

THE MIAMI COLLAPSE [UPDATED!]

The Miami collapse is beyond disturbing, but what else is there to come?

LIGHT CYCLES

In 8 minutes, 18 seconds light travels from the sun to Earth. In that time, roughly 25 million in national debt accrues. Somewhere around 157,806 tonnes of CO2 is released into the atmosphere. 113,046 years of global human experience goes by in 8 minutes, 18 seconds. Around 900 people die – a Jonestown Tragedy, if such a thing could be a unit.

FRIDAY: FUSION

In this roundup: Dakota Access Pipeline news, Hawaiian sovereignty and other indigenous peoples news, the death of space art, and fusion jazz.

It's Friday – time for some jazz. This time it's eastern-western fusion, melding Spanish flamenco and Indian classical music. The embedded video here is a real treat, an entire hour and 13 minute concert featuring Anoushka Shankar on sitar, Melon Jimenes on guitar, and Sandra Carrasco's vocals. My favorite cut is Baleria which begins at 0:42:10 in this video. It feels like the high point of the concert to me, where all the artists are in the same state of flow at this point. I really shouldn't minimize the contributions of the other artists here – Sanjeev Shankar on the shenhai, Pirashanna

Thevarajah on several different percussion instruments, and El Pirana on the cajon – all add incredible depth. Sanjeev Shankar's shenhai sounds so human in Traveller; I'd really love to hear El Pirana in other jazz work, will have to hunt down more of his work.

Problematic pipeline

- Militarized law enforcement threatening DAPL protesters after prayer session (Indian Country) – The photos featured in the article at this link don't do justice to the threat from law enforcement.
- Note Twitter user @notaxiwarrior's feed beginning 28-SEP through yesterday showing law enforcement carrying shotguns and automatic weapons, and in at least one case aiming their weapon at protesters. The thread indicates police used tear gas and flash-bang grenades on a prayer group of mostly women and children. Same thread shows a possible contract agent provocateur who may have been trying to incite the protesters to violence.
- Low-flying aircraft may have dropped chemicals on protesters; 21 arrested (EcoWatch) – It's not clear

from videos and photos here and across the internet what one or more planes may have dropped. Some protesters believed Facebook may have halted streaming. At one point in a video police are loading their weapons. Nauseating to watch and listen.

- Oil company CEO thinks jobs, economic opportunity will stop DAPL protests (TelesurTV) – James Volker, CEO of Whiting Petroleum, thinks contracting Native American-owned companies for oil services and water hauling will make the affected tribes happy. White male privilege, much? How hard is it to understand the pipeline scars lands which never really belonged to whites, desecrating burial grounds and religiously significant sites, while putting land and water at risk of permanent damage? Imagine the outcry if a Chinese- or Saudi-owned company wanted to rip up the battlefield at Gettysburg for an oil pipeline. But Volker said “he was sensitive to Native American concerns over the pipeline

and that he 'wouldn't want necessarily a pipeline to go through the cemetery where all my relatives are buried.'" Right. And he'd feel all better about it if somebody offered him a a few paltry bucks for his mother's grave.

- Anti-pipeline protest in Vermont culminates in \$500K bank account closure (Times Argus) – At a Mountpelier branch of TD Bank, locals protested both a planned Vermont Gas pipeline and the Dakota Access Pipeline. A TD Bank customer closed her \$500K account because she was disgusted with TD Bank's role financing pipeline construction.

Other indigenous news

- DOI looks at government-to-government relations with future sovereign Hawaii (NBC) – Protesters are unhappy, however, with the change in U.S. Department of Interior position allowing a Native Hawaiian government. In a nutshell, it's not up to the DOI to tell Native Hawaiians and a sovereign Hawaii how to operate just as no illegal occupying

force has a right to define the nation it illegally occupies.

- First Nations' children 'sold' to Americans as recently as 1982 (CBC) – Heartbreaking read; between 1960-1982, indigenous children were taken from their families and 'sold' to adoptive families in the U.S., often labeled as 'special needs' when they were simply First Nations' descendants.
- Interview: Kichwa leader José Fachín on oil and Peru (Guardian) – Fachín discusses a permanent protest underway, fighting against chronic oil pipeline leaks fouling land and water lived on by Kichwa and other indigenous peoples in Peru. Hard to imagine this persistent assault on indigenous peoples' environment becoming just as embedded here in the U.S. – fossil fuel extraction must stop.
- Wiradjuri/Kamilaroi artist commemorates the loss of indigenous' history in Sydney art installation (Guardian) – Nearly all artifacts of Australia's

indigenous peoples were destroyed in 1882 when an exhibition building burnt to the ground. Artist Jonathan Jones marks this epic loss with *barrangal dyara* (skin and bones) constructed from 15,000 gypsum shields marking the outline of the former building site.

Longread: Is 'Space Art' dying?

Interesting read about the history of space art and its impact on science. I wonder, though, whether space art has really been dying, or if it has merely been surpassed by the real beauty of space our current technology has been able to capture? Just browse through NASA's Astronomy Picture of the Day – phenomenal images captured by cameras. Is the real problem space art faces a matter of imagination; are we not encouraging young artists to ponder what's out there we have yet to capture with telescopes, space missions, and cameras?

Week's over, already been tequila thirty here for nearly an hour. Have a nice weekend!

