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#### Advantage One---Ocean Ecosystems

#### Current policy will produce a massive wave of oilrig decommissions.

**Alford 12** - Capitol Correspondent [Jeremy Alford, “Rig policy threatens wildlife,” Daily Comet, Published: Wednesday, July 11, 2012 at 10:24 p.m, pg. http://tinyurl.com/cfwoue6

BATON ROUGE — Associations that represent recreational fishermen, divers and conservationists are beginning to make noise again over the federal government’s so-called idle iron policy.

Opponents argue the policy would not only remove and plug 4,150 inactive wells and platforms in the Gulf of Mexico, but it would also destroy an underwater forest of living coral that supports a wide range of species.

Just a few months after the 2010 BP oil spill, the U.S. Interior Department issued the policy notifying “offshore operators of their legal responsibility to decommission and dismantle their facilities when production is completed.”

The policy stipulates that all wells, pipelines and platforms that are not servicing or supporting exploration must be unplugged, decommissioned, dismantled and relocated.

A major deadline for the first big wave of decommissions is coming in 2013, and the federal government is holding firm in its decision to regard aging energy structures as a form of risk, especially during hurricane season.

Earlier this week, the Louisiana chapter of the Coastal Conservation Association lobbied its members to write their elected representatives on Capitol Hill to ask them to support a temporary moratorium on the program.

“A typical four-legged platform becomes the equivalent of two to three acres of vibrant habitat in the Gulf and home to populations of fish, coral, shellfish, turtles and sea mammals,” according to the association’s appeal.

#### Despite NEPA assessments coral reefs will not be protected.

**Kolian 11** – Director @ EcoRigs [Steve Kolian (Research scientist @ Louisiana Marine Consortium (LUMCON) and has consulted for the offshore oil and gas industry), Scott Porter (Staff scientist @ LUMCON. 21 years experience as an investigative biologist) & Paul W. Sammarco (Professor of ecology @ Louisiana Universities Marine Consortium (LUMCON). Has focused on coral reef ecology for the last 30 years.), “National Environmental Policy Act (NEPA) Analysis of the Removal of Retired Offshore Oil and Gas Platforms,” EcoRigs Platform Removal Brief , No. 2, July 2011

12.0 Conclusion

The GOM continental shelf will lose a third of its offshore platforms in the next 5 years and most of the remaining platforms will be removed in the next 15 to 20 years. EcoRigs’ objective is to encourage enactment of environmental laws to prevent the removal of ecologically important structures and advance methods (Alternate Uses) to pay for long-term maintenance and platform liability insurance. The Magnuson Act protects most of the species inhabiting the offshore platforms. The platforms are one of the most prolific ecosystems on the planet, yet they are the only sites in the GOM that are not designated as EFH. The BOEMRE NEPA analysis of offshore platforms does not mention the coral reef organisms that inhabit offshore platforms or impact from platform maintenance or removal. If NEPA analysis was required, the oil and gas industry would likely have to scrape organisms off the structures before removal and spend billions of dollars to mitigate the loss of the coral reef habitat. Reefing a structure is not adequate mitigation measure because 90 percent of the organisms will either perish or move from the site due to a reorientation in the water column. The reason the coral reef habitats are destroyed is because their recognition by the Federal government would increase the cost to produce a barrel of oil in the GOM. Pg. 9

\*EFH - Essential Fish Habitat

\*BOEMRE - Bureau of Ocean Energy Management, Regulation and Enforcement

\*GOM – Gulf of Mexico

#### The magnitude of environmental destruction is massive.

**Gaskill 12** [[Melissa Gaskill](http://www.psmag.com/author/mgaskill/), “Gulf Coast Oil Platforms: Save the Rigs?,” Pacific Standard, June 13, 2012 • pg. http://tinyurl.com/dyhu26w

This year, it’s likely more than 100 offshore structures in the Gulf of Mexico will be removed as part of a Department of the Interior plan. There are 650 nonproducing oil and gas platforms, known in the industry as “idle iron,” listed for removal “as soon as possible”—i.e. within five years of the end of production or a year of losing the lease—under Interior’s directive. Historically, companies seldom removed an idle structure until the lease for the area where it was located expired.

Having companies clean up after themselves sounds like a good idea, but many recreational fishermen, scuba divers, scientists, and fishery managers aren’t happy about it. Turns out, some of the 2,500 multileg platforms that pepper the Gulf of Mexico have become [de facto artificial reefs](http://www.psmag.com/environment/after-the-oil-runs-out-rigs-to-reefs-19272/). According to [Bob Shipp](http://www.usouthal.edu/marinesciences/shipp.html), University of South Alabama’s Department of Marine Sciences, the platforms have transformed the entire ecosystem. Some marine species are attracted to platforms for shelter or food, but others—sea fans, sponges, algae, and reef fish—spend their entire life cycle on these structures. What’s more, some species have increased in number because of the platforms.

Typically, platform removal involves using explosives on each of the support legs. These blasts kill fish and other marine life, says Clint Moore, a vice president for corporate development at [ION Geophysical Corporation](http://www.iongeo.com/) and former oil and gas representative to the [Flower Garden Banks National Marine Sanctuary Advisory Council](http://flowergarden.noaa.gov/advisorycouncil/memberlist.html). The [federal Bureau of Safety and Environmental Enforcement](http://www.bsee.gov/) estimates that removing a platform kills 800 fish on average. Fishermen put the number in the tens of thousands.

Brent Casey, a fishing charter boat captain in Port Aransas, Texas, says that even the government’s low figure means a single platform removal kills an entire year’s catch limit of red snapper. “In another three years, there won’t be anywhere to fish off of Port Aransas, no reef habitat,” Casey says.

Rather than remove a structure, under federally endorsed but state-run Rigs-to-Reefs programs, companies can convert platforms to a designated artificial reef. These artificial reefs are an important part of conserving marine habitat, says Dale Shively, manager of the program for Texas. Yet as of 2009, only 2 percent of decommissioned platforms in less than 100 feet of water and 38 percent of those between 101 and 200 feet of water were officially reefed—generally meaning moved (but not all; some are toppled in place). Drew Hunger, manager of decommissioning for Houston-based [Apache Corporation](http://www.apachecorp.com/), one of the largest operators in the Gulf, blames a restrictive and lengthy permitting process.

Another problem with the Rigs-to-Reefs program: reefed platforms must be toppled or dropped to a depth of at least 85 feet beneath the water surface, but before reefing, most marine creatures are living on the part of the structure at depths of about 60 feet or shallower.

Louisiana Senator David Vitter introduced legislation last year that would leave the platforms where they are if protected—or valuable—marine life was found on or around them. Mississippi Representative Steve Palazzo filed a similar bill. Neither is likely to make it out of committee this session. [As California has discovered in establishing its own rigs-to-reefs regime](http://www.psmag.com/politics/outsourcing-science-to-keep-results-untainted-25937/), the politics of decommissioning platforms attracts schools of opposing viewpoints, too.

John Hoffman, CEO of Houston-based [Black Elk Energy](http://www.blackelkenergy.com/), recently founded nonprofit [Save the Blue](http://www.save-the-blue.org/) to encourage reefing by using funds normally spent on platform decommissioning and removal to provide insurance and ongoing maintenance for the structures as reefs. (The organization is still getting its legs.)

On the other hand, it may not always be a bad idea to remove idle platforms: Improperly capped or poorly maintained wells can leak, and storm damage can cause spills. Platforms may disrupt sargassum mats—important habitat for a number of marine species, according to Emma Hickerson, a research coordinator at the Flower Garden Banks National Marine Sanctuary; and the structures have been demonstrated to serve as stepping-stones for invasive species.

But [Paul Sammarco](http://www.lumcon.edu/research/faculty.asp?name=psammarco), a professor at Louisiana Universities Marine Consortium, counters that, while platforms can facilitate the spread of invasive species, those species would proliferate without the platforms, too. Invaders spread via the hulls and ballast water of thousands of ships traveling these waters every year, and the larvae of some species travel long distances naturally.

#### Platform destruction destroys a critical biodiversity hotspot.

**Macreadie 11** - Chancellor's Post Doctoral Research Fellow @ University of Technology [Dr. Peter I Macreadie, Ashley M Fowler (Research Associate @ University of Technology), & David J Booth(Professor of Marine Ecology @ University of Technology ) , “Rigs-to-reefs: will the deep sea benefit from artificial habitat?,” Frontiers in Ecology and the Environment, 9: 455–461. [http://dx.doi.org/10.1890/100112](http://dx.doi.org.proxy.library.emory.edu/10.1890/100112)

Deep-sea reefs vary greatly in terms of their geographical distribution, dynamics, and geological composition; consequently, they harbor distinctive macrofaunal communities and often represent biodiversity hotspots (eg [Baco and Smith 2003](javascript:popRef2('i1540-9295-9-8-455-b3'))). Population persistence in the deep sea relies heavily on connectivity between deep-sea communities on isolated reefs ([Cowen and Sponaugle 2009](javascript:popRef2('i1540-9295-9-8-455-b12'))). Over large distances, small, isolated reefs may act as “stepping stones” within an inhospitable matrix of soft sediment. For instance, bathymodiolin mussels (and their symbionts) currently inhabiting deep-sea hydrothermal vents are thought to have descended from ancestors associated with shallower marine environments, which over time colonized deeper waters by relying on habitat patches of organic matter, such as whale carcasses ([Lorion et al. 2009](javascript:popRef2('i1540-9295-9-8-455-b27'))). The addition of artificial reefs in the deep sea is likely to increase ecological connectivity, which will have important biogeographical consequences. These may include increased genetic homogeneity and reduced opportunity for allopatric speciation (when biological populations of the same species become isolated as a result of geographical changes), because rig structures may remove isolating barriers to long-range dispersal. Depending on the species, this could be a positive or negative outcome.

#### Ecosystem collapse causes extinction.

**Craig 3** - Associate Dean for Environmental Programs @ Florida State University [Robin Kundis Craig, “ARTICLE: Taking Steps Toward Marine Wilderness Protection? Fishing and Coral Reef Marine Reserves in Florida and Hawaii,” McGeorge Law Review, Winter 2003, 34 McGeorge L. Rev. 155

Biodiversity and ecosystem function arguments for conserving marine ecosystems also exist, just as they do for terrestrial ecosystems, but these arguments have thus far rarely been raised in political debates. For example, besides significant tourism values - the most economically valuable ecosystem service coral reefs provide, worldwide - coral reefs protect against storms and dampen other environmental fluctuations, services worth more than ten times the reefs' value for food production. [n856](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1348077471187&returnToKey=20_T15565363878&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.167770.63840861383#n856) Waste treatment is another significant, non-extractive ecosystem function that intact coral reef ecosystems provide. [n857](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1348077471187&returnToKey=20_T15565363878&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.167770.63840861383#n857) More generally, "ocean ecosystems play a major role in the global geochemical cycling of all the elements that represent the basic building blocks of living organisms, carbon, nitrogen, oxygen, phosphorus, and sulfur, as well as other less abundant but necessary elements." [n858](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1348077471187&returnToKey=20_T15565363878&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.167770.63840861383#n858) In a very real and direct sense, therefore, human degradation of marine ecosystems impairs the planet's ability to support life.

Maintaining biodiversity is often critical to maintaining the functions of marine ecosystems. Current evidence shows that, in general, an ecosystem's ability to keep functioning in the face of disturbance is strongly dependent on its biodiversity, "indicating that more diverse ecosystems are more stable." [n859](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1348077471187&returnToKey=20_T15565363878&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.167770.63840861383#n859) Coral reef ecosystems are particularly dependent on their biodiversity. [\*265]   
Most ecologists agree that the complexity of interactions and degree of interrelatedness among component species is higher on coral reefs than in any other marine environment. This implies that the ecosystem functioning that produces the most highly valued components is also complex and that many otherwise insignificant species have strong effects on sustaining the rest of the reef system. [n860](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1348077471187&returnToKey=20_T15565363878&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.167770.63840861383#n860)  
Thus, maintaining and restoring the biodiversity of marine ecosystems is critical to maintaining and restoring the ecosystem services that they provide. Non-use biodiversity values for marine ecosystems have been calculated in the wake of marine disasters, like the Exxon Valdez oil spill in Alaska. [n861](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1348077471187&returnToKey=20_T15565363878&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.167770.63840861383#n861) Similar calculations could derive preservation values for marine wilderness.

However, economic value, or economic value equivalents, should not be "the sole or even primary justification for conservation of ocean ecosystems. Ethical arguments also have considerable force and merit." [n862](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1348077471187&returnToKey=20_T15565363878&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.167770.63840861383#n862) At the forefront of such arguments should be a recognition of how little we know about the sea - and about the actual effect of human activities on marine ecosystems. The United States has traditionally failed to protect marine ecosystems because it was difficult to detect anthropogenic harm to the oceans, but we now know that such harm is occurring - even though we are not completely sure about causation or about how to fix every problem. Ecosystems like the NWHI coral reef ecosystem should inspire lawmakers and policymakers to admit that most of the time we really do not know what we are doing to the sea and hence should be preserving marine wilderness whenever we can - especially when the United States has within its territory relatively pristine marine ecosystems that may be unique in the world.

#### Relative probability means you should err affirmative.

**Kunich 5** – Professor of Law @ Roger Williams University School of Law [John Charles Kunich, “ARTICLE: Losing Nemo: The Mass Extinction Now Threatening the World's Ocean Hotspots,” Columbia Journal of Environmental Law, 2005, 30 Colum. J. Envtl. L. 1

On the other hand, there is an **unimaginable cost** from failing to preserve the marine hotspots if they contain numerous species of high value at great risk of extinction. We could cost ourselves and our posterity untold advancements in medicine, therapies, genetic resources, nutrients, ecosystem services, and other areas, including perhaps a cure to a global health threat that might not materialize until centuries from now...truly a "grave error" of the first order. [\*128] But if we sit on the sidelines and fail to invest in hotspots preservation, and we "get lucky" (few species, low value, small extinction risk), our only gain is in the form of saving the money and effort we could have spent on the hotspots. Even if this amounts to several billion dollars a year, it is a small benefit compared to the incalculably catastrophic losses we could suffer if we guess wrong in betting on the inaction option.

The Decision Matrix actually under-represents the extent to which the rational decision is to invest in hotspots preservation. Because the Decision Matrix, in tabular form, devotes equal space to each of the sixteen possible combinations of extreme variable values, it can mislead readers into thinking that each of the sixteen outcomes is equally probable. This is most emphatically not the case. Some of these results are far more probable than others. This problem of apparent equality of disparate results is of the same type as a chart that depicts a person's chances of being fatally injured by a plummeting comet on the way home from work on any given day. There are only two possible results in such a table (survives another day, or killed by meteor), and they would occupy an equal amount of tabular space on the printed page, but the probability of the former outcome is, thankfully, much higher than the likelihood of the latter tragic event.

As explained in this Article, it is much more likely that there are numerous, even millions, of unidentified species currently living in the marine hotspots than that these hotspots are really not centers of profuse biodiversity. It is also very probable that the extinction threat in our oceans is real, and significant, given what we know about the horrific effects wrought on coral reefs and other known marine population centers by overfishing, pollution, sedimentation, and other human-made stressors. n525 Recent discoveries have revealed very high rates of endemism in small areas such as seamounts, which are extremely vulnerable to trawl damage. n526 Even in the deep ocean areas, there is evidence that new technologies are making it both a possibility and a reality to exploit the previously unexploitable biodiversity in these waters via [\*129] demersal fishing/trawling, to devastating effect. n527 Only a truly Orwellian brand of doublethink could label as progress the development of fishing methods that do to the benthic habitats what modern clearcutting has done to so many forests, only on a scale 150 times as severe, but it is this "progress" that has brought mass extinction to the seas. n528 However, there is also the positive side, in light of the large numbers of marine species and habitat types, including life forms adapted to extraordinary niches such as hydrothermal vents and the abyss. That is, it would be surprising if there were not highly valuable genetic resources, natural medicines, potential sources of food, and other boons waiting to be discovered there.

Therefore, the results that are linked to high, rather than low, values of each of the three variables are far more probable than the converse outcomes. In terms of probabilities, it is much more likely that either a "first order grave error" or "first order jackpot" will occur than a "lucky wager" or an "unused insurance" result. In fact, all of the combinations with either two or three "high" values of the variables are significantly more probable that any of the combinations with two or three "low" variable values. This means that the tilt in favor of betting on the hotspots is much more pronounced than is apparent from a cursory glance at the Decision Matrix. The extreme results are far likelier to fall in favor of hotspots preservation than the opposite**.**

#### The plan prevents Southeast Asia reef destruction.

**Ecorigs 9** [“EcoRigs Sustainable Fisheries,” 2009, pg. http://www.ecorigs.org/SustainableFisheries.htm

Purpose and Need

The need for saving retired platforms for sustainable fisheries is significant. The vast majority (95%) of marine fishes used for aquariums are wild caught fish from Southeast Asia. Foreign trade of marine tropical fishes and invertebrates for the ornamental fish industry has caused extensive damage to coral reef environments throughout Southeast Asia. Especially destructive is cyanide fishing, an illegal but extensively used fish collecting method in this region (Mackey and Chau 2001). Worldwide, coral reefs are suffering high levels of mortality due to over-fishing, nutrient enrichment, sediment runoff from deforestation and agriculture, lower pH and increased sea surface temperatures, which can induce mass coral bleaching, chemical pollution, physical disturbance, and disease — both bacterial and fungal (Kolian and Sammarco 2005).

Some of the organisms that produce bioactive compounds, such as certain sponges, occur in deep water, are unreachable by SCUBA and occur only rarely in their natural environment (Duckworth 2001). They require highly expensive equipment — such as manned submersibles associated with large tender ships. [(See video of deep water submersible collecting invertebrates on offshore platform at 1,200 feet depths)](http://www.ecorigs.org/Sustainable%20Fisheries%20Deepwater%20Inverts.wmv)

Some of the valuable compounds isolated from these species, has been shown to be highly effective in the treatment of certain types of cancer, occur in very low concentrations within their tissues. In addition, the bio-active molecules are so large and complex that it will be prohibitively expensive to synthesize and manufacture them, or even make functional derivatives in the laboratory (closely related compounds that function in the same way as the original, natural compound, but are patentable). Because of this, even the testing of these compounds for bioactivity and potential biomedical use requires quantities of these organisms which are extremely difficult and expensive to obtain (Duckworth 2001). Nonetheless, they are required in order to extract appropriate amounts and this is causing a marked decline in some source populations.

Offshore platforms are unique structures upon which to easily culture the aforementioned deepwater sponges, and could obviate the need for expensive deepwater harvesting elsewhere. Sponges in general are quite easy to grow in their natural environment and could easily be cultured at the required depths on these platforms. All of these activities will produce revenue in addition to that derived from ornamental fish harvest. In addition, the activities may be conducted in parallel without jeopardizing other sustainable fishing activities on the same platform.

