The EPA plan would also cost the state an additional \$13 million per year,

- Refusing to approve Oklahoma’s Regional Haze plan, the EPA’s plan would cost the state \$282 million annually.
- In Wyoming, the EPA proposed a federal implementation plan that would cost almost \$96 million per year more than the state’s plan.
- Minnesota is subject to back-to-back Regional Haze regulations, whereby EPA is claiming authority to regulate regional haze twice in succession at its Sherburne County generating plant.
- EPA’s proposed plan would cost Nebraska nearly \$24 million per year to achieve invisible “benefits”.

Louisiana Senator David Vitter (R-LA), the new ranking member of the Senate Environment and Public Works Committee, plans to investigate this Sue and Settle practice, “using all available tools to bring to light this often abused path to regulatory influence”. For starters, he asked his Louisiana Attorney General Buddy Caldwell to join with AGs of 13 other states who filed a Freedom of Information Act (FOIA) request with EPA on August 10, 2012, asking for any and all correspondence between EPA and a list of 80 environmental, labor union and public interest organizations that have been party to litigation since the start of the Obama administration.

Unfortunately, getting federal agencies to comply with formal FOIA requests isn’t proving to be easy. And to make matters worse, there is evidence that top bureaucrats have even used private e-mail accounts and aliases to cover culpability tracks.

For example, Senator Vitter, along with Representative Darrell Issa (R-Calif.) who heads the House Oversight and Government Reform Committee, recently sent a letter to James Martin, EPA’s Region 8 administrator, warning him: “The use of personal, non-official e-mail accounts raises concerns that you could be attempting to insulate this and other e-mail correspondence from a Freedom of Information Act request. Moreover, your actions may also constitute violation of the Federal Records Act” ...evading congressional oversight of federal agencies.

One of those private e-mails at issue involved an exchange between Martin and Vickie Patton, the General Counsel for the Environmental Defense Fund, regarding an arranged meeting with him. Patton wrote: “Hi Jim, Next Monday or Tuesday December 12/13 at 9am depending on which is best for you.” Responding, Martin replied: “January 13 at 9:00 am works for me if it works for you. (Lost your original note-is that the date and time you proposed?” Vitter and Issa have confirmed that the meeting did, in fact, take place at the EPA regional office.

Several Martin e-mails were released by EPA as the result of a FOIA lawsuit lodged by Christopher Horner of the Competitive Enterprise Institute. Horner’s efforts also revealed evidence that former EPA Administrator Lisa Jackson was conducting official agency business under cover of the alias name “Richard Windsor”, and CEI also sued EPA seeking e-mails concerning the EPA’s behind-the-scenes regulatory war on coal plants. Horner’s new book, *The Liberal War on Transparency*, discusses this and other tricks.

Suspicious abound that the exposure of Jackson’s undercover communications had much to do with her departure decision shortly afterwards. Senator Vitter commented: “I think this e-mail issue clearly spurred Lisa Jackson’s resignation. But it’s much broader than her. It’s about a

culture of hiding an extreme agenda from Americans because it can't be sustained in public debate.”

CEI issued a statement that agreed with Vitter's perspective, commenting: “We also believe the timing was no accident. She claims to have told President Obama shortly after his re-election she planned to leave in early 2013, but her announcement went public just days after the Justice Department agreed- as a result of a lawsuit filed by CEI- to begin producing 12,000 e-mails from her ‘Richard Windsor’ account.”

On January 28, 2013, on behalf of the American Tradition institute (ATI) Horner also sued in the Federal District Court of Washington, D.C. to compel EPA to end its eight-month stonewall of two FOIA requests regarding its “uncomfortably close ties at great taxpayer expense” with the American Lung Association (ALA), and the Sierra Club. Both of these organizations lobby for stringent regulatory legislation the EPA wants, while at the same time, receiving agency funding. ALA has received \$20,405,655 from EPA over the past 10 years, and has run campaigns against politicians who challenge its policies. An ALA billboard ad in Michigan targeted House Energy and Commerce Committee Chairman Fred Upton, featuring a child with an oxygen mask over her face. The text read: “Rep. Fred Upton, protect our kids' health. Don't weaken the Clean Air Act.”

According to the ATI complaint, “The Sierra Club employs a similar model and has close working relationships with Agency officials.” This charge refers most particularly to a recent incidence where Sierra hired disgraced EPA Region 6 Administrator Al Armendariz. He left EPA shortly after a videotape revealed him acknowledging his “philosophy of enforcement” as being akin to random crucifixions used to keep subjects suitably respectful and “really easy to manage for the next few years.” Armendariz has pledged to continue to help Sierra (and, presumably, EPA) fight the coal industry.

Senator Vitter's office has informed me that there are ongoing investigations regarding a known revolving door of environmentalists and agencies, as well as Equal Action to Justice Act recovery money flowing to these groups post-settlement. In other words, the litigating groups are getting paid to sue both at the front end and tail end as well.