THURSDAY: ANOTHER GRUNGEY ANNIVERSARY OBSERVED

In this roundup: Recalling 25 years of Nirvana's Nevermind, petro-pipeline-economic challenges, lead poisoning, anthrax, and cops gone wild.

Hard to believe it was 25 years ago this past weekend when Seattle grunge band Nirvana released its second and best-selling album

Nevermind. This particular collection of songs continues to have deep impact on rock, in no small part because it gave voice to social alienation and frustrations of its decade.

Grunge as a genre petered out by the late 1990s, perhaps in response to the impact of Cobain's suicide, the aging of its audience, and the bursting of the dot com bubble. I've wondered, though, if its overwhelmingly white male angst merely went underground, disrupted by 9/11 and redirected toward the war on terror. The grunge generation was the first to be wholly free of the draft, born toward the end of or after the Vietnam War. It had no common goal, no shared sacrifice, at a time when technology became incredibly powerful and a key driver behind economic growth.

Then the dot com bomb, the towers fell, and the grunge generation was forced to look away from its navel, but not toward a positive aim with measurable success defined by concrete benchmarks. It was offered an identity defined by negatives: not 'radical Muslim', not 'Old Europe', not anything apart from with-Bush/Cheney because it wasn't popular to be against them for the sub-40-year-old crowd.

Now that +20 years have passed, how are the grunge generation defined?

UPDATE 9:30 AM EDT – News worth updating and inserting higher in post: Congress avoided a government shutdown while simultaneously funding Flint, Michigan's water system aid as well as Zika virus response. The amount allocated for Flint will be somewhere between \$170 million (House) and \$220 (Senate). It's not anywhere near the amount needed for complete removal of damaged water mains and lead piping, but it's a good start. Snappy synopsis here.

See also this particularly offensive POS from a hotel and tourism advocate in Puerto Rico, published before the deal. Too bad Mr. Miguel Vega will never have to actually carry a Zika infected fetus; his hand wringing over Zika fear

is a perfect example of male privilege, applied on behalf of his employers. The real problem with Zika response has always been a lack of knowledge about the virus as well as inadequate concern for the welfare of citizens – not fear.
/end update

Fossil Feud

All related to oil, all equally distressing.

- OPEC to cut oil output (Bloomberg) – The move supports the Saudis' need for more cash. Russia will tweak its output levels after OPEC has finished setting a firmer level, though it pumped a record amount in September, tripling August's daily output.
- Iran's oil minister described as 'happy' (Bloomberg via Twitter) – Bijan Zanganeh's reaction as the OPEC conference in Algiers ended Wednesday.
- Congress overrode Obama's veto of 9/11 bill (Insurance Journal) – In spite of the White House's effort to kill The Justice Against Sponsors of Terrorism Act (JASTA), the bill will become law after today's rare override. The bill allows 9/11 victims and their families to sue Saudi Arabia for damages. Passage of the bill may

cause the Saudis to delay sales of \$10 billion of an international 'megabond' as investors could be put off by risks to RSA from lawsuits. But if oil prices go up due to production cuts, the bonds may not be as critical to RSA's plans.

- Reps. Grijalva and Ruiz say Dakota Access Pipeline approvals did not comply with law (Indian Country) – After a meeting between Democratic Reps. Raúl Grijalva and Raul Ruiz and representatives of Standing Rock Sioux, Cheyenne River Sioux, Lakota, Apache tribes late last week, the representatives called for the Army Corps of Engineers' permits to be revoked. Full assessments for environmental and historical impact had not been completed before the permits were issued; ACOE may have acted under the influence of pipeline and oil companies. Grijalva and Ruiz are members of the House Natural Resources Subcommittee on Indian and Alaska Native Affairs. It's not clear what will happen next given the anticipated rise in oil

prices and the impending general election.

- Monbiot op-ed: Fossil fuels must remain in the ground to meet Paris Agreement (Guardian-UK) – Fossil fuel industry's own data shows that current extraction rates and plans will push global temperatures above 1.5C-2C, undermining the Paris agreement on climate change. The only sure way to comply with the temperature goals is to stop extracting fossil fuels.

Use the anticipated increase in oil prices as incentive to reduce its use. Put on the big person's panties and say no to pipelines and more extraction. Push for incentives to conserve while developing alternative energy. It's long past time.

Miscellany

- Police across U.S. misusing databases for personal reasons (AP via Salt Lake Tribune) – After conducting illegal searches of confidential information including addresses and Social Security numbers, police have been punished hundreds of times over the last three years. The article says the number of unauthorized database

searches identified during reporting are “unquestionably an undercount.” It’s not clear from this report if these databases also include information gathered from surveillance including Stingray use

- CDC’s flawed report left East Chicago IN children exposed to lead (Reuters) – Not clear how or why CDC’s 5-year-old report claimed “nearly 100 percent” of children’s blood lead levels had been tested in an area once home to a lead refinery. In reality, only 5 percent to 20 percent had been tested, and 22 percent of children around the West Calumet housing development area tested positive for elevated blood lead. This situation is so fishy; in my opinion, the Department of Justice should look more deeply into this case and not merely assist with obtaining settlement funding. Somebody inside the CDC did more than omit data or misstate conclusions.
- Mystery of USSR anthrax outbreak uncovered (Twitter) – Liferhacker’s science and

health writer Beth Skwarecki tweeted a brief story about a Soviet-era anthrax epidemic. It's a quick and fascinating read (unrelated to the recent anthrax outbreak, to the best of my knowledge).

