Ariz. Counties Sue U.S. over Mine Curbs

By Cheryl K. Chumley

Mohave County, Arizona is suing the federal government over new mining restrictions that will make one million acres of uranium-rich lands off-limits.

Several Arizona counties have followed Mohave County’s lead, announcing they are joining the suit.

Mohave County officials are partnering with mining company Quaterra Alaska, Inc. in suing the federal government over the Obama administration’s decision to block mining operations on public land north of the Grand Canyon. Washington, Garfield, Kane, and...
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St. George, Utah Prevails in Dispute With U.S. Over Clean Water Act

By Alyssa Carducci

The resort town of St. George, Utah has won a long-running battle with the U.S. Army Corps of Engineers to gain approval for an airport on a former drag-racing strip 20 miles outside of town.

The Obama administration had threatened the city with $27,500 in fines per day for building the airport on the site, which contains several dry washes that fill with water runoff during rare, heavy rainfalls.

‘Navigable’ Dry Washes

St. George, an oasis town of 73,000 people 190 miles northeast of Las Vegas, is experiencing an increase in tourism due to its beautiful scenery and gateway location to Zion National Park, the Pine Valley Mountains, and the gambling mecca of Las Vegas. To accommodate its growing tourism industry, town leaders early last decade approved building an airport on the old drag-racing strip.

In 2005, the U.S. Army Corps of Engineers determined seven of the dry washes on the proposed airport site constituted “navigable waterways” under the Clean Water Act, requiring a “dredge and fill” permit from the Army Corps.

After the U.S. Supreme Court’s 2006 decision in Rapanos v. United States clarified what constitutes a navigable waterway under the Clean Water Act, and after a favorable guidance issued by the Bush administration, the city followed through on its plans. It began building the airport in 2008 and completed construction in 2010.

Obama Revives Objections

When the Obama administration replaced the Bush administration, however, Army Corps officials threatened the city with daily fines.

“One Rapanos occurred, many people interpreted it their own way. We had many instances of unauthorized activity or noncompliance,” Jason Gipson, chief of the Utah-Nevada Regulatory Branch of the Army Corps, told Greerfinish as reported on April 10. “We had people telling each other, ‘You don’t have to worry about the Corps anymore.’”

The dry washes at the airport site “are small enough that a person can step across them,” said Larry Bulloch, St. George’s public works director. “Therefore, any work that would change them would have minimal effect upon any waters of the United States.”

Army Corps Relents

Tensions continued building until the Army Corps finally relented and acknowledged the rarely wet dry washes do not constitute navigable waterways under the Clean Water Act.

“On April 4, 2012, the Corps of Engineers determined the washes were not currently regulated under Section 404 of the Clean Water Act because they did not meet the significant nexus standard required to be met since July 2007,” said Karen Clementsen, regulatory project manager with the U.S. Army Corps of Engineers who worked on the jurisdictional determination for the St. George airport.

Correct Decision Reached

“While the federal government finally reached the right decision, it is appalling that the feds put the town of St. George through such anguish,” said Jay Lehr, science director for The Heartland Institute, which publishes Environment & Climate News. “A small dry wash in the middle of the desert that contains water only a few days each year is not a ‘navigable waterway’ by any stretch of imagination or language.”

Bulloch said he is relieved the long, stressful process has concluded.

“This issue has been resolved to the satisfaction of all parties,” he said.

Alyssa Carducci (ad.carducci@gmail.com) writes from Tampa, Florida.
Utah Officials Decry U.S. Oil Production Restrictions

State government officials in Utah are calling on the Obama administration to reverse its policy of curtailing oil and natural gas production on federal lands in western states.

Utah officials say Obama’s policies are killing jobs and stifling the state’s economy.

75 Percent Cut in Leases
The Obama administration has reduced by 75 percent the amount of federal land available for oil leases in Colorado, Utah, and Wyoming. As a result, 2 million acres of land, with the potential to produce up to 2 trillion barrels of oil, are now off-limits for oil production.

What’s left for lease is only 461,000 acres, split among the three states. Wyoming’s allotment is 174,476 acres and Colorado’s, 35,308 acres—down from 360,000. Utah, meanwhile, is allotted 91,045 acres for oil sands development and 252,181 for overall oil development.

A spokeswoman for the Utah governor’s Public Lands Policy Coordination Office (PLPCO) said the new lease levels are an “unfortunate setback” in the state’s efforts to develop new energy sources.

“The proposal will unnecessarily delay the full commercialization of this vast energy resource and will make it that much harder to meet Utah’s, and the nation’s, future demands for energy,” said Allyson Isom, spokeswoman for PLPCO Director Kathleen Clarke.

Developers Awaiting Permission
The reduction in oil production will cause substantial economic pain in the state.

Utah’s Office of Energy Development (OED) reports the new limits on leasing could cost the state $3.26 billion in investment income.

According to OED, Enefit American Oil Company has spent $100 million bringing its technology to Utah and promises to expand if more federal lands are available for oil production.

Questerre Energy Corporation signed a letter of intent to invest $40 million if federal lands are made available. French oil giant Total entered into a $200 million joint venture with Red Leaf Resources with the intent to produce oil from shale on federal lands.

Searching for Logic
The Obama administration’s plan makes no sense, said Cody Stewart, energy advisor for Utah Gov. Gary Herbert (R).

“We’re going to artificially restrict access at the same time we have companies that are going to invest millions of dollars,” Stewart said. “I’ve not heard from any company yet that they’re pulling out, but I have heard from some that this is going to make things a lot harder for them. It’s not helpful at all.”

Not all of the federal lands made available for leasing are conducive to oil production, Stewart added. “When you artificially constrain the size of the lease, there’s geology involved. Not all [the land made available for lease] is prime. There could be a mountain there,” he said.

Awaiting Fall Election
Many companies have decided to hold off on investment decisions until they see who prevails in the November elections.

“It’s still at the early stage,” Stewart said. “It is really unfortunate. It seems like this administration doesn’t explicitly come out and say they’re hostile to oil shale, but if you look at their actions, it shows otherwise.”

Cheryl Chumley (ckchumley@aol.com) writes from northern Virginia.
Montana Holds Bison Hearings as Judge Blocks Restoration Program

By Kenneth Artz

Emotions are running high in Montana as the government contemplates proposals to restore bison herds to various parts of the state.

More than 600 people attended eight Montana Fish, Wildlife, and Parks (FWP) field hearings in May on restoring bison, while a state judge blocked an FWP plan to restore the animals to the Fort Belknap Indian Reservation.

Judge Blocks Reintroduction

A Montana district court on May 9 blocked a state plan to relocate several dozen bison from the Fort Peck Reservation to the Fort Belknap Indian Reservation in north central Montana. The Fort Peck bison arrived from Yellowstone National Park in March after getting a clean bill of health after a quarantine period outside the park.

Area ranchers fear the reintroduction of bison will jeopardize livestock. Bison compete with cattle for grazing grounds and are prone to carrying brucellosis, which can transfer to cattle and cause spontaneous abortions of cattle fetuses. Ranchers also fear free-roaming bison will damage fences and other private property.

The Montana district court ruled the Fort Peck bison must remain where they are until plaintiffs receive a verdict on the merits of their lawsuit to stop reintroduction of bison to areas outside the Fort Peck Reservation. The court ruled the potential injury to ranchers outweighed the potential injury to state wildlife managers and bison recipients if the bison were reintroduced outside the reservation while the lawsuit was still pending.

State Conducts Field Hearings

Meanwhile, Montana Fish, Wildlife, and Parks heard from concerned citizens in field hearings throughout the state. FWP officials allowed citizens to express their support for or opposition to bison reintroduction and took notes about the reasons given. A majority of the comments opposed widespread reintroduction of bison.