The U.S. pharmaceutical industry needs a supply of marine invertebrates, i.e.  sponges, mollusks, algae and bacteria (Pomponi 1999). Simple and abundant marine algae, let alone a host of other organisms which occur on the platforms, represent potential sources of pharmaceutical agents, agricultural chemicals, food, industrial chemical feedstocks, and other useful products (Bruckner 2002, NRC 1999 & 2002).

Culture of these organisms will provide a domestic supply for aquarium enthusiasts, obviating the need for importation of Indo-Pacific marine invertebrates. This will serve an additional function in that there is growing concern about the accidental or purposeful release of these Indo-Pacific ornamental species into U.S. coastal waters (Gulko 2001; Semmens et al. 2004), with the possible impact of introducing yet more harmful species introductions (Minchin 1999; Englund and Baumgartner 2000; Shiganova 2002).

 The harvest of local organisms will also initiate a new industry for the northern Gulf of Mexico, creating a new source of employment and revenue in the region and the nation ([Kolian and Sammarco 2008](http://www.ecorigs.org/Platform%20Removal%20Brief.pdf)). The demand for the organisms already exists. At this point, however, most of the supply is coming from overseas and EcoRigs believes that 80 percent of the supply can be produced in the U.S. Gulf of Mexico oil field platform environments  (Chapman et al. 1997, Spalding et al. 2001, and  Wabnitz et al, 2003).

 The U.S.  Commission on Ocean Policy (2004) noted that the U.S. is the world’s largest importer of ornamental coral reef resources and suggests that we have a responsibility to eliminate destructive harvesting practices of fish and other reef organisms that are imported into the USA. These “resources are collected by methods that destroy reefs and overexploit ornamental species. To date, fewer than 10 percent of marine species are capable of being captive bred. Even fewer coral species are cultured in commercial quantities.”

 The U.S. Commission on Ocean Policy reported that the marine natural products industry could produce a multi-billion dollar annual market. Pharmaceutical medicines to battle Cancer, Tuberculosis, Non-Hodgkin’s Lymphoma, HIV and Malaria have been produced from some marine invertebrates.  Many of these invertebrates are also valuable as nutritional products.

Rationale for Retaining Retired Platforms for Sustainable Fisheries

The Gulf of Mexico is home to 3,959 offshore oil and gas platforms [(see Map)](http://www.ecorigs.org/Existing%20Platforms.pdf). When production from the wells becomes unprofitable, federal regulations (30 CFR 250.112) require that the platforms be removed. Thousands of structures have already been removed [(see Map](http://www.ecorigs.org/Platform%20Removed_2008.pdf)) and most of the remaining platforms are scheduled for removal by 2020. EcoRigs will target the structure scheduled for removal. The idea is to save some of them for sustainable fisheries. See map of idle platforms scheduled to be removed [(see Map)](http://www.ecorigs.org/Platform%20Removal%20Brief%207.pdf).

The ornamental fish will perish when the platforms are removed. In 2008, 75 percent of the structures removed in the Gulf of Mexico utilized explosives resulting in 525 individual charges detonations (Poe and Broussard 2009).

Since offshore platforms function as artificial reefs producing a wide variety of marine life, one obvious consequence of explosive structure removal is a negative impact on fish. Estimated mortality of fish at a given platform within study depths from 40 - 100 feet ranged from approximately 2,000 - 5,000 for fish measuring greater than four inches (Gitshlag 2001). The most severely impacted fish species at explosive structure removals in order of abundance were Atlantic spadefish (Chaetodipterus faber), blue runner (Caranx crysos), red snapper (Lutjanus campechanus), and sheepshead (Archosargus probatocephalus). These four species accounted for 86% of estimated mortality. Gitshlag (2003) estimated the mortality of red snapper due to under-water explosives averaged 515 per platform.

Whether a platform is removed by mechanical or explosive methods, millions of invertebrates perish when a structure is removed. Invertebrates such as colonies of coral, octocoral, mollusks, red and green algae macroalgae, hydroids, colonial anemones, sponge and bryozoans. Both large and small cryptic consumers such as amphipods, pycnogonids, ophiuroids, and polychaetes are found on platforms (Carney 2005) in significant densities ranging from 100,464 per square meter near the surface to 23,541 per square meter near the bottom (Gallaway and Lebel 1981; Gallaway et al. 1981b, Gallaway et al. 1982, ).

In conclusion, sustainable fishing of ornamental fish would not compete with commercial or recreational fishermen. Coral reefs are suffering high levels of mortality due to over-fishing, under-grazing, nutrient enrichment, sediment runoff from deforestation, increased sea surface temperatures, which induce mass coral bleaching, chemical pollution, physical disturbance, and disease and saving the platforms would alleviate fishing pressure, often destructive, on natural reefs and provide a source of marine organisms to the medical industry.  The marine organisms on the platforms will die if the structures are not used for alternate uses. We will lose 4,400 acres of coral reef habitat.  The Texas-Louisiana fishermen are uniquely positioned to develop a sustainable offshore fishery.  We bring these matters to your attention for the purpose informing you about some of the benefits of retaining offshore platforms. It would be greatly appreciated if you would consider these matters and contact staff at y, our congressional representative offices and federal agencies. A few contact numbers are provided below.

#### That will destabilize Indonesia.

**RT Sea 12** [“[The Coral Triangle: scientists warn of social & economic implications](http://rtseablog.blogspot.com/2012/07/coral-triangle-scientists-warn-of.html),” Tuesday, July 10, 2012, pg. http://tinyurl.com/9lnekkq

The [Coral Triangle](http://en.wikipedia.org/wiki/Coral_Triangle) is an area of tropical waters in the South Pacific that ranges from the Philippines to the north, the Solomon Islands to the east, and Indonesia to the west.  It is considered to be the center of marine biodiversity, having the greatest range and number of aquatic species in the world.

And it is one of the most fragile and threatened regions in the ocean.

The Philippine's ABS-CBN.com [reported](http://www.abs-cbnnews.com/nation/regions/07/10/12/international-experts-pressure-ph-protect-reefs) on the consensus of several recognized marine scientists that a concerted effort must be made to protect the Coral Triangle from the effects of climate change, acidification, and other man-made threats.  It was interesting to note that their concerns focused on the social-economic and political implications of what would happen should the Coral Triangle continue on it's current path.  Considering the implications on mankind, as opposed to the ecosystem itself, is often a good strategy in gaining the attention of policy makers.

Interesting article, so I thought I would post it here in its entirety.

International experts pressure PH to protect reefs

CAIRNS, Australia - The Philippines and the other countries in the Coral Triangle should step up their efforts and investments to conserve “the most productive” reef ecosystem in the world, scientists said on Tuesday.

Overfishing, pollution, coastal development, climate change and ocean acidification are endangering the coral reefs of Southeast Asia and Western Pacific, which could lead to conflicts, food insecurity, and political instability in the region.

Jamaluddin Jompa, director of the Coral Reef Research at the Hasanuddin University in Indonesia, said: “All the pressures are going up and up...We need to do something to bring these down.”

Jompa said national governments and international donors should invest in the survival of the Coral Triangle because of its profound economic and political impact.

Maurice Knight, chief of party of the USAID Coral Triangle Support Partnership, said the international donors and national governments should address the preservation of the regional reefs since it has massive socio-political impacts beyond the Pacific. He noted that the cost of saving the Coral Triangle is huge.

“We need to come to grips with the costs of conservation,” he said, adding that ignoring the health of the area would be more expensive for the countries in the long run.

The collapse of the Coral Triangle could lead to lesser sources of food and livelihood to millions of people all over the region, Knight said. This could lead to political instability and conflicts, as well as internal and external migration, making the Coral Triangle's health a “global” issue.

#### Indonesia instability collapses ASEAN and causes wars.

**Dibb 1** - Professor of strategic studies @ Australian National University PAUL DIBB, “Indonesia: the key to South-East Asia’s security,” International Affairs 77,  (2001) pg. 829-842

The break-up of Indonesia would seriously destabilize a significant portion of the western Pacific. As a leading Singapore minister has said in an address in¶ Washington, ‘An Indonesia in disarray will affect the whole of South-East Asia¶ adversely and become a strategic problem for the United States and Japan.’8 This would be a major setback for regional stability. A disabled Indonesia means a disabled ASEAN. In the Cold War, while the United States sought to contain¶ communism in Indochina, it relied on a stable, united and economically¶ prosperous ASEAN to the south. But since the 1997 regional economic crisis¶ ASEAN has ceased to be a balancing force in the region. If we add to this debility the political collapse of Indonesia—and the consequent panic among¶ neighbouring states—then ASEAN would become a real strategic liability for¶ the United States and its allies.

The Asian economic crisis also put an end to Indonesia and ASEAN as a¶ counterweight to China’s southward influence.9 The lack of any effective and¶ united opposition from ASEAN to China’s position on the disputed Spratly¶ Islands is evidence enough of that. Moreover, China has a keen eye on the fate of its 7 million ‘overseas citizens’ in Indonesia, who are routinely targeted in¶ vicious, orchestrated attacks . A heavy handed intervention from Beijing is a possibility if large-scale ethnic cleansing of Indonesian Chinese were to occur.

In a further complication, it cannot be assumed that regional states would act together to cope with an Indonesia in disarray. The recent experience of East Timor shows this clearly. Australia was the only regional nation willing and able to lead a UN force at short notice to counter the destruction of East Timor by TNI. Its long-term ally New Zealand also contributed forces quickly, and assistance was also forthcoming from Thailand and the Philippines. Malaysia, however, deliberately sought to exploit the situation. It offered token support only, and its prime minister prominently questioned the wisdom of Australia leading the UN mission, even demanding that Australian forces stop treating the militia forces—responsible for creating the mayhem in East Timor—‘so roughly’. Vietnam and Burma contributed nothing and Japan found itself unable to provide any sort of direct military support.

A popular opinion in Australia is that Indonesia will be less of a potential military threat if it is split up. This is a wrong-headed view. In strategic terms— as already argued—it is advantageous to Australia that a stable, democratic and unified Indonesia stands astride Australia’s vulnerable northern approaches. Splitting up Indonesia will not provide any comparable protection for Australia. What it will do is increase the number of independent states Australia has to deal with in the archipelago. It may well be that good relations with one will necessarily involve troublesome relations with another, as Australia’s relations with an independent East Timor and Indonesia have already demonstrated. So the source of possible problems that Australian security planners have to consider can only increase with any break-up of Indonesia. In addition, the defence burden carried by Australia has greatly increased with its de facto obligation to provide military protection for East Timor. Australia would be hard pressed to also provide a defence shield for, say, an independent West Papua against a resentful Jakarta.

Quite apart from the misery it would cause to millions of Indonesians, the wholesale political disintegration of the archipelago could have serious repercussions for the international community. The collapse of authority in Indonesia would inevitably threaten the fledgling state of East Timor. East Timor has a¶ global significance out of all proportion to its size. There is enormous world sympathy for the newly independent East Timorese nation. The United Nations and the world community in general have made a considerable investment in¶ this new state. It would not be possible to stand by and let this be squandered. Across Indonesia gross human rights abuses would occur, on a larger and more organized scale than we have already witnessed. If the international community can act to save the Kosovars, the world will ask why it cannot stop ethnic cleansing in Indonesia. As noted above, Indonesia’s neighbours, Malaysia, Singapore and Australia, fear waves of refugees if there is general political turmoil across the archipelago. Australia already has trouble coping with the few thousand refugees who land on its northern shores as result of people-smuggling rackets. But many times more could arrive were the Indonesian state to¶ collapse. Tiny Singapore is perennially beset by the fear of being overwhelmed by a tidal wave of refugees, and in Malaysia, where racial tension has been well¶ managed but nevertheless simmers beneath the surface, the sudden arrival of a horde of refugees from Indonesia could destroy the fabric of society.

Were Indonesia to break up, it is unlikely that clear-cut new states would be¶ carved from the archipelago and acknowledged as such: on the contrary, there would most probably be ongoing armed conflict between such states and the¶ government in Jakarta. The opportunities for unwanted external influence and interference would be considerable. Moreover, there is no guarantee that these¶ new states would be liberally inclined democracies with benign external¶ policies. Especially if, as now seems inevitable, the new leaders of such states had¶ had to engage in protracted armed struggles to assert their independence, they¶ might not be keen to set up functioning democracies where their positions¶ could be readily challenged at the ballot box.

The religious and cultural dimensions of Indonesia’s domestic turmoil, too, have real potential for global ramifications. Much of the current domestic¶ violence in Indonesia has a strong religious as well as ethnic aspect. Savage¶ Muslim/Christian conflict has already occurred across the archipelago. The¶ Islamic world will take sides in any break-up of Indonesia and the religious and¶ ethnic struggle that will ensue. Indonesia has a long tradition of moderate Islam, now under threat from a more extreme movement. The West has a strong interest in encouraging the more moderate Indonesian Islamic elements to build stable and democratic political institutions.

Conclusions

The situation in Indonesia will probably worsen considerably before it gets better. How much worse it becomes will depend on the ability of the current political groupings in Indonesia to manage the transition to a new democracy. As the example of Russia all too clearly shows, such a historic process is fraught with danger. In Indonesia the transition is not going well. The failure of democracy¶ in Indonesia could result in an authoritarian and xenophobic regime, as under President Sukarno in the early 1960s. The security of Australia is at risk here. While Australia has—to put it bluntly—a strategic paranoia about Indonesia, a return to the type of aggressive nationalism displayed by Sukarno’s Indonesia could pose a genuine threat to Australia. As events unfold, Australia will be reluctant to exert direct pressure on Jakarta, except as a last resort, aware that it faces a risk of provoking serious friction or even armed conflict with so close a neighbour if it goes too far in seeking to directly influence Jakarta’s policies. Referring to Indonesia in his Senate confirmation hearing, Secretary of State¶ Colin Powell said that the United States would ‘let our ally, Australia, take the lead, as they have done so well in that troubled country’.10 But the United States too should realize the substantial danger to regional stability and security¶ posed by the situation in Indonesia. Washington must make it clear that it supports the territorial integrity and economic recovery of a democratic Indonesia. The US also needs to recognize—as does Australia, its closest ally in the¶ region—that Indonesia is the key to South-East Asia’s security. Pg. 839-842

#### A strong ASEAN is a Northeast Asia conflict dampener.

**Teo 12** - Senior Analyst with the Multilateralism and Regionalism Programme @ Nanyang Technological University [Sarah Teo, “ASEAN Centrality: Why It Is Important For US And China – Analysis,” Eurasia Review, September 18, 2012, pg. http://tinyurl.com/8t46u3l

REGIONAL COOPERATION in East Asia has suffered several setbacks recently. Since July, tensions in Northeast Asia have flared over long-running territorial disputes involving the Diaoyu/Senkaku Islands and the Dokdo/Takeshima Islands. The latest spats have resulted in Seoul and Tokyo suspending a military exchange programme while fanning nationalist sentiments in China, Japan and South Korea. The United States has declared its neutrality in both disputes, although a State Department spokesperson acknowledged that the Diaoyu/Senkaku Islands fell within the scope of the US-Japan Security Treaty.

Earlier in July the failure of ASEAN’s foreign ministers to produce a joint communiqué at the ASEAN Ministerial Meeting in Phnom Penh owing to disagreement over the South China Sea disputes sparked considerable debate in the international community. Some experts observed that this was a reflection of China’s expanding influence intruding into ASEAN’s agenda.

Amid such tensions, concerns have emerged that ASEAN unity may erode as major powers tussle for regional influence. However, ASEAN centrality can be advantageous for both the US and China. This could motivate both powers to preserve ASEAN centrality even as they seem to find themselves at odds with each other in the midst of tenuous inter-state relations in the region.

For the US: managing the ‘spokes’

Washington has repeatedly stressed that its bilateral alliances “remain the bedrock of [its] engagement in the region”. Under the hub-and-spokes model, the US constructed a web of bilateral alliances with regional countries such as Japan, South Korea, Thailand and the Philippines. In the evolving international environment, the US has also recognised the importance of multilateral forums, even as its bilateral relationships remain central in its Asia policy.

One of the US’ strategies for maintaining regional influence, vis-à-vis a rising China, has been to encourage closer ties between its ‘spokes’. The US has pushed for closer relations between Japan and South Korea, the two “lynchpins” of its security strategy in Asia. This task has often been disrupted by the historical and territorial disputes between Tokyo and Seoul. The US’ calls for both allies to hold consultations on the latest dispute over the Dokdo/Takeshima Islands appear impossible to realise, as Seoul has rejected Japanese attempts to negotiate the sovereignty of the islands.

In the face of bilateral antagonism, multilateral channels such as ASEAN and its associated mechanisms could provide a platform for reducing tensions. This is even if the dispute is not on the official agenda of the talks. For example, on the sidelines of the ASEAN Defence Ministers’ Meeting-Plus (ADMM-Plus) in October 2010, Beijing and Tokyo agreed to set up a liaison system for maritime conflicts, in the wake of a collision between Chinese and Japanese ships which saw bilateral relations plummet.

Given the informal and non-pressurising nature of such bilateral talks, Seoul and Tokyo could also reach a resolution on the sidelines of the next ASEAN meeting to manage their dispute. Furthermore, even if the Northeast Asian states are embroiled in disputes, cooperation via ASEAN-centred platforms ensures that dialogue among them continues. For the US, the value of ASEAN and its associated channels thus lie in the potential of advancing cooperation amid conflicts between its allies.

For China: managing threat perceptions

China’s interest in multilateral forums is partly driven by its desire to manage perceptions of its military and economic rise. At meetings such as the East Asia Summit and the ADMM-Plus, Chinese officials have reiterated that China’s rise is non-threatening, and stressed that China’s security policy is defensive rather than offensive.

Only through engaging other states can China assure the region that it has no hostile intentions behind its “peaceful development” agenda. Furthermore, the ASEAN way of diplomacy, involving consensus-based decision-making and non-interference in the internal matters of member states, sits well with the direction of Chinese foreign policy.

China has declared support for ASEAN’s centrality in East Asian regionalism, particularly when it involves non-traditional security issues. Premier Wen Jiabao has also called for “promot[ing] East Asia integration with [ASEAN] 10+3 as the main vehicle.” Indeed, a rising China may find a united ASEAN useful in stabilising the external environment and quelling regional tensions.

It will not be in China’s interest if ASEAN is no longer in the driver’s seat of East Asian multilateralism. China needs a strong ASEAN to fulfil its own goals of calibrating perceptions of its rise and managing transnational issues. Likewise, the US requires ASEAN to remain a central platform in regional cooperation, so that an avenue exists to manage bilateral tensions between its Northeast Asian allies. Thus, despite emerging tensions within ASEAN, its centrality is unlikely to be in any danger of being eroded by great power rivalry in the foreseeable future.

