The Week That Was: 2016-01-16 (January 16, 2016)
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The Science and Environmental Policy Project

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Quote of the Week: *"Government is instituted for the common good; for the protection, safety, prosperity, and happiness of the people; and not for profit, honor, or private interest of any one man, family, or class of men."* —John Adams, 1776

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Number of the Week: 0.66%

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THIS WEEK:

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

Administration's Energy Plan: On January 5, Secretary of Interior Sally Jewell announced the latest effort in the administration campaign against fossil fuels and reliable energy. There will be a moratorium on new leases to mine coal on federal lands for at least three years. Supposedly, the purpose is to overhaul the program that permits coal mining on federal lands (to include Indian lands) to make the pricing "fair." The environmental industry (Big Green) has made the program controversial by objecting to it, claiming it contradicts the Administration's Energy Plan to reduce carbon dioxide emissions. Big Green has been active in a program to demand that fossil fuels not be used (be kept in the ground). During this Administration, Big Green was successful stopping the use of Yucca Mountain for storage of waste from nuclear power plants. Combined with its opposition to hydropower, Big Green opposes all the major sources of reliable electricity generation, a position that the Administration is adopting in reducing the supply of coal.

If the effort is successful, we can expect future rulings from the Administration on reducing the supply of oil and natural gas, to the extent that the Administration proclaims it has the power to do so – even if the Administration's perceived power will be highly contested in the courts. It is not a matter of what is moral or ethical; it is a matter of what the Administration believes it can do.

In making the announcement, Ms. Jewell claimed that the moratorium is necessary to permit adequate review of the program for the government to get "fair prices" for leases. No doubt the calculation of a fair price includes the totally contrived "social cost of carbon" that is being developed by the US Global Change Research Program (USGCRP). As discussed in the January 9 TWTW, the USGCRP has a legal mandate to understand "human-induced and natural processes of global (climate) change." The USGCRP ignores the understanding natural processes portion of its legal mandate. As shown in the reports by the Nongovernmental International Panel on Climate Change (NIPCC), human carbon dioxide emissions have a great beneficial impact on humanity and the environment.

The effort to ignore the beneficial impacts of carbon dioxide can be seen in the media reports of the Administration's announcement which referred to climate change and to carbon dioxide (CO_2), and greenhouses gases, as pollutants. The 2007 US Supreme Court ruling that CO_2 is pollutant that can be regulated by the EPA is a travesty against language, logic, and science. (Massachusetts v. EPA).

The claim that the Administration needs the three-year moratorium on coal leases to account for climate change is also a travesty. The federal government has had over three decades to account for climate change. Despite spending over $40 billion on climate science since 1993, it has not improved knowledge of the impact of carbon dioxide on the earth temperatures since the 1979 Charney Report to the US National Research Council of the National Academy of Sciences. The report estimated that a doubling of carbon dioxide will result in an increase in earth's temperatures of 1.5 to 4.5 degrees C.

The failure of the UN Intergovernmental Panel on Climate Change (IPCC) and US government-funded scientists to improve on the Charney Report indicates that the estimate may be significantly too high.

Further, recent studies indicate that a resulting warming will be at the low end of the estimate, at worst.

The Administration is shutting down reliable forms of electricity generation by using a highly questionable scientific justification that government entities have not been able to improve upon in over 36 years, despite spending over $40 billion since 1993.

See links under Challenging the Orthodoxy – NIPCC, Challenging the Orthodoxy, The Administration's Plan and http://www.atmos.ucla.edu/~brianpm/download/charney_report.pd
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Fighting Climate Change in Perspective: In August 2013, the White House reported that in FY 2013, US expenditures (including tax provisions and credits) on Clean Energy Technologies were $5.783 billion, Energy Tax Provisions That May Reduce Greenhouse Gases were $4.999 billion, and Energy Payments in Lieu of Tax Provisions were $8.080, for a total $18.862 billion. Such expenditures created a sustained green lobby for climate change. SEPP has found no comprehensive government reports on actual expenditures (including tax expenditures) since FY 2013.

For FY 2013, the National Institutes of Health (NIH) reported its expenditures on cancer research were $5.274 billion and expenditures on all categories of clinical research were $10.604 billion. Government expenditures on alternative energy sources and research were 78% greater than NIH expenditures on all categories of clinical research on known threats to human health. The fear of climate change has distorted spending priorities in the Federal government.

This Administration has placed a major part of its legacy on a political position claiming a poorly justified threat to health. See SEPP handout "Climate Fears and Finance"
http://www.sepp.org/key_issues/ClimateFearsandFinance6-6.pdf
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Unreliability Electricity: Many promoters of solar and wind cite Germany as an example of a successful alternative program. In No Tricks Zone, P. Gosselin gives a German chart of wind and solar output as compared with capacity dating from 2011 to March 2015. Wind and solar operate at only about 11% of their rated capacity for the period and had days when there is little or no output. The chart is a further example of the unreliability of the alternative sources the US Administration's plan promotes. Who would go to a hospital for difficult or delicate surgery if the only source of electricity power was wind and solar, rather than coal? Or live in modern cities that run on unreliable electricity? Would members of the Administration, or promoters or these forms of electricity generation?

Writing in their respective web sites, Jo Nova and Donn Dears give further examples of the high costs and the poor performance of the Administration's promised wind and solar industries. What is important is not just the cost of the capital and labor for the instillation of solar and wind and wind; but also, the cost of the needed back-up and the cost to the entire system created by erratic unreliability. See links under Questioning European Green, Green Jobs, and Alternative, Green ("Clean") Solar and Wind

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US Oil Imports: In his State of the Union Address, Mr. Obama claimed success in reduction of crude oil imports. As stated by Robert Rapier in *Forbes*, he did not state the cause of this success. Mr. Rapier writes:

"The irony is that President Obama – who is not viewed as a friend of the oil and gas industry – has presided over rising oil production in each of the seven years he has been in office. (On a separate note, expect that streak to be broken in 2016). From that low point in 2008, U.S. oil production has grown each year to reach 9.4 million bpd in 2015 — ***a gain of 88% during Obama's presidency****. This is in fact the largest domestic oil production increase during any presidency in U.S. history.* [Boldface added]

"It is true that net crude oil imports have fallen by nearly 60% since President Obama took office. In 2008 our net imports (crude oil imports minus exports of finished products) were 11.1 million bpd, [barrels per day] and in 2015 they were 4.7 million bpd. The largest reason for the decline in imports wasn't the investment in clean energy that President Obama first mentioned, it was the 4.3 million bpd surge in U.S. crude oil production."

"But I think the other reason President Obama doesn't spend more time beating the drum on this crude oil production surge is that it is readily apparent that it happened despite his administration, and not because of it. President Obama coincidentally happened to enter office just as the shale oil boom in the U.S. was getting started.

