New York Gov. Cuomo to Sell Failed High-Speed Trains

By Brian Fojtik

New York Gov. Andrew Cuomo (D) has announced plans to hold a fire sale of unused trains purchased by the state as part of a failed high-speed rail project.

'Train to Nowhere'
In 1998, then-governor George Pataki (R) announced a “historic” high-speed rail partnership with Amtrak. The state poured $70 million into a plan calling for retrofitting seven sets of Amtrak gas turbine trains and making track improvements to facilitate high-speed travel from Albany to New York City.

Now, 14 years later, the state will sell what’s left of the unused trains, probably for scrap. Four sets of trains have sat unused in a rail yard in Glenville, New York (with spare parts in a Rotterdam industrial park) since 2004, costing state taxpayers $150,000 per year in storage costs. Each Amtrak Turboliner weighs about 400 tons. They may be scrapped by the state for as little as 10 cents per pound.

Mining Revitalizes Upper Michigan

By D. Brady Nelson

Michigan’s economically beleaguered Upper Peninsula is experiencing a dramatic economic turnaround thanks to a resurgence in mining.

Mining gained momentum this year after a state judge rejected efforts by environmental activist groups to block permits issued by the state’s Department of Environmental Quality.

Rio Tinto is investing $469 million in a new mine in Michigan’s Upper Peninsula (the “U.P.”). Kennecott Eagle Minerals, a wholly owned subsidiary of Rio Tinto, will operate the mine, which will produce mostly nickel but also small
Don’t Miss an Issue!

Next month’s issue of Environment & Climate News will be digital-only. To make sure you don’t miss anything, sign up at heartland.org/subscribe. It’s easy, it’s free, and it will keep Environment & Climate News coming to you. The October issue will be printed as usual. You can also download a pdf of any issue from our Web site, heartland.org, absolutely free.

The Heartland Institute’s 28th Anniversary Benefit Dinner

Gov. Scott Walker Keynote Speaker

Thursday, August 9, 2012
5:30 PM - 9:00 PM
Navy Pier
Chicago, Illinois

On Thursday, August 9, 2012, The Heartland Institute will celebrate the 28th anniversary of its founding with a reception and dinner featuring Wisconsin Gov. Scott Walker!

The event will take place in the Grand Ballroom on Chicago’s historic Navy Pier, featuring an 80’ domed ceiling and panoramic views of Lake Michigan.

This year’s keynote speaker, Wisconsin Gov. Scott Walker, is the nation’s most influential and successful governor. He was elected in 2010 to balance a budget that was billions of dollars in deficit without raising taxes, and did so successfully.

The Grand Ballroom will sell out quickly, so purchase tickets or reserve a table now. This will be the biggest celebration of freedom in Chicago in 2012. You don’t want to miss it!

For more information or for advance table and ticket sales, please contact Gwendalyn Carver at 312/377-4000 or gcarver@heartland.org.
Alaska Balks at Unprecedented EPA Action Against Pebble Mine Project

By Cheryl K. Chumley

Alaska state officials are crying foul after the U.S. Environmental Protection Agency took the unprecedented step of issuing a highly critical assessment of a mining project even though plans for the project have yet to be developed.

EPA Issues Critical Analysis
EPA on May 18 issued a highly critical draft analysis of the Pebble mine project in southwest Alaska. The mine is expected to produce 80.6 billion pounds of copper, 107.4 million ounces of gold, and 5.6 billion pounds of molybdenum. Those materials are currently worth close to $1 trillion.

EPA’s analysis asserted the project would cause the loss of 87 miles of streams and seven square miles of wetlands.

“We conclude that, at a minimum, mining at this scale would cause the loss of spawning and rearing habitat for multiple species of anadromous and resident fish,” EPA asserted. Anadromous fish are those that swim up rivers to spawn.

Mitigation Plans Ignored
Pebble Partnership CEO John Shively countered that EPA is ignoring Pebble-financed reclamation projects that would mitigate most or all of the negative environmental impacts. Rerouting rivers and streams potentially affected by the proposed mine could actually improve conditions for area fish, Shively noted. Pebble has spent more than $100 million on environmental and socioeconomic studies to create the best possible plan for the mine.

“We have taken several years and expended considerable resources to study the ecosystem in a small area around the Pebble deposit,” Shively noted in a statement to the press.

“EPA’s work has not yet approached the level of rigor and completeness required for a scientific assessment,” Shively said.

Environmental Impacts Disputed
Opponents of the mine argue the environmental costs are too high.

“EPA came out with an assessment and found unacceptable impacts to the fishery, and based on that, we feel they have the right to take action,” said Nelli Williams, a special projects coordinator for Trout Unlimited. “We are hoping they will take a hard look at the water quality,” Williams added.

Unprecedented EPA Action
Alaska state officials and the Pebble Partnership are particularly concerned about EPA taking the unprecedented step of publishing an environmental assessment before the partnership has completed and submitted plans for the mine.

“Until we complete our work and submit an application under NEPA [the National Environmental Policy Act], the EPA's work as it relates to our project is based entirely on speculation,” said Shively.

EPA’s “rush to judgment in the absence of a detailed proposal and permit application should concern all Alaskans,” wrote Alaska Attorney General Michael Geraghty in a guest editorial in the Anchorage Daily News. “We do not yet know what form that mine will take and what precautions and mitigation measures the company will propose for the project.

“I am not ‘for’ or ‘against’ the Pebble mine,” Geraghty explained. “What I am ‘for’, and what I hope all Alaskans are for, is the responsible development and management of our state’s resources for the benefit of all Alaskans and the protection of Alaska’s rights as a state to do so without encroachment by the federal government.”

Economic Benefits
If allowed to proceed, the Pebble mine would provide tax revenues for local economies while creating thousands of jobs for Alaskans and reducing the nation’s dependence on overseas sources of the materials to be mined there.

“The Pebble mine is exactly the type of project this country needs,” said Jay Lehr, science director for The Heartland Institute, which publishes Environment & Climate News. “The Pebble mine will be one of the most productive mines in history. It will create tremendous wealth for Alaska and the nation as a whole. It is like somebody dropping an enormous wealth bomb on the state and nation.

“Just as importantly,” Lehr added, “the Pebble Partnership is sparing no expense in conducting environmental analyses and preparing for environmental mitigation. While the economic benefits are huge, the environmental costs will be minimal. This is the very definition of a no-brainer decision.”

Cheryl Chumley (ckchumley@aol.com) is a digital editor with the Washington Times’ newest endeavor, www.Times247.com.
Ohio Parts Company with Natl. Association of Clean Air Agencies

By Bonner R. Cohen

Ohio is cutting its ties with the National Association of Clean Air Agencies, a group of state and local air pollution control officials that routinely champions environmental activist claims and controversial U.S. Environmental Protection Agency restrictions.

Ohio Environmental Protection Agency Director Scott Nally announced his state will leave the Washington, DC-based organization by the end of the year.

Nally said Ohio EPA must spend its money on environmental stewardship and technical support, rather than “lobbyists.”

During the past few years the National Association of Clean Air Agencies (NACAA) championed EPA policies to limit mercury emissions from power plants, reduce air pollution that crosses state lines, and cut carbon dioxide emissions from power plants and other sources because of their alleged contribution to global warming.

Nally plans to create his own organization that will compete with NACAA. The most likely candidates for membership are states that have left NACAA or plan to do so. Florida, North Dakota, and Texas already have withdrawn from NACAA, and they soon will be joined by Ohio and Louisiana.

State environmental protection agencies are expressing increasing dissatisfaction with U.S. EPA outreach under the Obama administration. The administration’s increasingly stringent restrictions on affordable energy sources are particularly vexing to state environmental officials.

Texas and Louisiana are major producers of oil and natural gas, and North Dakota produces coal, oil, and natural gas. EPA regulations targeting emissions from refineries, power plants, heavy equipment, and other facilities associated with the production and burning of fossil fuels will have an adverse effect on these states’ economies.

Florida has been locked in a conflict with EPA over the agency’s efforts to broaden its authority under the Clean Water Act to manage the state’s waterways.

Ohio, a Rust Belt state that has been losing jobs and residents for decades, is benefitting from an economic rebound, propelled by the energy-rich Utica Shale in the eastern half of the state. Ohio may soon become a prime target of EPA regulations focusing on fossil fuels, and NACAA is likely to support such regulations.

“No lobbyist’s frustration is understandable,” said Daniel Simmons, director of state policy at the Institute for Energy Research. “All too often, NACAA appears to be a cheerleader for the administration’s policies of tightening regulations regardless of their impact on ordinary Americans.”