Quite enough without adding a longer read or listen, huh? Catch you later!

TUESDAY: CHANGE OF PACE

I need a break – a change of pace after the last several day's nonstop doom-and-gloom observing what has become an American version of the Day of the Dead. Add the nauseating bullshit misogynist circus piling on the “church faint” by a post-menopausal woman wearing too much clothing in humid weather while recovering from pneumonia. It's unrelenting ridiculousness which can only be broken by the injection of dark humor.

I like this young director Almog Avidan Antonir's body of short works, including this little zombie love story. Looking forward whatever he might have next up his sleeve.

The Dakotas

- Lawmaker unintentionally makes armed law enforcement drones legal in North Dakota (Independent-UK) – Way to go, dude. Legislator submitted a bill to outlaw

armed drones; wretched police union got to the bill with revisions and now law enforcement can use drones armed with non-lethal force. North Dakota is now the first state in the U.S. to legalize armed drones. Want to bet law enforcement is already preparing to use this technology against pipeline protesters?

- South Dakota Yankton Sioux filed suit against U.S. government over pipeline (Indian Country Today) – While media focused attention on North Dakota's Standing Rock Sioux protest against the Dakota Access Pipeline, the Yankton Sioux in South Dakota filed against the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service. Though the planned pipeline runs through tribal treaty lands, the government did not complete an environmental study or a consult with the affected tribe – same complaint in South as in North Dakota. The pipeline company, Energy Transfer, did not use tribe members to identify any challenges during planning

of the pipeline route.

- Trespass charges against journalist Goodman blows off First Amendment and Justice Dept. (Committee to Protect Journalists) – CPJ’s Carlos Lauria said the warrant issued for Democracy Now’s Amy Goodman is “a transparent attempt to intimidate reporters” covering the NoDAPL protests. Morton County’s warrant ignores Justice Dept’s joint statement with Interior Dept halting pipeline construction, in which the departments said, “we fully support the rights of all Americans to assemble and speak freely. ...” Goodman clearly identified herself as a reporter.
- Oil producers whine about pipeline delays interfering with cheap oil (Fortune) – These guys are just not catching the cluestick. It may take shareholder activism to wake these morons up about the end of fossil fuels and a need for entirely new business models instead of forcing oil pipelines through.
- Standing Rock: a new civil rights movement? (Guardian)

– Op-ed looks at the birth of a new movement where environmental and civil rights activism join forces to protect indigenous people and Missouri River – the longest river in the continental U.S.

Flint Water Crisis

- Former state epidemiologist not talking about possible plea deal (MLive.com) – Corinne Miller, now retired, was arraigned in August on felony misconduct and misdemeanor neglect of duty. Miller suppressed action on children’s blood lead levels and told Michigan Dept of Health and Human Services employees to delete emails related to the blood lead data.
- Water bill moves forward in Senate (The Hill) – Emergency funding for Flint and its lead-contaminated water system closer to passing as part of a \$9.4 billion bill for water-related infrastructure and clean drinking water. The bill also includes assistance for Louisiana’s flood recovery. Money for Flint’s aid may be paid by

cutting the Energy Dept's Advanced Vehicle Manufacturing Technology loan program.

- Water filters still needed by Flint residents through end of year, possibly longer (Detroit Free Press) – There's no clear end to the water crisis, even though funding may soon be available. Thresholds for lead levels have not yet been agreed upon by state and federal officials. The amount of damage to the city's water system continues to complicate recovery efforts.

Still Picking on Volkswagen

- VW engineer plead guilty to conspiracy, wire fraud and violating Clean Air Act (Jurist.org) – The record of engineer James Robert Liang's June indictment was unsealed on Friday, revealing he and co-conspirators designed, implemented, and lied about emissions controls technology which evaded emissions standards. One interesting bit of new information is the involvement of an unnamed

third-party engineering company partially owned by Volkswagen, referred to in the indictment as “Company A.”

- Awkward: Liang to be sentenced during North American International Auto Show (Detroit News) – Four months from now, smack in the middle press week for Detroit’s 2017 NAIAS, VW engineer Liang will be sentence in U.S. District Court in the Eastern District of Michigan. This op-ed notes Liang’s plea hints at a much-larger conspiracy in VW pursued by investigators. Somebody had to sign off on this design, at a minimum. And somebody had to tell Bosch what and how to make the non-compliant electronic controls units.

Longread: Rakoff on Fiss and rights under a War on Terror

United States District Judge Jed S. Rakoff looks at a collection of essays by legal scholar Owen Fiss, written over the last 13 years while the U.S. the so-called “War on Terror.”

Toodles!

TUESDAY: IN A SEASON OF CRIME

*Ride the train, I'm far from home
In a season of crime, none need atone
I kissed your face*

– excerpt, Sue (or In a Season of Crime)
by David Bowie

Bowie left us an amazing parting shot with his 25th and final album, Blackstar. The cut featured here is a free jazz/jazz-rock fusion work which sounds off-kilter or out of sync, the lyric melody not tracking with rhythm – until one looks at the lyrics as a story of confusion told at the same time as a driving lyric-less and inevitable story beats on at the same time.

Seems like an unintended metaphor for our general election politics.

Back to School, Fool

Guess who's back in town? A bunch of Congressional lame ducks back from vacation – I mean – work in their districts where they glad-handed at county fairs between bites of deep-fried Twinkies and kissing babies for campaign photo ops.