#### Nationalist island wars will draw in everyone.

**Sorman 12** - City Journal contributing editor [Guy Sorman, “Where Nationalism Still Matters,” City Journal, 20 August 2012, pg. http://tinyurl.com/8kas2u3

Too often, we see East Asia only from an economic perspective, marveling at the undeniable success of China, Japan, Taiwan, Vietnam, and South Korea. Yet these nations have another story to tell, one that owes less to current economic performance than to much older instincts: nationalism and ethnic resentment, the forces that kindled World War I in Sarajevo. Today, those forces underlie disputes in places that we ignore or know nothing about, such as the Senkaku Islands, the Dokdo Islands, and the Spratly archipelago. And those disputes may spark military conflicts between rival Asian countries.

Such thinking goes against the theory that trade must soothe centuries-old enmities, that commerce annihilates even the temptation of war. Isn’t this the lesson of Jean Monnet’s brilliant vision, the European Union? Wars disappeared in Europe when replaced by trade. And Asian countries certainly cooperate with one another commercially; the products that we buy after they’re exported from one Asian country or another are actually composed of pieces that travel from factory to factory in China, Japan, South Korea, Vietnam, and the Philippines.

South Korea’s conservative government, however, has refused any military cooperation with Japan because the Japanese refuse to recognize South Korean sovereignty on two uninhabitable islets halfway between the two countries (known as Dokdo in Korean and Takeshima in Japanese). Each government refers to old treaties and ancient maps to assert its rights, both refuse to enter arbitration, and the matter remains unsettled. Even North Korea supports South Korea in this case—the only area of agreement between the two rivals. In South Korea, Dokdo has become a symbol of resistance to Japanese imperialism. If one points out that such imperialism disappeared in 1945, South Korean politicians and pundits counter that the Japanese soul is imperialist and that Japan’s current government wants to build a nuclear arsenal. In truth, only a few extreme nationalists in Japan harbor that nuclear desire. But now, apparently in response, conservative contenders for the South Korean presidency want to pursue nuclear power as well.

The status of Senkaku (or Diaoyuin, in Chinese), located south of the Japanese archipelago, is likewise unclear. Though these islands are administered by Japan and owned, under Japanese law, by a group of Japanese families, China considers them part of its own empire, and Taiwan also claims them. Chinese vessels constantly patrol near Senkaku, harassing and sometimes sinking Japanese fishing boats. In the Western media, American and European political leaders have focused on the islets’ economic resources, which include fishing zones and possibly gas and oil wells. But if China, Taiwan, and Japan were concerned only with economics, they could find other seas to fish and other wells to drill. The dispute is actually symbolic, motivated by old nationalist feelings and the traditional Asian concern with making one’s adversary lose face. After Chinese vessels rammed Japanese trawlers in 2010, the Japanese government failed to react strongly. This year, the Japanese government is looking for revenge by pushing for the nationalization of Senkaku.

Further south, in the Spratly archipelago—claimed by China, Vietnam, the Philippines, Taiwan, and Malaysia—the potential for conflict is even greater. Here, too, rumors about gas mines confer on Spratly an economic value that would establish rational grounds for conflict. But these energy resources have not yet been confirmed, so the likelier reason for tension is nationalism. In Spratly as in Senkaku, Chinese imperialism tests the resistance of its neighbors, some of which—Japan, Vietnam, the Philippines, Taiwan, Malaysia, and to some extent even India—are considering an alliance against China. Washington has provoked Chinese anger by supporting the idea. An American shadow hangs over the region already, since the Seventh Fleet ensures the [security](http://www.city-journal.org/2009/19_1_seventh-fleet.html) of the shipping routes. Without it, the Asian economic web would have disintegrated long ago.

The Pacific pressure cooker undermines another piece of conventional wisdom: that military conflict cannot arise between democratic countries. Democratic South Korea and democratic Japan have failed to negotiate minor business and trade issues. Worse, South Korea’s position in this dispute puts it closer to dictatorial North Korea and China than to democratic Japan. On the whole, the burden of history and the internal tensions of a common civilization prove stronger than contemporary political and economic considerations. The potential alliance against China in the Spratly dispute would bring democracies together with the Communist dictatorship of Vietnam—supposedly every bit as Communist as China’s.

Each day seems to bring new provocations. The Korean president has set foot on Dokdo, soon followed by a group of Japanese nationalists. China has sent a naval detachment to the Spratlys. Japanese police have arrested a group of Chinese on Senkaku. Of course, current circumstances play a role in exacerbating these conflicts. Asia’s economy is slowing down; its governments are variously weak (Japan), undergoing transition (South Korea, China) or in search of legitimacy (Vietnam, China). But that should be small comfort, because aggressive nationalism can be an outlet for nations facing such uncertainties. In Asia, neither economics nor democracy dissolves nationalist zeal.

#### Island disputes will go nuclear

**Hellman 12** – Professor Emeritus of Electrical Engineering @ Stanford University [[Martin Hellman](http://www-ee.stanford.edu/%7Ehellman/) (His current project, [Defusing the Nuclear Threat](http://nuclearrisk.org), has been endorsed by a former Director of the National Security Agency, Stanford's President Emeritus, and two Nobel Laureates), “Another Early Warning Sign,” Defusing Nuclear Threats, Posted on [September 28, 2012](http://nuclearrisk.wordpress.com/2012/09/28/another-early-warning-sign/), pg. http://tinyurl.com/9r9vdhr

The “World Anti-Fascist War” is what we call World War II – a war in which Japanese aggression killed almost 20 million Chinese, most of them civilians. The infamous “[Rape of Nanking](http://en.wikipedia.org/wiki/Rape_of_Nanking)” is the best known of numerous atrocities and war crimes that Japan inflicted on China. This is not to say that the Senkaku/Diaoyu should be returned to China, only that we need to be aware of how high emotions run on both sides, and that China has some legitimate grievances from the past.

And, of course, Japan was not uniquely blood thirsty. Millions of Chinese died at Chinese hands during the Chinese Civil War; the mistakes of Mao’s Great Leap Forward led to millions of deaths; and the Cultural Revolution killed somewhere between half a million and three million more Chinese, some by public beatings that could be likened to atrocities during the Rape of Nanking.

Given the level of irrationality that this possible on both sides, and the reasonable arguments that each side can advance for its claims to these islands, it is not in our national security interests to issue security guarantees to Japan over these islands. There is too much risk that our “insurance policy” will have to pay off, potentially with a nuclear war and millions of American deaths. Such an outcome is unlikely, but if we keep risking small chances of being destroyed, eventually one will realize that potential.

### Adv 2

#### Advantage Two---China

#### Relations are on the brink.

**Dobbins 12** – Director of the International Security and Defense Policy Center @ RAND Corporation [James Dobbins (Former American Ambassador to the European Community and Assistant Secretary of State), “War with China,” Survival | vol. 54 no. 4 | August–September 2012 | pp. 7–24

Shifting the US–China relationship

A climate of mutual distrust and suspicion clouds the US–China relationship, producing a potent security dilemma. If ignored, this dynamic could spiral out of control. Altering it will require both the United States and China to fundamentally rethink their national security goals and strategic¶ assumptions in Asia and beyond. The US–China competition should not be viewed as a zero-sum game; indeed, the United States has a strong interest in changing these perceptions. As China becomes a true peer competitor, it will also potentially become a stronger partner not just in the¶ economic but in the defence field as well. At present, the United States, as¶ the world’s only superpower, bears a disproportionate burden for policing¶ the global commons, protecting international commerce and travel, and¶ maintaining international security. China, like most of the world, is a free¶ rider on these efforts. Even as the United States seeks over the next several decades to sustain its defence commitments and advance its interests in East Asia, it will also have an interest in encouraging the world’s other¶ emerging superpower to assume greater responsibility for international¶ peace and security. China’s efforts to combat piracy in the Indian Ocean,¶ and its growing interest in United Nations peacekeeping, should become the basis for enhanced US–Chinese cooperation. In the long term, the United States will want to look for other ways to leverage Chinese power as well as restrain it. This will be easier and safer to do from a position of relative strength, which argues for starting this process of cooperation sooner rather than later.

With the passage of time and the improvement of Chinese capabilities, the United States will find itself forced to shift from deterrence by denial, based on direct defence of its interests and allies in the Western Pacific, to deterrence by punishment, based on the threat of escalation, using longer range weapons and more survivable platforms. Although the United¶ States will enjoy escalation dominance for some time, assuming it is prepared¶ to conduct conventional strikes on the Chinese mainland, China will develop escalation options of its own, including anti-satellite and offensive cyber-warfare capabilities, thus increasing US risks in pursuing escalation. Improvements in China’s strategic nuclear forces, and¶ the limited stakes in the most plausible scenarios for¶ Sino-American conflict, will reduce the credibility of any US threat to use nuclear weapons. Pg. 22-24

#### The plan prevents collapse --- it solidifies US-China strategic cooperation.

**Conrad 11** – Research associates with the Global Public Policy Institute [Björn Conrad (PhD candidate @ University of Trier. His research focuses on China’s domestic climate policy. MA in Chinese Studies, Political Science and Economics from the University of Trier and a Master in Public Policy from Harvard’s Kennedy School of Government.) & Mirjam Meissner (MA in Chinese Studies, Political Science and Economics from the Free University), “Catching a Second Wind Changing the Logic of International Cooperation in China’s Wind Energy Sector,” Global Public Policy Institute, GPPi Policy Paper No. 12, February 2011

China’s wind energy sector presents a vivid case of the fundamental dilemma of climate technologies. On the one hand, the rapid development and global dissemination of climate technology is highly desirable and necessary as part of an effective strategy to tackle global climate change. On the other hand, these¶ technologies are commercial products, developed and sold by companies on¶ a fiercely competitive market. The logic of climate protection favors the open¶ exchange of technological expertise between corporations. Contrarily, the logic of the market sets narrow boundaries for the sharing of profit-making innovation. Finding ways to reconcile these two aspects will be a decisive challenge faced on¶ the way to solving the global climate crisis.

The case of wind energy in China presents a crucial illustration of the effects of this dilemma. The development of international cooperative structures that are able to provide innovative answers to pressing climate challenges has been hampered by the perception of today’s partners as tomorrow’s competitors in an economic zero-sum game. Chinese players tried to use partnerships as a means to gain a technological edge without an intention to grant their partners a long-term stake in its domestic market. International business actors tried to use partnerships as a means to gain access to China’s domestic wind power market without any real incentive to improve their partners’ long-term technological advancement. Ultimately, neither side got what it wanted. As a result, China’s wind sector stayed below its potential regarding its contribution to global climate protection.

Opportunity - International cooperation could catch a second wind in China’s renewable energy sector. China’s wind market is on the verge of a new development phase heralding a possible shift in the logic of international technology cooperation; the times of China simply “catching up” to foreign technologies are coming to an end. To maintain its growth, China’s wind sector will depend on original technological solutions to manage mounting problems of efficiency, transmission and intermittency. Current technological obstacles threaten the swift expansion of China’s wind power capacity, putting the achievement of China’s ambitious¶ renewable energy targets for the year 2020 at risk. This creates strong political pressure to explore viable solutions such as smart-grid transmission systems and offshore wind power generation. The technological bottleneck of its wind energy sector significantly increases China’s incentives to revisit structures of international cooperation as a means to create urgently needed innovation. This situation in turn opens new opportunities for foreign political actors, specifically the European Union, to promote the emergence of cooperative structures that can make a tangible contribution to global climate protection.

From the business perspective, the growth of complementary capabilities between¶ Chinese and international wind power companies increases the attractiveness of balanced and mutually beneficial partnerships. Chinese companies can benefit greatly from strategic alliances with international firms in their search for needed technological solutions, while foreign companies can take advantage of the uniquely favorable conditions that China offers for producing cutting-edge innovation¶ in wind power technology. At the core of this mutually beneficial cooperative¶ model lies the creation of shared innovation based on the joint exploration and joint ownership of original technological solutions. Joint development, however, requires a mode of cooperation radically different from the model of international partnerships that have characterized China’s wind sector in the past. It calls for deep working relationships and long-term strategic alliances rooted in mutual¶ interests. Looking at the sobering experiences of the past, both sides will have to radically break with the current logic of interaction in order to redefine¶ international partnerships. Pg. 8-9

#### That cooperation prevents transition wars.

**Lieberthal 11** – Senior fellow in the Foreign Policy and the Global Economy and Development Programs @ Brookings Institution [Dr. Kenneth Lieberthal (Professor of Poli Sci and Business Administration @ University of Michigan and Former senior director for Asia on the National Security Council) “The U.S. and China -- mending fences,” Los Angeles Times, [Janary 17, 2011](http://articles.latimes.com/2011/jan/17)|pg. http://tinyurl.com/8wlq833

Many Chinese believe that America is a declining No. 1 that will do anything in its power to prevent China, No. 2, from catching up. They thus bring deep suspicion to the table when they analyze American actions in Pakistan, India, the South China Sea and Northeast Asia. Put simply, while the Obama administration sees itself as reengaging fully in Asia after what it considers the relative neglect of the region under President George W. Bush, Beijing is prone to see this activity instead as an effort to mobilize the rest of Asia against China's growing legitimate interests throughout the region.

The United States and most nations in the region, by contrast, see China adopting a harder edge to its diplomacy after years of stressing its "peaceful development." China is also modernizing its military and now is deploying naval vessels, missiles and other capabilities that threaten America's heretofore largely unhindered military access to the Western Pacific. Tensions inevitably result.

In this context, Washington has taken heart that countries throughout Asia are urging the U.S. to increase its presence and activities there. Asian nations are engaging with China fully on the economic side while asking the U.S. to make sure Beijing does not convert its economic weight into lopsided diplomatic and military advantage. But America should beware: If the U.S. primarily provides muscle as China expands its economic role in the region, then Asia will be a profit center for China and a cost center for the U.S. American interests require a better-balanced outcome than that, which means we must work more effectively with China.

There are both security and economic measures that the upcoming summit can advance to reduce mutual distrust and enhance effective cooperation.

The U.S. and Chinese military establishments have habitually suspended their limited high-level contacts to show displeasure whenever significant developments occur (such as the forced landing of an American surveillance plane after a midair collision in 2001 or the U.S. arms sale offer to Taiwan in 2010). The result is military-to-military discussions that are infrequent and anemic. The two militaries are now too powerful and operate in too close proximity in Asia to permit this situation to continue.

Following up on Defense Secretary Robert M. Gates' trip to China last week, , the Washington summit should endorse a new era in U.S.-Chinese military contacts. This should include regular, high-level discussions on such key issues as future contingencies in North Korea and Iran and the establishment of "rules of the road" for naval activities in China's 200-mile exclusive economic zone. Both sides would benefit greatly from having junior and mid-level officers spend serious time at one another's military institutes. America already does this with many other major militaries.

Economically, both sides must address the sensitive issues of currency valuation, protectionism, technology transfer requirements and intellectual property rights. Major American businesses that formerly supported good U.S.-Chinese relations now harbor more pessimistic expectations of their future there. It is in Beijing's interest to provide a basis for greater confidence. With America mired in high unemployment and a weak economic recovery, and China concerned about inflation and trade protectionism abroad, both sides need to focus on improving economic and trade ties on a sustainable basis.

One area — cooperation on development and deployment of clean energy technologies — holds particular promise. This is a global growth area, and the two nations' capabilities are now relatively complementary. Together we can produce innovative technologies and scale them up far more rapidly and inexpensively than either side can alone. This requires carefully structured deals, but it holds out the potential of investment and job creation in both directions, substantial new sources of profit, enhanced trust based on mutual interests and significant reduction in greenhouse gas emissions.

**Extinction.**

**Wittner 11** - Professor of History @ State University of New York-Albany. [Lawrence S. Wittner, “Is a Nuclear War with China Possible?,” Huntington News, Monday, November 28, 2011 - 18:37 pg. http://www.huntingtonnews.net/14446]

While nuclear weapons exist, there remains a danger that they will be used. After all, for centuries **national conflicts have led to wars**, with nations employing their deadliest weapons. The current deterioration of U.S. relations with China might end up providing us with yet another example of this phenomenon.

The gathering tension between the United States and China is clear enough. Disturbed by China’s growing economic and military strength, the U.S. government recently challenged China’s claims in the South China Sea, increased the U.S. military presence in Australia, and deepened U.S. military ties with other nations in the Pacific region. According to Secretary of State Hillary Clinton, the United States was “asserting our own position as a Pacific power.” But need this lead to nuclear war?

Not necessarily. And yet, there are signs that it could. After all, both the United States and China possess large numbers of nuclear weapons. The U.S. government threatened to attack China with nuclear weapons during the Korean War and, later, during the conflict over the future of China’s offshore islands, Quemoy and Matsu. In the midst of the latter confrontation, President Dwight Eisenhower declared publicly, and chillingly, that U.S. nuclear weapons would “be used just exactly as you would use a bullet or anything else.”

Of course, China didn’t have nuclear weapons then. Now that it does, perhaps the behavior of national leaders will be more temperate. But the loose nuclear threats of U.S. and Soviet government officials during the Cold War, when both nations had vast nuclear arsenals, should convince us that, even as the military ante is raised, nuclear saber-rattling persists.

Some pundits argue that nuclear weapons prevent wars between nuclear-armed nations; and, admittedly, there haven’t been very many—at least not yet. But the Kargil War of 1999, between nuclear-armed India and nuclear-armed Pakistan, should convince us that such wars can occur. Indeed, in that case, the conflict almost slipped into a nuclear war. Pakistan’s foreign secretary threatened that, if the war escalated, his country felt free to use “any weapon” in its arsenal. During the conflict, Pakistan did move nuclear weapons toward its border, while India, it is claimed, readied its own nuclear missiles for an attack on Pakistan.

At the least, though, don’t nuclear weapons deter a nuclear attack? Do they? Obviously, NATO leaders didn’t feel deterred, for, throughout the Cold War, NATO’s strategy was to respond to a Soviet conventional military attack on Western Europe by launching a Western nuclear attack on the nuclear-ularmed Soviet Union. Furthermore, if U.S. government officials really believed that nuclear deterrence worked, they would not have resorted to championing “Star Wars” and its modern variant, national missile defense. Why are these vastly expensive—and probably unworkable—military defense systems needed if other nuclear powers are deterred from attacking by U.S. nuclear might?

Of course, the bottom line for those Americans convinced that nuclear weapons safeguard them from a Chinese nuclear attack might be that the U.S. nuclear arsenal is far greater than its Chinese counterpart. Today, it is estimated that the U.S. government possesses over five thousand nuclear warheads, while the Chinese government has a total inventory of roughly three hundred. Moreover, only about forty of these Chinese nuclear weapons can reach the United States. Surely the United States would “win” any nuclear war with China.