Simmons pointed to an NACAA-produced primer on global warming as an example of the group pushing an agenda rather than representing member states on environmental issues.

“I expect other states to follow Ohio and leave the activist NACAA for greener pastures,” Simmons added.

Bonner R. Cohen, Ph.D. (bcohen@nationalcenter.org) is a senior fellow at the National Center for Public Policy Research.

Wyoming Gov. Mead Seeks End of Protection for Yellowstone Grizzlies

By Bonner R. Cohen

Wyoming Gov. Matt Mead (R) has sent a letter to U.S. Interior Secretary Ken Salazar asking for the end of federal Endangered Species Act protections for grizzly bears in the Yellowstone ecosystem.

The Yellowstone grizzly bear was listed as threatened under the ESA in 1975, when the area’s grizzly population declined to an estimated 136 bears. Approximately 650 grizzly bears live in the Yellowstone region today.

Mead argued in his May 24 letter that Yellowstone-area grizzlies are fully recovered and no longer need endangered species protection.

“Many knowledgeable people, including grizzly bear scientists within the Department of Interior, believe the species is unquestionably recovered within the Yellowstone Ecosystem,” Mead wrote.

Costly ESA Protections

Mead said the ESA-mandated grizzly bear recovery program is “severe and costly” and no longer necessary given recent improvements in bear habitat, food supply, and population.


“This is paid by Wyoming hunting license revenue, not United States Fish and Wildlife grants,” Mead added, “and Wyoming does not have jurisdiction for the bears—the USFWS does.”

Grizzlies Becoming Abundant

In addition to the cost of the recovery program, Mead expressed concern that four people have been killed by Yellowstone grizzlies in the past two years. The killings marked the end of a 14-year span (1986–2010) during which there were no fatalities from grizzly attacks in the Yellowstone region.

There is growing evidence the bears are expanding their range as their numbers increase. Yellowstone grizzlies have wandered south as far as the Grand Teton National Park, where until recently, only black bears had been sighted.

Seeking a Timely Decision

With his letter to Salazar, Mead hopes to speed up a review process that normally takes FWS officials two years to complete.

“Two years is too long and the cost is too high,” Mead wrote. “The continued listing of a recovered population of grizzly bears is a threat to people, especially recreationalists, hunters, and property owners.”

With the grizzly bear’s continued recovery, Wyoming officials are considering managed hunts if the federal government removes Endangered Species Act protection. State wildlife officials would set yearly hunting quotas that would ensure the long-term survival of the species while keeping local populations manageable.

Bonner R. Cohen, Ph.D. (bcohen@nationalcenter.org) is a senior fellow at the National Center for Public Policy Research.
California Prepares to Auction Carbon Credits

By Whitney Stewart

The central component of California’s Global Warming Solutions Act (AB 32) is taking effect this year, and with the state facing a $15.7 billion deficit, political leaders have ended a long debate over how to spend revenue the act is expected to generate.

The central component of the measure is “cap and trade,” a complex system that aims to reduce greenhouse gas emissions generated in the state by capping the amount of the emissions businesses may produce.

The goal is to reduce carbon emissions to 1990 levels by 2020, then cut them another 80 percent by 2050. Starting this November the state will begin auctioning carbon permits to companies that exceed the emissions limit.

In January 2013 greenhouse gas emissions by the state’s major energy users and pollution emitters will begin to be counted against the cap. Companies with emissions below the cap may sell carbon emissions credits to those that exceed the cap.

Funding Debate

Officials are betting more companies will be buying credits than selling them. The state Legislative Analyst’s Office projects quarterly carbon auctions will raise $660 million to $3 billion annually.

Cap and trade critics predict the program will drive companies out of the state.

“In this budget, we actually bank on $500 million scored in extortion money that we’re going to take from businesses, known as cap and trade—it’s absolutely insane,” said state Assemblyman Tim Donnelly (R-Hesperia) in a June 15 speech on the Assembly floor.

“It’s as if the government of California is the mob,” he continued. “We are going to drive businesses out of the state. This has nothing to do with fixing California’s problems.”

Originally, officials planned to allocate proceeds from AB 32 to technologies and programs aimed at reducing greenhouse gas emissions. They also discussed offering utility rebates for lower-income consumers.

But in the 2012–13 state budget legislators passed in mid-June, the projected $1 billion in revenue over the next two years is slated to offset part of the General Fund’s gaping budget deficit and finance emissions regulation enforcement.

Republican lawmakers have long said the cap and trade program is a scheme for making money, not a well-intentioned climate change effort.

More Modest Initiative

When California passed AB 32 in 2006, the state government was on a mission to create a massive multistate coalition to fight climate change through carbon trading and taxation. The Kyoto Protocol had just entered into force the year before, with 37 industrial countries committing to develop national enforcement measures on carbon emissions reduction.

By 2010, California was leading the way for seven states and four Canadian provinces to set and enforce targets for greenhouse gas emissions in the western half of the continent through a coalition called the Western Climate Initiative.

But by 2013 carbon trading is neither easy nor cheap, and in 2011 Arizona, Montana, New Mexico, Oregon, Utah, and Washington dropped out to join a different initiative, North America 2050, which pursues climate change prevention but forgoes cap and trade. British Columbia, Manitoba, and Ontario are still members of WCI, but they bowed out of the first round of carbon auctions. That means California and Quebec will go it alone this fall.

“It reminds me of the old Chinese proverb that the person who thinks he is a leader and has no followers is just simply taking a walk,” said Tom Tanton, president of T2 & Associates, a California consulting firm for the energy and technology industry. “The 2006 law pre-amble said California was going to be a leader. But they’re just taking a walk because no one is following us on cap and trade.”

Innovation Imperative

Innovation, not heavy-handed regulation, is the way to improve carbon emission practices, says Tanton, who spent nearly three decades with the California Energy Commission and wrote energy legislation.

The reason for last year’s breakup of the WCI was simple, said Arizona Department of Environmental Quality Communications Director Mark Shaffer: Overregulation kills jobs, which hurts state economies.

“It became very apparent three or four years ago that cap and trade was going nowhere in Arizona, so we started looking for alternatives,” Shaffer said. “[Cap and trade] was far too regulatory, and it felt like it was impossible to economically improve with all those regulations hanging over the state.”

Whitney Stewart (whitney.stewart04@gmail.com) writes from Minnesota.
Judge Scraps License for Colorado Uranium Mill

By Bonner R. Cohen

A state judge has struck down a uranium mill license issued by the Colorado Department of Public Health and Environment.

In his much-anticipated ruling, Denver District Judge John McMullen said CDPHE did not allow adequate public comment before issuing a license to Energy Fuels, Inc. to operate in rural Paradox Valley a mill that would process uranium for use in nuclear power plants.

Temporary Obstacle?

McMullen's ruling represents a procedural victory for environmental activist groups and the towns of Telluride and Ophir, which filed suit against CDPHE last year.

In addition to objecting to the way CDPHE handled the public comment period, the Sheep Mountain Alliance and other activist groups said the proposed mill would result in releases of radioactive material into the San Miguel and Dolores rivers.

The judge's decision may represent little more than a delay for the project. CDPHE will now have to hold a public hearing on the license before it can render a final decision.

The Piñon Ridge Uranium Mill in Montrose County is slated to become the nation's only conventional uranium mill. In May, Energy Fuels concluded a deal with Denison Mines Corp. to acquire its U.S. operations, including the White Mesa mill in southern Utah.

A Testy Battle

The controversy surrounding the licensing of the Paradox Valley mill has been punctuated by testy exchanges between CDPHE Executive Director Christopher Urbina and the Nuclear Regulatory Commission (NRC) in Washington, DC.

In March the NRC sent a letter to the Sheep Mountain Alliance's legal counsel saying it was proposing “corrective actions” to satisfy the requirement that a public hearing be held on Energy Fuels' license application.

Urbina responded, sending a letter to the NRC chastising it for inserting itself into the discussion and debate. In April, the NRC backed down, stating it would not intercede in the litigation and acknowledging it had no authority over the licensing of a uranium mill in Colorado.

Mining Benefits Communities

“Laws and regulations already on the books ensure that mining is done in an environmentally benign manner,” said Jay Lehr, science director for The Heartland Institute, which publishes Environment & Climate News. “The environmental truth about mining is reassuring.

“Mining is an important part of many local economies,” Lehr added. “It is no coincidence that the vast majority of citizens in mining regions support mining activities. Mining creates wealth, puts money in people’s pockets, and finances a broad array of public services like schools and health care.”

Bonner R. Cohen, Ph.D. (bcohen@nationalcenter.org) is a senior fellow at the National Center for Public Policy Research.