"In fact, the vast majority of the increase in U.S. oil production occurred on private land. On land that the U.S. government controls, it was a different story. The EIA reported in 2015 that while U.S. oil and gas production overall were surging, production of natural gas on federal lands was declining. Oil production is at about the same level as it was during his first year in office:"

Mr Rapier produces charts based on US Energy Information Administration, supporting his views: Total oil production on federal lands has remained the same and natural gas production has declined significantly. SEPP adds that, to its knowledge, there are no wells on federal lands were drilled using modern techniques of deep underground hydraulic fracturing of dense shale.

Mr Rapier writes further:

"President Obama's oil production legacy shares a similarity to that of President Jimmy Carter. In 1973 President Nixon pushed through the Trans-Alaska Pipeline Authorization Act, which cleared away legal challenges seeking to stop construction of the pipeline. But the pipeline didn't start operating until 1977, during President Carter's first year in office. As a result, after a sharp decline under Presidents Nixon and Ford, oil production rose during Carter's term. But the production increase during Carter's first two years in office was a result of decisions made during the Nixon administration."

Mr. Obama considers the 2% economic growth rate achieved during his administration a success. Many economists, and SEPP, consider a two percent growth rate economic stagnation. The question is what would have been the economic growth rate without the boom in the oil and gas industries (including industries dependent on oil and gas), so opposed by the Administration? Based on his statements in the State of the Union Address, one can expect oil and gas leasing will be next target, followed by attempts to stop or slow down production of oil and gas on private and state-owned lands. See links under Washington's Control of Energy

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Failure of Predictions: Private meteorologists such as Joe D'Aleo and Joe Bastardi of WeatherBell Analytics, who make their living from private clients by correctly predicting weather months in advance, have been predicting a late winter, both in arrival and departure, particularly for the central states and eastern states of the US. For the last two years, they were successful in predicting the cold, snowy winters in the central, northern, and northeastern states of the US. They have not been particularly impressed by the overselling of "the warmest year ever", based on the manipulation of historic data to create an inflated warming trend in surface data that was done by USGCRP leader Tom Karl, who also is responsible for NOAA's historic record. As stated in the January 9 TWTW:

"USGCRP is steered by the Subcommittee on Global Change Research (SGCR) of the National Science and Technology Council's Committee on Environment, Natural Resources, and Sustainability (CENRS), and overseen by the White House Office of Science and Technology Policy (OSTP)." Thomas Karl is the chair of the SGCR.

Writing in ICECAP, Joe D'Aleo discusses how the inappropriately named Union of Concerned Scientists is influencing state level climate thinking in New England under the banner of the University of New Hampshire and advocacy group "Climate Solutions New England (CSNE)"

"CSNE, an initiative of the UNH Sustainability Institute, was tasked by the Granite State Future project to assess past and potential future climate change across New Hampshire. The resulting reports detail how the state has been getting warmer and wetter over the last century, how the rate of change has increased over the last four decades, and how those trends will likely continue over the 21st century."

D'Aleo discusses how very wrong the predictions of the CSNE have been, probably based upon some version of the work of the USGCRP. See links under Communicating Better to the Public – Make things up and
http://www.fosters.com/apps/pbcs.dll/article?AID=/20140404/GJNEWS_01/140409672

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Number of the Week: 0.66%. 2015 turned out to be an excellent year for light vehicles sales in the US. According to data presented by Donn Dears 17,386,331 were sold. Of this total, 114,022, 0.66%, were electric vehicles. These include

a) plug-in hybrid electric vehicles (PHEV), which use electric power from the grid as the primary source of power, but use a secondary source, such as a gasoline engine] and

b) battery electric vehicles (BEV), which use electricity power from the grid solely, no back-up.

The sales of electric vehicles are significant fewer than the administration projected, even given the major subsidies and tax exemptions the administration granted. See link under Alternative, Green ("Clean") Vehicles. See link under Alternative, Green ("Clean") Vehicles.

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ARTICLES: The Articles section is now at the bottom of TWTW.

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NEWS YOU CAN USE:

Challenging the Orthodoxy -- NIPCC

Why Scientists Disagree About Global Warming
The NIPCC Report on the Scientific Consensus
By Craig D. Idso, Robert M. Carter, and S. Fred Singer, NIPCC, Nov 23, 2015
http://climatechangereconsidered.org/
Download with no charge
https://www.heartland.org/policy-documents/why-scientists-disagree-about-global-warming

Climate Change Reconsidered II: Physical Science
Idso, Carter, and Singer, Lead Authors/Editors, 2013
https://www.heartland.org/media-library/pdfs/CCR-II/CCR-II-Full.pdf
Summary: http://www.nipccreport.org/reports/ccr2a/pdf/Summary-for-Policymakers.pdf

Climate Change Reconsidered II: Biological Impacts
Idso, Idso, Carter, and Singer, Lead Authors/Editors, 2014
http://www.nipccreport.org/reports/ccr2b/pdf/Full-Report.pdf
Summary: https://www.heartland.org/media-library/pdfs/CCR-IIb/Summary-for-Policymakers.pdf

Challenging the Orthodoxy

Winter Bridge on Frontiers of Engineering
By S. Fred Singer and Gerald E. Marsh, The Bridge, National Academy of Engineering, Winter 2015
https://nae.edu/Publications/Bridge/148391/148652.aspx

10 reasons that show global warming is not man-made. Physics Prof explains his switch to skepticism.
By Jo Nova, Her Blog, Dec 28, 2015
http://joannenova.com.au/2015/12/10-reasons-we-know-global-warming-is-not-man-made-physics-prof-explains-his-switch-to-skepticism/#more-47080
Link to article: The Most Comprehensive Assault On 'Global Warming' Ever
By Mike Van Biezen, Daily Wire, Dec 25, 2015
http://www.dailywire.com/news/2071/most-comprehensive-assault-global-warming-ever-mike-van-biezen

Modern Civilization Has a Bright Future After All
By Alan Carlin, Carlin Economics and Science, Jan 14, 2016
http://www.carlineconomics.com/archives/2427

El Niño shortens the Pause by just one month
No global warming at all for 18 years 8 months
By Christopher Monckton of Brenchley, WUWT, Jan 10, 2016
http://wattsupwiththat.com/2016/01/10/el-nio-shortens-the-pause-by-just-one-month/

"Nothing in it is correct"

By Andrew Montford, Bishop Hill, Jan 12, 2016
http://bishophill.squarespace.com/blog/2016/1/12/nothing-in-it-is-correct.html
Link to somewhat technical post: Critique of 'Debunking the climate hiatus', by Rajaratnam, Romano, Tsiang, and Diffenbaugh
By Radford Neal, His Blog, Jan 10, 2016
"Rajaratnam, et al. describe [their] data as 'the NASA-GISS global mean land-ocean temperature index', which is a commonly used data set, discussed in my first post in this series. However, the data plotted above, and which they use, is not actually the GISS land-ocean temperature data set. It is the GISS land-only data set, which is less widely used, since as GISS says, it 'overestimates trends, since it disregards most of the dampening effects of the oceans'".