FWP hopes to issue a draft environmental impact statement (EIS) by early 2013. The draft would be followed by public hearings and a final EIS roughly one year later.

Threat to Cattle

Carl Graham, president of the Montana Policy Institute, says the Yellowstone National Park free-range bison herd is especially significant because it has no cattle blood, making it probably the only one in the world with this distinction.

“Periodically, they go out of the park and onto private land,” Graham said. “They carry brucellosis, which is especially harmful to cattle, and can lead to infection, quarantine, and slaughter of the entire herd. So the challenge is: What do you do with the bison that wander away from their herd?”

One method of controlling the strays is “hazing,” which involves chasing the wayward bison by helicopters or on horseback and driving them back to Yellowstone. Despite its effectiveness, hazing is frowned upon by environmentalists, who view it as harassment of the animals.

Seeking a Solution

Ted Turner, founder of CNN, volunteered to take 40 of the strays and keep them for two or three years until they could be tested and proven brucellosis-free, so they could then be released as part of a proposed free-range herd to be established in Montana.

So far, the state has not come up with an acceptable plan to deal with the wandering bison, says Graham, so the issue remains very contentious between ranchers and conservationists, including many national organizations that otherwise have no stake in Montana-specific issues.

Reintroducing free-roaming bison “all sounds wonderful unless you’re living off the land,” said Graham. “People outside of Montana need to realize there are people here working the land and supporting their families.

“This all comes down to the fact that bison don’t care about fences,” Graham explained.

‘Large Environmental Footprint’

Ariel Overstreet, communications director for the Montana Stockgrowers Association, a state organization representing Montana’s cattle ranching families, agrees.

“The ranchers are concerned because the bison go where they want to go. They’re pretty big animals and have a large environmental footprint. One rancher lost $20,000 worth of hay when a small group came onto his land. Mostly they damage fences, but the biggest concern is that diseased bison will mix with local cattle and get them sick and the whole herd would be lost,” Overstreet said.

“Although the tribes and environmentalists say they want the bison, the majority of Montanans are against it,” she observed. “This [push for reintroduction] appears to be happening because of people outside the state. It’s very similar to when they reintroduced wolves here. There were lots of losses of livestock by cattlemen, and we anticipate that reintroducing the bison will cause a similar result.

“In the end, we have to ask: Who’s going to pay for it?—because bison do a lot of damage,” said Overstreet.

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

Cougars, Wolves Battle in Montana

The battle over bison between Montana ranchers and conservationists may be getting most of the headlines, but a more literal battle is occurring along the Montana-Idaho border between cougars and wolves.

Montana Fish, Wildlife, and Parks reports an unusually high number of wolves killed by one or more cougars in the area this spring. Wolves and cougars compete and occasionally fight to the death over hunting territory.

Wolf packs typically win territorial battles with cougars, but one or more cougars are apparently picking off lone wolves in the region.

In each case, the victorious cougar ate a portion of the wolf and then covered the kill with debris for later feasting.

— James M. Taylor
EPA Lowballs Costs of Proposed Florida Water Restrictions

By Cheryl K. Chumley

The U.S. Environmental Protection Agency is underestimating the costs of nutrient restrictions it is imposing on Florida waters, the National Research Council (NRC) reports.

The NRC, an arm of the National Academies, concluded in a March 6 report EPA is relying on overly optimistic assumptions about compliance costs.

More than $206 Million Per Year

EPA claims its new restrictions will cost the Florida economy somewhere between $135.5 million and $206.1 million each year, roughly $20 to $30 per household every year in newly imposed compliance costs.

State and municipal government officials, business representatives, and consumer groups say the costs will be much higher. Some estimates put the annual compliance costs for the new restrictions at $12 billion, or nearly $2,000 per household every year.

EPA asked a National Research Council panel of scientists and economists to review its cost estimates and report on whether they were likely to be accurate. NRC’s March 6 report found EPA’s estimates are not likely to be accurate.

“The total costs to meet Florida water quality goals will exceed the reported incremental costs of the EPA analysis,” the NRC report concluded.

Staci Braswell, director of government and community affairs for the Florida Farm Bureau Federation, says the state is already spending an impressive amount of money on clean water programs. EPA’s proposed restrictions will severely raise those costs, Braswell says.

EPA Lowballed Treatment Areas

“The incremental land area needing treatment was likely underestimated, individual costs for the [Best Management Practices] assumed to be sufficient were underestimated, and the more effective and costly BMPs and regional treatment systems likely required to meet numeric nutrient criteria were not included in the analysis,” Braswell said.

Farmers in particular will be hit hard by EPA’s proposed restrictions, Braswell warned.

“Numerical nutrient restrictions on water bodies are excessively more expensive than narrative restrictions because the precise knowledge of how various nutrients impact the health of a water body is a very inexact science,” said Jay Lehr, science director for The Heartland Institute, which publishes Environment & Climate News, and a leading authority on groundwater hydrology.

Setting numerical restrictions amounts to imposing costly and unnecessary restrictions on many bodies of water, said Lehr, often for no environmental benefit.

Cheryl Chumley (ckchumley@aol.com) writes from northern Virginia.

NATO Not Concerned about Global Warming, Klaus Tells ICCC

Continued from page 1

Klaus’s observations deflated global warming alarmists who often attempt to justify expensive and far-reaching action on global warming by linking it to alleged national security threats.

Europeans Not Concerned

Klaus further observed European interest in and concern about global warming is waning.

“One Friday evening I attended a music festival in Prague, and during the break I mentioned to a group of people that I am going to Chicago, among other things to speak at this conference. Their reaction was, ‘Global warming? Isn’t it already over? Does anybody care about it?’ That is how they see it. Maybe it is a European perspective.”

Klaus said it is nevertheless important for The Heartland Institute and its allies to keep reporting that global warming is not a crisis. Without constant reporting of that fact, Klaus said, alarmists will again misrepresent science and succeed in further eroding human liberty.

More than 50 Experts Spoke

Klaus was one of more than 50 experts speaking at ICCC-7. Before the conference, The Heartland Institute extended invitations to more than 50 warmists, including dozens of lead authors and coordinating lead authors for the United Nations Intergovernmental Panel on Climate Change, to attend the conference and engage skeptics in cooperative discussion and debate. None agreed to attend the conference and debate the underlying science.

As a result, the conference served as a platform for experts from private and public research organizations and prominent universities to explain why humans are not creating a global warming or climate change crisis.

Internal Debate Encouraged

In contrast to alarmist conferences and publications, ICCC-7 encouraged debate on various global warming topics. Particularly noteworthy was an exchange between atmospheric scientist Bill Gray and solar expert Sebastian Lüning during a question and answer session at the end of Lüning’s May 23 keynote presentation.

Lüning documented during his presentation how variations in solar output track closely with global temperatures. He made the case that solar variability continues to function as the primary driver of global temperatures.

Gray, a hurricane expert who for decades has studied ocean cycles and their effects on global climate, took advantage of the question and answer session to argue ocean cycles are playing a greater role in recent temperature fluctuations than solar variability.

The debate lasted for several minutes, with neither Lüning nor Gray appearing to win the other over to his point of view. Although the debate was sharp, it remained professional and constructive.

Video Available Online

The Heartland Institute recorded all of the sessions and is making video of the conference available online at its Web site. Prominent speakers included Lord Christopher Monckton, Congressman Jim Sensenbrenner, European Union Member of Parliament Roger Helmer, and dozens of climate scientists and economists.