But what would that “victory” entail? A nuclear attack by China would immediately slaughter at least 10 million Americans in a great storm of blast and fire, while leaving many more dying horribly of sickness and radiation poisoning. The Chinese death toll in a nuclear war would be far higher. **Both nations would be reduced to smoldering, radioactive wastelands**. Also, radioactive debris sent aloft by the nuclear explosions would blot out the sun and bring on a “**nuclear winter**” around the globe—destroying agriculture, [and] creating worldwide famine, and generating chaos and destruction.

Moreover, in another decade the extent of this catastrophe would be far worse. The Chinese government is currently expanding its nuclear arsenal, and by the year 2020 it is expected to more than double its number of nuclear weapons that can hit the United States. The U.S. government, in turn, has plans to spend hundreds of billions of dollars “modernizing” its nuclear weapons and nuclear production facilities over the next decade.

To avert the enormous disaster of a U.S.-China nuclear war, there are two obvious actions that can be taken. The first is to get rid of nuclear weapons, as the nuclear powers have agreed to do but thus far have resisted doing. The second, conducted while the nuclear disarmament process is occurring, is to **improve U.S.-China relations**. If the American and Chinese people are interested in ensuring their survival and that of the world, they should be working to encourage these policies.

**Cooperation leads to an international climate deal.**

**Oh 12** – Lecture of Comparative Political Economy and International Trade @ Ewha Womans University [Dr. Jennifer Sojin Oh (PhD in comparative politics from Princeton University), “Business Interests and US–China Relations on Climate Change,” Pacific Focus, Vol. XXVII, No. 1 (April 2012), pg. 36–61

The advantage of bilateral negotiation lies in the ability of governments to tailor the negotiation content to maximize domestic support while reducing opposition. In the case of climate change, governments can deliver specific **incentives** to their private sectors in the form of funding, favorable policies and various government support to mitigate opposition. The downside is that currying to the interests of potential opposition groups substantially limits and waters down the content of any climate negotiation. For example, **business interests have shaped** US–China bilateral collaboration on climate change to focus extensively on the development of clean energy, while preventing the setting of clear targets to reduce GHG emissions.

Clean energy development opens up possibilities for continued and increased US–China bilateral collaboration on climate change. Both countries heavily rely on coal and oil for their energy source. The USA accounts for about 25 percent of global oil consumption and 16 percent of global coal consumption. China accounts for about 9 percent of global oil consumption and 40 percent of global coal consumption.53 Naturally, energy security is a huge concern in both countries and they have a mutual interest in developing alternative energy sources. Clean energy development offers the potential benefits of reducing GHG emissions, **stimulating domestic economy** through job creation and business opportunities, and reducing the USA’s and China’s oil and coal dependence. By focusing on clean energy development, the USA and Chinese governments also **mitigate domestic opposition** and thus face the greatest chance of successful collaboration on a climate change project.

However, the rapid growth in China’s clean energy industry has generated concerns among US business and labor interests that the Chinese government is employing “green protectionism.” For example, the World Trade Organization recently ruled against China’s local content subsidy program for wind turbines, which enabled Chinese companies to outcompete foreign companies with cheaper prices. In general, multinationals within China are wary of various policies, such as restrictive licensing regulations and local content requirements, that limit access of foreign companies to China’s lucrative clean energy industry. China’s clean energy industry, on the other hand, has grown mainly through exports – China’s solar panel industry grew by exporting over 95 percent of its products to the USA and Europe.54 Trade disputes between the USA and China over clean energy subsidies are **reflective of the broader political rivalry** and precarious relations between the two major economic powers. Continued trade disputes will undermine bilateral collaboration efforts and multilateral engagements in the long run.

Challenges of Multilateral Frameworks

The difficulties of inducing the USA and China to agree to more substantial climate change commitments within a multilateral framework are huge. Given economic concerns and **strong domestic opposition** at home, the US government cannot transfer large amounts of funds to China under the pretext of assisting China’s transition to an energy efficient economy. This in turn implies that China has very little incentive to deviate from the position of the developing countries, or G-77, to promise substantial reductions in GHG emissions. As a remedy to this impasse, Victor proposes that developed nations strike a deal with critical developing nations – a deal that serves the interest of the host country as well as the international community. For example, he points to the power sector in China to suggest that the international community help China gain access to natural gas as a means to overcome its energy security problems while at the same time reducing its dependence on carbon intensive coal.55 Yet, coordination among developed nations to assist China gain access to natural gas is in itself a difficult and challenging task, tantamount to getting China or the USA to agree on substantial reductions in GHG emissions. The USA will most likely not agree to projects that give China a competitive advantage in energy access, especially when taking into account China’s leverage over US economy at a time of severe financial distress in the USA.

As the Cancun Agreements demonstrate, multilateral climate negotiations will fail to bring about substantial commitments to reduce GHG emissions from the USA and China. Neither country wants to be blamed for a failed negotiation, nor do they have the political capacity to commit to ambitious climate regulations without incurring serious political repercussions back home. Such observations have led a number of scholars to propose discussing climate change in smaller groups composed of a handful, a dozen or even 20 core members that have serious impact on global climate change.56 While smaller membership might facilitate discussion among the participating countries, it does not address the fundamental problem that **domestic constraints** shape the USA’s and China’s domestic and international climate politics. If business interests are indeed influential, then bilateral projects that create incentives for US and Chinese business sectors must be integrated within the larger multilateral framework. Instead of pressuring the USA and China to reduce GHG emissions, they should be encouraged to maintain and strengthen existing bilateral projects on clean energy as a means of promoting future cooperation – albeit significantly delayed – on climate change in a multilateral setting. **Without stronger support from the USA and Chinese business interests, multilateral climate negotiations will not generate substantial results.** Pg. 54-56

#### That slows Arctic warming.

**Rosenthal & Watson 11** – Attorney @ Earthjustice & Chief scientist @ United Kingdom Department for Environment, Food and Rural Affairs (DEFRA) [Erika Rosenthal & Robert Watson (Director for Strategy for the Tyndall Centre @ University of East Anglia, and a former chair of the Intergovernmental Panel on Climate Change), “Multilateral Efforts to Reduce Black Carbon Emissions: A Lifeline for the Warming Arctic?,” Review of European Community & International Environmental Law, [Volume 20, Issue 1,](http://onlinelibrary.wiley.com/doi/10.1111/reel.2011.20.issue-1/issuetoc) pages 3–10, April 2011

The Arctic is warming more than twice as fast as the rest of the planet, rapidly increasing glacier and sea ice melt.[2](http://onlinelibrary.wiley.com/doi/10.1111/j.1467-9388.2011.00705.x/full#fn2) In the coming decades, Arctic climate dynamics will determine the survival of the extraordinary cultures, species and ecology of the region and will, for better or worse, affect climate globally. Ambitious and immediate global action on carbon dioxide (CO2) is fundamental to limit the long-term (2100) adverse consequences of climate change in the Arctic and globally. But the long atmospheric lifespan of CO2 means its reduction alone will not avert further dramatic changes to the Arctic in the near term.[3](http://onlinelibrary.wiley.com/doi/10.1111/j.1467-9388.2011.00705.x/full#fn3) Rapid emissions reductions of the short-lived climate forcers black carbon, tropospheric ozone and methane have been identified by scientists as the best and perhaps only strategy to reduce near-term warming and melting in the Arctic and other sensitive glaciated, snow-covered regions.[4](http://onlinelibrary.wiley.com/doi/10.1111/j.1467-9388.2011.00705.x/full#fn4)

Black carbon warms the Arctic and other glaciated regions both in the atmosphere by absorbing incoming sunlight, and again when it is deposited on ice and snow, accelerating melting. Its short atmospheric residence time (about one week, versus 100 years and more for CO2), though, means that emissions reductions provide nearly immediate climate benefits. Because of this potential for near-term climate benefit, and the fact that black carbon is essentially soot – a traditional air pollutant, mitigation approaches have been discussed first in such multilateral fora as the Convention on Long Range Transboundary Air Pollution (CLRTAP)[5](http://onlinelibrary.wiley.com/doi/10.1111/j.1467-9388.2011.00705.x/full#fn5) and the International Maritime Organization (IMO), as well as the Arctic Council.[6](http://onlinelibrary.wiley.com/doi/10.1111/j.1467-9388.2011.00705.x/full#fn6)

The question is whether these fora can muster the political will to act swiftly and boldly enough for the Arctic. Given the timescale at which changes are occurring in the Arctic, these efforts must be significantly stepped up if the region is to remain anything like what we know today and to give the world a fighting chance to avoid abrupt and potentially irreversible changes, or ‘tipping points’, such as sea ice loss, permafrost melt, and accelerated Greenland Ice Sheet melt and resulting sea-level rise. This article reviews black carbon emissions reduction opportunities, describes efforts underway in international fora, and suggests opportunities to expand and strengthen regional air quality and climate change approaches to spur action on black carbon and other short-lived forcers.

**Fast Arctic warming causes a Russia-NATO war.**

**Ferrara 12** – Master of Arts candidate @ The Johns Hopkins University’s SAIS Bologna Center & [Master of Arts in International Affairs](http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CEcQFjAA&url=http%3A%2F%2Fwww.jhubc.it%2Facademics%2Fdegree-programs%2Fmaia.cfm&ei=7-suUOqRHcfaywH32YCICg&usg=AFQjCNHQnnfJPboKwpf-dpSFVJdXLLZh5Q&sig2=sTotgLAwl7uVljkQwFe6OQ) candidate @ The Johns Hopkins University’s SAIS Bologna Center [Chiara Rogate & Marco Ferrara, “[Climate Change and Power Shifts in the Arctic Region](http://bcjournal.org/volume-15/climate-change-and-power-shifts-in-the-arctic-region.html),” Bologna Center Journal of International Affairs, Volume 15 - Spring 2012, pg. http://bcjournal.org/volume-15/climate-change-and-power-shifts-in-the-arctic-region.html

Conflict vs. Cooperation

The political situation in the Arctic is at once nebulous and complex, with international law appearing to be little more than an instrument that nations use to justify their claims rather than a tool to resolve new and longstanding disagreements. Even though all parties agreed in 2008 to abide by and use international law as a regulatory framework through which to resolve their disputes in the Arctic, 43 they simultaneously appear to be hedging against possible adverse scenarios by **strengthening their military presence** in the area. For example, Canada is building a fleet of armed icebreakers, while Russia has recently resumed strategic bomber patrols over the region. 44 At the moment it is unclear whether issues pending in the Arctic can be settled via international arbitration, or by improving existing legal instruments with a dimension of political cooperation. 45 Such an outcome appears plausible as long as Canadian and Russian claims do not overlap, so that a settlement could be reached through the UN Commission on the Limits of the Continental Shelf.

Conversely, issues in the Arctic may evolve into a reflection of the developing political and military balance in the region, evading mediated resolution and resulting in **conflict and unilateral actions**. In such a case, the commission would be powerless to intervene as it does not have the authority to adjudicate disputes. Ultimately, one can observe that the situation is fast approaching a **critical juncture**. Without regard to the conclusions of the UN’s technical commission, the Arctic powers soon must decide whether to cooperate in joint administration of the region, or to engage in a struggle for supremacy. Given the approaching submission deadline for Canada, the window for a mediated solution may not remain open past 2013.

Conclusions

The Arctic has experienced rapid and drastic change as a consequence of rising temperatures. Therefore, international cooperation would be advantageous to achieving a lasting solution to the climatic, social and political issues facing this delicate region. Unfortunately, the potential for reaching multilateral arrangements is fragile, and the political will for achieving them could **easily fall second to the prospect of obtaining access to valuable resource deposits**. Climate change in this region has engendered a series of unpredicted spillover effects in the political realm by acting as a conflict catalyst. Specifically, climate change has aided the creation of physical conditions that facilitate international conflict, while simultaneously reducing the incentives for cooperation, thus exacerbating disputes that will determine future power balances, especially those concerning energy markets, which are already enveloped in a tumultuous political situation presently affecting both countries that produce and those that consume natural resources.

The Arctic provides an example of how climate change can **shift geopolitical attention** as well as **amplify the strategic importance** of geographic areas, perhaps causing old rivalries to resurface as in the case of Russia and NATO member countries. A non-traditional phenomenon is indeed leading to the emergence of traditional security dilemmas in the form of competition for resources and territory, resulting in the development of tensions among states. Climate change in the Arctic is literally defrosting regional security conundrums that risk extending well beyond the region. Moreover, not only is the physical environment being modified, but legal and institutional environments are changing as well, posing new challenges to inter-state relations and the ability to manage the unclaimed parts of the Arctic, referred to as the commons.46

Climate change can only be tackled with long-term emissions mitigation policies, while the emergence of the security dilemma in the region requires short-term solutions to avoid further militarization of the Arctic. The need to act rapidly is particularly urgent since the situation is developing within a precarious institutional, legal, and political framework. Though skepticism concerning the veracity of climate change continues to abound in public opinion and political arenas, recent developments in the Arctic demonstrate how such changes already are adversely affecting international politics. Future developments are no longer limited to scientific discourse, but now extend to conflict prevention. As noted by Machiavelli, once foreseen, such issues must be addressed before they develop to the point that **no satisfactory remedy can be found**.

**Extinction.**

**Krieger 12** - President of the Nuclear Age Peace Foundation & Senior Scientist for Physicians for Social Responsibility. [David Krieger & Steven Starr, “A Nuclear Nightmare in the Making: NATO, Missile Defense and Russian Insecurity,” Nuclear Age Peace Foundation, January 03, 2012 http://www.wagingpeace.org/articles/db\_article.php?article\_id=321

This is a dangerous scenario, no matter which NATO we are talking about, the real one or the hypothetical one.  Continued US indifference to Russian security concerns could have dire consequences: a breakdown in US-Russian relations; regression to a new nuclear-armed standoff in Europe; Russian withdrawal from New START; a new nuclear arms race between the two countries; a breakdown of the Nuclear Non-Proliferation Treaty leading to new nuclear weapon states; and a **higher probability** of nuclear weapons use by accident or design.  This is a scenario for nuclear disaster, and it is being provoked by US hubris in pursuing missile defenses, a technology that is unlikely ever to be effective, but which Russian leaders must view in terms of a worst-case scenario.

In the event of increased US-Russian tensions, the worst-case scenario from the Russian perspective would be a US first-strike nuclear attack on Russia, taking out most of the Russian nuclear retaliatory capability.  The Russians believe the US would be emboldened to make a first-strike attack by having the US-NATO missile defense installations located near the Russian border, which the US could believe capable of shooting down any Russian missiles that survived its first-strike attack.

The path to a **US-Russian nuclear war** could also begin with a conventional military confrontation via NATO. The expansion of NATO to the borders of Russia has created the potential for a local military conflict with Russia to quickly escalate into a nuclear war.  It is now Russian policy to **respond with** tactical **nuclear weapons** if faced with overwhelmingly superior conventional forces, such as those of NATO.   In the event of war, the “nuclear umbrella” of NATO guarantees that NATO members will be protected by US nuclear weapons that are already forward-based in Europe.

### Plan

#### Plan---The United States federal government should reduce relevant restrictions on offshore wind power that uses decommissioned oil or natural gas platforms in the Outer Continental Shelf.

### Solvency

#### Contention Three---Solvency

#### Categorical exclusion speeds up development.

**Giddings 11** – JD Candidate @ The George Washington University Law School [Nathaniel C. Giddings, “Go Offshore Young Man! The Categorical Exclusion Solution to Offshore Wind Farm Development on the Outer Continental Shelf,” JOURNAL OF ENERGY & ENVIRONMENTAL LAW, Winter 2011

C. Ensuring Environmental Protection and Renewable Development

The environmental impacts of offshore wind farms have been studied for the past fifteen years, and though some uncer­tainty remains as to the cumulative effects of numerous offshore facilities, the overriding consensus is that offshore wind farms have no significant impact on the human envi­ronment.144 Moreover, because a CER would be required for every lease sale, this preventative measure would ensure the project met the criteria for a categorical exclusion. Finally, the offshore wind farms would still have to undergo other inter-agency review processes required by the ESA and the Coastal Zone Management Act.145

Because all of these other environmental measures are already in place, conducting two environmental reviews is redundant, and a categorical exclusion would eliminate these repetitive environmental review processes. Simply put, given the exhaustive framework of existing environmental review procedures, a categorical exclusion for offshore wind farms would not jeopardize the environmental integrity of our nation’s coastline. As sufficient scientific data to support a categorical exclusion already exists, BOEMRE should pro­mulgate a categorical exclusion for offshore wind farms so that Americans will be able to harness a vast clean energy resource in a timely fashion.

Part V: Possible Alternatives

Some may argue that this proposal goes too far, that it evis­cerates the purpose of NEPA or that more research is needed before acting in such a broad manner. However, failure to expedite the offshore wind farm siting process will lead to both an increased risk of harm from global climate change and the United States falling further behind the rest of the world in offshore wind energy development and utilization. Three possible alternatives to this Note’s categorical exclu­sion proposal are (1) the creation of a categorical exclusion by Congress for offshore wind farms, (2) the use of EAs until the environmental impacts of offshore wind farms are bet­ter understood, and (3) the creation of a partial categorical exclusion for the Site Assessment Plan (“SAP”) portion of the lease process. This Section discusses each of these alternatives and reveals why each fundamentally fails to expedite the process in an appreciable manner. None of these alternatives would ameliorate one of the most significant hurdles facing offshore wind: the time-intensive process required to bring an offshore wind farm into operation.

A. Congressional Action

Although a congressionally enacted categorical exclusion could be immune to judicial review, 146 this alternative has several significant drawbacks. First, Congress has historically avoided creating categorical exclusions for entire classes of non-administrative activities; it is much more likely to do so for specific projects.147 Second, none of the recently stalled climate bills propose a categorical exclusion for offshore wind energy development.148 Third, the political climate in Washington makes it such that any congressional action on this issue is unlikely.149 Consequently, this Note’s proposal is more likely to occur and, therefore, is superior to a congres­sionally enacted categorical exclusion.

B. Environmental Assessments

Another alternative is that BOEMRE could amend the current regulatory scheme through notice and comment rulemaking to require one or two EAs rather than two envi­ronmental reviews (at least one of which will be an EIS) for offshore wind farm construction and operation activities on the Outer Continental Shelf. As discussed, BOEMRE left open the possibility that it would do this in the future. Start­ing with an EA rather than an EIS would decrease the amount of time required for some projects.150 However, this solution would, in effect, be requiring an EA for offshore wind proj­ects where one is not necessary; environmental studies have shown that offshore wind farms generally do not have signifi­cant impacts. Because this Note’s solution would ensure that only those projects that truly warrant further environmental review complete an EA, it is superior to an alternative that requires one or two EAs for every project, regardless of what the likely environmental impacts will be.