The abject failure of official global-warming predictions
Guest essay by Monckton of Brenchley, WUWT, Jan 13, 2016
http://wattsupwiththat.com/2016/01/13/the-abject-failure-of-official-global-warming-predictions/

Questioning the Orthodoxy

Government by noise spike
By John Brignell, Number Watch, Jan 12, 2016
http://www.numberwatch.co.uk/2016%20January.htm#spike
"…government control of the economy exemplifies the effects of decision making in response to random variations."

Global Warming; A Major Challenge For Science And Society Effectively Tackled By Friends Of Science (FOS)
Guest essay by Dr. Tim Ball, WUWT, Jan 8, 2016
http://wattsupwiththat.com/2016/01/08/global-warming-a-major-challenge-for-science-and-society-effectively-tackled-by-friends-of-science-fos/

Graph vs. Graph = Political Journalism
Guest essay by C.R. Dickson, WUWT, Jan 11, 2016
http://wattsupwiththat.com/2016/01/11/graph-vs-graph-political-journalism/
[SEPP Comment: Examples of "Chartsmanship" put in perspective.]

Paris Agreement?

Where is the due diligence on 600 billion dollars invested in "decarbonisation"?
By Jo Nova, Her Blog, Dec 26, 2015
http://joannenova.com.au/2015/12/where-is-the-due-diligence-on-600-billion-dollars-invested-in-decarbonisation/

The Administration's Plan

Obama halts new federal coal mining
By Timothy Cama, The Hill, Jan 15, 2016
http://thehill.com/policy/energy-environment/266037-obama-to-halt-new-federal-coal-mining-in-reform-push
"The action is the result of a wide-ranging effort Jewell launched in March 2015 to find ways to make energy production on federal land safer and cleaner, including **reducing pollutants like greenhouse gases.**" [Boldface Added]

Obama to overhaul coal leases

By Timothy Cama, The Hill, Jan 14, 2016
http://thehill.com/policy/energy-environment/265987-obama-to-overhaul-federal-coal-program
"'I'm going to push to change the way we manage our oil and coal resources, so that they better reflect the costs they impose on taxpayers and our planet,' Obama said in the Tuesday night speech."

Greens call for climate review of oil, gas drilling program
By Devin Henry, The Hill, Jan 14, 2016
http://thehill.com/policy/energy-environment/265898-greens-call-for-climate-review-of-oil-gas-leasing-program
"While the Obama administration has declined to stop all federal energy extraction, the president did justify the denial of the Keystone XL pipeline, in part, by saying more fuels need to stay underground in the future."

The Administration's Plan – Push-Back
The Dramatic Transformation of the Oil and Natural Gas Markets and Its Significance for the Climate Debate
By Alan Carlin, Carlin Economics and Science, Jan 8, 2016
http://www.carlineconomics.com/archives/2415

Reasons You Should Not Feel Lonely If You're Questioning Whether Climate Change Is a Problem
By Staff Writers, ICECAP, Jan 16, 2016
http://icecap.us/index.php/go/icing-the-hype/reasons_you_should_not_feel_lonely_if_youre_questioning_whether_climate_cha/

If You Think Solyndra Was A Waste Of Money...
Editorial, IBD, Jan 13, 2016
http://news.investors.com/ibd-editorials/011316-789722-obama-brags-about-low-energy-prices-then-proposes-to-raise-them.htm?p=full
"Solar and wind still account for just 24% of renewable energy supplies and a tiny 2% of total energy production, government data show.
"And, incredibly, more than half of the gains in solar and wind under Obama were offset by declines in hydroelectric power — a clean, renewable energy source that environmentalists happen to detest.
"So after spending billions subsidizing solar and wind, the share of our energy that comes from renewables is the same as it was when Obama took office.
"Exactly the same."

Why should Volkswagen be investigated for emission deception, but not government agencies?
Guest essay Paul Driessen, WUWT, Jan 10, 2016
http://wattsupwiththat.com/2016/01/10/why-should-volkswagen-be-investigated-for-emission-deception-but-not-government-agencies/

Seeking a Common Ground
On distinguishing disbelief and nonbelief
By Judith Curry, Climate Etc. Jan 9, 2016
http://judithcurry.com/2016/01/09/on-distinguishing-disbelief-and-nonbelief/#more-20863

A perfect storm?
By Martin Livermore, The Scientific Alliance, Jan 14, 2016
http://scientific-alliance.org/node/974

On the status of scientists' emails
By Judith Curry, Climate Etc. Jan 13, 2016
http://judithcurry.com/2016/01/13/on-the-status-of-scientists-emails/#more-20866

Models v. Observations
Update of Model-Observation Comparisons
By Steve McIntyre, Climate Audit, Jan 5, 2016
http://climateaudit.org/2016/01/05/update-of-model-observation-comparisons/#more-21593

You Ought to Have a Look: 2015 Temperatures, Climate Sensitivity, and the Warming Hiatus
By Patrick J. Michaels and Paul C. "Chip" Knappenberger, Cato, Jan 13, 2016
http://www.cato.org/blog/you-ought-have-look-2015-temperatures-climate-sensitivity-warming-hiatus

Heat-related Death Projections Don't Square with Observations
By Paul C. "Chip" Knappenberger and Patrick J. Michaels, Cato, Jan 15, 2016
http://www.cato.org/blog/heat-related-death-projections-dont-square-observations

Model Issues
Appraising Marvel et al.: Implications of forcing efficacies for climate sensitivity estimates
A guest article by Nicholas Lewis, Climate Audit, Jan 8, 2016
http://climateaudit.org/2016/01/08/appraising-marvel-et-al-implications-of-forcing-efficacies-for-climate-sensitivity-estimates/
Summary:
https://climateaudit.files.wordpress.com/2016/01/marvel2015_appraisal_summary.pdf

Measurement Issues
Climate Alarmists Invent New Excuse: The Satellites Are Lying
By James Delingpole, Breitbart, Jan 15, 2016
http://www.breitbart.com/big-government/2016/01/15/climate-alarmists-invent-new-excuse-the-satellites-are-lying/

"Homogenized" US Warming Trend May Be Grossly Exaggerated
By Patrick J. Michaels and Paul C. "Chip" Knappenberger, Cato, Dec 29, 2015
http://www.cato.org/publications/commentary/homogenized-us-warming-trend-may-be-grossly-exaggerated
"…which means that there is the very real probability that not only has the global warming been overestimated by computer models, it has been over-measured by homogenized data. This is yet another piece of strong evidence that the Earth is not warming as much as the UN says it should have."

Wilson trending
By Andrew Montford, Bishop Hill, Jan 14, 2016

http://bishophill.squarespace.com/blog/2016/1/14/wilson-trending.html
[SEPP Comment: Show more data!]