Mining Growth Revitalizes Economy in Michigan's Upper Peninsula

Continued from page 1

amounts of copper and other minerals. Orvana Minerals Corp. is investing $225 million in a copper and silver mine. Highland Resources is investing $11.5 million exploring for copper.

Mining companies expect these and other mining projects to create billions of dollars in economic activity in the U.P. during the next decade.

Michael LaFaive, director of the Morey Fiscal Policy Initiative at the Mackinac Center for Public Policy in Midland, Michigan, says mining will revive the U.P. economy as long as government doesn’t get in the way and mess things up.

“Renewed interest in U.P. mining is another reminder of just how well the price mechanism works. It efficiently acts as a signal to produce more or less of things and does so in almost every arena of life,” LaFaive explained. “This is also a reason we must take care to prevent governments from distorting price signals.”

Neighboring States Take Notice

Analysts in neighboring states hope their states will follow Michigan’s lead.

“The United States has more than $6 trillion worth of untapped minerals waiting to be mined,” said Scott Manly, director of environmental and energy policy for Wisconsin Manufacturers and Commerce.

“Advances in mining technology allow valuable minerals to be mined in an environmentally responsible manner while providing family-supporting jobs—leaving the anti-mining crowd with no rational basis to oppose mining investment projects.”

“The frustration in dealing with demands by environmental activists is that they don’t recognize the importance of balancing human needs—wildlife habitat with timber harvesting, water quality with copper production,” said National Mining Association spokesperson Luke Popovich. “The economic side of the ledger is missing from their books.”

Tax Regime Gets Second Look

Gov. Rick Snyder (R) is proposing a 3 percent severance tax to replace other taxes and fees mining companies pay under existing law. The severance tax would be levied on the value of minerals removed from the ground, which would spare mining companies from paying large tax bills before their operations begin making money or when production is scaled back because of economic downturns or price declines.

Under Snyder’s proposal, local governments in mining regions collect and distribute the severance tax revenue, with 45 percent being kept locally for schools, police, and the like, and the other 55 percent going to a new rural development fund offering grants for regional infrastructure projects.

D. Brady Nelson (d.brady.nelson@mac.com) is a Milwaukee-based economist.
Hydraulic Fracturing Poses Low Risk of Earthquakes

By James M. Taylor, J.D.

The production of oil and natural gas through hydraulic fracturing methods creates only a low risk for inducing earthquakes that can be felt by people, the National Research Council, an arm of the National Academy of Sciences, concludes in a new study.

Only a very small fraction of natural resource extraction activities has caused noticeable earthquakes, and these are related to wastewater storage activities subsequent to, and separate from, the fracturing process itself, the report notes.

Wastewater Storage the Key

Although the hydraulic fracturing (fracking) process itself is unlikely to induce earthquakes, the underground disposal of fracking wastewater presents a higher risk of small earthquakes, the study concludes.

Those risks, the study notes, can be mitigated by carefully choosing where and how to store wastewater underground, or by disposing of it above ground.

“A string of small seismic events in Arkansas, Oklahoma, and Texas in the past several years has been related to waste water disposal associated with oil and gas production. These seismic events have brought the issue of induced (human-caused) seismicity firmly into public view,” the study reported.

“Although only a very small fraction of injection and extraction activities at hundreds of thousands of energy development sites in the United States have induced seismicity at levels that are noticeable to the public, seismic events caused by or likely related to energy development have been measured and felt in Alabama, Arkansas, California, Colorado, Illinois, Louisiana, Mississippi, Nebraska, Nevada, New Mexico, Ohio, Oklahoma, and Texas,” the study reported.

Even with the higher risk of earthquakes associated with underground wastewater storage, the earthquakes have been sufficiently minor to cause no loss of life or significant property damage.

“Induced seismic events associated with these energy technologies have not resulted in loss of life or significant damage in the United States,” explained a National Academies press release accompanying the study.

Contributing Factors ‘Well Understood’

“The basic mechanisms that can induce seismicity related to energy-related injection and extraction activities are not mysterious and are presently well understood,” the study reported. “Only a very small fraction of injection and extraction activities among the hundreds of thousands of energy development wells in the United States have induced seismicity at levels that are noticeable to the public.”

“The factor most directly correlated with induced earthquakes is the total balance of fluid introduced or removed underground,” the press release explained. “Because oil and gas development, carbon capture and storage, and geothermal energy production each involve net fluid injection or withdrawal, all have at least the potential to induce earthquakes that could be felt by people. However, technologies designed to maintain a balance between the amounts of fluid being injected and withdrawn, such as most geothermal and conventional oil and gas development, appear to produce fewer induced seismic events than technologies that do not maintain fluid balance.”

The study identified the factors necessary to cause seismic events.

“For such activities to cause these events, a certain combination of conditions has to exist simultaneously:

a. significant change in net pore pressure in a reservoir;

b. a pre-existing, near-critical state of stress along a fracture or fault that is determined by crustal stresses and the fracture or fault orientation; and

c. fault-rock properties supportive of brittle failure.”

Study Debunks Activist Myths

Environmental activist groups have pushed the notion that hydraulic fracturing causes earthquakes, in an effort to convince state legislatures to ban or severely restrict energy production.

“The National Research Council has convincingly shot down yet another alarmist myth about energy production,” said Jay Lehr, science director for The Heartland Institute, which publishes Environment & Climate News. “Hydraulic fracturing does not cause earthquakes.

“In certain circumstances, post-fracking water storage techniques can cause an increase in very minor earthquakes, but these minor side effects have nothing to do with the fracking process itself. And even these minor impacts are becoming better understood and are increasingly being averted,” Lehr observed.

“Just as importantly, natural gas is a clean-burning energy source that produces almost no emissions. It offers a win-win option for both the economy and the environment,” Lehr explained.

James M. Taylor (jtaylor@heartland.org) is managing editor of Environment & Climate News.

INTERNET INFO


NEW BOOK FROM THE CATO INSTITUTE

“This is a must-read compendium of the issue that has permeated virtually every aspect of life and public policy. Michaels and his high-powered team of experts address the exaggerations and outright falsehoods used to justify policy decisions.”

—JOSEPH D’ALEO
Fellow, American Meteorological Society

Despite convincing evidence that observed climate changes do not portend a calamitous future, global warming alarmism is invading nearly every aspect of our society. Leading climatologist Patrick Michaels gathers a team of first-rate experts to comprehensively document the pervasive influence global warming alarmism has on our lives—from national defense, law, trade, and politics to health, education, and international development.

HARDBACK. $24.95 • EBOOK. $14.95

Buy your copy at bookstores nationwide, call 800-767-1241, or visit Cato.org.
Colo. Mining Association, Wyo. Fight Roadless Rule

By Brian Fojtik

The State of Wyoming and the Colorado Mining Association have petitioned the U.S. Supreme Court to invalidate the federal government’s Roadless Area Conservation Rule, also known as the Roadless Rule.

Power Reserved for Congress

The petitioners argue the U.S. Forest Service exceeded its authority in enacting the Roadless Rule by exercising power reserved solely for Congress.

In announcing the petition, Wyoming Gov. Matt Mead (R) said he hoped the Court would reinstate a decision by U.S. District Judge Clarence Brimmer striking down the Roadless Rule. The Tenth Circuit Court of Appeals had reversed Brimmer’s decision.

Bans Even Beneficial Uses

The Roadless Rule, enacted by the U.S. Department of Agriculture during the waning days of the Clinton administration, bans road building or maintenance on more than 58 million acres of public land, mostly in the West. The ban affects more than 3 million acres in Wyoming, essentially rendering the land protected wilderness.

According to the Colorado Mining Association (CMA), the rule not only impedes mineral development but also forecloses other uses such as timber harvests and forest health protection measures. The CMA petition notes roadless restrictions also create increased risk of environmentally destructive insect infestations and forest fires.

“The Roadless Rule will cause great harm to the mining industry and local communities that rely on mining,” CMA President Stuart Sanderson explained in a press statement. “If allowed to stand, the Roadless Rule will effectively prevent future mining on Roadless lands, leading to a decrease in mineral and coal production, job losses, and sharp decreases on taxes and revenues from the coal mining industry that are critical to local governments and public school systems.”

Paul Seby, legal counsel to the CMA, argued in the petition, “the 1964 Wilderness Act says Congress alone designates wilderness areas” and the rule enacted by the Clinton Agriculture Department designates the affected lands as de facto wilderness, outside the scope of the Wilderness Act.

“This [Rule] has real impacts for multiple use in Wyoming, and [it] was developed without meaningful input from any state, county, or town. This rule affects our economy and our ability to fight the bark beetle epidemic.”

