

ministration, as it is "walking out the door," to allow oil and gas leasing on "sensitive, fragile lands."

On Dec. 12 BLM issued a Decision to Lease noting its intent to offer 132 parcels for bidding consistent with the Resource Management Plans. That decision had followed protests of the sale of many of the parcels by conservation groups and others. One parcel was apparently withdrawn or deferred right before the sale began.

The protests took aim at about 92 of the parcels—covering some 100,000 acres—including some lands the National Park Service had asked BLM to defer from the sale. The service had identified 96 parcels as "of concern" because they lay along the boundaries of Arches and Canyonlands national parks or Dinosaur National Monument.

BLM agreed in late November to defer 23 of the parcels of concern to the park service.

By TRIPP BALTZ

The Natural Resources Defense Council has made the agreement between BLM and the groups available at http://docs.nrdc.org/land/files/tan_08121901a.pdf.

Energy

Inspector General Finds Incorrect Estimates Of Savings Prompted by Energy Star Program

A report by the Environmental Protection Agency's Office of the Inspector General says faulty records led to incorrect estimates of the energy savings achieved through the Energy Star program.

Energy Star is a voluntary program run by EPA and the Department of Energy in which appliances, homes, and businesses can be certified as meeting particular energy standards. The report, released Dec. 17, covers only the parts of the program administered by the EPA.

The effectiveness of the program is measured in energy saved, which is dependent on understanding how many appliances used in the United States meet the requirements. But confusing and faulty recordkeeping has led to estimates of savings that are too low in some cases and too high in others, the report said.

"We found that the reported savings claims were inaccurate and the reported annual savings unreliable," the report said, noting that the program is one of the central elements in current U.S. plans for reducing greenhouse gas emissions.

Errors were found in several aspects of the recordkeeping, the report said, citing discrepancies in recording shipments of Energy Star appliances both domestically or internationally. Some records did not note whether international shipments had been included, possibly resulting in under-counting shipped appliances in some areas and double-counting in others. The report said records sometimes varied over the course of the process, leading to confusion and an inability to determine actual energy savings.

These records were created and maintained by contractors, who are unnamed in the report, and sometimes relied on out-of-date information.

Measuring Savings From Fluorescent Bulbs. The inspector general also said EPA measured the energy savings from compact fluorescent light bulbs even though that was the purview of the Department of Energy, and the

measurements at the two agencies did not match. Since EPA counted some of the energy savings from the light bulbs and the Department of Energy counted the full savings, there was double-counting of a portion of the savings.

When looking at commercial savings, the report concluded that the methodology used to calculate those savings is "based on unverified assumptions that impact the accuracy of the reported energy savings."

The report called for an independent assessment on how the energy savings brought about by Energy Star, rather than by other efforts, are calculated.

Further, the report noted that non-Energy Star related savings are reported with Energy Star savings, and suggests that the two be accounted for separately.

The report recommends EPA's principal deputy assistant administrator responsible for the Office of Air and Radiation establish several quality control protocols to ensure contractors rely on actual shipping numbers rather than estimates; to ensure the data do not inadvertently include international shipments; to ensure all the data, regardless of who is responsible, are "timely, complete, valid, and documented"; and to ensure annual savings figures "are valid and can be reconciled."

The report also recommends data be coordinated with the Department of Energy to avoid overlap.

By LEORA FALK

The report, Improvements Needed to Validate Reported ENERGY STAR Benefits, is available at <http://www.epa.gov/oigearth/reports/2009/20081217-09-P-0061.pdf>.

Transportation

NOAA Upholds Coastal Commission Denial Of Permit for Southern California Toll Road

SAN DIEGO—The National Oceanic and Atmospheric Administration on Dec. 18 upheld the California Coastal Commission's denial of a permit to build a toll road straddling San Diego and Orange counties.

NOAA said in a statement that it had determined there was at least one reasonable alternative to the project, and that it was not necessary for national security.

The Coastal Commission denied the permit Feb. 6, finding it inconsistent with California's coastal zone management program. Foothill/Eastern Transportation Corridor Authority appealed the decision Feb. 8 to NOAA, as permitted under the federal Coastal Zone Management Act (39 ER 325, 2/15/08).

The project, which had the support of Gov. Arnold Schwarzenegger (R), would have run 14 miles along the coast and, at certain intervals, through a land conservancy and a state park encompassing the well-known "Trestles" beach surfing area.

In a statement, the Transportation Corridor Authority said it would review its options, "take a hard look at the legal points in the decision and plan a strategy to overcome the ... inexplicably bad anti-commerce, anti-neighborhood decision and vow to push forward on a