Changing Weather

How Strong Was That El Niño or La Niña? – No One Knows For Sure
Guest Post by Bob Tisdale, WUWT, Jan 14, 2016
http://wattsupwiththat.com/2016/01/14/how-strong-was-that-el-nino-or-la-nina-no-one-knows-for-sure/
[SEPP Comment: The lack of data prior to the 1990s is revealing and makes any claims about historic strengths questionable.]

ACE in the hole
By Greg Goodman, Climate Etc. Jan 11, 2016
http://judithcurry.com/2016/01/11/ace-in-the-hole/

An Unprecedented Warm Beginning to the Winter of 2015-2016?
By Anthony Lupo, ICECAP, Jan 6, 2016
http://icecap.us/index.php/go/icing-the-hype/an_unprecedented_warm_beginning_to_the_winter_of_2015_20161/

Britain Bracing for Extreme Winter, as Torrential Rain turns to Snow
Guest essay by Eric Worrall, WUWT, Jan 11, 2016
http://wattsupwiththat.com/2016/01/11/britain-bracing-for-extreme-winter-as-torrential-rain-turns-to-snow/

California's train of super-soaker storms analysed – more on the way
By Anthony Watts, WUWT, Jan 11, 2016
http://wattsupwiththat.com/2016/01/11/californias-train-of-super-soaker-storms-analysed-more-on-the-way/

Redirected flood waters lead to unintended consequences
By Staff Writers, Urbana IL (SPX) Jan 07, 2016
http://www.terradaily.com/reports/Redirected_flood_waters_lead_to_unintended_consequences_999.html
Link to paper: Missouri Ozark Plateau Headwaters Diversion engineering feat
By Olson, Morton and Speidel, Journal of Soil and Water Conservation, Jan/Feb, 2016
http://www.jswconline.org/content/71/1/13A.full.pdf+html

Changing Climate

Evidence of the Medieval Warm Period in Australia, New Zealand and Oceania
By Sebastian Lüning. Geoscientist and co-author of 'The neglected Sun', WUWT, Jan 9, 2016
http://wattsupwiththat.com/2016/01/09/evidence-of-the-medieval-warm-period-in-australia-new-zealand-and-oceania/

Fred Hoyle & Chandra Wickramasinghe Vindicated: CO2 Emissions May Delay Ice Age
By Staff Writers, GWPF, Jan 15, 2016
http://www.thegwpf.com/sir-fred-hoyle-vindicated-co2-emissions-may-delay-ice-age/
Link to essay: CCNet-ESSAY: On the Cause of Ice-Ages
By Fred Hoyle and Chandra Wickramasinghe, Cambridge-Conference Network, 1999

http://abob.libs.uga.edu/bobk/ccc/ce120799.html
Link to news article: Mankind's CO2 emissions may delay next ice age – study
Carbon dioxide (CO2) concentrations in the atmosphere could override other influences to make this the longest inter-ice age period in Earth history
By Staff Writers, Agence France-Presse, Jan 15, 2016
http://www.rappler.com/science-nature/environment/119090-mankind-co2-emissions-delay-ice-age

Growth rings on rocks give up North American climate secrets
By Anthony Watts, WUWT, Jan 12, 2016
http://wattsupwiththat.com/2016/01/12/growth-rings-on-rocks-give-up-north-american-climate-secrets/
Link to paper: Pedothem carbonates reveal anomalous North American atmospheric circulation 70,000–55,000 years ago
By Oerter et al. PNAS, Jan 11, 2015
http://www.pnas.org/content/early/2016/01/05/1515478113.short?rss=1

Changing Seas
Ocean circulation changes may have killed cold-water corals
By Lillian Steenblik Hwang, AGU, Jan 13, 2016 [H/t Climate Etc.]
http://blogs.agu.org/geospace/2016/01/13/12833/

Changing Cryosphere – Land / Sea Ice
'No Extinctions': Polar Bears Survived Periods When The Arctic Had No Ice
By Michael Bastasch, Daily Caller, Jan 11, 2016
http://dailycaller.com/2016/01/11/polar-bears-survived-when-the-arctic-had-no-ice/
Link to paper: Biological response to climate change in the Arctic Ocean: the view from the past
By T. Cronin & M. Cronin, Arktos, Nov 20, 2015
http://link.springer.com/article/10.1007/s41063-015-0019-3

Paleoclimate + genetic study confirms: Arctic species adapted to sea ice changes
By Susan Crockford, Polar Bear Science, Jan 9, 2016
http://polarbearscience.com/2016/01/09/paleoclimate-genetic-study-confirms-arctic-species-adapted-to-sea-ice-changes/

Greenland ice sheet melts more when it's cloudy
By Staff Writers, Leuven, Belgium (SPX), Jan 13, 2016
http://www.spacedaily.com/reports/Greenland_ice_sheet_melts_more_when_its_cloudy_999.html
Link to paper: Clouds enhance Greenland ice sheet meltwater runoff
By Van Tricht et al. Nature Communications, Jan 12, 2016
http://www.nature.com/ncomms/2016/160112/ncomms10266/full/ncomms10266.html
"The high sensitivity of the Greenland ice sheet to both ice-only and liquid-bearing clouds highlights the need for accurate cloud representations in climate models, to better predict future contributions of the Greenland ice sheet to global sea level rise." From abstract.
"The researchers used specific satellite observations to detect clouds over the Greenland ice sheet from 2007 to 2010.
"Over the entire Greenland ice sheet, clouds raise the temperature, which triggers additional meltwater runoff: 56 billion tons per year - a third more than clear skies. Contrary to what you

would expect, this effect is not so much visible during the daytime melting process, but rather during the following night."

Agriculture Issues & Fear of Famine

Global agricultural production demonstrates Ramankutty et al. is just more global warming hot air
By Anthony Watts, WUWT, Jan 11, 2016
http://wattsupwiththat.com/2016/01/11/global-agricultural-production-demonstrates-ramankutty-et-al-is-just-more-global-warming-hot-air/

Whither global food shortage predictions?
Climate change warnings didn't foresee growing abundance
By E. Calvin Beisner, Washington Times, Jan 12, 2016, [H/t Timothy Wise]
http://www.washingtontimes.com/news/2016/jan/12/e-calvin-beisner-climate-change-warnings-didnt-for/
[SEPP Comment: The author points out that food prices are falling even as the IPCC predicts shortages.]

Communicating Better to the Public – Make things up.

Fact Check UCS Press Release - two years later
By Joseph D'Aleo, CCM, AMS Fellow, ICECAP, Jan 9, 2016
http://icecap.us/index.php/go/joes-blog/union_of_concerned_scientists_at_unh_continue_to_fail_big_time/

AEP and the GLCL*
By Andrew Montford, Bishop Hill, Jan 11, 2016
http://bishophill.squarespace.com/blog/2016/1/11/aep-and-the-glcl.html
[SEPP Comment: See link immediately below.]

