



Newsletter

The Alamo Sierran e-Newsletter - August, 2013

* General Meetings *

Tuesday, August 20th: The Inner Workings of the Edwards Aquifer

Gearly M. Schindel, Director/Chief Technical Officer, Aquifer Science, Edwards Aquifer Authority will talk about the natural history of the aquifer - from groundwater recharge, flowpaths, water quality, groundwater velocities, vegetative cover, caves, sinkholes, springs, to things that go bump in the night.

Tuesday, September 17th: Wildlife Conservation Issues in Texas - What Does the Future Hold?

There are many issues today that threaten the great wildlife diversity of our state, but the conservation community has faced seemingly insurmountable challenges before and rose to the challenge. Texas is blessed with a vast array of habitats and species. However, complex and daunting issues like emerging diseases, climate change, urbanization, insufficient land use planning, emerging energy production industries, declining conservation funding, etc. are putting intense pressures on our state's wildlife populations. Judit Green, Urban Wildlife Biologist, Texas Parks and Wildlife Department, will be the presenter. For more information, visit the Wildlife Diversity Program's [website](#) and [YouTube channel](#).

Times, maps and speaker bios are on our Events page.

A Word from the Alamo Group Chair

On a regular trip home to New Mexico, I briefly experienced fracking boom impacts along Highway 281 in West Texas and SE New Mexico. The change was striking just six months ago. There were many more driving obstacles from heavy truck traffic, new roads branching off leading to pads and drilling towers, frack water ponds, new construction of storage depots, warehouses, offices, housing blocks, pipelines and tanks lining the roads. I worried about the constant, acrid and sulfurous odor with a vague hint of petrochemicals, the thick air and many dust devils, and the conflicts over the water in this desert. It got me thinking it was time to review the status of the industry and to provide some form of update. Unfortunately the subject is overwhelming, so I prepared two articles. One briefly addresses why the Sierra Club has changed its policy. The other—too wonky—shares some ideas on a root cause of the failure to adequately manage the boom—the oil resource curse and government capture.

A gangplank to more warming

As you may know, the Sierra Club recently supported natural gas as a “bridge fuel.” At the time gas was produced conventionally, and as such, gas energy generated far fewer green house gases than coal, which would enable a switch from coal to gas energy generation as a lower GHG bridge to even cleaner, renewable energy sources. But recently the fracking process boomed without adequate control. Hydraulically fractured gas now viewed as “a gangplank to more warming and away from clean energy investments,” in the words of the respected Anthony Ingraffea, Cornell University professor and oil and gas engineer. Ingraffea explains, in a July 29th [New York Times opinion](#), this is primarily because of the high level of fugitive methane gas from the fracking process, the compressors, pipelines and processing units. He cites recent NOAA studies that show the rate of methane gas escape over the lifetime of the wells ranges from 2.3 to 17% of total annual production, and unless it can be maintained below 2% gas will be no better than coal, because it is a much more potent GHG. Because of this and other unresolved problems with frack gas, the Club no longer supports gas at this time. Take Action at the Sierra Club Beyond Natural Gas Campaign [website](#).

The Resource Curse and Government Capture

The fact that fracked gas is currently a worse GHG producer than coal is just one of the downsides that the gas industry is burying. One source for other downsides is the new Josh Fox movie *Gasland II*, that tries “to show the depth of the industry's assault on the truth and to point out their obfuscations, misleading spin on information, and attempts to shut down questions about their practices (see [Gasland II fracking facts](#)).” Fox claims that powerful oil and gas industries are “contaminating our democracy.”

This contamination is called “capture” by scholars. One form is “regulatory capture.” According to [Wikipedia](#),

Regulatory capture occurs when a regulatory agency, created to act in the public interest, instead advances the commercial or special concerns of interest groups that dominate the industry or sector it is charged with regulating. Regulatory capture is a form of government failure, as it can act as an encouragement for firms to produce negative externalities (push costs on to the public or individuals or future generations). The agencies are called “captured agencies”.

Like other resource management agencies, the EPA, charged as the environmental defender, has become more

compromised by extreme political pressure by Republican lawmakers, industrial groups, and Right Wing Institutes. Professional staff not willing to defer good planning and science to political dictates are marginalized, replaced, or harassed. The resignation of Obama's EPA Chief Lisa Jackson, for example, was due to political pressure, according to *The New York Daily News* [reports](#), in part over fracking oversight.

