

Extremists deny science, threaten energy security

By P. Anthony Thomas

A recent Appeals Court ruling has ended a nearly two year legal fight blocking a safe and affordable energy supply for San Diegans. In December, the 1st District Court of Appeals allowed a Public Utilities Commission decision to stand, permitting the construction of a \$2 billion dollar power plant that will generate electricity using natural gas.

Activists filed a lawsuit claiming environmental concerns, but if they were truly environmentalists they would support the power plant considering that natural gas has helped pave the way for the United States to be the global leader in reducing greenhouse gas emissions.

Frivolous lawsuits are just another tactic that the “Keep it in the Ground” anti-fossil fuels movement uses to threaten our nation’s energy security. In a move that defies logic, these so-called “environmentalists” would prefer to see less energy produced domestically under the



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world’s toughest standards and instead force the U.S. to rely even more on imported energy from countries who follow little to no environmental protections.

President Obama has even embraced the balance between responsible production and energy security. Recently, at a White House forum on climate change the President said, “Interestingly enough, one of the reasons why we’ve seen a significant reduction of coal usage in the United States is not because of our regulations. It’s been because natural gas got really cheap as a consequence of fracking...[Some environmentalists’] attitude is we got to leave that stuff in the ground if we’re going to solve climate change. And I get all that. On the other hand, the fact that we’re transitioning from coal to natural gas means less greenhouse gases.”

President Obama also bluntly pointed out that we cannot stop using fossil fuels overnight because “we’ve got to live in the real world.”

As world leaders wrapped up their annual United Nations Climate Change Conference in December, a new report was released showing that global carbon emissions have remained flat for three consecutive years. The report also showed that the U.S. is leading the way in greenhouse gas emissions reductions, thanks in large part to advances in technology and the use of natural gas as an alternative to higher carbon-emitting forms of energy.

The Global Carbon Project report found that U.S. greenhouse gas emissions declined 2.6 percent from 2014 to 2015, even as American oil and gas consumption increased. The report also projects U.S. emissions will decline another 1.7 percent in 2016.

The Intergovernmental Panel on Climate Change (IPCC) has said, “the rapid deployment of hydraulic fracturing and horizontal drilling technologies, which has increased and diversified the gas supply... is an important reason for a reduction of GHG emissions in the

habitat areas.

Both the city and Newport Banning Ranch agreed that they worked together and had included everything that should have been in the report. But John G. McClendon, an attorney for the conservancy with Leibold McClendon & Mann, said the two agencies did not identify probable ESHA. Citing the Coastal Act, McClendon said precedent called for the Coastal Act to be expansively interpreted and to involve local governments. “And that just didn’t happen here. They did not work collaboratively,” he said.

The conservancy contends that an access road will disrupt a nature preserve on Banning Ranch land.

Whitman F. Manley, an attorney with Remy Moose Manley LLP who represents the city, said the central issue was whether the city’s policy was entitled to deference.



Courtesy of Burns & McDowell

The \$2.2-billion natural-gas-fired Carlsbad Energy Center power plant will generate 527 megawatts of electricity.

United States.”

We simply cannot put all of our eggs in one energy basket, which is why oil and gas companies have embraced a diversified “all of the above” energy portfolio. Renewable forms of energy play an important role in the complex energy mix of a nation-state like California, but even in beautiful San Diego the sun doesn’t shine every day. That’s precisely why we need natural gas fueled power plants to help generate affordable, clean energy when the sun is not shining and the wind is not blowing. Paradoxically, the more renewable energy forms we use, the more we will need bridge fuels, like natural gas, to serve as a safe and reliable back-up form of power.

This fact is bolstered by research from the National Bureau of Economic Research which stated, “renewables and fast-reacting fossil

technologies appear as highly complementary and that they should be jointly installed to meet the goals of cutting emissions and ensuring a stable supply.”

Environmental extremists continue to mislead the public about the highly-regulated oil and gas industry’s role in providing reliable energy. Perhaps it is because the mountains of research by preeminent global scientists proving the benefits of responsible production don’t fit as catchy phrases on their protest signs.

P. Anthony Thomas is executive director of the California Natural Gas Producers Association, a nonprofit trade association dedicated to representing the interests of independent natural gas producers operating in California. CNGPA members account for 90% of California’s natural gas production.

Developers

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Banning Ranch LLC v. California Coastal Commission, 30-2016-00885114-CU-WM-CXC (Orange County Superior Court, filed Nov. 4, 2016).

A Court of Appeal upheld the city’s Environmental Impact Report in 2015, ruling it complied with its own general plan. *Banning Ranch Conservancy v. City of Newport Beach* (2015) 236 Cal.App.4th 1341 (Sup. Ct. Case No. S227473). Banning Ranch Conservancy, a nonprofit trying to block construction of the project, appealed to the state Supreme Court. On Wednesday, justices of the high court questioned the plaintiff’s attorney about the standards of review of the city’s plan and if the city must identify environmentally sensitive

“There was at least one meeting between the city and the Coastal Commission. At least one visit. Could there have been more effort? Could there have been more phone calls? Of course. The point here is there was some effort,” said Manley.

Justice Mariano-Florentino Cuéllar questioned Manley on the relationship between the city and the commission. “I wonder if your reading of CEQA is saying the city can say ‘those other agencies deal with those problems and we’re done.’”

“We do conclude in the EIR that the city’s project was consistent with the Coastal Act,” responded Manley.

“You are acknowledging there were issues best left to the Coastal Commission? How do you draw the line where it is appropriate for a city to say, ‘We’re going to punt to somebody else and when that is not appropriate?’” asked Cuéllar.

“We have an obligation to acknowledge the

permitting authority of other agencies. We did that with respect to the Coastal Commission. We just simply did not predict the decisions they would make,” said Manley.

Cuéllar said, “The Coastal Commission is the high priest of ESHA.”

“Right, but that’s not what happened here. The city hasn’t punted. The important point is the EIR was sound as an informational document. It provided everything it needed to provide. The city just didn’t take the next step in guessing what the commission is going to do next,” said Manatt, Phelps & Phillips LLP attorney Benjamin G. Shatz, who represents the developer.

The proposal, which has been revised twice, calls for 70 acres of the property to house 895 homes, a 75-room hotel, a hostel and 45,000 square feet of retail space.

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