Britain abandons onshore wind just as new technology makes it cheap
Vestas chief Runevad says UK rules shut out the latest hi-tech turbines, leaving Britain behind as the global wind boom spreads
By Ambrose Evans-Pritchard, Telegraph, UK, Jan 10, 2016 [H/t Bishop Hill]
http://www.telegraph.co.uk/finance/economics/12090394/Britain-abandons-onshore-wind-just-as-new-technology-makes-it-cheap.html#disqus_thread
"Half of all new turbines in Sweden are between 170 and 200 meters, while the latest projects in Germany average 165 meters."

Distorted Universities Need A Reality
By Paul Sheehan, Sydney Morning Herald, Jan 10, 2016 [H/t GWPF]
http://www.smh.com.au/comment/distorted-universities-need-a-reality-check-20160110-gm2tsd.html
"The abstract of the study states: "Endorsement of a cluster of conspiracy theories (e.g., that the CIA killed Martin Luther King or that NASA faked the moon landing) predicts rejection of climate science … This provides confirmation of previous suggestions that conspiracist ideation contributes to the rejection of science."

Comprehensive Analysis Sends Young/Columbia University Paper To The Dustbin …"Coup de Grâce" Results "Untenable"

By P Gosselin, No Tricks Zone, Jan 11, 2016
http://notrickszone.com/2016/01/11/comprehensive-analysis-sends-youngcolumbia-university-paper-to-the-dustbin-coup-de-grace-results-untenable/#sthash.0qCCZzzO.dpbs
[SEPP Comment: Exposing another generalization inconsistent with available data, this generalization claiming the Medieval Warm Period did not occur.]

[IPCC Lead Author] Professor Myles Allen: Normal Weather is a "Thing of the Past"
Guest essay by Eric Worrall, WUWT, Jan 9, 2016
http://wattsupwiththat.com/2016/01/09/professor-myles-allen-normal-weather-is-a-thing-of-the-past/

Communicating Better to the Public – Go Personal.
Dr. Gray on the Practice of Personal Attacking Global Warming Skeptics
By Steve Goddard & Bill Gray, ICECAP, Jan 6, 2016
http://icecap.us/index.php/go/joes-blog/dr_gray_on_the_practice_of_personal_attacking_global_warming_skeptics1/

New research: Social scientists look for climate denial – and find it
By Larry Kummer, from the Fabius Maximus website, Jan 12, 2016
http://wattsupwiththat.com/2016/01/12/new-research-social-scientists-look-for-climate-denial-and-find-it/

Questioning European Green
Two Great Destructive Lies German Leaders Refuse To Abandon
By P Gosselin, No Tricks Zone, Jan 10, 2016
http://notrickszone.com/2016/01/10/two-great-destructive-lies-german-leaders-refuse-to-abandon/#sthash.ooPYYpt5.dpbs

Green Jobs
Solar energy jobs double in 5 years
By Patrick Gillespie, CNN, Jan 12, 2015
http://money.cnn.com/2016/01/12/news/economy/solar-energy-job-growth-us-economy/index.html?iid=hp-stack-dom
"The number of solar jobs in the U.S. has more than doubled in five years. In fact, there are more people working in solar now than at oil rigs and in gas fields.
"There are about 209,000 solar energy employees in the U.S. They include solar panel installers, designers, engineers, sales folks and managers."
[*SEPP Comment: The author ignores the jobs in oil and natural gas that are not involved in extraction and jobs in other industries that depend on oil and natural gas.]*

Solar and Wind Just Did the Unthinkable
Cheap oil and gas couldn't stop another record year for renewables, or a turning point for energy investment.
By Tom Randall, Bloomberg, Jan 14, 2016
http://www.bloomberg.com/news/articles/2016-01-14/solar-and-wind-just-did-the-unthinkable
Link to report: Clean Energy Investment: By the Numbers—End of Year 2015
By Angus McCrone and Luke Mills, Bloomberg, No Date
http://www.bloomberg.com/company/clean-energy-investment/

[SEPP Comment: If this is correct, why do wind and solar continue to need subsidies and mandates?]

Subsidies and Mandates Forever

Fake fixed carbon markets feed five billion to financial sharks in EU fraud
By Jo Nova, Her Blog, Jan 15, 2016
http://joannenova.com.au/2016/01/fake-fixed-carbon-markets-feed-five-billion-to-financial-sharks-in-eu-fraud/

Love It of Hate It, SolarCity Is Going to Be a Bigger Version Of Its Current Self
The ITC extension means SolarCity doesn't have to transition its business model away from leases and PPAs.
By Travis Holum, Motley Fool, Jan 12, 2015
http://www.fool.com/investing/general/2016/01/12/like-it-or-love-it-solarcity-is-going-to-be-a-bigg.aspx

Nevada PUC denies request to stay solar net metering reforms
By Krysti Shallenberger, Utility Drive, Jan 14, 2016
http://www.utilitydive.com/news/nevada-puc-denies-request-to-stay-solar-net-metering-reforms/412140/

EPA and other Regulators on the March

Environmental Protection Agency – Application of Publicity or Propaganda and Anti-Lobbying Provisions
By Staff Writers, GAO, Dec 14, 2015
http://www.gao.gov/assets/680/674163.pdf

EPA 'Lost' Two Years Worth Of Emails For Employee Who Colluded To Kill Pebble Mine
By Michael Bastasch, Daily Caller, Jan 13, 2016
http://dailycaller.com/2016/01/13/epa-lost-two-years-worth-of-emails-for-employee-who-colluded-to-kill-pebble-mine/

Energy Issues – Non-US

Beijing to end coal usage by 2020 to reduce smog
The Economic Times, India, Jan 12, 2015
http://economictimes.indiatimes.com/news/international/world-news/beijing-to-end-coal-usage-by-2020-to-reduce-smog/articleshow/50544200.cms
[SEPP Comment: But to rely on electricity from coal-fired power plants located outside the city.]

Green Britain: 5 Million Pensioners Left To Freeze
By Andrew Ellson, The Times, Via GWPF, Jan 13, 2016
http://www.thegwpf.com/green-britain-5-million-pensioners-left-to-freeze/

Energy Issues -- US

American LNG Exports Make Their Debut
By Staff Writers, The American Interest, Jan 11, 2016
http://www.the-american-interest.com/2016/01/11/american-lng-exports-make-their-debut/

EIA: Wholesale Power Prices Saw Sharp Fall in 2015

By Sonal Patel, Power News, Jan 13, 2016
http://www.powermag.com/eia-wholesale-power-prices-saw-sharp-fall-in-2015/?hq_e=el&hq_m=3200952&hq_l=13&hq_v=5e660500d0

January 2016: the U.S. becomes a global energy superpower
By Marita Noon, Oil Pro, Jan 11, 2016
http://oilpro.com/post/21435/january-2016-us-becomes-global-energy-superpower

Oklahoma residents sue oil and gas companies over earthquakes
By Joshua Cain, Fuel Fix, Jan 12, 2016
http://fuelfix.com/blog/2016/01/12/oklahoma-residents-sue-oil-and-gas-companies-over-earthquakes/#15428101=0
[SEPP Comment: The issue is wastewater disposal by oil and gas companies.]