MATT MEAD
GOVERNOR - WYOMING

Colorado, Feds Reach Agreement on Roadless Rule

By Cheryl K. Chumley

It took seven years, but Colorado and U.S. Forest Service officials have finally completed work on an environmental impact statement on the state’s roadless rule.

President Bill Clinton in 2001 announced his Roadless Area Conservation Rule limiting logging and road construction on more than 58 million acres of declared National Forests and Grasslands around the nation.

President George W. Bush subsequently relaxed the rule a bit to allow states to formulate their own roadless plans for federal lands in the state. That left Colorado with the question of how to manage its 4.2 million acres of federal lands.

Limited Economic Development

The final proposal crafted between state and federal authorities conserves 4.2 million acres of federal roadless areas while upholding the rights of oil and gas leaseholders who wish to continue development on land they currently lease.

In addition to giving leaseholders the right to continue their activities, the plan allows for limited road-building in areas of energy development and where wildfires might pose problems. Roads also may be built near coal mines and ski areas to accommodate expansions.

Those exceptions apply to only a small portion of federal lands in the state. Under the agreement, approximately 4 million of the 4.2 million acres will remain completely untouched.

Activists Spar with Democrats

U.S. Sen. Mark Udall (D-CO) expressed his support for the agreement in a statement to the press.

“Pasts delays have led to uncertainty for local businesses and communities, and this should help provide some stability going forward,” said Udall in a written statement. “This is a great example of a very thorough process, where thousands of Coloradans and stakeholders came together to work out a framework that makes sense for Colorado.”

Despite the widespread support for the agreement, particularly among Democrat state and federal officials, environmental activists groups were critical of state officials for allowing any economic activity at all on roadless federal lands in the state.

“We have a mixed reaction to it,” said Sloan Shoemaker, executive director of the Wilderness Workshop. “We actually think the 2001 roadless rule was better and the only reason to do one specifically tailored to Colorado is to put in a bunch of loopholes and exceptions that will degrade the property.

“It’s going to be ultimately approved,” Shoemaker conceded. “But we don’t like the overly broad exception that allows for tree cutting and ... one of the areas we’re particularly concerned about is there aren’t enough protections for our watershed against oil and gas development.”

Restrictions Too Severe

Jay Lehr, science director for the Heartland Institute, which publishes Environment & Climate News, disagreed.

“Sixty percent of federal lands are closed to energy production and another 30 percent are so severely restricted as to be effectively off limits,” Lehr observed. “The problem with our federal lands policy is not too few environmental restrictions, but too many.

“Roadless policies also make it nearly impossible for people to visit places of exceptional beauty,” Lehr added. “Theodore Roosevelt envisioned setting aside places of exceptional beauty for all the people to enjoy. Environmental activists of today seek to set aside places of exceptional beauty for nobody to enjoy.”

Cheryl Chumley (ckchumley@aol.com) is a digital editor with The Washington Times’ newest endeavor, www. Times247.com.
Wyoming, U.S. Government Explore Land Exchanges

By Alyssa Carducci

The State of Wyoming is working on a formal agreement with the Bureau of Land Management (BLM) to trade environmentally sensitive lands for lands rich in minerals, oil, and natural gas resources.

The BLM and the Wyoming Office of State Land and Investments (OSLI) are putting together a memorandum that would lay out ground rules and set forth a process for the land exchanges. BLM would transfer land that is desirable for energy development in exchange for Wyoming state trust land of special environmental significance.

Ryan Lance, director of the Wyoming Office of State Land and Investment, said the state and BLM are currently ironing out agreements on broad principles, and they expect to be discussing soon particular lands for exchange.

Energy Resources Targeted

Lance said the parties will likely discuss a 640-acre parcel of land in the Fortification Creek area in northeastern Wyoming. The state owns land that sits on approximately 9 billion cubic feet of natural gas, but the parcel is trapped within a BLM-designated wilderness study area.

Wyoming state officials came up with the idea of land exchanges when the federal government directed the state to forgo issuing leases for phosphate development on environmentally sensitive land sites along a region known as the Lander Front.

Lance said revenues from resource-rich lands will help fund public schools and other important government services.

“I can’t just simply not lease,” said Lance. “I can’t forgo opportunities to derive revenues from those parcels.”

Environmentalist Groups on Board

Lance said environmentalists should be pleased with the proposed land swaps.

“They really don’t want me developing in these very sensitive areas on the Lander Front and in the Fortification Creek area in the Powder River Basin,” Lance explained. “So they’re actually part of that group, along with State Game and Fish and other research protection interests, that want me to trade up. They don’t want me developing in these areas that the state currently owns.”

“The process has the potential to provide for more efficient land management for both the State of Wyoming and the BLM,” said Beverly Gorny, a spokesperson for the federal Bureau of Land Management.

Gorny identified three environmental groups—the Wilderness Society, Wyoming Wildlife Federation, and the Nature Conservancy—who she said are supportive and offered to help with public outreach.

Lance said the biggest challenge to implementing land exchanges will be the federal regulatory process. He said the federal system doesn’t work very quickly, and he wants to begin implementing trade agreements as quickly as possible.

‘Sclerotic Federal Regulation’

“It is surprising, given the Obama administration’s poor record on energy production, that the BLM would consider this common-sense plan to allow energy development through a land swap,” said Daniel Simmons, director of regulatory and state affairs at the Institute for Energy Research.

“The fact that the land needs to be transferred to a state government to allow energy development is an indictment of just how sclerotic federal regulation has become,” Simmons observed. “This is one more reminder of why oil, natural gas, and coal production is decreasing on federal lands while oil and natural gas production on state and private lands is skyrocketing.”

Ranchers Concerned

Although environmental and conservation groups seem to be fully on board, cattle ranchers are somewhat more cautious in their support for the land exchanges. Lance said the cattle industry is seeking assurances their grazing rights will remain protected once state lands are traded and become federal lands.

Jim Magagna, executive vice president for the Wyoming Stock Growers Association, says the association fully supports opening the door to land exchanges. Once specific lands are identified, the association will look at each proposal to determine what impacts it may have on public land grazing, he said.

“I anticipate that we will support many of these exchanges while opposing others,” he said.

Parties Making Progress

Gorny said she expects the parties to sign a memorandum of understanding by the end of the summer.

“This process usually takes several years to complete for each proposed exchange action,” she said.

“I have to be optimistic, because there’s no other choice,” Lance said about agreeing to a framework for land exchanges.

Alyssa Carducci (ad.carducci@gmail.com) writes from Tampa, Florida.

Counting the Costs

Welcome to the other national debt — the cost of regulation

For nearly 20 years, Ten Thousand Commandments has been dedicated to informing citizens about the hidden tax of federal government regulation of the economy. Check the website regularly for news of new federal regulations, or sign up for email updates.
Gulf Coast States Chafe at Feds’ Fishing Seasons

By Cheryl K. Chumley

Louisiana and Florida are considering joining Texas in allowing longer fishing seasons in state waters than federal wildlife officials allow in federally controlled waters further offshore.

Tough Federal Restrictions

Federal wildlife officials completely banned red snapper fishing in the Gulf of Mexico during 2010 and 2011, and they are allowing red snapper fishing for only 40 days in 2012. Scientists and state wildlife officials say the federal restrictions are too stringent and that longer fishing seasons are warranted in states where red snappers are abundant.

States control fishing in waters within three miles of the shore, and they typically set fishing seasons in state waters to coincide with federal fishing seasons further offshore. Texas, however, grew frustrated with federal snapper restrictions and currently allows year-round red snapper fishing in state waters.

The Louisiana Wildlife and Fisheries Commission decided in May 2012 to consider a seven-month red snapper season next year in state waters. The commission also is considering asserting state jurisdiction out to 10 miles offshore.

Florida wildlife officials considered a similar expansion of fishing seasons in state waters, but decided to stick with the federal seasons for now.

Clumsy Federal System

Scientists and state wildlife officials say the federal Magnuson-Stevens Fishery Conservation and Management Act applies a clumsy, one-size-fits-all approach to fisheries management that is ill-suited for non-migratory fish.

For example, under the Magnuson Act, the National Oceanic and Atmospheric Administration (NOAA) addresses each species of fish in the Gulf of Mexico as a single entity. Red snappers are abundant off the Alabama shore almost to the point of being nuisance fish, yet local fisheers are not allowed to catch them because NOAA officials cite lower red snapper populations in other parts of the Gulf of Mexico as justification for the stifling Gulf-wide restrictions.