C. “Partial” Categorical Exclusion

The third and final alternative to this Note’s proposal is that BOEMRE could promulgate a categorical exclusion for only those activities associated with the SAP phase of the leas­ing process. As mentioned, this phase includes constructing meteorological towers that collect data on environmental fac­tors that are critical to determining whether a site is appropri­ate for an offshore wind farm.

The American Wind Energy Association (“AWEA”) pro­posed creating a categorical exclusion for SAP activities in its comments to BOEMRE’s draft rule regarding the use of alternate energy on the Outer Continental Shelf.151 AWEA argued that because BOEMRE has already “reviewed sub­sea surveying and [meteorological] tower installation in its [Programmatic Environmental Impact Statement] ...[and] concluded that subsea surveys are likely to have ‘negligible’ environmental impacts and that installation of a typical meteorological tower is unlikely to cause a significant envi­ronmental impact,” requiring an EIS for a typical wind farm SAP was “wholly unjustified.”152 Despite these arguments, BOEMRE decided to reject this proposal when it promul­gated its final rule.153

Additionally, although this proposal would likely with­stand legal challenges because similar activities fall within a categorical exclusion, it would only shorten the offshore wind farm approval process by one year.154 Creating a categorical exclusion for offshore wind farms has the potential to take even more time off the development process and is able to do so without negatively impacting the environment. Although a partial categorical exclusion is arguably more politically palatable, it is also less effective at trimming the waiting period for bringing an offshore wind development online.

Conclusion

In his speech on the Deepwater Horizon oil spill, Presi­dent Barack Obama declared that increased production of alternative energy sources was necessary to prevent future environmental disasters of this nature.155 Instead of wait­ing for Congress to act, which seems unlikely to occur in the foreseeable future, the President can encourage federal agencies to create incentives for the development of clean energy resources right now.156 In particular, the President could encourage BOEMRE to create a categorical exclusion for development of offshore wind farms on the Outer Conti­nental Shelf—a decision that would likely withstand judicial review.

#### And it determines investor confidence and industry growth.

**Dinnell 7** - Trial Attorney @ U.S. Department of Justice & Associate in the Labor and Employment Litigation, Construction Litigation, and General Litigation Department @ Frantz Ward LLP [Adam M. Dinnell & Adam J. Russ, “The Legal Hurdles to Developing Wind Power as an Alternative Energy Source in the United States: Creative and Comparative Solutions,” Northwestern Journal of International Law & Business , 27 Nw. J. Int'l L. & Bus. 535, 2007 pg. Hein Online

If wind power is to develop into a meaningful alternative energy¶ source and supplement the United States's power needs, both domestic and¶ international investment must be encouraged. Clarifying the interrelation between this nation's environmental laws and wind power development projects would be a large step towards convincing investors to devote the¶ necessary capital to fund wind power development in the United States. A more simplified statutory scheme, particularly with regards to the¶ permitting process, would aid in the proliferation of entrepreneurs and¶ expand the wind sector's domestic market. As discussed above, current¶ wind power developers face a labyrinth of laws and regulations that are each devoted to small and discrete pieces of the environmental puzzle. The environmental laws governing wind power projects lack a cohesive voice, due to the piecemeal manner by which the statutes were promulgated.¶ Flexibility in the regulatory system would promote the development of wind projects and allow investors to perceive less risk in supporting these projects. As the wind power dilemma shows, it can be counterproductive to reduce environmental issues into black and white terms-this is not a case of the "good guy" environmental advocates standing in solidarity across¶ from "bad guy" big industry.3 59 Clean, sustainable energy can be achieved, but it appears that compromise from proponents and opponents alike must¶ be reached. Improving public awareness and support for wind power development projects could prove decisive in slowing the use of environmental statutes to halt these potentially beneficial projects. As the public support for these projects increases, the confidence of investors and¶ developers alike will grow-translating into a revived alternative energy market. By contrast, environmental laws must not become so compromised¶ as to disregard the negative effects of wind power generation on humans¶ and the environment.

A 2005 poll conducted by the Yale Center of Environmental Law and Policy as a part of its Environmental Attitudes and Behavior Project showed that more than 90% percent of Americans thought that dependence on foreign oil was a serious problem and almost 70% considered it a very serious one; even greater numbers wanted greater clean energy technologies. 60 Clearly, the delicate balance of the environmental status quo versus the need for clean power does not appear to be one that will resolve itself. The world currently uses eight-four million barrels of oil every day, and the world's appetite is expected to grow by 40% in the next twenty years as America expands and China and India modernize.3 6 ' Therefore, the development of alternative energy sources will prove crucial to the entire world in the next century. Our dilemma, then, becomes one that affects the world writ large.

Similarly, a survey of recent comments by U.S. Presidents shows an awareness of the impending world energy crisis; less apparent, though, are the steps toward a solution. While one could argue that the creation of a sustainable energy policy and development of meaningful alternative energy sources has progressed, albeit at a snail's pace, it has constantly been mentioned as a goal by American presidents since the 1973 oil embargo. 62 The most recent offering came in 2006 from current president George W. Bush, who announced in his 2006 State of the Union Address, "America is addicted to oil... The best way to break this addiction is through technology." 363 Perhaps Dr. Rafidi's wind spire may prove to be the beginning of this necessary innovation.

The true problem at our current stage involves how to take action.¶ Left to their own devices, our various environmental statutes mentioned¶ above will continue to be used to stall the development of important¶ alternative energy sources in the United States. As in Don Quixote, where¶ most observers should see profitable windmills that can help this nation's¶ energy policy progress for years to come, others will see "monstrous giants¶ present[ing] themselves" that must be engaged in battle and slain. 364 One's perspective on the matter might be the result of his or her corresponding property lines. For example, to those critics who have suggested moving¶ the Cape Wind project further offshore, what becomes out of sight might¶ also become out of mind. At some point, however, property owners' individual aesthetic concerns must necessarily give way to energy creation for the greater good. The question, of course, is where that line falls. The development of the fuel of tomorrow must not be dictated solely by the laws of yesteryear but must, rather, be reexamined in the current time. As international examples show, fostering growth in the wind energy sector requires a focused commitment. The passage of a National Wind Power Act could provide our nation with the terms and conditions by which¶ U.S. wind power develops and evolves throughout the remainder of this¶ century. This statute could counterbalance the need for environmental¶ protection with the marketplace's requirements of simplification and¶ predictability at each stage of wind power development. Additional¶scientific studies on avian and bat mortality, like those currently underway, will help to produce a more informed wind energy policy and statute. By formulating one cohesive, planned U.S. wind energy policy into a single¶ statue, this updated regulatory framework will provide the guidelines by¶ which citizens, businesses, and governmental actors "carpe ventem" for¶ years to come.365 pg. 587- 560

#### Petro majors will participate --- it's a cost savings.

**Texier 11** - [Innovation Analyst @ Cleantech](http://www.linkedin.com/search?search=&title=Innovation+Analyst+-+Cleantech&sortCriteria=R&keepFacets=true&currentTitle=C" \o "Find users with this title) EDF [Maud Texier “Offshore Oil & Gas: a renewable energy?,” [Sia Partners](http://energy.sia-partners.com/author/admin), [July 1, 2011](http://energy.sia-partners.com/1506) pg. http://tinyurl.com/c7pzupg

The IEA announces in its last annual report that the peak oil had been reached in 20061. Thousands of rigs, all around the world, currently produce oil and gas from offshore fields. By 2050 however, their decommissioning will be compulsory as their lifespan is limited and oil resources are decreasing. How could we, first, dismantle those rigs and while avoiding on-site pollution, then, recycle dozens of thousands tons of steel, and guarantee an optimized profitability? Far from being a burden for the petroleum industry, on the contrary, those oil rigs can represent key-players for the energy changeover: by using them and install offshore wind turbines on top of them.

Toward the combination of offshore oil & gas with wind power

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| --- |
| With current technologies, offshore wind turbines are still limited to water depths below 30 m. Hence, those turbines are not able to reach greater wind potential which lies far from on-shore, beyond 30 m of water depth. Steel-jacket oil rigs, however, are installed to 60 meters water depths, thanks to their jacket which can be to 90 meters high. By removing the topsides from the top of the jacket and replacing them with a wind turbine, one would significantly increase the reachable wind potential, and on top of this, reduce noise and visual pollution usually reported by coasts inhabitants. |

This concept becomes even more interesting as areas with a high density of oil rigs match with offshore high wind potential areas: the North Sea and Gulf of Mexico for instance. Currently 450 oil rigs are standing in the North Sea as the average wind speed is 9 m/s. Same as in the Gulf of Mexico with 3858 oil rigs for an average wind speed between 7 and 8,5 m/s. Those rigs have a 20 to 30-year lifespan; hence all of them will have to be removed by 2050. We can then easily imagine in 2050, thanks to those rigs, offshore wind farms supplying onshore areas nearby with a high density of population.

This concept has indeed a great potential in the Gulf of Mexico: considering for a 5 MW2 wind turbine a load factor of 23%, and for the rigs a reuse factor between 40% and 60%, depending on their shape and location, we can estimate an annual electricity production from 15,5 to 23,3 TWh, which is equivalent to the residential electric consumption of a city such as Chicago in 2005 3. But wind energy potential is in reality far greater: offshore wind’s load factor is actually greater than onshore’s and can reach 30% depending on the area.

An unsuspected power potential

Offshore wind turbines capacities are increasing, thus the real power production will go far beyond those estimates by 2050. Several projects are making this idea into a reality: in the North Sea, a company named Talisman has installed several steel-jacket wind turbines for its project Beatrice. By using offshore oil & gas” know-how”, long mastered technologies are now experimentally used for an activity in development: wind energy. Actually the seed of this idea is already germinating in industrials minds: SeaEnergy Renewables Company, created by former experts from the petroleum industry, has already bought the patent rights for this concept aiming at a future marketing, and scientific studies on offshore wind potential have been performed in the Gulf of Mexico4.  
Although wind turbine and steel jacket technologies are already fully mastered, their connection to the electric grid is still in development: DC current lines lying on the seabed and covering hundreds of kilometers are still very expensive.

Supergrids are nonetheless in the beginning of their business boom as several ongoing projects; hence we expect first feedbacks and learning’s by ten years. Moreover additional costs to plug wind farms to the onshore electric grid, estimated today to 700 k€/MW5, will be compensated, at least partially, by the savings on rig’s decommissioning. Thanks to this process of reuse, the steel jacket is actually not removed from the seabed, what represents a saving on the overall decommissioning cost: in the Gulf of Mexico, decommissioning cost reaches 1400$/ton, what is equal to save around 11,2 M€ per oil rig. This cost reduction added to feedbacks on offshore electric grids will enable to improve the overall economics for this kind of project.

By ten years answers will be given to current technical padlocks. Furthermore, this concrete solution would enable, during the coming transition phase, to capitalize on fossil fuels era’s know-how in order to promote renewable energies development. This offshore wind energy concept represents hence the opportunity for petroleum majors to adapt to the new emerging energy market and at the same time uses advantages of offshore wind energy against onshore projects.

#### US offshore wind is uniquely situated to boost cooperation.

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With no offshore wind energy farms yet built off U.S. coastlines, various states over the last few years have proposed offshore wind energy legislation as a future investment in renewable energy as well as a vehicle for American job creation. The immediate future of U.S. offshore wind farms may depend on whether Congress renews certain tax credit and federal loan guarantee programs. In the event that offshore wind farms move forward, it is likely that both U.S. maritime and foreign maritime workers will be involved in construction and maintenance.

A recent study by The [National Renewable Energy Laboratory](http://www.nrel.gov) estimated the potential generating capacity from offshore wind farms located off U.S. coastlines to be 4 times the present total U.S. electrical generating capacity. The construction and maintenance of offshore wind farms to tap into even a small percentage of this potential will demand a robust and competent maritime workforce. The U.S. understandably wants to avoid the situation that occurred in England with the installation of the Thanet Wind Farm, currently the largest operating offshore wind farm in the world (300 megawatts). The Thanet project received criticism for its lack of significant British job creation.

U.S. wind farm developers, green energy advocates and some U.S. politicians have stressed that offshore wind farms will create jobs for both U.S. maritime and U.S. shore-based workers. In addition, some have pointed to a federal statute known as the Jones Act, to assert that foreign-flagged vessels crewed by foreign maritime workers may not even be involved in U.S. offshore wind farm projects. However, such a broad statement is not entirely accurate, and the issue is somewhat complex.

[The Jones Act,](http://en.wikipedia.org/wiki/Merchant_Marine_Act_of_1920) which was enacted in 1920, establishes a system for protecting American maritime jobs and requires that U.S.-flagged vessels be used to transport merchandise between points in U.S. territorial waters (i.e., up to 3 nautical miles off the coastline). Moreover, this requirement is extended 200 miles offshore to the Outer Continental Shelf (OCS) by the Outer Continental Shelf Lands Act (OCSLA) in certain scenarios involving man-made objects that are affixed to the seabed.

Customs and Border Protection (CBP), the federal agency that enforces the Jones Act, has issued a number of rulings that conclude that the Jones Act in certain situations does not apply to the actual installation of wind turbines by large-scale vessels known as jack-up lift vessels. Moreover, there has been some debate on whether the Jones Act would apply to vessels travelling to an established wind farm located over 3 miles off the coastline in the OCS for such things as maintenance and repair. A bill clarifying that the Jones Act would apply in this maintenance/repair scenario (HR 2360) has recently passed the U.S. House of Representatives and is now awaiting a vote in the U.S. Senate. Thus, at present, from a purely legal standpoint, foreign-flagged vessels would likely be able to participate in the installation of the proposed wind farms, but there is some uncertainty as to whether foreign-flagged vessels would be able to participate in maintenance/repair work.

Complicating all of this is the dearth of U.S.-flagged jack-up lift vessels capable of undertaking much of the very heavy work involved in the installation of offshore wind turbines. To further confound matters, with a boom in offshore wind farm construction in Europe and China, many foreign-flagged jack-up lift vessels capable of such work are now booked for the next several years.

Factoring in all of the above, it is likely that large foreign-flagged vessels will play a significant role in the initial installation of wind turbines off U.S. coastlines, with an opportunity for smaller U.S.-flagged vessels to render assistance. However, with the lack of available large scale foreign-flagged vessels, there are obvious long term investment opportunities for the construction of large U.S.-flagged vessels or for the conversion of other large U.S.-flagged vessels to undertake much of the above heavy work. One possible option is to convert U.S.-flagged vessels now working in the oil and gas fields in the Gulf of Mexico for this purpose. Such investment opportunities will obviously become more attractive if a large number of wind farms move forward in the U.S..

As to certain maintenance/repair, which could be done by smaller U.S.-flagged vessels already in existence, if Congress passes HR 2360, U.S.-flagged vessels will be required to maintain and repair the wind turbines. Moreover from a practical standpoint, even if HR 2360 does not become law, it may not make economic sense to employ smaller foreign-flagged vessels for certain maintenance/repair work. Thus if U.S. offshore wind farms become a reality, U.S. maritime workers as well as foreign maritime workers will likely be involved in construction and maintenance.

#### Clear and certain action is needed.

**Schoen 12** – Associate in World Resource Institute’s Climate and Energy Program [Luke Schoen (Holds a Master’s degree in International Relations from the Fletcher School of Law and Diplomacy at Tufts University), “CLEAN TECH’S RISE, PART I: Will the U.S. and China Reap the Mutual Benefits?,” ChinaFAQs Issue Brief, April 2012

THINKING STRATEGICALLY ABOUT THE U.S., CHINA, AND CLEAN ENERGY

There are big opportunities available, but to take advantage of these opportunities, the U.S. needs to build on its strengths. Clean energy is close to being cost competitive with conventional fossil fuels,43 and policies can make a difference.44 Indeed, benefits occur where there are supportive policies.45

In the U.S., the Congress and the Executive Branch have sent mixed signals to the domestic clean energy industry, extending and then withdrawing supportive policies, sowing uncertainty. However, “in order for the United States to remain competitive in clean energy,” writes Kelly Sims Gallagher, Professor of Energy and Environmental Policy at Tufts University, it needs to strengthen its energy innovation system and ensure a level playing field for its firms with “practical energy policies that are stable, credible, aligned, and consistent to realize the deep and currently unrivaled potential of the U.S. energy innovation system.” A supportive policy environment for clean energy innovation is “likely to catalyze the creation of new firms, strengthen others, generate new jobs, capture growing markets, improve energy security, and address important environmental challenges, as they have in other countries.”47

When it comes to China, U.S. policy makers will need to think strategically both about specific policies and overall strategy—indeed, the answers to many problems are to be found here at home.

While many of the specific measures set forth on the following pages are desirable, it is important to consider how they fit into a broader strategy based on an understanding of the components of the innovation and deployment process. Experts describe four elements of this process: creating markets for low-carbon power, financing companies and projects, creating new knowledge, and providing clear regulation (see box: Getting Our Act Together on Solar – Elements of a Winning Strategy).

As indicated in the examples on the following pages, public policy can help scale up the market by taking steps to catalyze innovation and demand for clean energy goods and services. We provide examples of proposals and policies for action across a menu of topics which experts and interested officials and stakeholders have suggested deserve attention and action (see appendix for details).47 Not all of these policy options are available exclusively to the U.S. Some have been employed elsewhere by other nations seeking to improve energy efficiency and climate performance with varying degrees of effectiveness.48 China, for example, is considering implementing a nationwide cap on energy or coal consumption.49

Proposals and Policies for Action

OOPutting a Price on Carbon This could entail either a tax on CO2 emissions or a cap-and-trade system, which could incentivize investment in clean energy technology.51

OOPromoting Clean Energy Technology Deployment Clean or Renewable Energy Standards, or policies requiring that a certain percentage of electricity be generated from clean or renewable sources, can reduce risk for businesses and encourage deployment of renewables. Incentives such as tax credits for renewable energy producers and consumers, and grants or loan guarantees. These incentives can have a variety of targets, from utilities seeking to build large renewable energy generation installations, to homeowners installing small distributed solar panels or energy efficient windows. Access to Funding, either in the form of direct grants or guaranteed loans, can spur research, development and deployment of renewable energy technologies.

OOEfficiency Legislation such as the Energy Savings and Industrial Competitiveness Act of 2011 proposed by Senator Jeanne Shaheen (D-NH) and Senator Rob Portman (R-OH) can seek to define national energy efficiency standards for building codes, appliance standards, and government procurement requirements and operating procedures.

Industrial Efficiency— As the largest energy consumers in the nation, federal and state governments can also work with industry partners in manufacturing partnerships, upgrade programs, joint R&D and supply chain management.

OOInnovation Encouraging private investment in research and development— Remaining a global leader in clean energy technology, will require continual development and commercialization of new technologies. U.S. businesses have long called for a national energy innovation strategy.52 A predictable and long-term clean energy policy would help reassure innovators and venture capitalists that their efforts will pay off.53

Federal support for research, development, and deployment— Initiatives such as the Department of Energy’s Advanced Research Projects Agency for Energy (ARPA-E) can fill a gap in funding game-changing technologies that may appear too risky for private investors, but with the potential to generate large economic and environmental returns if successful.