Get back to work and produce funding for Zika research AND birth control, damn it. Your continued intransigence is costing lives – short, ugly, painful, deformed lives on which you are pitiless and merciless, you fundamentalist let-them-eat-cake hacks. It's only a matter of time before somebody in your district ends up Zika-infected and pregnant after vacation trip to someplace warm like Miami – or mosquito-bitten during during their day job like lawn care or construction or mail delivery. Researchers are working incredibly hard with the limited funding they've had; there's only so much they can do with inadequate funding. And birth control MUST be available to all who need

it. Planned Parenthood can and does hand out condoms, you pathetic slack-handed weasels. Fund them.

STG if I was the president, I'd look at any way possible to trim funding to unusual projects in states with GOP senators and then declare an emergency, pull that trimmed funding to pay for subsidized birth control in the same damned states. With researchers now having found Zika infection may spread by bodily fluids like semen, vaginal fluid, saliva, and tears while documented cases mount, there's ample grounds to write an executive order during a lame duck session.

Big Oil = Big Bully

- A temporary restraining order has been granted for a portion of the North Dakota Access Pipeline under construction (Reuters) – The TR0 halted construction between Highway 1806 and 20 miles to the east of Lake Oahe. Construction to the west of Highway 1806 may continue.
- Though Army Corps of Engineers doesn't oppose TR0, it thinks the Sioux will lose their case (NPR) – The Standing Rock Sioux Tribe filed suit earlier this summer with the U.S. District court for District of Columbia because the Army Corps violated numerous laws when it authorized the construction and operation

of the NoDAPL. Had the Army Corp completed appropriate assessments required by the National Historic Preservation Act, National Environmental Policy Act, and the Clean Water Act, the pipeline's construction would likely have been rerouted or its authorization denied.

- Enbridge doubled down on the North Dakota Access Pipeline (Bloomberg) – Same company responsible for the biggest domestic oil spill ever has now killed plans for the Sandpiper pipeline which was to run through Minnesota down to Wisconsin; they blame the collapse of oil pricing and the increased expense and timing due to state regulations. This Canadian company has instead chosen to rely on the NoDAPL from the Bakken shale oil field through the Dakotas to Iowa.
- Guard dogs and pepper spray used against protesters on Saturday (NPR) – We've seen this same kind of violence against peaceful protesters before, not unlike practices by extractive businesses mining in countries like

Canada, Bolivia, Peru, Philippines, South Africa, and more. Absolutely unacceptable against unarmed persons particularly when children are present.

- Bulldozers ripped through Sioux graves and religious markers (Chicago Tribune) – Why did Army Corp of Engineers sign off on this? Why was this excavation allowed to happen without an assessment as requested by
- 150 tribes have now expressed solidarity with Standing Rock Sioux (White Wolf Pack) – Members from 60 or more Native American tribes have gathered to protest against the NoDAPL with the Standing Sioux – the largest gathering of tribes in over 100 years and the first time since 1875 that all the Lakota tribes have gathered at Cannonball River, ND.
- Excavation and attacks on protesters continued despite UN statement that the NoDAPL project violated U.N. Declaration on the Rights of Indigenous Peoples (WaPo) – What. The. Hell? Did the pipeline company Energy Transfer, its partners and

financiers think rushing the start of construction over a sovereign nation's graves would make this rights' violation go away?

The NoDAPL project is bad all around. There's no good reason for it to proceed.

– The economics of oil supply and demand do not support it; the cost to proceed is simply not supportable.

– The environmental cost of this project and the oil it is intended to carry are untenable; investment of resources private and public should go toward non-fossil fuels.

– The project violates the rights of Native Americans in numerous ways and no good faith effort has been made to address them during planning, let alone now as construction begins. The current and future damage to the Sioux only exacerbates hundreds of years of abuses against their sovereign nation.

– The companies investing in this project including Enbridge cannot assure the safe operation of this pipeline given the history of pipeline leaks across this country. In Enbridge's case, this foreign-owned corporation has already proven unreliable and opaque in pipeline operations.

– NoDAPL should not proceed for the same reasons Keystone XL pipeline did not proceed: it is not in our country's best interest.

I don't know how anyone can look at this bulldozing of land containing buried Native Americans and not see it as a direct, deliberate effort to erase their existence. This is accursed behavior which in no way addresses the needs for alternative energy outlined in the Defense Department's Quadrennial Review or our nation's need to secure its people by reducing carbon dioxide output.

Odd Lots

- Disposal wells in Oklahoma including Osage Nation shut down after earthquake (Tulsa World) – Yet another case where extractive fossil fuel business on Native American tribal lands has been highly problematic. 17 wells were shut down by the EPA after Oklahoma's M5.6 induced earthquake this weekend; these wells are in addition to 37 other disposal wells shut down this weekend near the quake's epicenter. Haven't seen yet whether another earthquake of this magnitude could set off an overdue 500-year magnitude earthquake along Missouri's New Madrid fault.
- U.S. district judge denies federal plan to open 1 million acres of central CA public lands for fracking and drilling (IndyBay.org) – Bureau of Land Management didn't do its homework on environmental risks from fracking, focusing too heavily on drilling instead. Sounds a lot like Army Corp of Engineers' slap-dash disregard for externalities when it analyzed the NoDAPL,

doesn't it?