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

INTERNET INFO

International Conferences on Climate Change,
The Heartland Institute: http://climateconference.heartland.org/
Alaska Officials Speak Out Against New Ocean Policy

By Alyssa Carducci

A laska state officials are pressing the Obama administration to exercise restraint in implementing a new National Ocean Policy that threatens to shift power from the states to the federal government.

At a U.S. House of Representatives Natural Resources Committee Field Hearing April 3 in Anchorage, state officials joined citizens and entrepreneurs in expressing concern an executive order signed by President Barack Obama last summer will lead to a costly National Ocean Policy that stifles local economic activity and shifts power from state and local officials to federal bureaucrats thousands of miles away.

The executive order created guiding principles for decisions concerning management and action over oceans in order “to achieve an America whose stewardship ensures that the ocean, our coasts, and the Great Lakes are healthy and resilient, safe and productive, and understood and treasured so as to promote the well-being, prosperity, and security of present and future generations.”

Doug Vincent-Lang, acting director for wildlife conservation at the Alaska Department of Fish and Game, said the National Ocean Policy threatens to override important local and regional insights regarding ocean resources.

“The decision-making processes are basically being governed, potentially, by the federal bureaucracies that are going to dominate these regional planning boards. If there is no consensus at the local level, that decision-making process will go to Washington,” Vincent-Lang warned.

Broad Opposition Forms

Among the other witnesses expressing concern about the new National Ocean Policy were state legislators, Alaska’s congressional delegation, directors from Alaska’s Division of Wildlife Conservation, the Alaska Oil and Gas Association, and the Alaska Miners Association.

Prior to the hearings, Alaska Gov. Sean Parnell (R) coauthored with six other governors a letter to Obama expressing concern about the National Ocean Policy being used as an excuse to stifle off-shore energy production.

“This is extraordinarily important that we are hearing from state legislators and industries … how the wrongheaded proposal coming out of the administration could negatively impact our success,” Sen. Lisa Murkowski (R-AK) said at the hearing.

Local Concerns Summarized

U.S. Rep. Don Young (R-AK) opened the field hearing by expressing concern the new National Ocean Policy will trample state and local oversight and disproportionately harm states like Alaska.

 “[D]espite the administration’s claims that it will be the most transparent ever, this new federal environmental overlay is being developed and implemented with no direct stakeholder involvement,” said Young.

“Nowhere in the United States will the effects of the National Ocean Policy be felt to the extent that it will in Alaska. The reach of this ‘ocean’ policy will stretch throughout the entire state and affect almost any activity that requires a federal permit,” Young explained.

He continued, “As we will hear from our witnesses today, the state’s economic vitality is a direct result of our ability to use our natural resources. Any new federal initiative that affects our ability to use these natural resources will cost jobs.

“The administration claims that this whole National Ocean Policy is nothing more than an attempt to coordinate federal agencies and make better permitting decisions,” Young said. “Forgive me if I am a little suspicious when the federal government—through an Executive Order—decides to create a new bureaucracy that will ‘help’ us plan where activities can or cannot take place in our waters and inland.”

Don Young
U.S. REPRESENTATIVE - ALASKA

“Away from Washington, Alaska isn’t shirking the decision-making process,” said U.S. Rep. Don Young (R-AK). “We have a state economy that is dependent upon the ocean, our coasts, and the Great Lakes. We are pushing for a more transparent and participatory National Ocean Policy that will not override local and state concerns.”

The decision-making processes are basically being governed, potentially, by the federal bureaucracies that are going to dominate these regional planning boards. If there is no consensus at the local level, that decision-making process will go to Washington,” Vincent-Lang warned.

“Increased bureaucracy could hamper the already slow processes with no added benefit to the environment,” Rogers explained. “In our view the Coastal Marine Spatial Planning/Regional Planning Body structure is an unauthorized new regulatory program that suggests a federal-level ‘top down’ approach to management resources with minimal local input.”

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

“Forgive me if I am a little suspicious when the federal government ... decides to create a new bureaucracy that will ‘help’ us plan where activities can or cannot take place in our waters and inland.”

Don Young
U.S. REPRESENTATIVE - ALASKA

“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

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Neb. Passes Bill to Move Keystone XL Pipeline Forward

By Brian Fojtik

Neb.braska’s unicameral legislature has passed a bill designed to keep alive the possible approval of the Keystone XL pipeline previously rejected by President Barack Obama.

In a bipartisan 44–5 vote, lawmakers endorsed legislation that will provide a mechanism for the Nebraska Department of Environmental Quality (NDEQ) to continue the Keystone evaluation independently and collaborate with the federal government on other pipeline projects. Gov. Dave Heineman (R) signed the bill into law.

State’s Hands Were Tied

Before passage of the bill, Nebraska state officials were unable to evaluate any alternatives to the plan rejected by Obama.

In a special session in late 2011, the Nebraska legislature had agreed in a memorandum of understanding with the U.S. State Department to join Nebraska’s evaluation with the State Department’s process to avoid duplication, improve efficiency, and control costs. Once Obama rejected the initial Keystone XL proposal, however, the State Department stopped consideration of the plan or any alternatives.

“We were at a standstill,” said state Sen. Jim Smith (R-Papillion), who sponsored the bill. “We had to decouple us [Nebraska] from the federal government in order to review alternate routes.”

Under the new law, the NDEQ is reviewing the revised route and will hold a series of public hearings on the changes. If Heineman agrees to a new route after those reviews are complete, TransCanada is expected to seek approval for the new route from the State Department.

Smith says the NDEQ may complete its evaluation by November. Once the governor approves a new route, TransCanada will be free to pursue its application with the State Department.

Activist Groups on the Fringe

The Nebraska Sierra Club and League of Women Voters of Nebraska opposed the legislation, despite its overwhelmingly support among Democrats and Republicans alike. Smith attributes activist-group opposition to two different motives.

“First, there is a very hard-line environmental opposition that’s not about this route but opposition to the use of fossil fuels at all. They won’t support any route or any alternative at any time,” Smith said.

“The second level of opposition came from Nebraskans that genuinely love their land and are concerned about reclamation and land being left as well as it was before the process,” Smith observed. “I think those concerns have been reflected in the alternative plan introduced by TransCanada since passing our legislation.”

Since the new law took effect, TransCanada has submitted an alternate route for the Nebraska portion of the pipeline that would avoid the environmentally sensitive Sandhills region, cited by Obama in his final rejection of the permit application. The new route also avoids all areas of the state where groundwater is less than five feet below the surface.

Heineman Signals New Support

Heineman, who opposed the initial Keystone XL proposal, has been urging the president to approve the revised plans.

“Nebraska will move forward on the review process of the proposed Keystone XL pipeline and any future pipelines that will create jobs and reduce U.S. dependence on Middle Eastern oil,” said Heineman in a press statement after signing the bill into law.

Asian Pollution Pushing States over EPA Ozone Limits

By Bonner R. Cohen

Rising levels of ground-based ozone in the western United States can be traced to emissions in Asia that are transported across the Pacific Ocean by westerly winds, according to a new study in the Journal of Geophysical Research.

Significant Asian Impact

As much as 20 percent of the ground-level ozone measured in California and neighboring states originates as Asian pollution, says Meiyun Lin, the study’s lead author and an atmospheric chemist at Princeton University. The Asian emissions often push levels of ozone above the accepted federal minimum of 75 parts per billion measured as an average concentration over eight hours.

“We showed that Asian pollution directly contributes to surface ozone pollution episodes in the western United States,” said Lin in a National Oceanic and Atmospheric Administration (NOAA) press release announcing the study.

The study, “Transport of Asian Ozone Pollution into Surface Air over the Western United States in Spring,” found pollution blown across the Pacific Ocean by spring winds descends on the western United States and adds to pollution produced at the local level.