In Texas regulatory capture has a long history. One route is by political appointments of wealthy business interests from the oil and gas interests and other free enterprise advocates to commissions in a form of *quid pro quo* for their electoral contributions.

Another capture facet is the "revolving door," a political term defined by [Wikipedia](#) as

Movement of personnel between roles as legislators and regulators and the industries affected by the legislation and regulation.

In some cases the roles are performed in sequence but in certain circumstances may be performed at the same time. Political analysts claim that an unhealthy relationship can develop between the private sector and government, based on the granting of reciprocated privileges to the detriment of the nation and can lead to regulatory capture.

Governments hire industry professionals for their private sector experience, their influence within corporations that the government is attempting to regulate or do business with, and in order to gain political support (donations and endorsements) from private firms."

Industry, in turn, hires people out of government positions to gain personal access to government officials, seek favorable legislation/regulation and government contracts in exchange for high-paying employment offers, and get inside information on what is going on in government.

The lobbying industry is especially affected by the revolving door concept, as the main asset for a lobbyist is contacts with and influence on government officials. This industrial climate is attractive for ex-government officials. It can also mean substantial monetary rewards for the lobbying firms and government projects and contracts in the hundreds of millions for those they represent.

[NPR's State Impact](#) gives evidence that Texas has a problem with the revolving door. NPR shows that talented regulatory staff and connected appointees do leave for higher paying jobs in the industries they regulate, and this is a boon to the industries. They get staff trained at state expense, familiar with agency inner workings, and with powerful contacts. State employees may treat regulated businesses with kid gloves to improve job and income prospects. Top industry personnel also move into state agencies through choice to become governmental operative, as political hires, or by appointment to decision-making bodies to advance political and business agendas.

A third aspect of capture is "political patronage," which includes an old custom that allows the appointment of electoral supporters to executive commissions, under loose ethical guidelines, that scholars have found has some benefits, but which are outweighed by the drawbacks.

In its [2010 report](#), Texans for Public Justice detail how our state government's decision-making commissions are commonly held by or sold to political cronies. Governor Perry has appointed 3,995 people to 5,662 positions on state agencies, boards and commissions from January 2001 to February 23, 2010. 921 appointees gave Perry's campaign \$17,115,865, or 21 percent of the \$83.2 million that Perry's campaign raised since 2001. Many of these appointees come from oil and gas money, practically all from business and industry. Notably some of the largest donations came from appointees to the A&M and UT Board of Regents, key positions from which to control education in Texas. Thus decision-making bodies in the state are understood to be available for campaign donors and political affiliates.

Extreme patronage can become "crony capitalism," which [Wikipedia](#) describes as,

An economy in which success in business depends on close relationships between business people and government officials. It may be exhibited by favoritism in the distribution of legal permits, government grants, special tax breaks, or other forms of dirigisme. Crony capitalism is believed to arise when political cronyism spills over into the business world; self-serving friendships and family ties between businessmen and the government influence the economy and society to the extent that it corrupts public-serving economic and political ideals.

The term "crony capitalism" made a significant impact in the public arena as an explanation of the Asian financial crisis. It is also used world wide to describe virtually any governmental decisions favoring "cronies" of governmental officials. In many cases, the term is used interchangeably with corporate welfare; to the extent that there is a difference, the latter might be restricted only to direct government subsidies of major corporations, excluding tax loopholes and all manner of regulatory and trade decisions, which in practice could be much larger than any direct subsidies.

Crony capitalism has flourished in Texas. For example, Governor Perry is still able to use his creation, the Texas Enterprise Fund, which over ten years has doled out \$485 million in taxpayer funds for private business expansions or to attract new business to Texas. It is purported to be a form of slush fund or kick-back scheme, as many fund recipients are the governor's largest campaign donors and may be his appointees to regulating bodies. This year, in a bipartisan move, the state legislature moved to audit the fund. Texans for Rick Perry, his campaign fundraising machine and donors, is also reported to operate as a big deal maker.