- OK's earthquake insurance market already under review (Tulsa World) – Insurers have only paid out on 20 percent of earthquake-related claims since 2010; the market has also undergone consolidation and 300-percent rate increases. No word yet on how much damage this weekend's M5.6 quake or subsequent aftershocks have caused. Hope the public lights a fire under Oklahoma Insurance Commissioner John Doak about his review of the market. It's grossly unfair the public must bear the cost of risk created by extractive industries as it is.

Longread: Lawsuit against DMCA Section 1201

Johns Hopkins University professor and cryptographer Matthew Green filed suit against the federal government in late July to strike down Section 1201 of the Digital Millennium Copyright Act. The current law prevents security researchers from adequately investigating products. Worthwhile read – this has huge repercussions on our safety and security given how much of the technology around us is copyrighted but leaky as hell and prone to hacking.

Hasta pasta!

NORTH DAKOTA AND FEDS SUPPRESS NATIVE AMERICAN PIPELINE PROTESTERS

What's the difference between these two pipelines? Only variations are the origin of the oil they may transport and their location as far as I can tell since they are described as competing pipelines.

Oh, and the Keystone XL pipeline was vetoed by President Obama a year ago this past February because Congress tried to ram through approval, attempting to "circumvent longstanding and proven processes for determining whether or not building and operating a cross-border pipeline serves the national interest," according to the president.

In both cases – Keystone XL and the Dakota Access – the planned pipelines traversed Native American tribal lands and/or water systems upon which these sovereign nations relied. The affected tribes have protested the credible threats these pipelines pose to their health and safety as well as their heritage and sovereignty.

The threat is real; there have been 11 pipeline accidents since 2000 on lines carrying oil or gasoline across the Dakotas. One of those pipeline accidents resulted in roughly 20,000 barrels or 865,000 gallons of oil spilling beneath a farm in North Dakota in 2013. There was a ten-day lag after the farmer brought the spill to the company's attention until the state's governor heard about the accident – ridiculous, considering North Dakota is the 47th largest state in terms of population, at less than 800,000 residents. It's not like there were

a lot of people in the way. The spill covered an area equal to seven football fields and clean-up is still under way and may not be completed until some time in 2017. The North Dakota Tesoro pipeline oil spill is one of the largest in the U.S. to date.

Oil producers and pipeline owners/operators have frankly been lousy in their responsibilities to the public. It's not just the 11 pipeline accidents in the Dakotas since 2000; it's a rather lengthy list of them across the entire country and a lengthy track record of crappy response to the damage done to the environment. My state, Michigan, which is surrounded by the largest bodies of fresh water in the world, is also the site of the largest oil pipeline spill in the U.S. In 2010, more than 1.1 million gallons of oil spilled, much of it into a waterway. Alarms notifying the pipeline's owner, Enbridge, of the spill were initially ignored for 17 hours, blown off as operation notifications.

Simply unacceptable.

The Native American tribes have no reason whatsoever to believe oil producers and pipeline owners/operators will act with any more care than they have to date. Further, they have no reason to trust the U.S. government about these pipelines, either. They have been betrayed and damaged again and again by the U.S. – excessive and mortal police brutality, theft of human remains, theft and mismanagement of billions in assets, the indignity of fighting to remove the name of a mass murderer from public lands, the catastrophic contamination of the San Juan River supplying water to the Navajo nation – the insults are endless.

The latest insult: North Dakota's Governor Jack Dalrymple signed an executive order to obtain more funding for additional police to deter approximately 1,500 protesters. The state has pulled water supplies used by the protesters and refused to allow portable toilets to be emptied. This follows a temporary restraining order

granted to Dakota Access LLC by a federal district court against protesters' interference with pipeline work. Native Americans have also been prevented from leaving reservation land, which may be a violation of civil rights and treaties.

Native Americans have legitimate concerns with the Dakota Access pipeline. For one, its planned route crosses the Missouri River which serves as the entire water source for the Standing Rock Sioux Tribe; the Army Corp of Engineers (ACOE) approved 200 water crossings by the pipeline in spite of requests by the Sioux to deny construction permits. The ACOE, however, reviewed and rejected an alternate pipeline route crossing the Missouri River near Bismarck as it was deemed a threat to the municipal water supply. This looks like outright racism on the face of it; the pipeline is a threat to 92% white Bismarck, but not a sovereign Native American tribe?

Secondly, the ACOE has been asked by U.S. Environmental Protection Agency (EPA), the U.S. Department of Interior (DOI) and the Advisory Council on Historic Preservation to conduct an investigation and prepare a formal Environmental Impact Statement (EIS), requiring consultation with the affected tribes. No EIS appears to have been conducted to date. In addition to the health and environmental safety concerns related to the pipeline's installation and operation, the historical significance of the area is inadequately documented. The lack of a thorough assessment means the current Dakota Access pipeline plan may disrupt an older Mandan village site where Mandan may be buried. The site has cultural and religious significance to tribes and should be protected by the Advisory Council on Historic Preservation under federal law.

Dakota Access LLC is pressing for this pipeline to reduce the costs of oil. Shipping crude oil from North Dakota's Bakken Shale reserve by rail or truck is more expensive than shipping by

pipeline.

That is until ALL the true costs and externalities are added, like the spills, remediation, short- and long-term health and environmental problems are added. These costs haven't been added to the true cost of oil and are instead a gamble which humans living nearest to the pipeline must pay if there is a failure.