Lin led a team of 15 researchers who measured ozone coming from East Asia. China was by far the largest contributor of trans-Pacific ozone pollution.

EPA Unfairly Punishing States

Scientists have long suspected pollution in the western United States was being exacerbated by Asian emissions.

The new study confirms that belief, supporting arguments from western states that the U.S. Environmental Protection Agency is unfairly imposing costly restrictions and penalties on them for pollution that is out of their control.

EPA has proposed further restrictions on ozone levels, even though western states do not have the ability to block Asian pollution from raising local ozone levels.

“This study demonstrates how dangerous EPA’s proposed ozone regulations could be,” said Dan Simmons, director of state policy at the Institute for Energy Research.

“The Bush administration reduced the ozone standard to a level that is already difficult to comply with, especially with so much ‘imported’ pollution,” Simmons explained. “Before issuing any new ozone standards, EPA needs to go back to the drawing board and fix their models to account for pollution generated outside the United States.”

Bonner R. Cohen, Ph.D. (bcohen@nationalcenter.org) is a senior fellow at the National Center for Public Policy Research.
FWS Sued for Not Delisting Recovered Calif. Beetle

By Cheryl K. Chumley

A group of California property owners and a public policy organization have filed a lawsuit to force the federal government to remove a beetle from the U.S. Fish and Wildlife Service’s endangered species list.

Six Years and Counting

Six years ago, FWS determined the valley elderberry longhorn beetle had recovered from its “threatened” status. Nevertheless, the agency has yet to officially change the beetle’s status, so land-use restrictions and other limitations on property rights remain.

Sacramento-area property owners and the Pacific Legal Foundation have filed a lawsuit in federal district court demanding FWS comply with its own findings and delist the beetle. FWS defends the continued listing of the beetle, saying it must undertake important procedural steps before making an official decision to delist it.

“We are working, and have been working, on a draft 12-month finding ... on whether to delist the species or not,” said Sarah Swenty, a media contact with the Fish and Wildlife office in Sacramento. “It’s currently being reviewed by the regional office, ... and it goes to the D.C. office soon.”

From there, she said, the draft proposal will go before the public for a comment period.

“We have no specific date for publishing the rule,” Swenty said. “But we are working on the recovery of the species.”

End of Group’s Patience

It’s too little, too late, however, for the Pacific Legal Foundation, a nonprofit organization dedicated to fighting for property rights. The group has sued on behalf of landowners, businesses, and farmers, saying FWS has dragged its feet on the rule for far too long.

“In 1980, the beetle was listed as a threatened species. [The listing] imposed several regulatory concerns for folks in California, mainly private property restrictions but also increased flood control costs,” said Brandon Middleton, the Pacific Legal Foundation attorney who filed the lawsuit.

By 2006, the Fish and Wildlife Service had recognized the beetle had recovered, Middleton said.

“But even though we have that, here we are; the beetle is still listed,” he said. “There’s no excuse for Fish and Wildlife to fail to delist this species.”

The lengthy delays on the part of FWS indicate the agency is not concerned so much with species protection, Middleton said, as with retaining power.

Real People Suffering Harm

In the meantime, said Middleton, plenty of residents have suffered.

“One client, he’s the president of North Sacramento Land Company. He has property he’d like to develop and create a business park out of. But his land is classified as critical habitat for the beetle,” Middleton said.

“He can’t do anything with the property until it’s delisted.”

With the continuing development restrictions on the land, Middleton added, homeless people have taken over the park, causing his client ongoing clean-up expenses.

“One on hand, he can’t develop his commercial property,” said Middleton. “On the other, he has incurred substantial expense to take care of this property.”

Cheryl Chumley (ckchumley@aol.com) writes from northern Virginia.

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Climate Scientists and Global Warming:

By Joseph L. Bast

Do 98 percent of climate scientists really believe in manmade global warming? A little research reveals that the often-cited figure is a confused and erroneous reference to two different studies that both fail to prove what those who cite them believe or allege.

Doran and Zimmerman

The first study, by Doran and Zimmerman, appeared in EOS, the journal of the American Geophysical Union (AGU) in 2009. You can retrieve it at http://tigger.uic.edu/~pdoran/012009_Doran_final.pdf. This article reports the results of a survey, but it was a meaningless one.

The researchers—a professor at the University of Illinois and a graduate student—sent a two-minute online survey to 10,257 Earth scientists working for universities and government research agencies, generating responses from 3,146 people. Only 5 percent of respondents self-identified as climate scientists. The survey asked two questions:

“Q1. When compared with pre-1800s levels, do you think that mean global temperatures have generally risen, fallen, or remained relatively constant?”

“Q2. Do you think human activity is a significant contributing factor in changing mean global temperatures?”

Overall, 90 percent of respondents answered “risen” to question 1 and 82 percent answered “yes” to question 2. The authors get their fraudulent “98 percent of climate scientists believe” sound bite by focusing on only 79 (not a typo) scientists who responded and “listed climate science as their area of expertise and who also have published more than 50 percent of their recent peer-reviewed papers on the subject of climate change.”

Given that there are tens of thousands or even hundreds of thousands of scientists with real expertise in basic sciences related to climate, a survey that looks at the views of only 79 climate scientists is ridiculous. Its tiny sample size makes it meaningless.

Even worse than the sample size, though, is the complete irrelevance of the questions asked in the survey to the real debate taking place about climate change. Most skeptics would answer those two questions the same way as alarmists would.

At issue is not whether the climate warmed since the Little Ice Age or whether there is a human impact on climate, but whether the warming is unusual in rate or magnitude; whether that part of it attributable to human causes is likely to be beneficial or harmful on net, and by how much; and whether the benefits of reducing the human contribution will outweigh the costs, so as to justify public policies aimed at reducing it. The survey is silent on these questions.

The survey by Doran and Zimmerman fails to produce evidence that would back up claims that there is a “scientific consensus” about the causes or consequences of climate change. They simply asked the wrong question. And the “98 percent” figure so often attributed to their survey refers to the opinions of only 79 climate scientists, which is not a representative sample of scientific opinion.

Anderegg et al.

The Doran and Zimmerman survey is often confused or conflated with a second study, Anderegg et al., “Expert credibility in climate change,” in the Proceedings of the National Academies of Sciences: http://www.pnas.org/content/early/2010/06/04/1003187107.

From the abstract:

“Here, we use an extensive dataset of 1,372 climate researchers and their publication and citation data to show that (i) 97–98% of the climate researchers most actively publishing in the field support the tenets of ACC outlined by the Intergovernmental Panel on Climate Change, and (ii) the relative climate expertise and scientific prominence of the researchers unconvinced of ACC are substantially below that of the convinced researchers.”

Note this is not a survey of scientists, whether “all scientists” or specifically climate scientists. Instead, Anderegg et al. counted the number of articles published in academic journals by 908 “climate researchers,” defined as people who had signed petitions opposing or supporting the IPCC’s positions or had coauthored IPCC reports and had published a minimum of 20 climate publications.

They found 97 to 98 percent of the most prolific 200 climate researchers, so defined, appeared to believe “anthropogenic greenhouse gases have been responsible for most of the ‘unequivocal’ warming of the Earth’s average global temperature over the second half of the 20th century.”

Observe that this counting exercise did not determine how many of these authors believe global warming is a crisis, or that the science is sufficiently established to be the basis for public policy, or even that future global warming would be bad (or good). Anyone who cites this study in defense of these views is mistaken.

Anderegg et al. also didn’t count as “skeptics” the scientists whose work exposes gaps in the manmade global warming theory or contradicts claims that climate change will be catastrophic. Environmental writer Dennis Avery identified several hundred scientists who fall into this category, even though some profess to still “believe” in global warming.