One confluence of capture, revolving door, and political patronage is found in public university researchers selected and paid by industry for studies that are skewed to support the industry. The 2011 report, "The Economic Impact of the Eagle Ford Shale," by UTSA's Center of Community and Business Research in the Institute for Economic Development, commissioned and paid for by America's Natural Gas Alliance, shows Eagle Ford to be a very profitable enterprise. The study has become a sort of Holy Grail to justify the green light for local fracking. A Google Search

shows 45,000 plus hits for the report's exact title. However, a search for "eagle ford shale cost benefit study" and about 20 variations using those words, plus the words "risk" and "analysis," all showed *no* results. Developments with the magnitude of impacts—beneficial and adverse—that Eagle Ford Shale fracking presents need a comprehensive, balanced, cost and benefit analysis, such as an Environmental Impact Statement, that is the bedrock of sound planning and good governance. Without this we are sure to be in for many rude shocks. So why don't we have this prudent planning tool? In part this is because oil and gas industry wealth and power, accrued over a century, has captured and weakened government to the point it accepts that the upside to fracking is comprehensively documented and disseminated and that the costs and risks understudied and marginalized, even by the government and regulators.

In capture, the oil and gas fracking industry not only buys key studies, it buys Congress, governorships, and state legislatures. The Environment News Service reported (from [Sourcewatch](#)) that, from 1990 - 2011, oil and gas companies contributed \$238.7 million into gubernatorial and Congressional election campaigns to persuade lawmakers that fracking is safe. Fracking industry spending especially targeted oversight - members of the House Energy and Commerce Committee and the Senate Committee on Environment and Public Works. Texas Republicans US Representative Joe Barton and US Senator John Cornyn are reported to have received \$514,945 and \$417,556 respectively.

Due to government capture, fracking has been exempted from most major federal regulations. The following list, taken from [Sourcewatch](#), was compiled by the Oil and Gas Accountability Project (see [OGAP](#) recommendations):

- The [Clean Water Act](#) and [Safe Drinking Water Act](#), due to the "Halliburton loophole" pushed through by former Vice-President/former [Halliburton](#) CEO [Dick Cheney](#), exempting corporations from revealing the chemicals used in fracking fluid;
- the [Resource Conservation and Recovery Act](#), which exempts fracking from federal regulations pertaining to hazardous waste;
- the [Superfund](#) law, which requires that polluters remediate for carcinogens like [benzene](#) released into the environment, except if they come from oil or gas;
- the [Comprehensive Environmental Response, Compensation, and Liability Act](#);
- the [Resource Conservation and Recovery Act](#);
- the [National Environmental Policy Act](#); and
- the [Toxic Release Inventory](#) under the [Emergency Planning and Community Right-to-Know Act](#).

Fracking rules then fall to states. But Sourcewatch reported that as of February 2012, only four of 31 fracking states have significant drilling rules. Despite being the top fracking state, the recent Texas legislature failed to act on several major fracking rules bills.

Government capture began long ago in Texas as one symptom of the Resource Curse. The Resource Curse, is an academic term that refers to a common syndrome that afflicts many communities that discover a wealth of natural resources—especially non renewables and fossil fuels--and end up badly off. This is not just a problem of developing societies—it is documented in Holland and so is also called the Dutch Curse. Texas has long been dominated by the windfall wealth of the oil and gas industry, to the detriment of competing industries, other sectors of the economy, development of human capital, good government, and fair regulation of the industry. In this situation some societies end up better off than others because of governance, but essential governmental functions are weakened by corrupting aspects of the curse, as I have attempted to demonstrate with examples of capture.

Margaret "Peggy" Day, ExCom Chair



Thanks a million to our special guests for making our July 16th Pot Luck Party with Poetry such a memorable event: poets Bryce Milligan, Carol Reposo, Jim LaVilla-Havelin, Mobi Warren, and Lahab Assef Al-Jundi.

Lion's Field Events

Monthly films and presentations for your edification and enjoyment

Wednesday, August 28th: *The Air We Breathe*

With insight and wit, the film examines our addiction to the automobile, the environmental consequences of suburban sprawl, and the damaging effects of commuter culture on both the air we breathe and our overall quality of life. Also discusses rising rates of asthma and other respiratory diseases.

Wednesday, September 25th: *Pointless Pollution*

Is 80% of runoff into oceans the result of non-point source pollution? Film addresses 4 situations, including the Highland Lakes Chain in Texas.