While the oil producers and pipeline operators continue to hammer away at the cost of oil, the price of oil has fallen. They can't drop the cost fast enough and deep enough to realize a return on investment. They will cut corners as much as possible as the price of oil falls – and it will, if demand for oil also falls as it has with the rise of hybrid and electric vehicles. Cutting corners means there will be greater risk the pipeline will not be adequately monitored or maintained, just as it wasn't in Michigan.

As more and more alternative, green energy resources come on line along with the technology to use them, it will make even less sense to invest in pipelines which may not carry all that much oil. The Bakken Shale reserve is estimated at several hundred billion barrels of oil, but the amount which can be recovered readily and economically is much less than 10% of the estimated total reserve. If the oil is too expensive to extract AND competing energy resources are both cheaper and available, why build this pipeline at all? How is enabling our continuing addiction to oil in the long-term best interests of our country?

It will take some spine to do the right thing and force this project to slow down for a full EIS assessment. It will take even more spine to point out we are both at the end of fossil fuel and at the limit of our disregard for Native Americans' lives. It can be done, however; just ask Canada's Justin Trudeau how he did it.

FLINT: THE LEGIONNAIRES WILL BE WHAT BRINGS CRIMINAL CHARGES

In my discussions about Flint's water crisis, I keep pointing out that Rick Snyder was largely just making a show of responding until the US Attorney revealed it had started an investigation on January 5.

The Detroit News has an utterly damning report today about the part of the story that gets less national attention: local and state officials started discussing an outbreak of Legionnaires disease back in October 2014, and national experts offered help as early as March 2015, but the state did not accept assistance offered by both the EPA and CDC until January.

Darren Lytle, an expert in Legionella from the EPA's Cincinnati office, told his colleagues that his previous research showed that changes in water chemistry can cause disruption and "destabilize" water piping systems. Lytle "thought the incidence of Legionella must be fairly extensive for the (Genesee County Health Department) to notice and study," according to the conference call notes.

Lytle offered to come to Flint and study the origins of the pneumonia-causing bacteria, records show.

But state and county officials appear to have never followed through with the offer for help, an EPA official said. As it did in Flint's lead contamination, the agency stayed publicly silent about the threats to public health in Genesee

County while state and local officials debated how to approach the problem, records show.

[snip]

The Legionnaires' disease outbreak that infected 87 Flint-area residents and caused nine deaths from April 2014 through November was not made public until Jan. 13, when Snyder announced them in a hastily called press conference in Detroit. Snyder had learned of the outbreak two days before, an aide said.

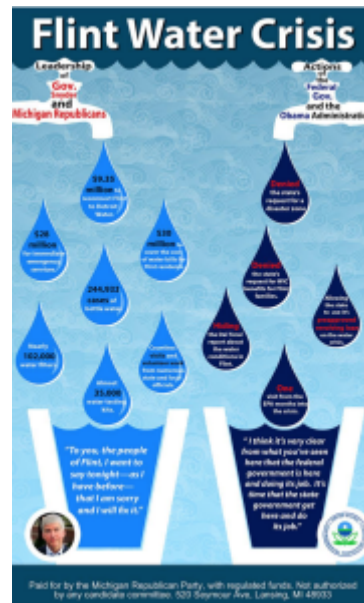
In January, state health officials finally requested support from CDC's Legionella experts 11 months after it was offered, Nordlund said.

Through that entire time period, state officials pretended they were developing a public information campaign to tell Flint residents about the outbreak. And, as the story reminds, nine people died directly from Legionnaires during that period.

Shortly after the feds revealed they were investigating, the Attorney General announced his own (very conflicted) investigation, the investigator for which, Andy Arena, claimed is the biggest investigation in Michigan history (Arena led the investigation into the UndieBomb attack while still at the FBI). It has been unclear what those investigations might find or whether anyone would be found of breaking the law. Certainly, on the lead poisoning, the state seemed to believe they were adequately testing for lead (even though, as this story notes, local authorities were far more worried about months before the state officials).

But I have to believe the Legionnaires is where people are really exposed for criminal negligence, as they let people continue to be exposed to deadly bacteria months and months after federal officials tried to help.

HILLARY'S FLINT GAMBIT



As I've noted repeatedly, when independent tests first publicized that decisions made by Governor Snyder's hand-picked Emergency Manager were poisoning Flint's children last October, he made a show of response, but it wasn't until the Task Force he appointed laid into his Department of Environmental Quality and Detroit's US Attorney revealed it was investigating the problem that Snyder ratcheted up his effort to appear to be responding.

But his actions since then have largely been an attempt to stall for time, presumably a hope that anti-corrosives in Flint's pipes will bring lead levels down so that we can all move on and forget about it. True, he did get the state legislature to cough up \$28 million, which will go to ramping up state agency involvement. He has asked for \$30 million to alleviate some, but not all, of Flint residents' water bills so they're not paying for water they can't use, but

it's not clear the legislature will fund it (and it's just partial relief in any case).

But at the same time, he has asked for bigger funding chunks from the Federal government: \$96 million under disaster funding for things including replacing a fraction of the lead pipes in the city, and the expansion of funding for WIC funding for Flint's children until they're 10 (which would have improved nutritional support for kids at risk of lead poisoning). The Feds denied both those requests. Snyder and the Republicans are now blaming Obama for denying these requests. Understand: Obama's administration could only have approved them *by violating the terms of these programs set by Congress*. Snyder asked for something that, under the law, Obama could not give, and now Snyder is using that denial to try to pawn off responsibility onto Obama, rather than the appointed managers who created this mess and ignored it for over a year.