Bob Shipp, chair of the Department of Marine Sciences at the University of South Alabama, advocates revisions to the Magnuson Act that would give states greater managerial control over non-migratory fish, such as red snappers, in federal waters. Under Shipp’s plan, federal management would apply to migratory species such as mackerel and tuna, and the individual states would manage species of fish that do not migrate over large distances.

Feds Adjust to States

Amanda Nalley, spokesperson for Florida’s Fish and Wildlife Conservation Commission, says federal fish and wildlife officials take into account what the states are doing in state waters when setting restrictions in federal waters.

“Depending on what states do, the feds will adjust the season to meet the total quota,” Nalley said.

Different restrictions apply to commercial versus recreational fishers, also, she said.

“Commercial in the Gulf, they run on a federal quota system. It’s a bit easier to manage because they have to report all the fish they get,” Nalley said.

Ideal Environmental Conditions

Bruce credited the surge in salmon to a variety of factors.

“We have a management system based on science,” he said. “We’re good at doing that. Then we put a lot of effort in monitoring the run during the season. And number two, the environmental conditions were right. ... This year, things just lined up well in all the factors.”

On May 17, the day the commercial season opened, 150,000 fish were caught in a single 12-hour period, Bruce said.

Cheryl Chumley (ckchumley@aol.com) is a digital editor with the Washington Times’ newest endeavor, www.Times247.com.

By Cheryl K. Chumley

A record number of sockeye salmon swam up Alaska’s Copper River this year, showing the salmon population in the region is healthier than ever recorded.

Records Blown Away

As of June 3, Alaska Department of Fish and Game officials counted 469,895 salmon passing a counting station upriver near Miles Lake outside Cordova. The tally blew away the previous record of 361,229, and it is more than double the tally recorded in eight of the past 12 years.

Fish and Game officials counted 83,062 sockeye salmon—often called reds because of their deep, distinctive color—on May 29, destroying the previous single-day record of 46,182, set on May 31, 1997.

Statewide Numbers Surge

Geron Bruce, assistant director for the Alaska Department of Fish and Game, Commercial Fisheries, says fishermen may be on their way to harvesting a record number of sockeyes throughout Alaska.

Bruce noted a record 1.9 million sockeyes were harvested in the state in 2007. “We’re at a million right now,” Bruce reported, noting it is still very early in this year’s season.

Fish and Game officials have loosened fishing restrictions because of the high salmon counts. For instance, dipnetters—those who scoop fish from the water using a long-handled net—were allowed to keep an additional seven to ten sockeyes in early June. Dipnetters are normally allowed to keep only 15 fish per person, or 30 per household of two or more.

Bruce said depending how the season progresses, more restrictions may be loosened.

“I don’t want to call this a [statewide] record number,” he said, “but it’s certainly large. Still, it’s too early in the season to know for sure if it will be a record number. ... Right now, though, fishing has been liberalized in all the fisheries targeting sockeye salmon.”

Others are also taking note of the seasonal high. Alaska Native News reports the fish are healthy and larger than normal, in the range of 15 to 20 pounds.

Sockeye Salmon Season Opens Stronger than Normal

Cheryl Chumley (ckchumley@aol.com) is a digital editor with the Washington Times’ newest endeavor, www.Times247.com.
States Can Continue Killing Sea Lions to Protect Salmon

By Alyssa Carducci

Fish and wildlife officials in Idaho, Oregon, and Washington may continue killing California sea lions preying on salmon near the Bonneville Dam, a federal district court has ruled.

The court’s decision is a defeat for the Humane Society, which had sought an immediate injunction against the states.

Male California sea lions gathered near the Bonneville Dam, the lowest dam on the Columbia River, earlier this year to feast on salmon during the fish’s spawning run.

Legal Options Remain

“The Plaintiffs raise serious questions going to the merits of their complaint. The balance of hardships and the public interest, however, do not tip sharply in favor of Plaintiffs, which is required for the issuance of a preliminary injunction when there is not a clear likelihood of success on the merits,” Judge Michael H. Simon wrote in his opinion.

Although it lost its bid for an immediate injunction, the Humane Society will have an opportunity to persuade the court in a full hearing on the merits.

“The judge’s finding that raised serious questions about the legality of the program validates everything we’ve been saying about the program for years—that the National Marine Fisheries Service’s decision to kill hundreds of native marine mammals to reduce salmon losses by a couple of percentage points at best, while simultaneously authorizing much larger manmade sources of endangered salmon mortality, is both arbitrary and outrageous,” said Sharon Young, marine issues field director for the Humane Society of the United States.

Cultural Preference

John Charles, president and CEO of the Cascade Policy Institute, a free-market think tank based in Oregon, says the entire controversy over salmon in the Northwest is a matter of cultural preference.

“Killing sea lions because they eat salmon is a contrived issue. There is no scientific argument for or against sea lions, any more than there is an argument for or against salmon,” he said.

Other Protection Options

California sea lions typically consume approximately 2 percent of the salmon that reach the Bonneville Dam, including species listed under the Endangered Species Act, Young said. With the killing of sea lions this year, more salmon will survive in the dam area than in previous years.

Critics argue sea lions consume far fewer fish than are taken by tribal and nontribal fisheries and far fewer than are killed by dams.

“If the states and the National Marine Fisheries Service (NMFS) are concerned about hastening recovery of the listed salmon, we would like to see them take meaningful action to address the human impacts that are slowing the recovery trajectory rather than pointing the finger at sea lions and demanding they be killed,” said Young.

Taxpayers Are the Losers

Young said federal law allows the killing of sea lions when the NMFS proves sea lions are having a significant negative impact on salmon population.

“Personally, I would like to see us stop spending the vast amount—probably in excess of $800 million a year—on salmon ‘restoration’ programs, but since salmon have become religious icons I suppose that is a futile hope,” said Charles.

He continued, “The sea lion defenders will continue to argue with the salmon defenders, and taxpayers will pay for it, with no social benefit. That’s politics.”

Alyssa Carducci (ad.carducci@gmail.com) writes from Tampa, Florida.

Protect Salmon by Killing Birds, Officials Propose

By D. Brady Nelson

Oregon Fish and Wildlife officials are seeking federal approval to kill protected marine birds to protect juvenile salmon.

In an April 5 letter to the U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Division Administrator Ron Anglin reported current efforts to protect juvenile salmon through harassment of predatory birds is not working.

Cormorants are the main avian threat to juvenile salmon in the region. Approximately 70,000 cormorants live west of the Continental Divide, and 28 states already have federal permission to kill cormorants to protect fish species.

Federal Legislation Introduced

Rep. Doc Hastings (R-WA) supported Oregon’s request by inserting language into a House Appropriations Committee bill authorizing state officials to kill birds of prey to protect salmon.

“Every year, Northwest residents pay nearly $1 billion to protect endangered salmon, only for them to be consumed by predatory birds,” Hastings said in a press statement.

Multiple Options Considered

Research conducted by Oregon State University concluded predatory birds consume as many as 22 million, or 15 percent, of juvenile salmon each year as the fish swim down the Columbia River toward the Pacific Ocean. A colony of 27,000 cormorants nesting at the mouth of the Columbia River does most of the damage.

At a March public hearing, the Army Corps of Engineers discussed a preliminary list of options for dealing with birds preying on juvenile salmon, including killing the birds and destroying their eggs. Other options discussed were hazing or frightening cormorants and cultivating more cormorant predators, such as eagles.

“This request to kill birds to save salmon is just another bizarre consequence of zealous but confused environmentalists meddling with the wilds instead of staying out of it all,” said Tibor Machan, a research professor at Stanford University’s Hoover Institution.

“This outcome is understandable only as a political result, and it was very predictable—even inevitable—due to the circumstances,” said Jon Boone, an environmentalist and wind power expert. “When you lay down with dogs, you often wake up with fleas.”

D. Brady Nelson (d.brady.nelson@mac.com) is a Milwaukee-based economist.
ClimateWiki.org

HEARTLAND’S CLIMATE CHANGE ENCYCLOPEDIA

Hundreds of articles on the science, economics, and politics of global warming written by The Heartland Institute’s experts and allies!

Interested in becoming a contributor? Contact us at climatewiki@heartland.org
Palm Beach County to Hire Global Warming Czar

By James M. Taylor

Palm Beach County has allocated $200,000 of taxpayer money to hire a staffer to address global warming. County officials created the position despite a $15 million county budget deficit.

The new global warming czar will direct the county’s efforts to reduce global temperature increases and adapt to any warming that may occur. County officials said they are particularly concerned about rapid sea level rise.

Although atmospheric carbon dioxide levels continue to rise, U.S. carbon dioxide emissions have declined since the year 2000. Since 2006, the United States has reduced carbon dioxide emissions more than any other nation or region of the world, the International Energy Agency reports.