Looking past the flashy “97 to 98%” claim by...
The Myth of the 98 Percent

Anderegg et al., you will see the study found the average skeptic has been published about half as frequently as the average alarmist—60 versus 119 articles. Most of this difference was driven by the hyper-productivity of a handful of alarmist climate scientists—the 50 most prolific alarmists were published an average of 408 times, versus only 89 times for the skeptics.

So what, exactly, did Anderegg et al. discover? That a small clique of climate alarmists got their writing published hundreds of times in academic journals, something that probably would have been impossible just a decade or two ago. Anderegg et al. simply assert that those “top 50” are more credible than scientists who publish less, but they make no effort to prove this.

Two Reasons Why Alarmists Publish More

Anderegg et al.’s assertion that “he who publishes the most must be the most credible” is implausible. There are at least four reasons why skeptics appear in print less frequently than do alarmists, and none of them has to do with credibility or expertise. They are:

Publication bias. Articles that “find something”—such as a statistically significant correlation that might imply causation—are much more likely to get published than those that do not. Such “findings” are newsworthy and important to other researchers, while experiments that do not “find something” are less so. Even though falsifying hypotheses with experimental data is the essence of true science, it is the experiment that seems to generate or support a hypothesis that gets all the attention and is most likely to be published, even if that experiment had a small sample size, limited duration, or other defects that increased the odds of a false positive finding.

Publication bias also is caused by heavy government funding of the search for one result, but little or no funding for other results. In the case of climate change, hundreds of millions of dollars in government grants have gone to scholars who say they are trying to find a discernible human impact on climate, or of climate change on plants, animals, fish, human health, or a litany of other things. Much less funding is available to scholars who say they are seeking to find natural causes for climate change, or explanations of natural phenomena that don’t involve climate change.

Publication bias helps explain why most published research findings are false, not only in climate science but in all disciplines. Thousands of researchers are being paid to “find something,” and they publish whenever they think they might have found something, no matter how slim the evidence. We seldom read that other scholars have tried and failed to replicate their findings, but it happens all the time.

Resumé padding. Climate scientist Phil Jones, before the Climategate scandal revealed that he was hiding data and illegally blocking FOIA requests, was identified as a coauthor on articles appearing in scientific journals an average of once a week, an astounding pace if the findings he was reporting were being carefully vetted. (As reported by Fred Pearce in The Climate Files). His data are still being cited in footnotes for scores of other published articles every week or month.

This extraordinary productivity is a function of several things, but one is the practice of having large numbers of coauthors on scientific papers, so that a dozen or even two dozen writers get to list the same paper in their resumés. This makes objective peer review difficult or impossible, further helping to ensure publication. This practice became pervasive in climate research only in the past two decades, and it is entirely a phenomenon of alarmist scientists. Most skeptics continue to publish alone or with only a few coauthors.

Two More Reasons

Age and academic status. Climate scientists who are skeptics tend to be older, and more are emeritus, than scientists in the alarmist camp. This could be the result of two things:

Either they are willing to speak out because they have tenure or are retired and do not fear retaliation for taking an unpopular stance, or they are less impressed by the current fixation on computer models.

These “old school” scientists recognize that computer models’ outputs are not data but hypotheses that must be tested by data (empirical observation)—a relationship that many younger scientists, accustomed to working constantly with computers and far less with observations of the natural world, tend to get exactly backward. These older scientists also were considered respected and successful if they published once or twice a year and devoted time to classroom teaching, if they are not fully retired.

Climate alarmists tend to be younger, trying to get tenure by appearing in academic journals, and more likely to team up with other scientists to appear more frequently in those journals. Alarmists also are more likely to be environmental activists, drawn to the field by their interest in environmental issues rather than by pure interest in science itself. This again makes them more likely to write and publish articles specifically on the hot topic of climate change.

Editorial bias. We know from the leaked Climategate emails that a small clique of influential government scientists worked behind the scenes to get academic journal editors to reject papers that would otherwise have qualified for publication. These scientists even arranged for editors who dared to publish such papers to be fired or pressured into resigning. This is gross editorial bias and likely contributed to some of the disparity in publishing numbers between skeptics and alarmists. More subtle bias, which might not be apparent even to the editors who exercise it, probably accounts for still more of the disparity.

So … the Anderegg et al. article never should be cited as proof that there is a “consensus” on the causes or consequences of climate change, or even on the matter of whether alarmists are more credible than skeptics.

Conclusion

Neither of these studies supports the claim that “98 percent of scientists believe in man-made global warming.”

For more research and commentary on the dubious claim of a “scientific consensus” on the causes and consequences of climate change, Google “You Call This Consensus?” by this author.

Joseph L. Bast (j bast@heartland.org) is president and CEO of The Heartland Institute.
The Heartland Institute’s Seventh International Conference on Climate Change (ICCC-7) took place in Chicago, Illinois from Monday, May 21 to Wednesday, May 23, 2012. It was an unqualified success. Approximately fifty speakers addressed nearly 300 audience members eager to learn the truth about the causes and consequences of climate change. Especially noteworthy speakers included Vaclav Klaus, president of the Czech Republic, Congressman James Sensenbrenner, European Parliament member Roger Helmer, and former astronauts Harrison “Jack” Schmitt and Walter Cunningham.

The conference was cohosted by a record 60 think tanks and other civic and business groups, including organizations in Australia, Brazil, Britain, Canada, Germany, India, New Zealand, and Nigeria.

This year’s theme was “Real Science, Real Choices.” Scientists, doctors, and economists from Australia, Canada, Germany, Israel, Norway, and the U.S. addressed everything from the latest research on solar cycles and cosmic rays to paleoclimatology, extreme weather events, renewable fuels, and contemporary temperature records.

If you weren’t able to attend this exciting event, please view the videos of the presentations at climateconference.heartland.org. Watch, listen, and learn for yourself what the real science of climate is revealing, and what choices we all must make as citizens and consumers.
Shell Oil Partners with Nature Conservancy to Protect Bird Habitat

By Alyssa Carducci

Shell Oil Company is partnering with The Nature Conservancy of Texas in an effort to rebuild an eroding island that is home to more than 24,000 nesting birds.

Shelf has donated $500,000 toward the first phase of the project, estimated to cost a total of $2.3 million.

Winter storms that moved across Corpus Christi Bay caused Shamrock Island to suffer the loss of sand on its beaches, uprooted sea grass, and breached the uplands that shelter the island’s lagoons and wetlands, according to The Nature Conservancy.

Many of Shamrock Island’s birds are on the Endangered Species List or are considered likely candidates for listing in the near future. Rebuilding the island will help the birds raise their population numbers without the need for costly and intrusive restrictions on regional property owners.

Shell Embraces Cooperation

Corporations like Shell have a long history of funding such restoration work, says Shell Oil Company spokesperson Emily Oberton.

“Business has a responsibility to care about the societies in which it operates and to work with others to ensure that our natural resources and environment are managed carefully for the benefit of current and future generations,” said Oberton.

Helping with Money Troubles

Shell’s assistance is coming at an important time for The Nature Conservancy, which benefits from federal funding but experienced a federal funding cut in 2011.

“Several programs have not been restored to their full funding levels,” said Laura Huffman, The Nature Conservancy’s Texas director. “Paired with a tough economy where people give less, there are significantly less dollars available for important land, water, and marine conservation efforts.”

The conservancy recognized decades ago that the private sector has an important role to play in advancing the organization’s conservation mission, said Huffman. It is open to funding opportunities from a number of sources, not just government grants.