Wednesday, October 23rd: *Great Hikes in West Texas: Big Bend National Park and Big Bend Ranch State Park*

Kevin Hartley will talk about some of the best hikes in these parks, plus planning resources and challenges. Some route map images and a few of Kevin's favorite pictures from these parks will be shown. Kevin is a Sierra Club outings leader and Wilderness First Responder.

Our Lion's Field events are **free** and open to the public. They occur on the fourth Wednesday of each month at the Lion's Field Adult Center, 2809 Broadway @ Mulberry. Programs begin at **6:30 p.m.**

Visit our Lion's Field Events page for a map and additional information.

Let's Party!

meet and greet your Sierra Club friends at these Fourth Friday socials

- **August 23rd, 6-8 PM -- La Fogata.** Join us on the patio for good Mexican food and a margarita. 2427 Vance Jackson Road, 340-1337.
- **September 27th, 6-8 PM -- Little Italy Restaurant.** Great Italian food from real Italians. 824 Afterglow Street, 349-2060.

Visit our Social Events page for maps, times and more information about these gatherings. If you're not busy on these days, then get out of the house and join us for a meal and a chance to "meet and greet" some of your fellow members.

If you would like to be reminded about our upcoming Socials, email [Lloyd Cortez](#). Then one week before the next Social, you will receive an email notice reminder.



The 2030 Challenge

Ed Mazria is an early pioneer in passive solar design and the author of the biblical *Passive Solar Energy Book*, one of the first publications to quantify the principles of passive solar homes that were previously by and large intuitively done. When I built my first passive solar house in 1976, I did a lot of guesstimating in the design. Mazria's book really helped in later projects to fine-tune the relationship between the amount of gain relative to the storage mass, in order to avoid either underheating or overheating of the interior, as well as other issues related for the technical aspects of passive solar heating.

First printed in 1979, this book predates the idea of sustainability. The concepts that Mazria detailed now constitute a part of what is referred to as "net-zero" building, that is, buildings which produce only as much carbon dioxide as they absorb during their operational life. This is achieved by the using no energy source that emits greenhouse gasses (GHG). The early pioneers of the solar movement, like Mazria, went on to become the fathers of sustainability and net-zero design.

About ten years ago, Mazria launched two pivotal ideas, the 2010 Imperative and the 2030 Challenge. The 2010 Imperative was an attempt to get architecture programs at universities to become leaders in addressing the issue of climate change (global warming) caused by GHG and to champion their reduction. This meant changing the curriculum to create environmentally literate graduates and achieve carbon-neutral campuses. Sadly, 2010 has come and gone with only minimal success. The 2030 Challenge has greater possibility because it is not focused on academic institutions which are notorious for their lack of agility and inability to change rapidly. As buildings are the major source of global demand for energy and materials that produce by-product GHG, slowing the growth rate of GHG emissions and then reversing it in buildings is the key to addressing climate change and keeping global average temperature below 2°C above pre-industrial levels. The 2030 Challenge asks the global architecture and building community to adopt the following targets:

- All new buildings, developments and major renovations shall be designed to meet a fossil fuel, GHG-emitting,

energy consumption performance standard of 60% below the regional (or country) average/median for that building type.

- At a minimum, an equal amount of existing building area shall be renovated annually to meet a fossil fuel, GHG-emitting, energy consumption performance standard of 60% of the regional (or country) average/median for that building type.
- The fossil fuel reduction standard for all new buildings and major renovations shall be increased to:
 - 70% in 2015
 - 80% in 2020
 - 90% in 2025
 - Carbon-neutral in 2030 (using no fossil fuel GHG emitting energy to operate).

These targets may be accomplished by implementing innovative sustainable design strategies, generating on-site renewable power and/or purchasing (20% maximum) renewable energy.

There have been some successes, most of which came in the adoption by a few cities and counties, as well as the federal government, of some or all of the 2030 Challenge wording, although most occurred in the years 2006-2009. In 2009 the City of San Antonio adopted the 2009 International Energy Conservation Code (IECC), including a series of amendments that improve the energy efficiency above the 2009 IECC, such as cool roofs (Energy Star Certified) on all new buildings with low slopes (2:12 or less). San Antonio pledged to review and update their codes every three years toward a goal of net-zero carbon homes and commercial buildings by 2030. However, there is still a long way to go, as shown by the recent reaching of 400ppm of carbon dioxide in the atmosphere, a new record high.