That leaves the lead pipes in the ground, still leaching toxic levels of lead four months after anti-corrosives were first added to the water to try to reverse the corrosion. Some houses in Flint still have so much lead in the water that filters cannot be trusted to remove the poison.

Michigan's Senators, Debbie Stabenow and Gary Peters, tried to get \$600 million added to a bipartisan energy bill to start the work of actually replacing those pipes. But even revising that request down to \$200 million didn't work, so Democrats filibustered the bill.

That was Thursday.

Hours later, during the debate, Hillary announced she'd do an appearance in Flint today, which ended a few hours ago.

I will be in Flint at the Mayor's invitation on Sunday to get an in depth briefing about what is, and is not happening.

This is an emergency. Everyday that goes

by that these people, particularly the children, are not tested so we can know what steps must be taken to try to remediate the effects of the poisoning that they have been living with is a day lost in a child's life. I know from the work that I've done over so many years, lead, the toxic nature of lead can affect your brain development, your body development, your behavior.

I absolutely believe that what is being done is not sufficient. We need to be absolutely clear about everything that should be done from today to tomorrow, into the future to try to remedy the terrible burden that the people of Flint are bearing. That includes fixing their pipes, it includes guaranteeing whatever healthcare and educational embellishments they may need going forward, and I think the federal government has way where it can bill the state of Michigan. If Michigan won't do it, there have to be ways that we can begin to move, and then make them pay for it, and hold them accountable.

Her appearance (which drew no national coverage) had some strong points: She reminded she had worked on lead (paint) issues in New York, she noted that many other cities are suffering from similar problems, she called to get Flint people working to replace the pipes.

She brought up the \$200 million Democratic Senators are currently demanding.

Therein lies the rub.

I'm completely agnostic about whether this particular trip will hurt or help (it's very clear that Hillary's focus on Flint two debates ago helped draw attention, though of course that came months after the lead poisoning was first revealed in October).

It could be that next week Democrats in the

Senate will be able to get Republicans to relent to their demand for Flint funding. But it could also be that Republicans will dig in, given that denying Flint funding becomes a way to deprive the presumptive Democratic nominee a win. That's true, especially since John Cornyn already accused Democrats of trying to embarrass Republicans on this issue.

Republican Majority Whip John Cornyn of Texas called the Democrats' sudden rejection of what had been bipartisan support for the energy bill "gamesmanship" and an effort to "embarrass Republicans" by making it seem they did not care about Flint.

He said state officials are trying to figure out how much a full infrastructure repair program in the city might cost – an estimate is expected next week – and to authorize full funding before that was "putting the cart before the horse."

"The State of Michigan and the City of Flint don't know what they need to do to fix the problem or how much it will cost," Cornyn said. "The senators from Michigan come in here and say we don't need to know ... we want cash."

It seems Republicans are stalling, hoping this will fade from view before some Republican legislature – either Federal or state – ends up funding a needed infrastructure program which will not only fix the water problem, but provide a Keynesian boost to a city Republicans would like to cure with more austerity. As months go on, this year's Presidential and next year's gubernatorial election will exert pressure of some sort. It may well be that Hillary can use her focus on Flint to showcase a call for more infrastructure funding that will tip some elections. It may also be that the prospect of Hillary on the ballot in November exerts pressure dointicket on Republicans.

But for the moment, this seems like uncertain political gamesmanship that could leave Flint residents drinking from plastic bottles for months to come.

Update: I meant to include this quote from a Flint resident, which encapsulates my concern.

“It’s bad news to me,” said Arthur Woodson, a 46-year-old Army veteran who runs New Beginnings, a Flint-based nonprofit aimed at helping soldiers return to the community. “She’s turning it into a political football. The GOP won’t ever do anything now. They’re going to turn it into a partisan thing.”

“This is a water issue,” he continued. “It’s not a political issue. We got kids who are suffering. We don’t have time for this partisan stuff.”

Update: MI Republican Chair and Mitt Romney niece Ronna Romney McDaniel is out complaining about this “calculated campaign tactic.”

Families and residents in Flint deserve better than being used as political pawns by a Presidential candidate. This visit is not an act of benevolence; it is a calculated campaign tactic – an attempt to grab headlines by a struggling campaign.

It is time to focus on solutions. As a candidate who proclaimed that the enemies she is most proud of are Republicans, I doubt that Hillary Clinton is here to contribute to the bipartisan effort to fix this crisis. The families in Flint deserve solutions, not a stunt that does nothing to help the city or the people who call it home.

FLINT CRISIS: HARVEY HOLLINS NOT GIVING TASK FORCE INFORMATION THAT IMPLICATES HARVEY HOLLINS

Some weeks ago, I noted that Rick Snyder had picked his Director of Urban Initiatives, Harvey Hollins, to coordinate response with his hand-picked Task Force to respond to Flint, in spite of the fact that Hollins was intimately involved in all his prior decisions involving Flint.

First, back in early December, Snyder's hand-picked Task Force for responding to the Flint crisis met with him to tell him of their initial observations. One of their key recommendations, as made clear by a meeting summary they shared with him, was that he appoint one single person to handle the response. (See PDF 240ff)

We also believe it important that a single person or entity-potentially independent of any one particular state agency and mutually agreeable to this Task Force and you, Governor-be established to provide effective coordination of ongoing activities and reporting on thestatus of mitigation measures.