Washington's Control of Energy
The Irony Of President Obama's Oil Legacy
By Robert Rapier, Forbes, Jan 15, 2016
http://www.forbes.com/sites/rrapier/2016/01/15/president-obamas-petroleum-legacy/#262cc46c782010806f997820

Oil and Natural Gas – the Future or the Past?
Brent below US$30 a barrel as US oil stockpiles grow
Brent crude oil fell below US$30 a barrel for the first time in nearly 12 years on Wednesday as an increase in US crude and fuel inventories added to the global oversupply.
By Staff Writers, AFP, Jan 14, 2016
http://www.channelnewsasia.com/news/business/brent-below-us-30-a/2423948.html
[SEPP Comment: Compared with natural gas, coal, and nuclear, wind and solar electricity generation are minor.]

Natural Gas Naysayers Have It All Wrong
By Ned Mamula & Patrick J. Michaels, Real Clear Policy, Jan 12, 2015
http://www.realclearpolicy.com/blog/2016/01/12/natural_gas_naysayers_have_it_all_wrong_1516.html

Return of King Coal?
Global mercury emissions down 30 percent as coal use drops: USGS
By Staff Writers, Reuters, Jan 13, 2016 [H/t Clyde Spencer]
http://news.yahoo.com/global-mercury-emissions-down-30-percent-coal-drops-205507384.html
Link to paper: Benefits of mercury controls for the United States
By Giang and Selin, PNAS, Jan 12, 2016
http://www.pnas.org/content/113/2/286.abstract
[SEPP Comment: EPA estimates of health benefits from such reductions in mercury emissions are highly questionable.]

Major coal mining company files for bankruptcy
By Timothy Cama, The Hill, Jan 11, 2016
http://thehill.com/policy/energy-environment/265395-major-coal-mining-company-files-for-bankruptcy

Nuclear Energy and Fears

Team selected for US deep borehole field test
By Staff Writers, WNN, Jan 8, 2016
http://www.world-nuclear-news.org/WR-Team-selected-for-US-deep-borehole-field-test-0801168.html

Alternative, Green ("Clean") Solar and Wind

Green Electricity in Denmark, Germany, costs three times as much as US
By Jo Nova, Her Blog, Dec 31, 2015
http://joannenova.com.au/2015/12/green-electricity-in-denmark-germany-costs-three-times-as-much-as-us/
"Germany has been paying over $26 billion per year for electricity that has a wholesale market value of just $5 billion."

Wind and Solar in Perspective
By Donn Dears, Power For USA, Jan 8, 2016
https://dddusmma.wordpress.com/2016/01/08/wind-and-solar-in-perspective/
"Unfortunately, the media ignores higher costs to consumers, the use of tax payer money for subsidies, the loss of jobs in the coal and related industries, and how it is the poorest among us who must pay the penalty for the higher cost of electricity caused by wind and solar."

Alternative, Green ("Clean") Energy -- Other

Stranded monster
An unusual creature has landed at Oahu
By Tony Thomas, The Spectator, Jan 16, 2016 [H/t No Tricks Zone]
http://www.spectator.co.uk/2016/01/stranded-monster/

Alternative, Green ("Clean") Vehicles

Electric Vehicle's Disappoint
By Donn Dears, Power For USA, Jan 15, 2016
https://dddusmma.wordpress.com/2016/01/15/electric-vehicles-disappoint/
"Since the introduction of PHEVs and BEVs in 2010, there are fewer than 400,000 such vehicles on the road today, compared with approximately 255,000,000 gasoline and diesel-powered light vehicles.
"Has this small number of electric vehicles warranted the $8,000,000,000 in taxpayer money used for subsidizing the purchase of the vehicles, plus the billions of subsidies and grants to manufacturers and for charging stations?"

Plug-In Electric Autos Left Behind in Record U.S. Year
By Dana Hull, Bloomberg, Jan 6, 2016
http://www.bloomberg.com/news/articles/2016-01-06/plug-in-electric-vehicles-left-behind-in-u-s-autos-record-year

Environmental Industry

Activists on Trial for Blocking Oil Train Will Argue It Was Justified by Climate Change
If it does emit, you must acquit.
By Katie Herzog, Mother Jones, Jan 11, 2016 [H/t WUWT]
http://www.motherjones.com/environment/2016/01/oil-train-activists-trial-climate-change

Independent Expert Scientists Confirm Flaws in EPA Fracking Study
By Briana Mordick, Switchboard, Natural Resources Defense Council Staff Blog, Jan 8, 2016 [H/t Timothy Wise]
http://switchboard.nrdc.org/blogs/bmordick/independent_expert_scientists_.html
"Specifically, the SAB Advisory Panel took issue with the EPA's statement that it did not find evidence that hydraulic fracturing mechanisms have led to **widespread, systemic impacts** on drinking water resources in the United States. The SAB scientists stated that it, does not reflect the uncertainties and data limitations described in the body of the Report."
[SEPP Comment: Where is the evidence that there are any widespread, systemic impacts on drinking water resources in the United States?]

Other Scientific News

World's largest canyon could be hidden under Antarctic ice sheet
By Anthony Watts, WUWT, Jan 13, 2016
http://wattsupwiththat.com/2016/01/13/worlds-largest-canyon-could-be-hidden-under-antarctic-ice-sheet/
Link to paper: An extensive subglacial lake and canyon system in Princess Elizabeth Land, East Antarctica
By Jamieson, et al. Geology, Dec 22, 2015
http://geology.gsapubs.org/content/early/2015/12/22/G37220.1.full.pdf

Other News that May Be of Interest

Humans Innovate Their Way Out of Scarcity
Decline in commodities prices since the 1960s illustrates the enduring wisdom of Julian Simon
By Marian Tupy, Reason, Jan 12, 2016
https://reason.com/archives/2016/01/12/humans-innovate-their-way-out-of-scarcit
Link to report: Commodity Markets Outlook: Understanding El Nino [?]
By Staff Writers, World Bank, Oct 2015
http://pubdocs.worldbank.org/pubdocs/publicdoc/2015/10/22401445260948491/CMO-October-2015-Full-Report.pdf

Obama's Cancer 'Moonshot': A Shot in the Dark
By Gil Ross, ACSH, Jan 13, 2016
http://acsh.org/2016/01/obamas-moonshot-against-cancer-led-by-biden/

Tell the truth about benefit claimants and the liberal left shuts you down
How neuro-biologist Dr. Adam Perkins became a victim of the new McCarthyism
By Toby Young, The Spectator, Jan 16, 2016 [H/t Bishop Hill]
http://www.spectator.co.uk/2016/01/tell-the-truth-about-benefit-claimants-and-the-liberal-left-shuts-you-down/

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BELOW THE BOTTOM LINE:

Further [Climate Change] Axioms
By Staff Writers, Climate Change Predictions.org, Jan 13, 2016
http://climatechangepredictions.org/uncategorized/5762
"Acting or musical ability does not guarantee an understanding of current affairs. The available evidence suggests there may be an inverse correlation."