Ed Mazria was recently in San Antonio at the Sustainable Urban Luncheon sponsored by the AIA (American Institute of Architects) - San Antonio Chapter. Hopefully you had a chance to be there to hear him speak about developing 2030 Districts.

John B. Hertz, Architect, Green Building Contact

Sierra Club Congratulates CPS for Outstanding Environmental Leadership

In a press release July 10, "Sierra Club Congratulates CPS for Outstanding Environmental Leadership: *Recent Analysis Shows Greenhouse Gas Emissions Declining Quickly*," the Lone Star Chapter announced our pride in CPS Energy's achievements of late, which builds on last month's *Alamo Sierran's* table of air pollution reductions achieved by the energy company. If you would like to read it please see the Club's [press release](#).

Sign Up for Action Alerts

The Sierra Club is all about citizen action on critical issues. Quick citizen input often spells the difference between victory and defeat for important measures at the local and state levels. Sign up now to receive our local e-mail Conservation Action Alerts and let your voice be heard. **Call (674-9489) or email Loyd Cortez** and we'll add your name to our growing list of environmental activists.

Outings: Hikes in the Central Texas Summertime

Saturday, August 24th: Oak Loop Nature Walk - Desert Adaptations

This event is jointly sponsored by the [Phil Hardberger Park Conservancy](#), the [Alamo Area Master Naturalists](#), the [SA Chapter of the Native Plant Society of Texas](#), and the Sierra Club. The purposes include appreciating the beauty of the natural area, observing how nature changes through the seasons, and learning on the topical focus of each walk.

The walk this month will focus on desert plants within the natural areas, and how plants adapt to arid conditions. The presenter, **Dr. Floyd Waller**, has his Ph.D. in grass systematics from Texas A&M University and is active in the SA Cactus and Xerophyte Society as well as NPSOT-SA. Floyd has made numerous presentations and taught courses on behalf of these organizations to many nature groups and does taxonomic consulting work at Texas Tech University at Junction.



Please **meet by 8:00am** to sign up for a 8:10am sharp departure from the sidewalk in front of the Children's Playground in [Phil Hardberger Park West](#) (8400 NW Military---about 0.2 miles SE on Military from Alon Market i.e. closer to Loop 410). We will walk along the Savanna Trail to the savanna restoration area with a brief explanation there and then proceed to the Oak Loop Trail. There will be stops along the trail where certain plants and points of ecological interest will be explained with ample time for participant questions.

Minors only when accompanied by an adult parent/guardian. Dogs allowed if leashed and socialized. **Difficulty:** Easy, definitely suitable for families. Flat terrain, slow-paced. This will only be a 1.5 mile walk and last about an hour and a half to end back at the playground around 9:45am.

The trail is a natural surface so be sure to wear sturdy shoes and, dependent on the weather, bring water, sun protection, and dress appropriate for the day and season. Suggested, not required, \$3 individual or \$5 family **donations** to the PHP Conservancy to support the park.

Contact [Wendy Drezek](#) (493-0939) for additional information or questions.

Saturday, September 14th: Hike the Canyon

Experience the beauty of this San Antonio area gem and its trail system. Join the [Friends of Government Canyon](#) and the Sierra Club for a jointly-led guided hike on one of the many trails at Government Canyon State Natural Area. Length of the hike will range from 4 to 7 miles depending on the group.

Open to ages 13 and over; minors must be accompanied by an adult; no pets please. Dress appropriately and wear sturdy shoes for hiking over rough terrain; bring two liters of water and a snack.

[GCSNA](#) is located at 12861 Galm Rd (Take FM 1560 west from Helotes to Galm Rd). There is a **\$6 entrance fee** (\$3 seniors). Meet at the Visitors Center by the rainwater harvesting tower by **7:45 am** for an 8:00 am departure with finish by noon; subject to cancellation. **Difficulty:** Moderate (some steep/rocky sections).

Contact Sierra Club co-leader [Terry Platt](#), (210) 487-9974, if you require additional information.

Visit our Outings page for other planned outings or go to the [Alamo Sierra Club Outings page on Meetup](#).