In an affidavit, ATI informed the court that one of the two specialists EPA assigned to handle the CEI's FOIA requests admitted that a supervisor instructed her and a colleague to perform no work on them. Then: “Following this, EPA constructed a cul de sac of refusing to perform a search of responsive records until ATI agreed to pay estimated fees...which by law non-profits typically do not pay under FOIA...but which EPA then refused to provide.”

Quite certainly, EPA is not the only federal agency to engage in secret Sue and Settle deals with crony environmental lobbying organizations. In a January letter to his Attorney General Buddy Caldwell, Senator Vitter wrote: “The collusion between federal bureaucrats and the organizations entering consent agreements under a shroud of secrecy represents the antithesis of a transparent government, and your participation in the FOIA request [filed by 13 other states' AGs] will help Louisianans understand the process by which these settlements were reached.” Caldwell subsequently agreed to the Senator's request.

Vitter highlighted a recent example where the Fish and Wildlife Service (USFWS), under management of the Department of Interior, entered an agreement with the Center for Biological Diversity involving new rules for endangered species ...a deal that could impact private property owners across the South who lack financial resources necessary to fight a legal challenge from that massive federal agency.

In a massive 2011 settlement of a lawsuit filed by environmental groups, FWS promised to address more than 250 candidate species it had previously found warranting protection under the Endangered Species Act (ESA) but were precluded from listing due to a backlog. As part of a behind-closed-door agreement, USFWS also pledged to review hundreds more species proposed for listing. One of these is the “lesser prairie chicken”, a Sue and Settle determination which would thwart economic development and give Washington politicians power to control private lands in five states: New Mexico, Texas, Kansas, Colorado and Oklahoma.

As New Mexico Congressman Steve Pearce said: “The Endangered Species Act is one of the most heavy-handed unbending laws we have...it gives bureaucrats the power to destroy entire economies with hardly a second thought.” Congressman Tim Huelskamp (R-KS) summed up concerns of his constituents, saying: “Amid historic drought in the Great Plains, the last thing we need is another federal agency intruding into the lives and private property rights of Americans. In this case, we are talking about a bird that is populous enough that we can still hunt them in Kansas. This is not about preservation of a species; it’s about federal control of private landowners and limiting the ability to develop and grow rural America. Bureaucrats are becoming an invasive species in America’s heartland.”

Noting that this ESA-based Sue and Settle ruling presents a problem for private landowners throughout the country, Senator Vitter is also encouraging the inclusion of USWFS (which was not originally included) in the multi-state AG FOIA collusion investigation. Recognizing that the path forward towards obtaining disclosure will be difficult, Vitter added that he was: “Warily confident that both EPA and USFWS will shun all efforts to open the doors on these practices, the negotiations, and the communications between agency staff and outside groups regarding Sue and Settle agreements.”

Considering that our top law enforcement official, Attorney General Eric Holder, has been cited for Contempt of Congress in withholding requested communications regarding the DOJ’s own “Fast and Furious” debacle, there can be no lingering doubt that Senator Vitter’s unfortunate prediction will prove right. Sadly, and alarmingly, this all falls far short of what would logically be expected from that “most transparent administration in history” we were promised.

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## **2. The Wind Power Tax**

A regulator socializes transmission-line costs, and a utility fights back.

Editorial, WSJ, Feb 11, 2013

[http://online.wsj.com/article/SB10001424127887324900204578284392827567184.html?mod=IT\\_P\\_opinion\\_2](http://online.wsj.com/article/SB10001424127887324900204578284392827567184.html?mod=IT_P_opinion_2)

Should businesses and families have to pay higher electricity rates to underwrite the cost of wind energy they don't even use?



That is the issue as the Federal Energy Regulatory Commission takes up a complaint by Interstate Power and Light Co. (IPL) that 500,000 rate payers in Iowa and Minnesota will have to pay \$170.5 million from 2008-2016 for transmission lines and upgrades to connect wind farms to the electric grid.

The utility provides compelling evidence that "the burden of these huge costs is unrelated to any benefits that may accrue to IPL and its customers." And they are paying even though they "have not experienced any material improvements to reliability or lower energy prices."

The case has ramifications nationwide because the price tag for upgrading and expanding power lines to reach offshore and remote wind turbines could reach \$150 billion. The green energy lobby and Obama Administration want to socialize these costs on the backs of all rate payers.

We criticized this stealth consumer tax two years ago ("The Great Transmission Heist," Review and Outlook, November 8, 2010). Michigan rate payers were asked to subsidize about 20% of the \$16 billion cost to build wind-based power lines outside the state even though those customers received little benefit. These cost-shifting schemes would seem to violate the Federal Power Act, which says FERC should establish "just and reasonable" rates to cover transmission costs.