“We are working with companies large and small around the world to help change business practices and policies, raise awareness of conservation issues, and directly support important conservation projects like Shamrock Island,” Huffman said.

“Everybody needs to be in the game. ... So yes, I do get excited when Corporate America says that conserving our natural resources is an important priority for their business—and then they invest accordingly,” she added.

Long History of Giving

Shell Oil has been a partner of the conservancy since 1990 and has invested more than $2.3 million. In 2009 The Nature Conservancy was established as one of four Strategic Partners of Shell.

“When Shell enters an area to explore and ultimately set up operations, we do so with a business objective, but we also have two other goals—to protect the environment and to create a positive presence in the community through activities such as workforce development,” Oberton said.

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

Idaho Wind Farm Scuttled over Sage Grouse Concerns

By Bonner R. Cohen

A Las Vegas power company has withdrawn plans to build a large wind farm in southern Idaho that would provide electricity to parts of Idaho and Nevada.

U.S. Bureau of Land Management (BLM) concerns over the how the wind farm might harm sage grouse in the area had delayed federal approval of the plan, which ultimately led the power company to pull the plug on the project.

Las Vegas-based NV Energy had teamed up with RES America Development to build the Chinia Mountain Wind Project, which would have built 170 to 200 wind turbines. Situated on 25,000 acres of BLM land and 10,000 acres belonging to private owners and the State of Idaho, the project was trumpeted to underscore the Obama administration’s commitment to renewable energy.

From the outset, however, conservationists expressed concern the project would destroy habitat of the greater sage grouse, a chicken-sized bird found in 11 states in the West and most prevalent in Idaho, Montana, Nevada, Utah, and Wyoming. The Obama administration has designated the sage grouse for protection under the Endangered Species Act but has not yet listed the bird under the ESA, arguing other species are more important. A federal court has given FWS until September 30, 2015 to reach a final decision on listing.

The court’s ruling has FWS and state wildlife officials scrambling to develop plans to protect the bird.

State officials are particularly concerned harsh ESA restrictions on land use will deal a devastating blow to local economies. In March, BLM notified NV Energy and RES America Development of further delays in completing its environmental impact statement for the wind farm, noting the project encompassed 42 percent of the sage grouse’s western habitat. For NV Energy, which had already sunk $6 million into the project, this was the last straw.

“The scientific justification for sage grouse protection under the Endangered Species Act is quite weak,” said Jay Lehr, science director for The Heartland Institute, which publishes Environment & Climate News.

“That being said, there is some poetic justice to watching wind power, the favored electricity source of environmental activist groups, being curtailed by the same restrictions they frequently and unjustifiably impose on conventional energy sources,” Lehr said.

“NV Energy’s proposed wind farm illustrates how all methods of power generation create some negative environmental consequences,” he added. “Wind power’s death toll on bird populations is especially troublesome.”

Bonner R. Cohen, Ph.D. (boohen@nationalcenter.org) is a senior fellow at the National Center for Public Policy Research.
Heartland Institute Replies to The Economist

**By Joseph L. Bast**

A n article in the May 26, 2012 issue of The Economist titled “Toxic shock” begins with these promising words: “The Heartland Institute, the world’s most prominent think-tank promoting scepticism about man-made climate change, is getting a lot of heat.”

We appreciate the acknowledgment of our international stature in the climate change debate. Unfortunately, the rest of the brief article mostly repeats the talking points of left-wing advocacy groups that have targeted Heartland precisely because of its stature.

**Funding Actually Increased**

Heartland has not “lost an estimated $825,000 in expected donations.” Most of the donors who have said they won’t continue to support us have agreed to fund new or existing groups that will continue our work; some already contributed this year before their announcements; and others had indicated they would not fund us even before the controversy over a billboard against global warming alarmism we put up for just one day. We have raised considerably more from current and new donors than we may have lost due to the controversy.

Two directors had to step down from our board, but two new members will be elected at our next meeting to take their place. Attendance at our climate change conference was greater than at three of the seven previous events, and would have been higher were it not for short notice (only three months) and our new policy of not providing travel scholarships to elected officials and allies.

**Fakegate Vindicates Heartland**

The Economist’s reporting on the “Fakegate” incident—the theft of confidential corporate documents from Heartland perpetrated by climate scientist Peter Gleick—is more or less accurate, including that “Mr. Bast says that far from exposing his institute, the documents exonerated it from charges that it was a front for the fossil-fuel industry.”

It’s not just my opinion that this is so: The New York Times reported on February 16, “Perhaps the most intriguing aspect of the Heartland documents was what they did not contain: evidence of contributions from the major publicly traded oil companies, long suspected by environmentalists of secretly financing efforts to undermine climate science.”

**Invigorating Debate**

Our digital billboard in Chicago produced a mountain of fake outrage and indignation from groups on the left, dutifully reported as though it were real by the mainstream media, which are deep in the tank with the environmental movement. But the billboard was factually correct and confirms what millions of people know. It has reinvigorated the debate over how much we really know about the causes and consequences of climate change.

Would anything less controversial have prompted The Economist to break its silence and recognize our role in the international debate? I don’t think so.

Joseph L. Bast (jbast@heartland.org) is president and CEO of The Heartland Institute.

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Arizona Counties Sue Administration over Mining Curbs

**Continued from page 1**

San Juan counties have joined the suit, which alleges the government improperly and illegally shut the land for mining.

The Federal Land Policy and Management Act allows the secretary of the U.S. Department of the Interior to bypass Congress and withdraw 5,000-plus acres of land from development for various environmental reasons for a period up to 20 years. But the Interior Department must follow proper procedures and provide sound environmental reasons for doing so. The counties allege Secretary of the Interior Ken Salazar failed to do that.

The counties cite environmental impact studies showing mining in the region would not harm the Colorado River and area lands.

**Damage to Regional Economy**

“This Department of the Interior action has a hugely negative impact on our economic development efforts, environmental interests, and statutory functions,” said Mohave County Supervisor Buster Johnson.

Johnson cited reports indicating mining operations could create 1,078 jobs in the county over 40 years. Mining operations also could bring in $2 billion in state and federal corporate income taxes, $168 million in state severance taxes, and $9.5 million in company payments to local governments.

“Salazar does not have the authority to do these things,” Johnson said. “This kind of taking of land, power, and oversight from states, counties, and legal investors can only be accomplished through an act of Congress. But the Obama administration can get away with it as long as no one challenges them.”

**More Restrictions to Come?**

Fellow Mohave County board member Gary Watson says the area contains unparalleled uranium ore deposits that are too valuable to be locked away. He fears the new restrictions are merely the beginning of more extensive, permanent restrictions.

“There has been a great deal of [mining] interest in that area,” Watson observed. “To close down that area—the richest deposit of ore in the continental United States—is just ridiculous. But there’s a movement for a national monument over that area: the Grand Canyon Watershed. Right now it’s a protective order for 20 years. But a monument, that would put it off limits forever.”

Cheryl Chumley (ckchumley@aol.com) writes from northern Virginia.
New lessons are beginning to emerge from the Fukushima earthquake, tsunami, and nuclear power plant shutdown.

Amid tens of thousands of deaths from non-nuclear causes, not a single life-shortening radiation injury has occurred. Not one!

Yet based on media coverage, many and perhaps most Americans believe more people died from the nuclear power plant shutdown than the earthquake and tsunami combined. The reality is nuclear fears are taking a stronger toll on residents near Fukushima than nuclear radiation.

Safe Radiation Levels
While some people in residential areas near Fukushima are wearing cumbersome radiation-blocking suits, filtered gas masks, gloves, and booties, there are many people living carefree in Brazil, India, Iran, Norway, and other places where folks have lived normal lives for countless generations with radiation levels as much as 100 times greater than forbidden areas of the Fukushima homes.