OOFederal Executive branch action The Environmental Protection Agency has proposed New Source Performance Standards (NSPS) that would limit emissions from new power plants to no more than 1,000 pounds of carbon dioxide per megawatt of electricity produced. These standards would reinforce trends toward low-carbon energy sources, and give businesses greater certainty about future investments in the energy sector.54 National Vehicle rules— Under the provisions of the Clean Air Act, the Executive branch can tighten national fuel standards to improve fuel economy for road, marine, and airborne vehicles. Proposals for further tightening are pending.55

OOState action State governments are pursuing a number of emissions mitigation policies. Some have established renewable energy portfolio standards and emissions reductions targets, utility regulatory policy reforms, low-carbon growth planning, and others.56

FUTURE PROSPECTS

China is among the leading countries in clean technology, as noted earlier. What the U.S. does to maintain leadership in clean technology will help it to be competitive and to take advantage of commercial and public-private partnerships 57 with China and other countries.

Strong action on a strategy with initiatives such as those described above would serve both economic and environmental goals – and help build a foundation for a constructive relationship between the United States and China. As indicated earlier, the efforts of the two countries are interdependent. Moreover, the opportunity to achieve large economic and environmental benefits exists if both countries take action. With smart and strategic initiatives, the U.S. can steer engagement with China on clean tech to benefit both businesses and workers at home and the world as a whole. Pg. 6-8

CFR 250, Subpart Q, Decommissioning Activities. pg. 14-15

### No DA

#### There are no DAs ---

#### Loan guarantees now.

**Brune 9/28** - Executive director @ [The Sierra Club](http://www.sierraclub.org/) [Michael Brune, “Mighty Wind,” The Huffington Post, Posted: 09/28/2012 5:26 pm

Did you notice that last weekend the largest onshore wind farm in America [started operation](http://green.blogs.nytimes.com/2012/09/22/wind-sprints-to-the-cliff/) in north-central Oregon? The 845 MW Shepherds Flat facility will generate an estimated 2 billion kWh each year -- enough to power 235,000 homes. On top of that, this clean power will eliminate about 1.5 million metric tons of carbon pollution annually -- the equivalent of taking approximately 260,000 cars off the road.  
Who built Shepherds Flat? We, the people, did! Caithness Energy relied on more than a billion dollars in loans guaranteed by the Energy Department. With the project up and running, and with a long-term commitment from Southern California Edison to buy power, it looks like a good investment. Maybe that's why Google also kicked in $100 million.

#### Wind production increasing.

**Jennings 9/25** - Green America’s [Clean Energy Victory Bonds](https://www.facebook.com/CleanEnergyVictoryBonds) Outreach Fellow [“Wind & Solar Are Shining Examples of US Economic Success, Potential, & Jobs (but Under Threat),” Planet Save, September 25, 2012, pg. http://tinyurl.com/94ph6dr

Recent reports from IMS Research and the Energy Department suggest that energy production from [solar](http://cleantechnica.com/2012/08/27/1h-2012-us-solar-pv-installations-grow-120-us-poised-to-be-worlds-3rd-largest-market/) and [wind](http://www.enewspf.com/latest-news/science-a-environmental/35560-energy-report-us-wind-energy-production-and-manufacturing-surges-supporting-jobs-and-diversifying-us-energy-economy-.html) in the United States are [is] set to rapidly increase in the coming years. Though China and Germany have dominated the race to create a robust clean energy sector so far, the United States has taken steps to close that gap. Tax incentives and an increased focus on sustainable energy has let the two major clean energy sectors (solar and wind) thrive.

[Solar PV installations](http://planetsave.com/2010/11/01/go-solar-going-green-tip-9/) rose more than 120% in the first 6 months of 2012, with almost 1.7 GW installed capacity added to the grid. IMS states that by the end of the year, there will be at least 3.5 GW installed, which would give the US the world’s third-largest PV market.

The wind market has been similarly successful in recent years, as it has become one of the fastest growing energy industries in the country. 32% of all electric capacity added in 2011 came from wind, which has helped keep the price of wind power at a manageable rate. The price of wind energy under long-term power purchase contracts with utilities in 2011 was 40% lower than in 2010.

#### PTC extension will massively increase US wind production and was partisan.

**Bloomberg 1/2** Bloomberg news, “U.S. Credit Extension May Revive Stalled Wind Industry,” http://www.bloomberg.com/news/2013-01-02/wind-tax-credit-extension-seen-driving-growth-trade-group-says.html

The one-year extension of a U.S. tax credit for wind power includes modified terms that may revive an industry that’s expected to stall this year. The production tax credit was due to expire at the end of 2012 and the extension was part of yesterday’s passage of the bill to avert the so-called fiscal cliff that would have imposed income tax increases for most U.S. workers. Unlike past extensions, Congress is now allowing the credit to cover wind farms that begin construction in 2013, not just those that go into operation. Uncertainty last year over whether the policy would be renewed is a key reason the U.S. is expected to install 4,800 megawatts of turbines this year, down from an estimated 11,800 megawatts in 2012, Bloomberg New Energy Finance said in a November report. “This extension allows the industry to reactivate development that had been on hold since mid-year,” Tom Vinson, senior director of federal and regulatory affairs at the American Wind Energy Association, said today in an interview. “The start-construction language provides a longer period of certainty than prior extensions.” Delayed Recovery The full benefits of the extension may not be felt this year, Justin Wu, Hong Kong-based head of wind analysis at New Energy Finance, said by e-mail. “Though too late for this year, it will allow the U.S. market to see some recovery in 2014.” Spain’s Iberdrola SA (IBE), the second-largest builder of U.S. wind farms with more than 4,800 megawatts in operation, would have pursued few new wind developments this year without the revised language. Manufacturers and installers of wind turbines had sought the revision to allow for the 18 months to 24 months needed to develop new wind farms. “That was pretty critical to resuming development,” Paul Copleman, an Iberdrola spokesman, said today in an interview. “Without that, the extension might not have had any impact this year. We’re in a good position to get some construction started.”

## \*\*\* 2AC

### 2AC—Case

#### Biodiversity key to human survival

**Raj 12** - Consultant ecologist [Prof. P. J. Sanjeeva Raj (Head of the Zoology dept of Madras Christian College), “Beware the loss of biodiversity,” The Hindu, Published: September 23, 2012 00:32 IST | pg. http://tinyurl.com/8oate79

Biodiversity is so indispensable for human survival that the United Nations General Assembly has designated the decade 2011- 2020 as the ‘Biodiversity Decade’ with the chief objective of enabling humans to live peaceably or harmoniously with nature and its biodiversity. We should be happy that during October 1-19, 2012, XI Conference of Parties (CoP-11), a global mega event on biodiversity, is taking place in Hyderabad, when delegates from 193 party countries are expected to meet. They will review the Convention on Biological Diversity (CBD), which was originally introduced at the Earth Summit or the United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro in 1992. The Ministry of Environment and Forests (MoEF) is the nodal agency for CoP-11. Today, India is one of the 17 mega-diverse (richest biodiversity) countries.

Biodiversity provides all basic needs for our healthy survival — oxygen, food, medicines, fibre, fuel, energy, fertilizers, fodder and waste-disposal, etc. Fast vanishing honeybees, dragonflies, bats, frogs, house sparrows, filter (suspension)-feeder oysters and all keystone species are causing great economic loss as well as posing an imminent threat to human peace and survival. The three-fold biodiversity mission before us is to inventorise the existing biodiversity, conserve it, and, above all, equitably share the sustainable benefits out of it.

Unique role

Contrary to all such utilitarian objectives of biodiversity, the concept of ‘Deep Ecology’ believes in the intrinsic value of every living being, wherein all life is to be respected for its own sake, not for any of its monetary values. There is no living being that is so abject and absolutely useless for its ecosystem, even if we have not yet understood its utility. Every living being discharges its own unique ecosystem functions or services, and hence the loss of any single species destabilises the whole ecosystem. Keystone species render more obvious or even altruistic services to their ecosystems.

Hot spots

The tropics have the most luxurious biodiversity but, unfortunately, overpopulation by their poor eco-societies, which are compelled to live at the expense of their own biodiversity, poses such great dilemmas and threats to conservationists that ‘hot spots’ had to be identified to save their marginalised poor as well as their biodiversity simultaneously. The Assam Himalayas and the Western Ghats are two such little explored but richest biodiversity treasure banks in India.

However, some lacunae in our knowledge base of our biodiversity still exist such as the precise ecosystem functions or services of each species, and also, the economic valuation of benefits from not only every species but also every type of ecosystem and, above all, from the more difficult gene-pools, all of which need to be studied all over the world.

The slogan of the Hyderabad CBD CoP-11, inscribed on the logo, in Sanskrit, “Prakruthi: Rakshathi Rakshitha,” and the same in English, “Nature Protects if She is Protected,” truly underscores that humans should realise the symbiotic relation between themselves and nature, so imperative for their mutual survival on planet Earth.

(The writer is a consultant ecologist, His email is rajsanjeeva@gmail.com)

#### These are a critical habitats

**Kolian & Sammarco 08** - Director @ EcoRigs [Steve Kolian (Research scientist @ Louisiana Marine Consortium (LUMCON) and has consulted for the offshore oil and gas industry) & Paul W. Sammarco (Professor of ecology @ Louisiana Universities Marine Consortium (LUMCON). Has focused on coral reef ecology for the last 30 years.), “Removal of Offshore Oil and Gas Platforms: Rationale for Retaining Infrastructure to Develop Offshore Renewable Resources in the Gulf of Mexico,” EcoRigs and Louisiana University Marine Consortium, December 2008

Offshore platforms create complex coral reef ecosystems that would otherwise not exist on thousands of¶ square miles of generally featureless continental shelf (see: Video of Platform ). The offshore platforms¶ create one of the most prolific ecosystems on the planet. Stanley and Wilson (2000) reported that 10,000-¶ 30,000 adult fish reside around a single platform in an area about half the size of a football field. The fish biomass at offshore platforms is ten times greater, per unit area, than the fish biomass at protected coral reefs in fish sanctuaries (Flower Gardens) and platforms toppled as artificial reefs (Wilson et. al 2003). The long-term, unexpected, effect of oil and gas production has been to create critical habitat for federally¶ managed marine species, such as:

• Loggerhead, hawksbill, and green sea turtles;

• Hermatypic (reef-building) corals, octocorals, black coral, sponges, and bryozoans;

• Fish such as grouper, snapper, jacks, etc.;

• Crustaceans such as lobsters, stone crabs, etc.

Platforms Removed

The platform owners, following federal platform removal regulations, have, to date, removed 1,736 fixed¶ platforms (see Figure 1) resulting in the destruction of an estimated 2,098 acres of coral reef habitat (LGL¶ 1998). The total volume of the underwater portion of the platforms already removed is 52,398,731m3 . Oil¶ and gas platforms are one of the most effective artificial reefs in the world. Artificial reefs are expensive to build and install. The size and the construction materials and installation expense affect the cost of¶ deploying artificial reefs. They are measured in units of volume, usually in units of cubic meters. In¶ literature review, a range was found between $67/m3 - $320/m3 with $140/m3 the average cost (RB 2008,¶ Goreau and Hilbertz 2005, Takafumi 2003, Grove 1994). Today’s cost to replace 52,398,731m3 of¶ artificial reefs at $140/m3 is $7.3 billion.

Idle Platforms Scheduled for Removal Today

Currently, 744 offshore platforms are idle and no-longer in production and are awaiting removal (see¶ Figure 2). These platforms contain an estimated 890 acres of coral reef habitat (LGL 1998). The total¶ volume of the underwater portion of the platforms scheduled for removal is 24,401,169m3. Today’s cost to¶ replace an equivalent number of artificial reefs at $140/m3 is $3.4 billion.

Existing Platforms

Currently, there are 3,959 fixed oil and gas platforms in the Gulf of Mexico. Most offshore petroleum wells¶ are productive for 15 years (Pulsipher et. al. 2001). Due to the depletion of petroleum fields, by 2020, the¶ Gulf of Mexico will lose the majority of the structures in water depths less than 600 feet. There is an¶ estimated 4,465 acres of coral reef habitat currently existing in the Gulf of Mexico in the form of oil and¶ gas platforms.1 The total volume of the underwater portion of the existing platforms is 127,712,369m3.¶ Today’s cost to replace an equivalent number of artificial reefs at $140/m3 is $17.9 billion. Pg. 1-2

#### -Spillover

**Asia Society & Pew Center 09** [Pew Center on Global Climate Change & Asia Society’s Center on U.S.-China Relations “Common Challenge, Collaborative Response: A Roadmap for U.S.-China Cooperation on Energy and Climate Change,” January 2009

A new U.S.-China partnership on energy and climate could also help preserve and strengthen Sino-American relations more broadly. As the two economies have become¶ increasingly intertwined, each has become mutually vulnerable to developments within the other, leading to frequent tensions over trade and financial issues. Against that backdrop,¶ climate and energy issues have given rise to further concerns about a loss of competitiveness in the United States and a threat to continued development in China. In this atmosphere,¶ a failure to cooperate could lead to new recriminations over energy and climate change, deepening suspicions of each other’s strategic intentions and straining the bilateral¶ relationship in new ways that harm the ability of the two countries to work together on a wide range of issues.

Conversely, if managed successfully, joint U.S.-China stewardship of the climate challenge could strengthen strategic ties by building mutual trust at a time when the¶ American public is becoming increasingly skeptical of the benefits of bilateral economic integration. If U.S.-China cooperation on climate change is aligned constructively with other U.S. and Chinese objectives, it will add a new common interest to the mix and thereby strengthen the Sino-American relationship. Broadening and deepening areas of long-term, mutually beneficial cooperation and strategic trust between the two countries can only strengthen their ability to cooperate effectively in meeting the broad range of¶ strategic challenges of the 21st century. Pg. 15

#### -Litmus Test

**Kammen 11** – Chief Technical Specialist for Renewable Energy and Energy Efficiency @ World Bank Group & [Dr. Daniel Kammen (Professor in the Energy and Resources Group @ Berkeley) & Gang He (Doctoral Candidate in the Energy and Resources Group @ UC Berkeley) “Critical test for Sino-US ties: Clean energy,” China Daily, January 2011, pg. http://tinyurl.com/8uqac96

"Clean energy cooperation will be a key litmus test of the ability of China and the United States to build a partnership based on mutual needs and opportunities. The outcome is of long-lasting global economic, environmental and geopolitical importance.

While quiet cooperation does exist between the two countries in the form of decades of joint work on energy efficiency standards and through a new but under-funded US-China Clean Energy Research Center, far higher profile actions, however, point toward conflict.

First, 2009 ended with an unproductive US-China standoff at the Copenhagen Climate Summit.

Second was China's rapid scale-up of production and global sales of renewable energy technology - specifically solar panels, wind turbines and batteries for the burgeoning electric vehicle markets.

Third are the high-level tensions over Chinese dominance in the production of rare earth metals for advanced electronics.

Taken in sum, many see these events the precursors to a "Sputnik Moment" for the US in the race for leadership in the 21st century.

However, a far more mutually profitable route exists, one that both nations and the global community need to nurture.

If necessity is the mother of invention, cooperation may be the missing father. China's incredible acceleration of production and sales of clean energy technology is the result of necessity.

China has become world's largest energy consumer, and while its coal resources are vast - 70 percent of China's energy and 80 percent of its electricity come from coal - no other nation pays as high an environmental cost for energy than does China.

China has no other path to continued growth and energy security for its 1.3 billion people than through renewable and energy efficiency.

To meet the rising demand, China invested more than $50 billion in clean energy in 2010 alone. To put this in perspective, the Chinese invested twice as much in clean energy as did the US.

The US, too, is dependent on coal, for 49 percent of electricity in 2010. Energy is the largest component of US annual imports, with crude oil accounting for only 38.4 percent of the US trade deficit in 2009.

Both nations made clean energy investment central to their recent national stimulus plans, and US President Barack Obama has many times linked economic recovery to "green jobs".

The two countries critically need each other to build the clean energy economy for the 21st century.

### 2AC—Topicality

**The plans restriction is currently legally prohibited.**

**Baur & MacLean 04** - Partner & Associate at Perkins Coie LLP [Donald C. Baur & Jena A. MacLean, “The “Degreening” of Wind Energy: Alternative Energy vs. Ocean Governance,” NR&E, Summer 2004, 19 Nat. Resources & Env't. 44

While a few environmental groups anxious to promote wind energy and take a giant leap in meeting Massachusetts' renewable energy goals support the Corps' review process, other conservation organizations perceive the threat this project review procedure poses to the overarching goals of ocean governance and protecting the public trust. As these groups recognize, the course of action being followed to review offshore wind proposals under Section 10 threatens the goal of uniform ocean conservation principles in four basic ways. First is the use of Section 10 as a vehicle for granting permission to use and occupy the OCS. As a matter of federal law, OCS lands are owned by the United States. United States v. Maine, 420 U.S. 515, 527 (1975) (United States is possessed of paramount rights in offshore lands, from three nautical miles from the coast seaward to the edge of the Continental Shelf), citing United States v. Texas, 339 U.S. 707, 717-19 (1950) (paramount rights in offshore lands include both sovereignty and ownership).

Under the Property Clause of the Constitution, only Congress may authorize a federal agency to dispose of U.S. property. No federal agency has been authorized to do so for wind energy development. Thus, under current law, there are no means by which a private party may obtain property rights from the United States to occupy Outer Continental Shelf (OCS) lands for offshore wind energy activities. The Minerals Management Service (MMS) of the Department of the Interior, the federal agency responsible under the OCSLA for administering the offshore mineral resources regulatory program, agrees with this position, having stated:

[Mechanisms do not currently exist by which an applicant can obtain approval from the Federal Government to utilize the OCS for non-oil and gas related activities. Similarly, there exists no designated Federal agency that is tasked with the authority to protect the Federal interest in the OCS and to manage such activities to ensure that they are conducted in a safe and environmentally sound manner. Pg. 48

**The US court system agrees.**

**Ransom 04** - Symposium Editor and Solicitations Editor [Elizabeth A. Ransom, “Wind Energy Development on the United States Outer Continental Shelf: Balancing Efficient Development and Environmental Risks in the Shadow of OCSLA,” Boston College Environmental Affairs Law Review Volume 31 Article 11, 1-1-2004

The OCLSA explicitly grants the Secretary authority to issue leases to private parties only for the "exploration, "131 "development, "132 and¶ "production"133 of "minerals"134 on the OCS.135 There is no provision¶ for the development of alternative energy resources.136 In fact, no legislation explicitly governs the use of land on the OCS for many alternative¶ energy projects.137

A strict reading of subsections 1333(a) and 1333(e) of the OCSLA suggests that the Corps is not authorized to issue permits for¶ wind farm development on the OCS, because such projects do not¶ develop or produce the resources of the OCS within the meaning of the statute. I38 Wind farm opponents argue that, even though wind turbines would constitute installations permanently attached to the¶ seabed, they would not explore, develop, remove, or transport subsoil and seabed resources within even a broad reading of the OCSLA.I39 In Guess v. Read, the court supported this interpretation, stating that "[t]he Continental Shelf Act was enacted for the purpose primarily of asserting ownership of, and jurisdiction over minerals in and under¶ the Continental Shelf."140 pg. 483-484

#### We are a grant.

**Federal Register 09** [“Renewable Energy and Alternate Uses of Existing Facilities on the Outer Continental Shelf; Final Rule,” 30 CFR Parts 250, 285, and 290, Volume 74, Number 81 (Wednesday, April 29, 2009), pg. http://www.gpo.gov/fdsys/pkg/FR-2009-04-29/html/E9-9462.htm]

Sec. 285.112 Definitions.