Yet in 2011 FERC issued new guidelines called "Order 1000" stating that pricing to cover transmission costs need only be "roughly commensurate" with benefits received—whatever that means. When we challenged FERC for straying from the user-pays principle, FERC chairman Jon Wellinghoff responded that his agency's pricing proposal "makes clear that only those who benefit from transmission facilities will be allocated the costs of such transmission investments."

Well, now we'll see. The dispute is over what constitutes a "commensurate" benefit. Interstate Power and Light says it doesn't use the wind power, so it shouldn't pay for it. The green lobby and FERC counter that rate payers benefit from the overall "reliability" of the electric grid.

But this is like arguing that Oklahomans should pay to fix potholes in Manhattan because this enhances the national transportation system. In any case, wind power is one of the least reliable sources of electricity due to its intermittency. In states like Colorado, wind has to be backed up by coal or natural gas plants, not the opposite.

It's no secret why FERC is likely to rule against the homeowners in Iowa and Minnesota. The Obama Administration's green vision is to make wind and solar an ever-larger share of U.S. electricity production, regardless of costs. Think high-speed rail for the electric power network. The only way to make that happen without a political backlash is to spread the costs far and wide.

Wind and solar power are too expensive to compete with natural gas, coal, nuclear and hydropower without government help. The wind lobby already won an extension of its \$12 billion production tax credit as part of the recent tax increase. More than half the states also have renewable energy standards forcing residents to purchase wind power. And now the greens want another subsidy for transmission lines.

In the Interstate Power and Light case, FERC has an opportunity to reinstate the user-pays principle. If FERC won't do that, Congress should step in for consumers and define "just" and "reasonable" pricing for the windy Mr. Wellinghoff.

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### **3. Germany and Spain Move to Curb Green-Energy Supports**

By William Boston and James Angelos and Ilan Brat, WSJ, Feb 15, 2013

<http://online.wsj.com/article/SB10001424127887323478004578304181995426900.html>

More than a decade ago, Germany and Spain created similar laws to aggressively promote the adoption of renewable energy. The two countries were again marching in step on Thursday—this time to fix a web of subsidies and compensations they created for green energy that had the unintended effect of driving up household electricity bills.

With Spain in the grips of recession, the government wants to lower consumers' light bills. In Germany, Chancellor Angela Merkel faces an election in September and hopes to win points with voters by putting a stop to rising electricity bills. The independent steps have been welcomed by German consumer groups, but have been slammed by businesses as German and Spanish politicians move to finance cuts for consumers by passing on the costs to companies.

Germany subsidizes producers of renewable energy such as solar and wind power in part by imposing a surcharge on household electricity bills. As the industry has grown, demand for the subsidy increased, driving the surcharge higher. In January, the surcharge, which amounts to about 14% of electricity prices, nearly doubled to 5.28 euro cents per kilowatt hour. Large energy-intensive industries are exempted.

That means ordinary consumers shoulder the lion's share of the costs for what the German government calls its "energy revolution."

Fearing a voter backlash from anger over the lopsided financing of green energy, Ms. Merkel's government on Thursday proposed putting a cap on the green-energy surcharge until the end of 2014 and then restricting any rise in the surcharge after that to no more than 2.5% a year. The government also plans to tighten exemptions, which would force more companies to pay, and achieve a cut in green subsidies of €1.8 billion (\$242 billion). The plan is a quick fix pending comprehensive reform after the election, government officials said.

The proposal represents a compromise by the parties in Ms. Merkel's center-right coalition between taking small steps before the election and a more time-consuming comprehensive reform of the renewable energy law. The government now hopes to thrash out a bill with Germany's 16 states by the end of March, eliminating a potentially negative issue ahead of the election on September 22.

"We need a fundamental reform of the renewable energy law, but until we get there we don't want to make people wait and that is why there is this price cap on electricity," Economy Minister Philipp Rösler said Thursday after a meeting with representatives of the states.

The Spanish parliament took a similar step on Thursday, passing a law that aims to curb rising household electricity costs by cutting aid to the renewable-energy industry.

Renewable-energy producers "are going to receive less revenue, but these measures are better for consumers" said Energy Minister José Manuel Soria.

Among the changes in the Spanish system, the new law indexes certain subsidies and compensation to an inflation estimate that strips out the effects of energy, food commodities, and tax changes.

Until now, producers have been compensated using a full inflation estimate. The government said the law will cut the costs of the country's electrical system by €600 million to €800 million a year.

Renewable-energy companies said that the government was backing away from previous promises that it would ensure them a reasonable return on their investments.

"Spain's government is trying to smash the renewable-energy sector through legislative modifications," said José Miguel Villarig, chairman of the country's Association of Renewable-Energy Producers.