Even though the United States is playing no role in the recent increase of global carbon dioxide emissions, Palm Beach County officials say county taxpayers should pay up to try to reduce emissions.

“Can we actually change the course of events? We have a responsibility to try,” County Commission Chairwoman Shelley Vana told the Sun-Sentinel for a May 21 article.

Global sea level rose approximately eight inches during the twentieth century, and the pace of sea level rise has not increased this century. Palm Beach County and most other coastal communities have reported few if any difficulties adjusting to the twentieth century sea level rise.

“Sea level is rising and will continue to rise due to [the Earth] coming out of an ice age,” said James O’Brien, professor emeritus of meteorology and oceanography at Florida State University and founder of the Florida State University Center for Ocean-Atmospheric Predictions Studies.

“The average rate in the world is 8.5 inches in a hundred years, as measured by tide gauges at good stations and islands,” O’Brien explained. “Incidentally, this is the rate of rise across Florida [according] to 100-year records at Pensacola, Jacksonville, and Key West. There is no acceleration of sea level rise in the Florida data.”

James M. Taylor (jtaylor@heartland.org) is managing editor of Environment & Climate News.

ALL THINGS NUCLEAR

Nuclear Power on Rise Despite Fukushima Hysteria

By Jay Lehr

Germany and Japan are making headlines for shutting down their impressive nuclear power portfolio, but far more countries are refraining from burying their head in the sand.

After all, the Japanese earthquake and tsunami that killed thousands proved the safety and reliability of nuclear power. We now know a 9.0 Richter Scale earthquake caused not a single radiation illness in that otherwise-tragic national disaster.

60 Plants Under Construction

Despite the conventional wisdom that the earthquake and tsunami’s impact on the Fukushima nuclear power plants would halt new nuclear power plant construction around the world, developing countries with a thirst for electricity continue to turn to nuclear power.

Sixty reactors are currently under construction around the world, with many more on order. These countries’ governments have concluded nuclear must be part of their energy equation.

China, for example, sees nuclear power as the only way to reduce pollution from its aging coal-fired power plants.

France has long exported nuclear power technology, and it is now exporting nuclear education as well, having set up a school in China’s Guangdong province. The graduates will be well-schooled in French and receive master’s degrees in nuclear engineering to help with the 26 nuclear plants now under construction in China.

The glut of cheap natural gas in the United States will likely preclude any major nuclear power construction programs in the near future, but regulators have approved for construction two new nuclear power plants in Georgia utilizing third-generation safety technology that effectively renders a serious nuclear accident inconceivable.

Technology Keeps Improving

The nuclear industry has been improving reactor technology for nearly a half century. Generation I reactors were developed in the 1950s and ’60s, and outside of Great Britain, none is active today. Generation II reactors are typical in the current U.S. and French programs. Generation III reactors are the most advanced in the world, representing a substantial leap in economy, efficiency, and safety.

You can expect to read articles in the coming months and years claiming nuclear power is on its way out. Don’t believe a word of it. Redundant safety mechanisms well above what is truly necessary will indeed put it at a price disadvantage in the United States for many decades, but elsewhere in the world nuclear power will remain the very best option when taking into account efficiency, safety, and economics.

Without even mentioning the huge mechanisms such as higher levels of backup power, better ventilation, and cooling sprays for spent fuel.

The nuclear industry has itself to blame for the public relations disaster that caused more hysteria and misery in Japan than Fukushima radiation ever could. But despite the industry’s poor performance in this area, nuclear power will survive and prosper around the globe in the coming decades. If we ever run out of inexpensive fossil fuel, nuclear power will always be there to power the planet.

Jay Lehr, Ph.D. (jlehr@heartland.org) is science director of The Heartland Institute.
Kasich Signs Lake Erie Water Bill

By Alyssa Carducci

Ohio Gov. John Kasich (R) has signed legislation establishing the state’s first water withdrawal permit program for Lake Erie.

The measure will set withdrawal limits for businesses that want to draw water from Lake Erie, surrounding rivers, and groundwater that feeds the lake.

Long Battle Over

The new law requires businesses to obtain a permit when withdrawing 2.5 million gallons of water or more per day from Lake Erie, 1 million gallons per day from rivers and streams feeding the lake, and 100,000 gallons per day from streams defined as “high quality.”

Kasich’s June 4 signature marked the end of a long battle over Lake Erie water use. This was the legislature’s second attempt to pass and implement a Lake Erie water-use bill. Lawmakers passed such a bill last year, but Kasich vetoed it.

This time around, the governor and lawmakers found common ground when legislators reduced the amount of water that could be withdrawn without a permit.

Market Mechanisms Ignored

Julian Morris, vice president of research at the Reason Foundation, said the measure looks like an ineffective and inefficient solution to a problem arising from conflicts over the use of water.

“It is ineffective because there will still be conflicts. ... It is inefficient because the water is being allocated by bureaucratic fiat rather than through market exchanges.”

JULIAN MORRIS
VICE PRESIDENT OF RESEARCH
REASON FOUNDATION

“While Gov. Cuomo is doing exactly the correct thing in this instance, the state under his leadership is still seeking federal funds for high-speed rail in upstate New York,” said E.J. McMahon, a senior fellow with the Empire Center for New York State Policy.

McMahon says the state is proceeding with a “build it and they will come” approach to rail service in and around cities such as Buffalo, Rochester, and Syracuse.

“Much of what [state officials] denounce about the stupidity of the failed high-speed rail plans is still embedded in their expectations for future rail plans,” said McMahon. “Spending $92 million under current plans to put on 17 miles of track from Albany to Schenectady is as wasteful as buying those cars in the initial plan.”

NY Gov. Cuomo Puts Failed High-Speed Trains up for Sale

Continued from page 1

Cuomo’s director of state operations, Howard Glaser, has called the project “New York State’s $70 million train to nowhere.” Some have called the trains, which never fulfilled their high-speed promise, the most expensive weed planters in the world.

$70 Million Wasted

In the original plan, the state was to take possession of seven trains that were built in the 1970s and retired from Amtrak and rehabilitate them for the planned high-speed rail project.

Four of the trains—each of which included two locomotives, a café car, and two passenger cars—never ran. The three that did run were plagued by technical problems, including malfunctioning air conditioning systems and fires. The three barely functioning trains were eventually towed by Amtrak to Delaware in 2004. The state stored the four remaining trains and spare parts in the industrial parks.

The state is hoping to recoup half a million dollars from the sale of the trains, a far cry from the $70 million the state invested in the project.

Lesson Not Learned

“Spending $92 million under current plans to put on 17 miles of track from Albany to Schenectady is as wasteful as buying those cars in the initial plan.”

Albany to Schenectady is as wasteful as buying those cars in the initial plan.”

Brian Fojtik (bfjoftik@gmail.com) is president of Brownstone Communications.
Groups Fight Fast-Tracking of Calif. High-Speed Rail

By Kenneth Artz

Two prominent environmental activist groups, the Sierra Club and the Natural Resources Defense Council, are rallying against California Gov. Jerry Brown’s (D) efforts to fast-track construction of high-speed rail in the state.

Special Environmental Exemptions

Brown is asking the state legislature to give high-speed rail special exemptions from the California Environmental Quality Act (CEQA).

Under Brown’s proposal, environmental objections to high-speed rail plans will be dismissed unless opponents convince a state judge that the environmental damages “substantially outweigh” the alleged statewide benefits of high-speed rail, such as job creation and billions of dollars in federal grants.

‘Dangerous Precedent’

“We strongly oppose your administration’s proposal to eliminate certain California Environmental Quality Act (CEQA) requirements for the currently proposed high-speed rail program,” Sierra Club California Director Kathryn Phillips said in a June 5 letter to the governor.

“By removing a large-scale project such as high-speed rail from full CEQA coverage, the proposal grants the state a status that suggests it does not have to fully and seriously consider and mitigate environmental impacts,” Phillips added.

She continued, “This proposal creates a dangerous precedent that, if applied here and to other large-scale public works projects, will throw the state back to an era when bulldozers and engineers trumped clean air, clean water, wetlands and natural habitat, and the public interest with abandon.”

Widespread Opposition

Brown is facing principled opposition from other groups as well.

“A full CEQA review is absolutely vital,” said Ted Crocker, co-founder of the grassroots activist group High Speed Boondoggle. “One great thing about the California Environmental Quality Act is that it really makes a government agency stop and think before it takes final action, so the ‘perceived wisdom’ that high-speed rail is good for the environment can be put to the test of an honest analysis. Unfortunately, in his haste to grab a relatively small amount of federal funding, Gov. Brown is definitely not inclined to stop and think.”