Few if any people decide where to live, or how to live, on the basis of radiation level. There is no reason they should start doing so now. Let the good people of Fukushima return home and get on with their lives.

Regulating Mother Nature
Who gave the radiation police the right to give their particular concern priority over all other considerations? That question is not limited to Japan. A proposed European Community directive dated October 17, 2011 notes the doses of radiation being regulated in Europe are as much as 100 times greater than forbidden areas of the Fukushima homes.

Announcing that no amount of radiation is small enough to be harmless certainly has been effective in creating and nurturing a phobic fear of radiation when none is justified by the facts.

Jay Lehr, Ph.D. (jlehr@heartland.org) is science director of The Heartland Institute. The author wishes to thank Dr. Ted Rockwell, the first recipient of the American Nuclear Society’s Lifetime Achievement Award, now called the Rockwell Award, for his insight and correspondence regarding the issues discussed in this article.

By an astonishing 15 distinct methods, Christopher Monckton of Brenchley demonstrates in his latest SPPI technical paper that the warming we can expect in response to the doubling of CO₂ concentration that is expected this century will not be 6°F, the IPCC’s central estimate, but only around 2°F.
Groups Sue over Proposed California Wind Farm

By Bonner R. Cohen

Three influential environmental activist groups are suing the federal government over plans to build a 100-turbine wind farm on federal land in Kern County, California.

Condors, Eagles at Risk

The suit, filed by Defenders of Wildlife, the Sierra Club, and the Center for Biological Diversity, alleges the proposed North Sky River project poses a threat to the endangered condor, the protected golden eagle, and other birds.

Filed in the U.S. District Court for the Eastern District of California, the suit says the Bureau of Land Management (BLM) failed to account for the wind farm’s negative impact on the birds.

The groups categorically reject BLM’s determination the project will have “no significant impact” on the environment and “no effect” on endangered species. Among other things, the groups point out wind turbines at the adjacent Pine Tree wind farm have killed at least eight federally protected golden eagles in the past two years, among the approximately 1,600 birds killed by the wind turbines each year.

Although there are no reports of condors having been killed at the Pine Tree project, bird advocates fear it’s only a matter of time before endangered condors in the area suffer the same fate as other birds killed by the turbines.

Bird Kills Are Likely

The U.S. Fish and Wildlife Service has documented more than 50 golden eagle sightings and 14 nests within 10 miles of the proposed North Sky River wind farm. According to a U.S. Fish and Wildlife Service report, the proposed North Sky River wind farm will likely kill at least as many birds as the Pine Tree facility.

“It’s reasonable to estimate that the proposed [North Sky River] project would have avian fatality rates equal to or greater than those observed at the adjacent Pine Tree Wind facility,” the report concluded.

Holding Developers Accountable

Wildlife advocates are increasingly insisting wind farms be held accountable to protections in the Endangered Species Act and Migratory Bird Treaty Act. To date, the federal government has turned a blind eye to routine killings of endangered birds by wind turbines.

“Green groups are finally starting to realize that their pet energy projects have real environmental impacts,” said Daniel Simmons, director of regulatory and state affairs at the Institute for Energy Research. “Everyone knows that wind turbines kill birds and bats, but for far too long, many environmentalists have given wind turbines a pass.

“In energy, as with anything in life, there are costs and benefits,” Simmons explained. “And one of the environmental costs of wind power is bird kills.”

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

Environmentalists Sue to Block Oregon Wind Project

By Bonner R. Cohen

Two Oregon-based environmental groups have filed a federal lawsuit to block construction of a wind farm atop Steens Mountain in rural Harney County.

Gaming the System

In the suit, the Audubon Society of Portland and the Oregon Natural Desert Association say “energy speculators” the groups have targeted are Columbia Energy Partners, which plans to develop the proposed $300 million Echanis Wind Project in southeastern Oregon. If completed, the project would feature between 40 and 60 415-foot high turbines on 10,000 acres of private ranch land.

The Echanis project is one of two wind farms proposed for locations on or near 9,733-foot Steens Mountain.

In an interesting twist, the power generated at Steens Mountain would not go to homes in Oregon but would be sent over power lines to California. Both states have renewable energy mandates, and the electricity produced at Steens Mountain would help meet both states’ renewable energy requirements.

‘Worst Place’ for Wind Development

If the two green groups have their way, California and Oregon will have to look elsewhere to meet their renewable energy mandates.

Portland Audubon and Oregon Natural Desert say the Steens Mountain site is one of the most environmentally damaging locations to construct wind power facilities.

“Of all the places in Oregon’s high desert, this is perhaps the worst place for wind development,” Brent Fenty, executive director of Oregon Natural Desert, told The Oregonian as reported on May 2.

Audubon and Oregon Natural Desert note the Oregon project’s turbines, access roads, and transmission lines would scar the natural beauty of the area and threaten migratory routes of bighorn sheep, golden eagles, and sage grouse.

Illusive ‘Green’ Energy

Like controversial wind-farm projects elsewhere in the nation, the dispute over Steens Mountain has widened fissures within the environmental movement.

“The opposition to wind power in Oregon shows that many environmental activists are not just opposed to oil, coal, and natural gas but to any new energy development,” said Daniel Simmons, director of regulatory and state affairs at the Institute for Energy Research.

“For years, environmentalists have supported wind power and other renewable sources of energy. But once one of these projects is on the verge of being developed, activists suddenly find reasons to oppose them,” Simmons observed. “It makes you wonder if the whole thing isn’t a bait-and-switch.”

Bonner R. Cohen, Ph.D. (bcohen@nationalcenter.org) is a senior fellow at the National Center for Public Policy Research.
EPA Fracking Investigation Was Flawed, Study of Wyoming Data Concludes

By James M. Taylor

The U.S. Environmental Protection Agency used improper procedures and analytical methods in a report claiming hydraulic fracturing may have impaired groundwater quality near Pavillion, Wyoming, an independent scientific assessment concludes.

EPA released a report in December 2011 asserting hydraulic fracturing, also known as fracking, may have polluted groundwater in the Pavillion region. According to an EPA statement accompanying the report, “ground water in the aquifer contains compounds likely associated with gas production practices, including hydraulic fracturing.”

If EPA ultimately concludes hydraulic fracturing polluted groundwater in the region, it would mark the first time the agency has found a link between fracking and groundwater pollution.

EPA Used Improper Procedures

The independent assessment, conducted by S.S. Papadopulos & Associates, Inc. (SSPA), reports the EPA investigation and report were flawed in many particulars.

SSPA found, among other shortcomings, EPA failed to compile and evaluate appropriate background data, made serious errors in sampling water in the region, utilized unapproved methods and procedures for collecting and evaluating water samples, and did not consider alternative possible causes of the asserted groundwater pollution.

“[T]he data and analysis does not support the EPA’s conclusions, including the agency’s primary claim of contamination caused by hydraulic fracturing activity,” the SSPA assessment concluded.

History of Safe Use

Recent advances in hydraulic fracturing technologies are making it increasingly affordable for energy companies to produce oil and natural gas. The fracturing process entails the high-pressure injection of water and trace chemicals to dislodge oil and natural gas in shale rock formations thousands of feet below the Earth’s surface.

Federal, state, and local environmental officials have for many decades tested groundwater near fracking sites and have never documented a single case of groundwater contamination caused by hydraulic fracturing.

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

EPA Rejects Petition to Ban ‘Weed and Feed’ Herbicide

By Kenneth Artz

The U.S. Environmental Protection Agency has rejected a request by the Natural Resources Defense Council activist group to ban 2,4-D, one of the most effective herbicides on the market.