"The more distant into the future the more certain the prediction."

Norway Makes Headway on Carbon Capture
Statoil to begin studies in North Sea.
By Keith Kohl, Energy & Capital, Jan 11, 2016
http://www.energyandcapital.com/articles/norway-makes-headway-on-carbon-capture/5281
"Whether or not you believe in global warming, there's no avoiding the fact that harmful amounts of pollutants are being put out into our air every day.
"One of the biggest culprits is carbon dioxide, or CO2. This comes from the burning of fossil fuels mainly, and is the main reason for the push to cut coal use worldwide."
[SEPP Comment: The journalist describes himself as a true insider in energy markets, yet declares carbon dioxide is a major pollutant – don't tell the roses or the trees!]

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ARTICLES:
Please note that articles not linked easily or summarized here are reproduced in the Articles Section of the full TWTW that can be found on the web site under the date of the TWTW.

1. Energy for the Foreseeable Future
By S. Fred Singer and Gerald E. Marsh, The Bridge, National Academy of Engineering, Winter 2015
https://nae.edu/Publications/Bridge/148391/148652.aspx

Many people believe that wind and solar energy are essential for replacing nonrenewable fossil fuels. They also believe that wind and solar are unique in providing energy that's carbon-free and inexhaustible. A closer look shows that such beliefs are based on illusions and wishful thinking.

About half of the carbon dioxide (CO_2) put into the atmosphere by humans is from the production of electricity by burning fossil fuels. Electricity from nuclear fission produces essentially no CO_2 and has none of the disadvantages of solar/wind (described below). Opposition to nuclear power is based on irrational fears and misleading cost comparisons.

Although it appears at first glance that solar, wind, and nuclear sources of energy do not emit CO_2, this is not quite true. All require equipment manufacture that involves CO_2 emission; a rough measure is given by comparing the relative costs of construction as well as operation and maintenance (O&M). But caution must be exercised here: a nuclear plant has a much longer life (60 years and more). Because of limited experience there is inadequate information about corresponding lifetimes and O&M costs for solar/wind.

A major problem for solar/wind is intermittency, which is partially overcome by providing "stand-by" power—mostly from fossil fuels. Nuclear also has special problems (e.g., the care and disposal of spent fuel) that raise the cost and make comparisons rather difficult and also somewhat arbitrary, especially since the "externalities" associated with fossil fuels (e.g., coal plant waste disposal and health costs associated with coal) are rarely counted.

There is general agreement that both solar and wind energy are truly inexhaustible and satisfy the principle of sustainability. However, both are very dilute sources of energy and require large land areas, favorable locations, and the transmission of electric power. In contrast, nuclear power plants have a comparatively tiny footprint and can be sited wherever cooling water is nearby.

Moreover, nuclear energy is also, for all practical purposes, inexhaustible. Uranium is not in short supply, as many assume; this is true only for high-grade ores, the only ones worth mining at current market prices.

About 0.7 percent of natural uranium is in the form of the fissionable U-235 isotope; the remainder is inert U-238. For use in power reactors the uranium fuel must be enriched in U-235 to at least the 2 percent level (for weapons, the required level is 80 percent or more).

Currently, low enriched uranium is cheap enough to justify "once-through" use in light water power reactors; fuel rods are replaced after a fraction of the energy contained in them is "burnt up." Fissionable plutonium (Pu) is created during burnup (from the U-238 in the fuel rods) and contributes to the generation of electric power. The spent fuel contains U-238, radioactive fission products with lifetimes measured only in centuries, and small amounts of long-lived radioactive Pu isotopes and other heavy elements. As every nuclear engineer knows, this spent fuel is itself an important potential resource. Most of it can be transformed into valuable reactor fuel for fast-neutron reactors, enlarging the useful uranium resource by a factor of about 100. If used in the "breeder" mode, such reactors can make uranium resources truly inexhaustible.

Nuclear fusion, the energy source that powers the Sun, has been the "holy grail" of plasma physicists, who after decades of research have not yet been successful in building a stable fusion reactor (the hydrogen bomb is an example of unstable fusion). In a hybrid fusion-fission design, fusion could be a source of neutrons for creating fissionable material for reactor fuel.

So why is this country not moving full speed ahead with all forms of nuclear to make it the primary source of energy for generating heat and electricity? Are precious time and dollars being wasted on marginal improvements to solar photovoltaic and wind technology?

What seems to be holding back the adoption of nuclear energy is public concern about cost, safety, proliferation, and disposal of spent fuel. We briefly address these concerns.

Cost: Growing scarcity of coal and a trend toward factory-assembled modular nuclear reactors reduce existing cost differentials—and may even reverse them.

Safety: There have never been lives lost in commercial nuclear accidents. Proper design is further improving safety by reducing the number of valves and pipes and relying on gravity in inherently safe designs.

Nuclear proliferation: Much has changed in recent decades. There is no longer a nuclear duopoly. If North Korea and Iran can build weapons—and delivery systems—it may be time to rethink the international nonproliferation regime.

Disposal of spent reactor fuel: There are no real technical problems. The containment time for a waste repository is reduced to less than 500 years by using reactor designs that burn up much of what is currently called "waste." Reprocessing works, but has been discouraged because of historic concerns about proliferation based on plutonium. US reprocessing of spent fuel would make nuclear truly sustainable and eliminate the long-term waste problem, without contributing to proliferation.

About the Authors: S. Fred Singer is professor emeritus at the University of Virginia and director of the Science and Environmental Policy Project. Gerald E. Marsh is a retired physicist from Argonne National Laboratory.
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2. Don't Blame Oil for Global Chaos

Cheap energy is a symptom, not a cause, of the world's geopolitical mess.
By Holman W. Jenkins, WSJ, Jr., Jan. 5, 2016 7
http://www.wsj.com/articles/dont-blame-oil-for-global-chaos-1452040242

SUMMARY: According to the author, measured in 2015 dollars, since 1918 the US domestic price of gasoline has ranged between $2 and $4 per gallon [probably not including federal, state, and local taxes]. The current price of $1.99 per gallon is approaching an all-time low. There are wide-ranging speculations why the price is so low and if it will go lower or much higher.

"*Take your pick of forecasts. Just don't make the mistake of thinking today's rampant geopolitical instabilities are caused by depressed oil.*

"Vladimir Putin's economy was hitting a wall, and Russia was turning to foreign adventures to boost its leader's domestic popularity and justify opposition crackdowns, well before the price collapse. Oil was selling for $104 a barrel when Mr. Putin annexed Crimea in March 2014. The Arab Spring, progenitor of so many soured dreams from Egypt to Libya and Syria, came during a period of high and rising oil prices. Oil didn't drop below $100 until July 31, 2014, when the region was already in flames.