Marc Scribner, the land-use and transportation policy analyst for the Competitive Enterprise Institute, agrees, saying, “It is interesting that Gov. Brown, who continues in the recent tradition of California walling off most of California for much-needed development, believes that a train to nowhere through ecologically sensitive areas warrants a special exemption from his job-destroying environmental laws.”

Californians Regret Approving High-Speed Rail

By Bonner R. Cohen

Four years after approving a $9 billion high-speed rail proposal, Californians strongly oppose high-speed rail and would vote against it if given another chance, a University of Southern California/Los Angeles Times poll reports.

Only 33 Percent Support

In the 2008 elections, Californians approved, by a vote of 53 percent to 47 percent, borrowing $9 billion for high-speed rail. Four years later, however, costs are soaring far beyond initial projections, promised transit times are becoming longer and longer, and ridership estimates are proving overly optimistic.

Opponents of high-speed rail now outnumber supporters by nearly two to one. According to the USC/Los Angeles Times June 2 poll, 59 percent of Californians now oppose high-speed rail, and only 33 percent support it.

“California voters have clearly reconsidered their support for high-speed rail,” Dan Schnur, director of the USC/Los Angeles Times Poll and director of the USC Unruh Institute of Politics, said in a USC press release.

“They want the chance to vote again—and they want to vote no.”

“The growing budget deficit is making Californians hesitant about spending so much money on a project like this one when they’re seeing cuts to public education and law enforcement. But they also seem to be wary as to whether state government can run a big high-speed rail system effectively,” Schnur added.

Voters Get Another Chance

The poll bodes well for proponents of a November 2012 ballot initiative to halt the sale of state bonds to finance high-speed rail.

“In 2008, California voters approved Proposition 1A authorizing the state to issue bonds to help pay for a $45 billion statewide high-speed rail system. But what they have now is nothing like what they were told they would get,” former U.S. Rep. George Radanovich (R-CA) explains on RevoteRail.com, a Web site rallying support for the November 2012 ballot initiative.

Chance to Recoup Expenses

An analysis conducted by California Secretary of State Debra Bowen found halting the high-speed rail project would save the state up to $709 million each year.

“They used to laugh at Alaska for its Bridge to Nowhere, but few are laughing in California, since the project in Alaska looks like an economic windfall by comparison,” said H. Sterling Burnett, a senior fellow with the National Center for Policy Analysis.

Bonner R. Cohen, Ph.D. (bcohen@nationalcenter.org) is a senior fellow at the National Center for Public Policy Research.

INTERNET INFO


Kenneth Artz (iamkenartz@hotmail.com) writes from Dallas, Texas.
Aloha! Leave Your Plastic Grocery Bags at Home

By Kenneth Artz

Honolulu County has joined Hawaii’s three other counties in enacting a ban on plastic shopping bags, making Hawaii the first state with a total ban on plastic shopping bags.

The Honolulu County Council approved the ban in April. Honolulu Mayor Peter Carlisle, who also acts as the county executive, initially held back his support in order to gauge the public’s attitude and study the enforcement and compliance costs.

Carlisle signed the ban in May and gave retailers three years to comply. The three-year phase-in will allow retailers to use up their inventory of bags and educate the public about the change.

The county law bans non-biodegradable plastic bags at checkout as well as paper bags that are not at least 40 percent recycled.

Retailers in Honolulu County have until July 1, 2015, to make the change.

Green Race to the Bottom

John Charles, president and CEO of the Cascade Policy Institute in Portland, Oregon, says the ban is part of a game of one-upmanship by politicians to see who can garner more environmental street cred.

“Certain politicians are in a race to the bottom to see who can make the most nonsensical, invasive, punitive law with the goofiest green condition they can come up with, when they should be fixing the roads. Portland is competing with Boulder, while Seattle is competing with Berkeley, and so on, to win some sort of environmental bragging rights. It’s just silly. We’ve wasted so much time and political capital on nonsense,” he said.

“This is an individual decision that must be left solely up to the consumer,” said Gennady Stolyarov II, editor-in-chief of The Rational Argumentator, an online journal championing Western rationalism that advocates free-market principles of reason, rights, and progress.

He continued, “Government force has no place in making consumers behave in accordance with privileged elites’ definitions of morality and environmental responsibility. Such compulsion is always ineffective at achieving its intended results, and always brings about perverse unintended consequences.”

More Economic Hardship

“Environmental activists have succeeded at making the cost of groceries more expensive to get to the supermarket with their incessant wars on cars and gas,” said Seton Motley, president of Less Government, a public policy organization that advocates free-market solutions to societal issues.

“Now they’re making them more expensive to take home by banning the plastic bags we carry them in,” he said.

Kenneth Artz (iamkenartz@hotmail.com) writes from Dallas, Texas.

U.S. EPA Grossly Overstates Economic Benefits of Regulation

By James M. Taylor

The U.S. Environmental Protection Agency is grossly overstating the economic benefits of its various environmental restrictions, environmental expert Richard Trzupek told the Energy and Environment Subcommittee of the House Committee on Science, Space, and Technology.

Trzupek, a chemist, environmental consultant, and policy advisor to The Heartland Institute, which publishes Environment & Climate News, told the House subcommittee in June 6 written testimony that EPA routinely claims enormous economic benefits are created by its regulations. Those benefits, Trzupek explained, rest on far-fetched claims regarding “premature deaths avoided” and gains in worker productivity.

EPA asserts each premature death avoided creates approximately $9 million in societal economic gains, although the average U.S. worker earns less than $2 million in 40-plus years of work.

“The Agency applies this value to each premature death avoided claimed, whether the theoretical death avoided involves extending an octogenarian’s life by two weeks or a newborn’s by seventy-five years,” Trzupek explained in his testimony.

He continued, “The EPA, to my knowledge, has never said how much the average theoretical life is theoretically extended by the issuance of a new regulation. They simply claim the full value of the ‘statistical life’ for each ‘premature death avoided.’”

EPA Ignores Most Costs

“Even more dubiously, EPA Director Lisa Jackson has claimed the Clean Air regulations are an investment that returns forty dollars in revenue for each dollar spent on regulating sources of air pollution,” said Trzupek.

“In considering the cost side of the cost-benefit analysis, the Agency typically considers only the capital cost of control equipment, operating and maintenance costs associated with the equipment, and the man-hour costs of compliance activities,” Trzupek observed. “The Agency does not consider other economic, societal, and health costs associated with each regulation and with the body of regulatory activity as a whole. Examples of these costs include:

• Job loss
• Health effects associated with job loss and reduced income
• Opportunity costs associated with facilities not built in the US because of the regulatory burden
• Costs passed on to the consumer and the effects that has on quality of life and health
• Facilities that move to other countries in whole or in part because of the regulatory environment.”

‘A Ludicrous Claim’ by EPA

The combination of EPA’s under-statement of compliance costs and overstatement of economic benefits produces preposterous claims, Trzupek observed.

“According to EPA logic, the Clean Air Act alone was responsible for 35% of [U.S. Gross Domestic Product between 1970 and 1990] ($22.2 trillion), and perhaps as much as 78% of it ($49.4 trillion)! It is a ludicrous claim,” Trzupek noted.

“The EPA continues to have a understatement of compliance costs and overstatement of economic benefits produces preposterous claims, Trzupek observed.

“It’s been 22 years since Congress has taken a fresh look at the Clean Air Act. It’s time to do so again,” Trzupek concluded.

James M. Taylor (jtm@heartland.org) is managing editor of Environment & Climate News.
Los Angeles City Council Bans Plastic Grocery Bags

By Kenneth Artz

The Los Angeles City Council voted 13 to 1 to ban plastic grocery bags, making the City of Angels the largest in the nation to enact such a ban.

In the wake of the May 23 vote, consumers will soon have to use reusable bags or purchase paper bags for 10 cents each. The ban will be phased in during the next 16 months.

Los Angeles joins San Jose, San Francisco, and Long Beach in banning plastic bags.

Supporters say the ban will reduce the amount of trash in landfills and in the region’s waterways and the ocean. Analysts such as H. Sterling Burnett, a senior fellow with the National Center for Policy Analysis, counter the ban will harm the economy, consumer choice, human health, and the environment.

Shipping Jobs Overseas

“The ban doesn’t make sense for a number of reasons. By multiple standards of measurement, plastic bags are better for the environment, much more hygienic, and better economically than reusable bags,” Burnett said.

“With these bans, environmental activists are succeeding in shipping overseas a domestic industry that employs 10,000 Americans and that the United States dominates. The primary beneficiary will be China, where over 90 percent of reusable bags are currently made,” Burnett added.