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#### **4. A Warning From the Asteroid Hunters**

The likelihood in this century of an asteroid impact with 700 times the destructive power of the Hiroshima A-bomb: 30%.

By Ed Lu and Martin Rees, WSJ, Feb 14, 2013

[http://online.wsj.com/article/SB10001424127887324196204578297823983416036.html?mod=W\\_SJ\\_Opinion\\_LEFTTopOpinion](http://online.wsj.com/article/SB10001424127887324196204578297823983416036.html?mod=W_SJ_Opinion_LEFTTopOpinion)

In the game of cosmic roulette that is our solar system, we just got lucky. Earth will get a very close shave on Friday, Feb. 15, when Asteroid 2012 DA14 passes just 17,000 miles from our planet. That is less than the distance from New York to Sydney and back, or the distance the Earth travels around the sun in 14 minutes. We are dodging a very large bullet.

The people of Earth also are getting a reminder that even in our modern society, our future is affected by the motion of astronomical bodies. The ancients were correct in their belief that the heavens affect life on Earth—just not in the way they imagined. Sometimes those heavenly bodies actually run into Earth. That is why we must make it our mission to find asteroids before they find us.

The last major asteroid impact on Earth was on June 30, 1908, when one about the size of an office building (140 feet across) slammed into Siberia with a destructive energy 700 times that of the atomic bomb dropped on Hiroshima. That asteroid devastated a region roughly the size of the San Francisco Bay area. Asteroid 2012 DA14, which will be passing over our heads on Friday, is about the same size as the asteroid that devastated Siberia's Tunguska region.

Many wonder about the odds that an asteroid may hit Earth in their lifetime. As it turns out, that is something scientists can measure quite well. We can count asteroids passing near the Earth using telescopes. We can count the number of craters on the moon. And we can count shooting stars in the sky, which are just small asteroids burning up in our upper atmosphere. We know how often asteroids of different sizes hit the Earth—and the odds of a dangerous one are cause for reflection.

The chance of another Tunguska-size impact somewhere on Earth this century is about 30%. That isn't the likelihood that you will be killed by an asteroid, but rather the odds that you will read a news headline about an asteroid impact of this size somewhere on Earth. Unfortunately, that headline could be about the destruction of a city, as opposed to an unpopulated region of Siberia.

The chance in your lifetime of an even bigger asteroid impact on Earth—with explosive energy of 100 megatons of TNT—is about 1%. Such an impact would deliver many times the explosive energy of all the munitions used in World War II, including the atomic bombs. This risk to humanity is similar to an individual's odds of dying in a car accident. That risk is small, but would you drive a car without air bags and seat belts? The question is apt because our society is effectively doing so with regard to the risk of a devastating asteroid strike.

The impact on Earth from a 3,000-foot-wide asteroid would cause an explosion equivalent to 40,000 megatons of TNT—and would likely end human civilization altogether, regardless of where it hit. The odds that such an asteroid impact would make us the last generation of human civilization are no lower than the odds of an average American dying in an earthquake (about 0.001%).

NASA has managed to find and track more than 90% of these major asteroids, so a civilization-ending impact in the next 100 years could come only from one of the undiscovered 10% of asteroids larger than 3,000 feet across. But smaller and more numerous asteroids remain a threat simply because we have mapped only a small percentage of them and therefore don't know if an impact is imminent.

We have the technology to deflect these asteroids—through small spacecraft known as kinetic impactors and gravity tractors that can change an asteroid's trajectory—but only if we have years of advance warning. We discovered 2012 DA14 only a year ago, so had it been on a collision course with Earth, there is nothing we could have done about it except evacuate the area near the expected impact site and hope for the best.

To defend ourselves, we first have to find and track the asteroids (like 2012 DA14) large enough to do great damage should they strike Earth. There are about one million such asteroids in dangerous orbits near Earth, yet scientists have identified the trajectories of less than 1% of them (fewer than 10,000). For every 2012 DA14 we know of, there are 99 more we know nothing about.

That is why the B612 Foundation was established in 2002 and since 2012 has been building the Sentinel Space Telescope to find threatening asteroids before they find us. It is part of the most ambitious and important private space mission in history. The Sentinel telescope will give humanity decades of warning before a future asteroid impact so we can employ space technology to protect the planet. Because this is a privately financed project, the general public can get involved in making Sentinel a success.

On most days, human civilization wins the game of cosmic roulette. But just as we take precautions to reduce our individual risks of dying in car accidents or earthquakes, we should be

doing the same to reduce our societal risk of a catastrophic asteroid impact. Let's open our eyes and stop gambling with our future.

*Mr. Lu, a former NASA astronaut, is CEO of the B612 Foundation in Mountain View, Calif. Lord Rees is astronomer royal of the U.K. and the author of "From Here to Infinity" (W.W. Norton, 2012).*

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