Terms used in this part have the meanings as defined in this section: Affected local government means with respect to any activities proposed, conducted, or approved under this part, any locality-- (1) That is, or is proposed to be, the site of gathering, transmitting, or distributing electricity or other energy product, or is otherwise receiving, processing, refining, or transshipping product, or services derived from activities approved under this part; (2) That is used, or is proposed to be used, as a support base for activities approved under this part; or (3) In which there is a reasonable probability of significant effect on land or water uses from activities approved under this part. Affected State means with respect to any activities proposed, conducted, or approved under this part, any coastal State-- (1) That is, or is proposed to be, the site of gathering, transmitting, or distributing energy or is otherwise receiving, processing, refining, or transshipping products, or services derived from activities approved under this part; (2) That is used, or is scheduled to be used, as a support base for activities approved under this part; or (3) In which there is a reasonable probability of significant effect on land or water uses from activities approved under this part. Alternate Use refers to the energy- or marine-related use of an existing OCS facility for activities not otherwise authorized by this subchapter or other applicable law. Alternate Use RUE means a right-of-use and easement issued for activities authorized under subpart J of this part. Archaeological resource means any material remains of human life or activities that are at least 50 years of age and that are of archaeological interest (i.e., which are capable of providing scientific or humanistic understanding of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques, such as controlled observation, contextual measurement, controlled collection, analysis, interpretation, and explanation). Best available and safest technology means the best available and safest technologies that MMS determines to be economically feasible wherever failure of equipment would have a significant effect on safety, health, or the environment. Best management practices mean practices recognized within their respective industry, or by Government, as one of the best for achieving the desired output while reducing undesirable outcomes. Certified Verification Agent (CVA) means an individual or organization, experienced in the design, fabrication, and installation of offshore marine facilities or structures, who will conduct specified third-party reviews, inspections, and verifications in accordance with this part. Coastline means the same as the term ``coast line'' in section 2 of the Submerged Lands Act (43 U.S.C. 1301(c)). Commercial activities mean, for renewable energy leases and grants, all activities associated with the generation, storage, or transmission of electricity or other energy product from a renewable energy project on the OCS, and for which such electricity or other energy product is intended for distribution, sale, or other commercial use, except for electricity or other energy product distributed or sold pursuant to technology-testing activities on a limited lease. This term also includes activities associated with all stages of development, including initial site characterization and assessment, facility construction, and project decommissioning. Commercial lease means a lease issued under this part that specifies the terms and conditions under which a person can conduct commercial activities. Commercial operations mean the generation of electricity or other energy product for commercial use, sale, or distribution on a commercial lease. Decommissioning means removing MMS-approved facilities and returning the site of the lease or grant to a condition that meets the requirements under subpart I of this part. Director means the Director of MMS of the U.S. Department of the Interior, or an official authorized to act on the Director's behalf. Distance means the minimum great circle distance. Eligible State means a coastal State having a coastline (measured from the nearest point) no more than 15 miles from the geographic center of a qualified project area. Facility means an installation that is permanently or temporarily attached to the seabed of the OCS. Facilities include any structures; devices; appurtenances; gathering, transmission, and distribution cables; pipelines; and permanently moored vessels. Any group of OCS installations interconnected with walkways, or any group of installations that includes a central or primary installation with one or more satellite or secondary installations, is a single facility. The MMS may decide that the complexity of the installations justifies their classification as separate facilities. Geographic center of a project means the centroid (geometric center point) of a qualified project area. The centroid represents the point that is the weighted average of coordinates of the same dimension within the mapping system, with the weights determined by the density function of the system. For example, in the case of a project area shaped as a rectangle or other parallelogram, the geographic center would be that point where lines between opposing corners intersect. The geographic center of a project could be outside the project area itself if that area is irregularly shaped. Governor means the Governor of a State or the person or entity lawfully designated by or under State law to exercise the powers granted to a Governor. Grant means a right-of-way, right-of-use and easement, or alternate use right-of-use and easement issued under the provisions of this part. Human environment means the physical, social, and economic components, conditions, and factors that interactively determine the state, condition, and quality of living conditions, employment, and health of those affected, directly or indirectly, by activities occurring on the OCS. Income, unless clearly specified to the contrary, refers to the money received by the project owner or holder of the lease or grant issued under this part. The term does not mean that project receipts exceed project expenses. Lease means an agreement authorizing the use of a designated portion of the OCS for activities allowed under this part. The term also means the area covered by that agreement, when the context requires. Lessee means the holder of a lease, an MMS-approved assignee, and, when describing the conduct required of parties engaged in activities on the lease, it also refers to the operator and all persons authorized by the holder of the lease or operator to conduct activities on the lease. Limited lease means a lease issued under this part that specifies the terms and conditions under which a person [[Page 19816]] may conduct activities on the OCS that support the production of energy, but do not result in the production of electricity or other energy product for sale, distribution, or other commercial use exceeding a limit specified in the lease. Marine environment means the physical, atmospheric, and biological components, conditions, and factors that interactively determine the productivity, state, condition, and quality of the marine ecosystem. These include the waters of the high seas, the contiguous zone, transitional and intertidal areas, salt marshes, and wetlands within the coastal zone and on the OCS. Miles mean nautical miles, as opposed to statute miles. MMS means the Minerals Management Service of the Department of the Interior. Natural resources include, without limiting the generality thereof, renewable energy, oil, gas, and all other minerals (as defined in section 2(q) of the OCS Lands Act), and marine animal and marine plant life. Operator means the individual, corporation, or association having control or management of activities on the lease or grant under this part. The operator may be a lessee, grant holder, or a contractor designated by the lessee or holder of a grant under this part. Outer Continental Shelf (OCS) means all submerged lands lying seaward and outside of the area of lands beneath navigable waters, as defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301), whose subsoil and seabed appertain to the United States and are subject to its jurisdiction and control. Person means, in addition to a natural person, an association (including partnerships and joint ventures); a Federal agency; a State; a political subdivision of a State; a Native American tribal government; or a private, public, or municipal corporation. Project, for the purposes of defining the source of revenues to be shared, means a lease ROW, RUE, or Alternate Use RUE on which the activities authorized under this part are conducted on the OCS. The term ``project'' may be used elsewhere in this rule to refer to these same authorized activities, the facilities used to conduct these activities, or to the geographic area of the project, i.e., the project area. Project area means the geographic surface leased, or granted, for the purpose of a specific project. If OCS acreage is granted for a project under some form of agreement other than a lease (i.e., a ROW, RUE, or Alternate Use RUE issued under this part), the Federal acreage granted would be considered the project area. To avoid distortions in the calculation of the geometric center of the project area, project easements issued under this part are not considered part of the qualified project's area. Project easement means an easement to which, upon approval of your Construction and Operations Plan (COP) or General Activities Plan (GAP), you are entitled as part of the lease for the purpose of installing, gathering, transmission, and distribution cables, pipelines, and appurtenances on the OCS as necessary for the full enjoyment of the lease. Renewable Energy means energy resources other than oil and gas and minerals as defined in 30 CFR part 280. Such resources include, but are not limited to, wind, solar, and ocean waves, tides, and current. Revenues mean bonuses, rents, operating fees, and similar payments made in connection with a project or project area. It does not include administrative fees such as those assessed for cost recovery, civil penalties, and forfeiture of financial assurance. Right-of-use and easement (RUE) grant means an easement issued by MMS under this part that authorizes use of a designated portion of the OCS to support activities on a lease or other use authorization for renewable energy activities. The term also means the area covered by the authorization.

#### Grants are financial incentives.

**DSIRE No Date** [Database of State Incentives for Renewables and Efficiency, pg. <http://www.dsireusa.org/glossary/>

DSIRE organizes incentives and policies that promote renewable energy and energy efficiency into two general categories -- (1) Financial Incentives and (2) Rules, Regulations & Policies -- and roughly 30 specific types of incentives and policies. This glossary provides a description of each specific incentive and policy type.

[FINANCIAL INCENTIVES (click to expand section)](javascript:void(0))

[[how](javascript:void(0)) Corporate Tax Incentives](javascript:void(0))

[[how](javascript:void(0)) Grant Programs](javascript:void(0))

[[how](javascript:void(0)) Green Building Incentives](javascript:void(0))

[[how](javascript:void(0)) Industry Recruitment/Support](javascript:void(0))

[[how](javascript:void(0)) Loan Programs](javascript:void(0))

[[how](javascript:void(0)) PACE Financing](javascript:void(0))

[[how](javascript:void(0)) Performance-Based Incentives](javascript:void(0))

[[how](javascript:void(0)) Personal Tax Incentives](javascript:void(0))

[[how](javascript:void(0)) Property Tax Incentives](javascript:void(0))

[[how](javascript:void(0)) Rebate Programs](javascript:void(0))

[[how](javascript:void(0)) Sales Tax Incentives](javascript:void(0))

**Interpretation---restrict means to limit through conditions.**

**Cambridge Dictionary 9** (Cambridge Dictionary of American English, *Restrict – Definition*, http://dictionary.cambridge.org/define.asp?key=restrict\*1+0&dict=A)

Restrict

Verb [T]

To limit (an intended action) esp. by setting the conditions under which it is allowed to happen

The state legislature voted to restrict development in the area.

Efforts are under way to further restrict cigarette advertising.

**Restrictions on production are statutes that make production more difficult and expensive.**

**LVM 96** (Ludwig Von Mises Institute, Original Book by Ludwig Von Mises, Austrian Economist in 1940. Evidence is cut from fourth edition copyright Bettina B. Greaves, *Human Action*, http://mises.org/pdf/humanaction/pdf/ha\_29.pdf)

**Restriction of production** means that the government either forbids or makes more difficult or more expensive the **production**, transportation, or distribution of definite articles, or the application of definite modes of production, transportation, or distribution. The authority thus eliminates some of the means available for the satisfaction of human wants. The effect of its interference is that people are prevented from using their knowledge and abilities, their labor and their material means of production in the way in which they would earn the highest returns and satisfy their needs as much as possible. Such interference makes people poorer and less satisfied.

This is the crux of the matter. All the subtlety and hair-splitting wasted in the effort to invalidate this fundamental thesis are vain. On the unhampered market there prevails an irresistible tendency to employ every factor of production for the best possible satisfaction of the most urgent needs of the consumers. If the government interferes with this process, it can only impair satisfaction; it can never improve it.

The correctness of this thesis has been proved in an excellent and irrefutable manner with regard to the historically most important class of government interference with production, the barriers to international trade. In this field the teaching of the classical economists, especially those of Ricardo, are final and settle the issue forever. All that a tariff can achieve is to divert production from those locations in which the output per unit of input is higher to locations in which it is lower. It does not increase production; it curtails it.

**Substantially means nearly all.**   
**SSAS 12** (Social Security Advisory Service, *Summary of the Social Security Rulings*, http://www.ssas.com/rulings/summary-of-social-security-rulings/)

83-10 Definition of Terms – Grids – Sedentary Requires Hands and Fingers

This is a detailed explanation of the terms used within these grids. It sets the stage for later rulings (infra) discussing the grids in particular types of cases. It contains an important Glossary defining terms from the regulations and the rulings, such as “full range” and “substantially all,” which means **nearly all** (essentially all) of the activities required in an exertional range of work. Some new information on the requirements of work at each exertional level is provided: “Most unskilled sedentary jobs require good use of the hands and fingers for repetitive hand-finger action.”

#### It's the core of the topic.

**Federal Register 09** [“Renewable Energy and Alternate Uses of Existing Facilities on the Outer Continental Shelf; Final Rule,” 30 CFR Parts 250, 285, and 290, Volume 74, Number 81 (Wednesday, April 29, 2009), pg. http://www.gpo.gov/fdsys/pkg/FR-2009-04-29/html/E9-9462.htm]

The MMS developed these regulations to provide a regulatory framework for leasing and managing OCS renewable energy project activities and authorizing activities that involve the alternate use of OCS Lands Act-permitted facilities. These regulations are also intended to encourage orderly, safe, and environmentally responsible development of renewable energy sources on the OCS. The MMS expects that renewable energy projects in the near term will involve the production of electricity from wind, wave, and ocean current. In the future, other types of renewable energy projects may be pursued on the OCS, including solar energy and hydrogen production projects. These regulations were developed to allow for a broad spectrum of renewable energy development, without specific requirements for each type of energy production.

Following the publication of these regulations, MMS will publish a guidance document to support the regulations. This guidance document will provide more details on the program and will describe the type of information that we are looking for in various plan submittals. As we gain experience with renewable energy development on the OCS, we will update our regulations to include energy-resource-specific provisions and incorporate by reference appropriate documents.

This final rule (30 CFR part 285) applies to all aspects of the Alternative Energy and Alternate Use Program except for the procedures applying to appeals of MMS decisions or orders, which are covered in 30 CFR part 290, subpart A. The MMS is revising Sec. 290.2 to clarify our decisions on bids under this program that are exempt from the appeals process at 30 CFR part 290 and are covered under Sec. 285.118(c). This section describes the procedures for a bidder whose high bid was rejected to apply for reconsideration by the Director of MMS (Director) for renewable energy leases, ROW grants, RUE grants, or Alternate Use RUE.

**No ground loss --- restrictions must alter energy production.**

**FTIS 89** (Foreign Trade Information System, *Canada: Import Restrictions On Ice Cream and Yogurt*, Report of the Panel adopted at the Forty-fifth Session, Contracting Priorities, L/6568 - 36S/68, http://www.sice.oas.org/dispute/gatt/88icecrm.asp)

25. Canada maintained that it effectively managed the supply of all domestically produced milk, through the provincial controls on fluid milk and the joint federal provincial market share quota system for industrial milk. It was an agreed interpretation of the General Agreement that "in interpreting the term "restrict" for the purposes of paragraph 2(c), **the essential point** was that the measures of domestic restrictions effectively keep output **below the level** which it would have attained in the absence of restrictions" (Havana reports, page 89). The Canadian programs restricted production to a level less than would be the case without the governmental controls. Farmers' participation in the supply management programmes was mandatory. Production quotas were ultimately established at the individual farm level, and the imposition of severe financial disincentives for overproduction assured the effectiveness of the system. The level of return received by producers for over-quota industrial milk was lower than the cash cost of production. The over-quota levy thus effectively restricted production above the quantitative level established by the quotas. Over the last decade there had been under-production of milk in some years, and over production in others. In the most recent six years, over-quota production of milk averaged only one per cent of total milk production. While it could not be directly demonstrated that production would be higher in the absence of the programmes, there was considerable indirect evidence that it would be. Each province fully utilized its Market Share Quota (MSQ) and applications for increased MSQs indicated that farmers had the capacity and willingness to produce more milk at the current prices if not restricted by the over-quota levy. Canada further cited recent econometric analyses, which indicated that milk production would be 31 to 39 per cent higher in the absence of restrictions.

### 2AC—China DA

**Chinese clean tech leadership is inevitable --- their Denlinger evidence talks about solar, geothermal, and rare earth metals.**

**Double bind --- either the status quo extension of the PTC triggers the link (or) the plan does not either.**

**Evans 1/2**/13 (Piers Grimley, Contributing Editor Wind sector welcomes US tax break extension http://www.powerengineeringint.com/articles/2013/wind-sector-gives-us-tax-deal-a-mixed-welcome.html

A reprieve for a wind power tax break by the US Congress has raised the sector's outlook for 2013 while failing to clear uncertainty over long-term support.

By extending the Production Tax Credit (PTC), which pays wind farm owners 2.2 US cents/kWh, US lawmakers triggered a surge in wind power company shares, but industry figures stressed the continuing inconsistency of US policy.

Although the PTC's continuation brightens wind power’s outlook, the industry in the US has already scaled down in expectation the tax break would end, Dr Gordon Edge, director of policy at RenewableUK, a trade association for wind and marine energy, told PEi.

“It [the PTC extension] will boost global confidence in the sector, with shares in key players such as Vestas and Gamesa already surging upwards," he said.

"It’s also a salutary lesson in the dangers of stop-go politics, with some workers in the US being laid off while uncertainty was allowed to persist, until policy was finally resolved."

"Long-term clarity" on the financial framework will be similarly "crucial" for the UK as it finalises its far-reaching Electricity Market Reform, he added.

Vestas, whose shares jumped 13 per cent with the announcement, also tempered its welcome with regret at stop-start policies.

Michael Zarin, the turbine maker’s director for Global Media and External Relations, told PEi that the impact of extending the PTC for a year was unclear.

“There is uncertainty over how big an effect it will have,” he said

“It is unquestionably a good thing but it does come late and we do expect a significant reduction in firm orders in 2013 compared with previous years.”

Vestas has not raised its forecasts for 2013, already reduced in anticipation of the PTC’s expiry, he added.

“We still expect to deliver about 5 GW this year and to employ about 16,000 people by the end of 2013,” he told PEi.

Yet Roberta Gamble, Energy & Power Systems research director for Frost & Sullivan, told PEi that a failure to extend the PTC could have had "devastating" implications.

"The wind market would not have disappeared completely had the PTC lapsed since many states have Renewable Portfolio Standards (RFP) that require a portion of energy coming from renewable sources by 2020 or 2025, which are still short of being met. However, it would have had a devastating effect on the industry."

In past years when the PTC was not extended, new wind installations and projects have fallen precipitously, she added.

"What was even more significant this time, as compared to previous times such as 2001 and 2003, was the fear that if the PTC lapsed at the end of 2012, it would not be renewed again as it had in past years," she said.

"I believe this gives the industry more confidence in continued support of the wind industry from the federal government, which it needs to sustain market growth."