Seton Motley, president of Less Government, a public policy group that advocates smaller, less centralized government, points out studies have shown reusable bags become incubators for food-borne diseases.

Ohio Enacts Fracking Restrictions

By Alyssa Carducci

Ohio lawmakers have enacted new restrictions on hydraulic fracturing, creating the most stringent law in the nation.

The state House voted in favor of the restrictions 73–19, and the state Senate approved the bill by a vote of 21–8. Gov. John Kasich (R) signed it into law on June 11.

Under the new measure, horizontal well drilling will be subjected to the Ohio Department of Natural Resources’ (ODNR) permitting and regulatory system.

Among the new requirements, energy companies must report the sources of all water used for fracturing operations; ODNR will sample water in the vicinity of fracturing sites; energy producers must report the content of all fracturing fluids to ODNR; and ODNR will post oil and gas production permits on its Web site for public review.

The Ohio Petroleum Council (OPC), an industry association of energy producers, expressed support for the new law.

“The legislation was vetted through a thorough process and included compromises by both the industry and legislators. Throughout the process, the oil and natural gas industry stated its support for strong regulations that, in addition to promoting safe operations, create certainty within Ohio’s regulatory structure for continued shale exploration and development in the Utica shale,” said OPC Executive Director Terry Fleming.

Renewable energy competitors to oil and natural gas production also support the new law.

“Gov. Kasich should be applauded for his leadership in developing a comprehensive state energy plan that will help Ohio’s advanced energy industry grow,” said Kimberly Gibson, executive director of Advanced Energy Economy Ohio.

She continued, “This law strikes the right balance between preserving current advanced energy markets and expanding opportunities for waste energy recovery and combined heat and power—two technologies key to improving Ohio’s manufacturing competitiveness. This balanced approach will help maximize job creation, spur investment, and expand the state’s manufacturing base.”

Alyssa Carducci (ad.carducci@gmail.com) writes from Tampa, Florida.
The Tyrannical Agenda of Environmental Activists

Review by Jay Lehr

The United States has more energy resources than Saudi Arabia, but for some strange reason we are not allowed to access these resources. As a result, we are an energy-rich nation behaving like an energy-poor nation.

Rising energy prices should be benefiting the U.S. economy thanks to our natural resource abundance, but instead rising energy prices stifle our economy. This is entirely the result of poor political decisions, and it borders on the surreal.

Brian Sussman asks in his new book, Eco-Tyranny: How the Left’s Green Agenda Will Dismantle America, “Why do so many leaders embrace irrational energy policies? Why do they pursue crippling regulatory and redistribution policies, based on unproven and discredited theory, and why is the powerful environmental movement so manically anti-energy and anti-capitalist and therefore anti-freedom?”

Sussman answers all these questions clearly and succinctly.

As many have suspected, the whole global warming charade has much less to do with saving the planet than with profoundly changing America for the worse. Sussman, an award-winning meteorologist and popular talk-show host, documents how leftist radicals are absolutely determined to reduce America to a shadow of her former greatness and power. Sussman is among a very few authors who have had the courage to tell the story as it is, tracing the environmental activists’ roots to Marx and Lenin.

Marxist Origins

It is very likely Sussman’s first book, Climategate, was the straw that broke the back of the Pelosi-Reid effort to ram cap-and-trade legislation down Congress’s throat in 2009. Eco-Tyranny may similarly be the book that wakes up the public to the true socialist/communist tyranny that Marx, Engels, and Lenin planned with the use of radical environmentalism.

Sussman has a personal involvement with those men, as his grandfather came to the United States from Russia to escape communism and seek the life, liberty, and pursuit of happiness promised under the Declaration of Independence. He tells this story in the foreword to Eco-Tyranny, which is a shame because forewords are so rarely read.

It is also here that he introduces President Barack Obama’s efforts to render an unprecedented amount of energy-rich federal lands off-limits to energy production. Obama’s plan, as Sussman explains, directly contradicts our Founders’ intent that our federal government not assume the role of a major landowner. Although Americans are used to revering our national parks, Sussman makes a strong case that we would be far better served by systems of state parks.

Sussman shows that Marxism is a far greater threat to human health and welfare than pollution. Yet Marxists seize upon pollution, both real and imagined, as an effective weapon for gaining power in their unrelenting war on freedom.

Is there pollution? Sure, Sussman acknowledges. Can it be cleaned up? Absolutely, and Americans already have done a remarkable job of it. But alarmist claims of a global eco-emergency fueled by the use of fossil fuels and carbon dioxide emissions are at heart a bid for power by nations and activist groups that hate economic freedom and strive for a Marxist utopia.

Although this is indeed a book about environmentalism gone wild, it is also a story of history that is rarely taught in our schools. Marxists since the middle of the nineteenth century have argued America’s Founding Fathers were reckless and evil in their advocacy for personal freedom.

‘Dogmatic, Ideological Radicals’

Few people have had the courage to publicly say what Sussman says here: “Environmentalist activists are dogmatic, ideological radicals hell-bent on transforming society into a colossal, highly regulated, redistributive communal void of inalienable rights. Their lack of integrity enables them to look you straight in the eye and lie about facts, while they spin out tailor made cherry-picked research supposedly proving their many fictitious claims regarding the state of a global ecosystem. The primary goal of their green agenda is not a pristine environment, it’s about gaining absolute control over your life.”

Along the way, Sussman exposes environmentalist heroes Rachel Carson and Paul Ehrlich for the socialism that drove their activist agendas. He does much of it through the eyes of a dear, departed friend of mine, J. Gordon Edwards, the world’s leading expert on DDT and birds.

There is so much more history in this book that will captivate readers. Sussman chronicles the full story of United Nations involvement in ecological tyranny, governmental scaremongering, and the promotion of a green religion.

He relates how Maurice Strong, under the guidance of the infamous Armand Hammer, managed the Rio summit of 1991, which laid the groundwork for the Kyoto Protocol. He explains how Agenda 21 remains an active plan of the Obama administration to create green socialism.

On the positive side, Sussman offers an excellent assessment of our nation’s vast petroleum and natural gas reserves and our nuclear power potential, though the latter will likely not be met as a result of the Fukushima debacle, which in reality proved the safety of nuclear power.

Finally, Sussman offers a 12-point plan for taking the country back from radical environmentalists. I will refrain from listing Sussman’s persuasive plan so you will be more likely to buy the book yourself. You will certainly be doing yourself a favor by buying this book!

Jay Lehr, Ph.D. (jlehr@heartland.org) is science director of The Heartland Institute.

Eco-Tyranny: How the Left’s Green Agenda Will Dismantle America
by Brian Sussman (WND Books, 2012)

[Brian] Sussman offers a 12-point plan for taking the country back from radical environmentalists.
When it comes to planning special events, whether you are a seasoned veteran or are organizing your very first program, The Heartland Institute has the experience and the expertise necessary to ensure your success. We can provide you with service that is professional, insightful, experienced, and considerate. We’ll even manage the logistics of getting the speaker to and from your event.

We feature some of the nation’s most knowledgeable and dynamic free-market public policy experts. Heartland’s senior fellows are known nationwide and write hundreds of articles each year ranging from op-eds in major U.S. newspapers to books and in-depth policy studies. They appear on CNBC, Fox News, CNN, and PBS, and on the opinion-editorial pages of The Wall Street Journal. They testify before Congress and speak to audiences ranging in size from 10 to 10,000.
The global average temperature for May was 0.29°C above normal.

The Southern Hemisphere's temperature was 0.14°C above normal.

The Northern Hemisphere's temperature was 0.44°C above normal.

The information you have provided will be kept strictly confidential.

The Heartland Institute from time to time offers its mailing list to organizations whose goals are similar to ours. If you prefer not to be contacted by such groups, please check the box.

RETURN BY MAIL TO: The Heartland Institute, One South Wacker Drive #2740 Chicago, IL 60606 or fax this form to 312.377.5000

YES! Please send me a one year subscription to Environment & Climate News!

☐ My check in the amount of $36 for each subscription is enclosed.

☐ Charge $________ to my  ☐ Visa  ☐ MC  ☐ Am Ex

ACCOUNT NUMBER  EXPIRATION DATE

SIGNATURE

NAME  HOME PHONE

TITLE+COMPANY  WORK PHONE

ADDRESS

CITY+STATE+ZIP

☐ Yes! I want to receive ECN by email for free!

Please print your email address below:

EMAIL ADDRESS – PLEASE PRINT

The information you have provided will be kept strictly confidential. The Heartland Institute from time to time offers its mailing list to organizations whose goals are similar to ours. If you prefer not to be contacted by such groups, please check the box.

ECN 8/12