Since the 1940s, 2,4-D has been used in the United States as a herbicide and plant growth regulator. It is currently found in about 600 products registered for agricultural, residential, industrial, and aquatic uses. It is commonly found in “weed and feed” lawn fertilizers because it kills broadleaf weeds, such as clover and dandelion, while preserving grass.

In 2004, the Henry Ford Foundation listed 2,4-D as one of the 75 most important innovations of modern times. The combination of its effectiveness in controlling weeds and lack of toxicity to humans and the environment has made it one of the most reliable tools for modern agriculture.

EPA Conducts Thorough Study

EPA is empowered to ban products if scientific studies show their usage poses unreasonable risks to people or the environment. NRDC in 2008 filed a petition with EPA claiming 2,4-D posed such unreasonable risks. EPA received public comments on the petition and reviewed the scientific evidence before concluding, on April 18 of this year, that 2,4-D poses no such threat.

“During the recent review of the petition from NRDC to reregister 2,4-D, EPA considered all the scientific studies addressing endocrine risks. EPA evaluated all the data cited by NRDC and new studies submitted to EPA in response to the reregistration decision,” EPA explained in a statement accompanying its decision.

“Included in the new studies is a state-of-the-science extended one-generation reproduction study. That study provides an in-depth examination of 2,4-D’s potential for endocrine disruptor, neurotoxic, and immunotoxic effects. This study and EPA’s comprehensive review confirmed EPA’s previous finding that the 2,4-D tolerances are safe.

“EPA also carefully reviewed NRDC’s request that the Agency cancel all 2,4-D product registrations,” the agency’s report added. “Based on studies addressing endocrine effects on wildlife species and the adequacy of personal protective equipment for workers, the Agency concluded that the science behind our current ecological and worker risk assessments for 2,4-D is sound and there is no basis to change the registrations.”

Petition Posed Grave Risk

Jim Gray, executive director of the Industry Task Force II on 2,4-D Research Data, says the impact of EPA’s decision cannot be overestimated.

“The EPA did a very thorough job. This time, they went out of their way to explain how they do a risk assessment and how the concerns of people like the NRDC are accounted for in their risk assessment,” said Gray.

“The length and breadth of the EPA’s response instills a higher level of confidence in the product,” Gray explained. “The 2,4-D compound is used in lots of different herbicides and is one of the few used to treat aquatic weeds. We and our customers think that it is useful and effective. Professional farmers and aerial and ground applicators use it, as well as applicators for military establishments, schools, roads, parks, and golf courses.”

H. Sterling Burnett, a senior fellow with the National Center for Policy Analysis, applauded EPA for following sound science in its review process.

“For once, the EPA got it right. They followed the science, which said that if you follow the proper dosage and use the substance appropriately, it is proven safe and poses little or no harm to humans or the environment,” observed Burnett.

“The folks at NRDC are chemo-phobes, and if they had their way, no manmade chemical would be approved for any use, no matter how beneficial,” Burnett explained.

Kenneth Artz (iamkenartz@hotmail.com) writes from Dallas, Texas.
Blue Crab Population Surges in Chesapeake Bay

By Cheryl K. Chumley

The juvenile blue crab population in Chesapeake Bay has surpassed its highest level ever recorded, and the overall blue crab population in the bay reached its highest level since 1993, according to the Maryland Department of Natural Resources.

The DNR issued its findings after its winter dredge survey, which the agency conducts annually in conjunction with the Virginia Institute of Marine Science.

The survey found 764 million blue crabs, a 66 percent increase over last year. The juvenile crab population reached a record high of 587 million, nearly three times the number recorded last year. The previous high was 512 million, recorded in 1997.

“Today’s announcement marks four years in a row of progress to restore the blue crab. This kind of progress ... only happens when we work together,” Maryland Gov. Martin O’Malley (D) said in a written press statement.

Tight Restrictions Aided Recovery

In recent years Maryland and Virginia have partnered to create and enforce strict catch limits on Chesapeake Bay crabbing. In 2008 the two states partnered with the Potomac River Fisheries Commission and reduced the harvesting of female crabs by 34 percent.

In 2011, the Maryland General Assembly passed bills that increased the state’s ability to enforce catch limits and hiked fines for violators. The state also increased fees in its commercial fishing license system.

Restrictions Will Remain
State officials are unlikely to ease crabbing restrictions despite the booming blue crab population.

“Even though the overall abundance is good news, the number of spawning-age adults is much lower than the number of recruit, or young, crabs,” said Brenda Davis, blue crab program manager for Maryland’s Department of Natural Resources. “Recruit crabs made up 77 percent of the 64 million crab abundance estimate from the bay winter dredge survey. Therefore, the department has decided to maintain the level of conservation that was in place for the 2011 crabbing season.”

Albert Todd, executive director for the Alliance for Chesapeake Bay—a non-profit organization whose mission is to preserve the bay and protect its waters from pollution—agrees with the cautious approach.

“When your salt looks at trends, and one year does not constitute a trend, Todd said. “This year, it’s up. Looks like the regulations seem to have favored this year’s crop. But with any kind of species in the bay, there are so many factors determining overall health. We really need many years to determine a trend.”

Cheryl Chumley (ckchumley@aol.com) writes from northern Virginia.

Idaho County Challenges Endangered Status of Caribou

By Kenneth Artz

Bonner County, Idaho is suing the federal government to remove woodland caribou from protection under the Endangered Species Act.

County officials point out there are millions of woodland caribou, mostly in Canada, and the fact that only a small number live in the extreme northern United States does not justify ESA protections that place onerous burdens on property owners.

Trivial Distinction

U.S. Fish and Wildlife Service officials argue the caribou that inhabit northern portions of Idaho and other U.S. states are distinct from the millions of caribou that inhabit Canada and elsewhere. They say the U.S. caribou population is distinct because those caribou tend to eat lichen off trees, whereas caribou farther north tend to eat lichen off the ground.

Bonner County officials say the asserted distinction is trivial and scientific evidence does not support the claim the caribou in the northern United States are genetically or otherwise distinct from the millions of caribou just over the political border with Canada.

Restrictions Harming Economy

FWS has proposed designating more than 375,000 acres of land in the Selkirk Mountains in northern Idaho and eastern Washington as critical habitat for the caribou. Doing so would shut down logging, recreation, and other human access to the mountains.

FWS already has closed roads and snowmobile trails in the region to protect the caribou and has limited regional logging activities.

Wayne Hoffman, president of the Idaho Freedom Foundation, says the impact of these regulations and others is tremendous.

“Most of Idaho is federally protected public land with abundant natural resources. It’s hard enough to derive income from timber, so when you declare huge swathes of land off-limits, then it just makes it that much harder to derive any economic benefit,” Hoffman observed.

“Extreme environmental activism is causing untold economic harm to communities like Bonner County. Every single attempt they have made has worsened the economic situation,” Hoffman explained.

Citizens Not Giving Up

This is the third time concerned government officials or concerned citizens have challenged the caribou listing. The Greater Bonners Ferry Chamber of Commerce filed petitions in 1993 and 2000 to delist the caribou. Both petitions were denied.

H. Sterling Burnett, a senior fellow with the National Center for Policy Analysis, says delisting the caribou is sound policy, especially since they are not rare across the vast majority of their range.

“The Northwest United States is the extreme southernmost part of their range, and there were never that many here,” said Burnett.

“There are thousands of caribou across North America, but in this group in Idaho, they’re classified as a distinct population of a subspecies because they eat lichens off trees rather than the ground. If they encountered another herd, they would eventually interact and breed with them. I’m not sure why we should be worrying about protecting [individual] breeds,” he said.

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