[snip]

Accordingly, in advance of our final report, we would like to

ensure
the independent coordinator
suggested above engage trusted
community groups to
begin rebuilding community trust
in state actions.

Snyder responded by “appointing” Harvey
Hollins, his Director of Urban
Initiatives, as that person
“independent” of the “involved state
agencies.”

You make a solid suggestion
about establishing a person who
is independent of any one of the
involved state agencies to serve
as the point person to
coordinate the ongoing work. I
am recommending that Harvey
Hollins, director of the
Office of Urban
Initiatives, carry out this
effort. Harvey is well-versed in
the issues and the challenges
faced by our cities and will be
effective in this role. Senior
members of our executive team
will continue to engage with your
task force and provide direction
and support to Harvey to ensure
you will have continued support
and cooperation.

The thing is, Hollins was in no way
“independent” of the decisions that
poisoned Flint. He has been involved at
every phase, down to coordinating
Snyder’s hush-hush water filters when he
was still trying to cover it up. So
basically Snyder just “appointed” the
guy he had “appointed” to oversee all
the decisions that got Flint poisoned in
the first place.

The other day, Progress Michigan revealed that MI's Department of Environmental Quality had alerted Hollins of concerns that the Legionnaires outbreak in Flint might be tied to the water switchover last March.

In the next few days, officials at DEQ exchanged some panicked emails, pretty much blaming Flint for the non-response, noting that DEQ "became peripherally aware" of the spike in Legionnaires, but also bitching about the Genesee County supervisor suggesting that it might be tied to the switch to Flint river water.

Thelen, Mary Beth (DEQ)

From: Wurfel, Brad (DEQ)
Sent: Friday, March 13, 2015 6:49 PM
To: Hollins, Harvey (GOV)
Cc: Wyant, Dan (DEQ)
Subject: Part II
Attachments: FOIA Request Flint Water.doc
Importance: High

OK D-

This is the second issue I mentioned earlier today. In December, our staff became peripherally aware that the hospitals in Genesee were seeing an uptick in Legionnaires cases.

Legionnaires is a water-borne illness. It essentially is a type of pneumonia caused by a bacteria. It is treated with antibiotics. Untreated, it can be deadly. It most often manifests in nursing homes and assisted living facilities, because the transmission is through water vapor getting into lungs – via air conditioners, vaporizers or low-flow shower heads that produce a lot of misting. You can drink water with this bacteria in it and not get sick – it has to enter the lungs in vapor.

I don't have any details on the cases, but here is what I understand to this point:

- More than 40 cases reported since last April. That's a significant uptick – more than all the cases in the last five years or more combined.
- April / May is usually the start of Legionnaires season – it proliferates in warmer months – but April also is the point at which the city switched to the Flint River as a source.

It appears that panicked email was printed out by then DEQ Director Dan Wyant's assistant, Mary Beth Thelen, then initialed by Wyant, presumably indicating he had read it.

Also included on that email, though, was Harvey Hollins.

Yesterday, the Free Press reported that, in an interview, Hollins had explained that he had decided there was not yet enough information to brief the Governor on the public health crisis potentially tied to the water.

Harvey Hollins III, director of Michigan's Office of Urban and Metropolitan Initiatives, said in an interview Friday that he received an e-mail from a Department of Environmental Quality official in March about

concerns over Legionnaires' disease in Genesee County. But Hollins said he told the e-mail's author, former DEQ spokesman Brad Wurfel, in a follow-up call, that there was not enough information for him to take the issue to the governor.

Instead, Hollins said he told Wurfel to gather more information and have the department's director bring it directly to the governor if it was warranted. Hollins said he heard nothing more about the issue until late December when local officials in Flint revealed the outbreak had recurred.

Hollins said he should not be held responsible for what some have called the state's sluggish response to the Legionnaires' outbreaks starting in 2014. The outbreaks and the city's 2014 switch to the Flint River for its drinking water are suspected of being linked, but state officials said they have yet to make a direct connection.

"I have nothing to leave over," Hollins said when asked whether he considered resigning over the issue. "When you have people who are professionals who are hired ... to do their job and it takes four months to do that, for me to leave over their missteps, I'm not going to do that,"

"I don't feel any responsibility for grown-ups who don't do their jobs," he added.

It's unclear whether the Freep asked Hollins if he felt any responsibility for the 9 people who died in this Legionnaires outbreak.

Also yesterday, one of the doctors on the Task Force with which Hollins is supposed to be coordinating communication said that it is having problems getting information – notably,

on the Legionnaires outbreak – from state agencies.

“Unfortunately, first on the list is the legionella issue,” said Reynolds of Mott Children’s Health Center, referencing spikes in the fatal Legionnaires’ disease after the city began using Flint River water in April 2014.

“Some agencies have been very forthcoming, other agencies it’s like pulling teeth to get information, and it can get real frustrating and doesn’t facilitate good communication,” he said.

Reynolds, who serves on the task force, raised his concern during a meeting of the Flint Interagency Coordinating Committee attended by Snyder and top aide Rich Baird, who vowed to help Reynolds push through any bureaucratic resistance.

[snip]

The Flint task force has been working to wrap up its investigation this month, but Reynolds said members may need to reinterview some officials because of recent developments.

“If we don’t ask the question, we don’t get the answer,” he said. “But there’s clearly information that’s being withheld.”

How curious that Hollins doesn’t seem to be terribly effective at getting the Task Force the information it needs about events that implicate Hollins.