"If anything, geopolitical causation now runs the other way. Markets once assumed that instability, particularly in the Middle East, meant rising oil prices. Now instability means falling oil prices. Saudi Arabia, which peak oil theorists insisted was on the verge of exhausting its major fields, recently tweaked production to a record-beating 10.5 million barrels a day, low prices be damned. The motive: Riyadh's undeclared war against Iran and Iran's ally-of-the-moment, Russia.

"Russia, whose energy development was expected to decline once sanctions cut it off from Western capital, surprised many by setting a post-Soviet record of 10.8 million barrels a day in December. Helping was the Kremlin's willingness to slash the exchange value of the ruble, cutting its oil companies' domestic costs even though it also hammered the standard of living of the average Russian (40% of whose food is imported). This Russian-Saudi game of chicken, occasioned by Mr. Putin's meddling in Syria, is now the key driver of a global oil glut.

"At the same time, cheap oil failed to provide the hoped-for elixir for Western stagnation. Causation again seems to run the other way. The West's stubborn growth disappointment, now joined by China's, is a factor keeping oil depressed.

"Some favor the clinically neutered term 'secular stagnation.' A more accurate diagnosis suggests the West has hit a crisis in its post-World War I [? May be post-WW II] *expansion of government, to the point where growth and dynamism seem permanently to have fled.*

"In Western Europe and Japan, though it seldom gets mentioned, the only political debate today is between the supply-side reformers and the footdraggers. Even the politics of energy and climate is not the exception it might seem, as Germany, Spain and Britain trim handouts for renewables.

"The U.S. has been an outlier under President Obama. Apparently the difference between 0% growth and 2% growth is enough to keep alive a significant political force that believes the time is ripe for ambitious upsizings of government. Oil again has played an unexpected geopolitical role: The U.S. likely would not have experienced 2% growth if not for oil and gas fracking.

"President Obama's leadership itself may be a historically exogenous factor. Not many, in the conditions in which he took power in 2009, would have judged the historical moment as beckoning a bigger welfare and regulatory state, modeled on Europe circa 1945-75, at the expense of jobs and growth.

"Mr. Obama looked out on the world and also saw differently than most of us when he decided that removing the U.S. as an obstacle to Iran's nuclear ambitions would, in 20 or 30 or 50 years, pay off in a more peaceful, cooperative Iran.

"We should live so long. To those not gifted with such visions, the real message today is to forget the shockingly steep oil depression, which is a symptom not a cause. The great historical challenge is still the industrial world's debt and stagnation, which won't yield without a basic rethinking of its tax codes, regulatory systems and welfare missions."
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3. Why We're Suing Obama Over Keystone

The president canceled the pipeline in a purely political move that violated the law and the U.S. Constitution.
By Kristine Delkus, WSJ, Jan 13, 2016
http://www.wsj.com/articles/why-were-suing-obama-over-keystone-1452729039

SUMMARY: The executive vice president and general counsel explains that TransCanada suing the White House (and the US government) for blocking the Keystone XL pipeline because "the president lacks the power under the U.S. Constitution to prohibit construction of the pipeline." The company intends to recover "damages caused by the administration's denial of a permit as a violation of the North American Free Trade Agreement (Nafta)."

"Until the Keystone XL pipeline, no U.S. administration had prohibited the cross-border construction of a major oil pipeline. And within the past decade, U.S. regulators approved two very similar, large cross-border pipelines that transport exactly the same type of oil that the Keystone XL pipeline would have carried from the same region in Alberta, Canada, to the U.S."

"The Obama administration's decision to deny the pipeline explicitly acknowledged that building it would benefit the U.S. economy, create jobs, increase energy security, advance relations with Canada, not harm the environment and cause no significant increase in greenhouse-gas production. Expert analysis concluded, and Secretary of State John Kerry admitted, that approving or denying the pipeline would likely not have a significant impact on oil production in Canada (principally because other transport options and markets exist).

"But environmental activists made rejection of the project a litmus test of the president's climate-change credentials. The State Department's official Record of Decision reasoned that permitting the pipeline to proceed would 'undermine U.S. climate leadership' because 'the understanding of the international community'—contrary to the administration's own findings—was that the pipeline would increase greenhouse-gas emissions. Permitting construction would 'undercut the

credibility and influence of the United States' in negotiating with other countries, including at the coming Paris climate conference.

"In other words, the pipeline and its benefits were sacrificed to increase the president's negotiating leverage with other countries.

"This decision was unlawful in two respects. First, it was contrary to basic principles of constitutional law. The president can exercise only powers granted by a statute or the Constitution. The administration acknowledged that no statute supports its action. Nor does the Constitution.

"The Supreme Court's famous 1952 ruling in Youngstown Sheet & Tube Co. v. Sawyer, rejecting President Truman's claim that he could seize private steel mills, sets out the governing principles that also defeat President Obama's similar claim of unilateral power. Unless Congress expressly or implicitly approves of presidential action, the president has no independent power to act unless the matter falls beyond the scope of Congress's constitutional interests.

"Article I of the Constitution provides Congress with power over the domestic and international commerce at issue. And in early 2015, both houses of Congress passed legislation—later vetoed by the president—directing that the Keystone XL pipeline be constructed without any further presidential action.

"Still, even if Congress had not acted, Mr. Obama's action is unlawful because it falls far outside of the limited tradition of presidential-permit approvals. Presidents have for many decades lightly regulated certain border facilities through a permit-approval process focused on distinctly cross-border and operational concerns. No president before has prohibited construction of a major infrastructure project affecting such extensive domestic and international commerce. Nor has any other president ever claimed the power to block cross-border trade to enhance his negotiating power abroad.

"Second, the administration's decision violates international agreements. When the U.S. government signed Nafta, it committed to provide Canadian investors with various protections against unfair, inequitable, and uncompensated expropriatory and discriminatory U.S. regulatory actions. The agreement enables companies, like TransCanada, to recover damages through international arbitration when Nafta's provisions have been violated.

"White House press secretary Josh Earnest said on Nov. 3 that 'there's probably no infrastructure project in the history of the United States that has been as politicized as this one.' No doubt—as was the administration's decision to deny a permit, which rested entirely on the president's belief that his international reputation and negotiating leverage on climate leadership required the symbolic act of denying the permit.

"The damage to TransCanada is clear. It has lost the value of the project and incurred significant costs in pursuing what should have been a robust regulatory process based on facts and established criteria, not based on meeting misplaced symbolic political objectives.

"The administration's actions harm business and public interests that extend far beyond a particular pipeline. The decision calls into question the entire process for cross-border facility

approvals. It strongly suggests that investing in the U.S. is subject to a level of "sovereign risk" usually associated with far less developed economies.

"Unless they are remedied in court or arbitration, the Keystone decision and the political expediency underlying it will also encourage future administrations to conclude that they, too, can disregard the most basic legal requirements."

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