**Offshore wind is not key --- still lead in onshore wind.**

**The Chinese wind industry is unsustainable.**

**Wanga 12** (Zhongying – Energy Research Institute of the National Development and Reform Commission (NDRC), PR China, Haiyan Qinb – China General Certification Center (CGC), PR China, Joanna I. Lewisc – Edmund A. Walsh School of Foreign Service, Georgetown University – United States, China's wind power industry: Policy support, technological achievements, and emerging challenges, Energy Policy, Volume 51, December 2012, Pages 80–88)

3. Obstacles to continued success

While China's wind power achievements are certainly remarkable, several challenges to its sustained growth have emerged. The electric grid has become perhaps the biggest obstacle to the growth of the Chinese wind power industry due to transmission and integration challenges. In addition, the innovative capacity of Chinese wind turbine manufacturers is likely inadequate to continue to sustain the industry. While systemic technical challenges in the form of possible equipment failures have yet to emerge, there are some signs that this could a hidden challenge for the industry. Finally, the shortage of human resources in the wind power industry is becoming evident and poses a long-term threat to the sustainability of the industry.

3.1. Grid barriers

Although several regions in China have rich wind power resources conducive to becoming sites for gigawatt-scale wind farms, they are primarily located far from electricity load centers. The geographical discrepancy between the location of wind resources and electricity demand makes **transmission** crucial to wind power development. For example, two of the wind power bases located in Taonan and Qian'an in the Tongyu area of Jilin Province have excellent wind potential, but since no large cities nearby there are no major transmission lines in the area. The nearest 220 kV line is 150 km away, and the nearest cities are around 300 km away. Several of the other large wind power bases face similar situations, including Chifeng in Inner Mongolia, Zhangbei in Hebei Province, and Anxi of Yumen in the Hexi corridor. While other energy resources in China are similarly located far from population demand, the geographic distribution of coal or hydropower resources, for example, are still distinct from that of wind resources, so transmission lines specifically to connect wind power facilities are frequently needed.

Once wind farms have been connected to the electric grid, additional challenges result when the wind electricity must be integrated into the grid. Many wind farms in China are being curtailed due to challenges in maintaining **grid stability** with other sources of electricity generation. China faces unique challenges in this area due to its reliance on coal generation facilities that generally have long ramp-up times and therefore provide **little flexibility** to grid operators in balancing the intermittent nature of wind power. Grid integration challenges will likely be further exacerbated as the seven 10-gigawatt (GW) wind power bases are developed over the next few years.

3.2. Policy and regulatory issues

The Renewable Energy Law and its associated measures have established a framework for the large-scale development of wind power in China. While many of the core policies have only been in place for a short time, several deficiencies are already becoming clear. In some cases, policies have unintended consequences which do not become clear until after they are implemented.

An example of a policy that resulted in both positive and negative consequences for the wind industry was the decision to change the way that value-added tax (VAT) is levied on wind power. In January 1, 2009, China introduced a “Consumption Type VAT” regime in which input VAT was to be included in the purchase price of fixed assets and could be credited against output VAT when calculating VAT payable. The VAT reform also eliminated the problem of “double taxation” on fixed assets, reducing the overall taxes on fixed assets investment (Lu and Chen, 2008). This change reduced the tax burden placed on wind power developers, and as a result likely contributed to increased investment in wind power.

A less positive, perhaps unintended outcome from the shift has been the reduction of the direct benefit that local governments gain from hosting wind projects. As a result, local governments have turned to other means of reaping direct benefits from wind farm development in their regions, including by encouraging local manufacturing. While local manufacturing can certainly be beneficial to a region, in some cases it has become a bargaining tool that local officials use in approving wind projects. As a result, **excess manufacturing** facilities have been reported around the country in order to meet local manufacturing requirements even when they make little economic sense. Local content policies have also been increasingly subject to international scrutiny under **WTO disputes**.

3.3. Limited innovation

China's wind turbine manufacturers have made great strides in developing advanced wind power technology. Some challenges remain, however, in raising the technological level of Chinese wind turbines to that of the global leaders. While the number of Chinese firms capable of conducting independent innovation without relying on foreign designs and intellectual property is increasing, as illustrated in Fig. 4, there are still reliably few firms in the Chinese wind industry capable of sophisticated, world-class **innovation**. In addition, **quality control** remains a concern, and there are many opportunities for improving quality control across the supply chain. Finally, there remains a lack of transparency in evaluating performance data from many Chinese turbine designs due the need for additional third-party certification and testing.

3.4. Technical flaws

China has experienced dramatic wind power deployment in a relatively short timeframe. Few turbine designs have been indigenously developed for local conditions, with many firms relying on foreign designs originally demonstrated in other countries and potentially other wind and environmental conditions. Although there have not been reports of systemic wind equipment failures in China to date, rumors of problems with key components are increasingly widespread. Blades, gearboxes, generators, converters and pitch control systems have broken down, or in some cases have experienced dangerous failures.

Systemic technology failures have been very common in the wind power industry, particularly in the early stages of wind power technology development. An estimated 21,581 wind turbines were installed in China through the year 2009, and another 10,000 wind turbines will likely be installed in the next 5–10 years. A high profile technology failure in China would be very costly for an individual firm, and by association it could be devastating for the entire Chinese wind industry.

### 2AC—Politics DA

**Hagle cannot solve McDonald and Parent.**

**Confirmation not happening**

**CNN 1 – 7 – 13** Hagel vows to fight 'distortions' as battle lines drawn over Obama defense pick, <http://www.cnn.com/2013/01/07/politics/hagel-defense/?hpt=hp_t1>

Obama said Senate confirmation of the former Nebraska senator would be "historic."

But for Hagel, a Republican, the road from nomination to confirmation is **packed with obstacles** -- political landmines that could derail the effort.

Until Obama's announcement confirming weeks of speculation over his nomination, Hagel told the Lincoln Journal Star newspaper in his home state of Nebraska that he had been "hanging out there in no-man's land unable to respond to charges, falsehoods and distortions" about his record.

Now, he said, he has "an opportunity to set the record straight."

'The leader our troops deserve'

"Chuck Hagel is the leader that our troops deserve," the president said, calling him a "patriot" who fought alongside his brother in Vietnam -- and each saved the other. Hagel still "bears the scars" from the battles "he fought in our name," Obama said.

"He understands that sending young Americans to fight and bleed in the dirt and mud is something that we only do when it's absolutely necessary."

Hagel, 66, said in return that he was "honored by your trust and confidence in me and not unmindful of the immense responsibilities that go with it."

Praising troops who serve with "such dignity and selflessness," Hagel expressed support for military families as well, specifically those "who have sacrificed so much over more than a decade of war" in Afghanistan.

He vowed to work to "strengthen our country's alliances and advance global freedom, decency and humanity" in the effort to "build a better world for all mankind."

The next defense chief will oversee the winding down of the war in Afghanistan and proposals to cut the military budget as well as manage other changes to address national security challenges. Along with Hagel on Monday, Obama nominated John Brennan to head the CIA.

Noting that Hagel is a Republican, Obama, a Democrat, said the selection "represents the bipartisan tradition that we need more of in Washington."

But much of the GOP establishment begged to differ.

"He has long severed his ties with the Republican Party," Sen. Lindsey Graham, R-South Carolina, said Sunday. Graham called the selection "an in-your-face nomination by the president to all of us who are supportive of Israel."

Questions over Hagel's support of Israel are just one of the controversies swirling around him. Numerous concerns could lay the groundwork for sparks at Senate confirmation hearings.

"Let's just say if Chuck Hagel is nominated," CNN Chief Political Correspondent Candy Crowley said Sunday, "set your TiVo for the hearings."

Sen. Carl Levin, who will chair those hearings as head of the Armed Services Committee, praised Hagel's qualifications and said the panel would give "prompt and careful" consideration to his nomination.

Some flashpoints that his critics point to are the same ones that his vocal supporters like.

Hagel has said he favored U.S. negotiations with Iran and opposed increased sanctions. He has supported Israel entering negotiations with Hamas, though also insisted Hamas end terrorism and accept Israel's right to exist.

And he has criticized U.S. policy on Afghanistan, including a 2009 "surge" of 30,000 additional troops. If he becomes defense secretary, Hagel will face the challenge of ending that U.S.-led war and overseeing a smaller training force in the country.

But the controversies surrounding Hagel aren't just about his policy positions. They're also about his views.

Some are bothered by a comment he made in 1998 about an ambassadorial candidate being "aggressively gay" -- which he recently apologized for. And in a 2007 interview, he said a "Jewish lobby intimidated lawmakers" -- sparking heated criticism. A rabbi in Hagel's home state insists he is "a friend of Israel."

Graham told CNN he believes that if confirmed, Hagel "would be the most antagonistic secretary of defense towards the state of Israel in our nation's history."

Sen. Chris Murphy, a freshman Democrat from Connecticut, said that he believes "Republicans are spoiling for a fight."

The rhetoric over Hagel on both sides is ratcheting up.

Past controversies have led presidents to pull some nominations. But the bumpy road ahead is unlikely to faze Hagel.

**No agenda**

**AP 12/26** [Charles Babington, Obama Agenda Provides Long Work List To Tackle When He Returns, <http://www.timesleaderonline.com/page/content.detail/id/543590/Obama-has-lengthy-work-list-to-tackle.html?nav=5010>]

Even with a full plate of challenges and a hostile party controlling the House, she said, "I think Obama absolutely has to go big on immigration."

The White House has declined to detail the president's plans for a second-term agenda. Once the deficit-spending problems known as the "fiscal cliff" are addressed, said White House spokeswoman Jamie Smith, "President Obama looks forward to working on a number of issues that are critical to our future, from immigration to energy, to education and national security direction."

**Now thumpers**

**-Energy.**

**Weber 1/1** Fox News Analyst [Joseph Weber, Guns, immigration, fiscal issues emerge as top priorities for Obama, new Congress, http://www.foxnews.com/politics/2013/01/01/gun-control-immigration-reform-fiscal-issues-emerge-as-top-issues-for-new/]

The president on Sunday said energy issues are also on his high-priority list, specifically how the country can produce more energy in environmentally conscious ways, and mentioned 15 times in an interview with NBC News the need for further deficit reduction.

Congressional leaders appeared reluctant over the lame duck session to say what will be their top priorities.

A spokesman for House Majority Leader Eric Cantor, whose office plays a major role in setting the agenda, said lawmakers were focused on solving the fiscal crisis.

**-Budget fights.**

**LA Times 12/31** Obama wins 'fiscal cliff' victory, but at high cost, <http://www.latimes.com/news/nationworld/nation/la-na-fiscal-cliff-analysis-20130101,0,6417926.story?fb_ref=fb_widget>

The announcement Monday night of Senate agreement on a compromise to avert part of the "fiscal cliff" meant that for the first time in two decades, Republicans in Congress were preparing to vote in favor of a bill that raised taxes, an extraordinary concession to the nation's fiscal woes and the president's reelection.

But Obama's victory fell short of what he had campaigned for, and came at a high cost. Even if the House later Tuesday or Wednesday musters the votes to approve the bill that the Senate was to vote on in the wee hours of Tuesday morning, the terms of this compromise guarantee another pitched battle over spending and taxes within months.

Whether the agreement announced Monday evening turns out to be truly a victory for Obama or a lost opportunity, as many of his liberal critics feared, will depend heavily on how that next battle turns out.

The agreement to freeze income tax rates for most Americans while allowing them to rise for the wealthiest dealt only with the most pressing elements of the fiscal storm Congress and the president created last year. A newly elected Congress will begin work in a few days and **immediately will need to start negotiating yet another deal.** That next fight will be aimed at further reducing the long-term deficit and raising the debt ceiling before the government runs out of money to pay its bills — a deadline that will hit sometime in late February or March.

The persistent battle over spending, which already has consumed Washington for two years, threatens to block Obama's other major legislative priorities, including immigration reform and gun control.

**-Gun control.**

**Nye 12/31** [JAMES NYE and MIKE JACCARINO, Daily Mail, http://www.dailymail.co.uk/news/article-2254868/Obama-Gun-control-President-opens-Meet-Press-Newtown-massacre.html?ito=feeds-newsxml]

Obama book ended his revelation with **vows to put his 'full weight' behind the push for new gun control legislation** aimed at avoiding another massacre of the like that robbed 20 first graders' - and six adults - of the their lives at Sandy Hook Elementary School in Newtown, Connecticut on Dec. 14.

'It is not enough for us to say, 'This is too hard so we're not going to try,' Obama said. 'So what I intend to do is I will call all the stakeholders together. I will meet with Republicans. I will meet with Democrats. I will talk to anybody.'

When Gregory expressed skepticism he could galvanize Americans on the the issue of gun control, Obama referenced an iconic Oval Office predecessor who also confronted entrenched and accepted traditions that many felt had to change in the interest of the public good.

'This is not going to be simply a matter of me spending political capital,' Obama said. 'One of the things you learn, having now been in this office for four years, is the old adage of Abraham Lincoln's. That with public opinion there's nothing you can't do and without public opinion there's very little you can get done in this town.

'So I'm going to be putting forward a package and I'm going to be putting my full weight behind it. And I'm going to be making an argument to the American people about why this is important and why we have to do everything we can to make sure that something like what happened at Sandy Hook Elementary does not happen again.'

Obama's comments come as the schoolroom shooting has elevated the issue of gun violence to the forefront of public attention.

Authorities say the shooter, Adam Lanza, killed himself and also killed his mother at their home.

The slayings have prompted renewed calls for greater gun controls. The National Rifle Association has resisted those efforts vociferously, arguing instead that schools should have armed guards for protection.

'I am skeptical that the only answer is putting more guns in schools,' Obama said. 'And I think the vast majority of the American people are skeptical that that somehow is going to solve our problem.'

Obama said he intended to press the issue with the public.

**'Will there be resistance? Absolutely there will be resistance,**' he said.

**No PC.**

**Gillespie 1/2** Editor in chief of Reason.com and Reason TV [Nick Gillespie, Fiscal Cliff Deal Raises Taxes, Delays Sequestration...And Will Cut Spending!, <http://reason.com/blog/2013/01/02/fiscal-cliff-deal-raises-taxes-delays-se>]

Obama got his bump up during his first year or so in office. Part of it was due to George W. Bush greasing the skids by bailing out the big banks and GM and Chrysler, part of it due to Obama's decisive win over John McCain. But even his re-election **hasn't given him political capital** to spend after a first term spent pushing through a still-unpopular health-care plan that's gonna be a total bear to implement over the next couple of years. And **everyone knows he's got no second-term agenda** (if he had, we would have heard about it sometime during last year's campaign, wouldn't we have?).

Anything can happen of course. You can't underestimate the lack of vision and leadership represented by Mitch McConnell and John Boehner and Harry Reid. But we can now estimate what federal tax rates are gonna be for the next several years, so we know

**Winners win.**

**Hunter 10** [Daily Kos Contributing Editor, *Political death by a thousand cuts*, http://www.dailykos.com/storyonly/2010/11/17/921164/-Political-death-by-a-thousand-cuts]

It may be a petty, minor thing, but this is getting to the point where Obama is looking weak in many, many separate situations, and it's becoming a car wreck for the White House. Having him doing public post-election soul searching; having him give repeated noises in the press about preemptively caving on whatever it is the GOP might be asking for: it's a messaging/political disaster. He took a stout midterm loss and turned it into his own midterm disaster. At some point someone in this White House has to start figuring out that, screw actual policy, they're getting their asses kicked purely on the PR front, and Obama's not going to get reelected if he looks like a quivering pushover. We know from the healthcare fiasco that there's a bunch of folks in this White House who care more about protecting Obama's image than actually getting useful stuff done: well, image-hoarders, now might be the perfect time to pay attention to what the nice news channels are telling you. Instead, this is rapidly becoming another perfect example of being so miserly with your "limited" political capital that you end up losing all of it. Obama is keeping his powder so dry that he's losing battles without firing a shot. Long story short, if McConnell or Boehner can't find time to meet at the president's convenience, Obama should just call off the meeting and be done with it. When you're President of the United States you shouldn't be losing pissant little power plays.

**Vote no --- debate is the debate in congress --- costs capital to vote against it.**

**PC theory is wrong.**

**Dickinson 9** [Matthew, Professor of Political Science at Middlebury College, Previously Taught at Harvard University under the supervision of Presidential Scholar Richard Neustadt, *Presidential Power: A NonPartisan Analysis of Presidential Politics*, May 26th, http://blogs.middlebury.edu/presidentialpower/2009/05/26/sotamayor-obama-and-presidential-power/]

As for Sotomayor, from here the path toward almost certain confirmation goes as follows: the Senate Judiciary Committee is slated to hold hearings sometime this summer (this involves both written depositions and of course open hearings), which should lead to formal Senate approval before Congress adjourns for its summer recess in early August. So Sotomayor will likely take her seat in time for the start of the new Court session on October 5. (I talk briefly about the likely politics of the nomination process below). What is of more interest to me, however, is what her selection reveals about the basis of presidential power. Political scientists, like baseball writers evaluating hitters, have devised numerous means of measuring a president’s influence in Congress. I will devote a separate post to discussing these, but in brief, they often center on the creation of legislative “box scores” designed to measure how many times a president’s preferred piece of legislation, or nominee to the executive branch or the courts, is approved by Congress. That is, how many pieces of legislation that the president supports actually pass Congress? How often do members of Congress vote with the president’s preferences? How often is a president’s policy position supported by roll call outcomes? These measures, however, are a **misleading** gauge of presidential power – they are a better indicator of congressional power. This is because how members of Congress vote on a nominee or legislative item is rarely influenced by anything a president does. Although journalists (and political scientists) often focus on the legislative “endgame” to gauge presidential influence – will the President swing enough votes to get his preferred legislation enacted? – this mistakes an **outcome** with actual **evidence** of presidential influence. Once we **control** for other factors – a member of Congress’ ideological and partisan leanings, the political leanings of her constituency, whether she’s up for reelection or not – we can usually predict how she will vote without needing to know much of anything about what the president wants. (I am ignoring the importance of a president’s veto power for the moment.) Despite the much publicized and celebrated instances of presidential arm-twisting during the legislative endgame, then, most legislative outcomes don’t depend on presidential lobbying. But this is not to say that presidents lack influence. Instead, the primary means by which presidents influence what Congress does is through their ability to determine the alternatives from which Congress must choose. That is, presidential power is largely an exercise in agenda setting – **not arm-twisting**. And we see this in the Sotomayer nomination. Barring a major scandal, she will almost certainly be confirmed to the Supreme Court whether Obama spends the confirmation hearings calling every Senator or instead spends the next few weeks ignoring the Senate debate in order to play Halo III on his Xbox. That is, how senators decide to vote on Sotomayor will have almost **nothing** to do with Obama’s lobbying from here on in (or lack thereof). His real influence has already occurred, in the decision to present Sotomayor as his nominee. If we want to measure Obama’s “power”, then, we need to know what his real preference was and why he chose Sotomayor. My guess – and it is only a guess – is that after conferring with leading Democrats and Republicans, he recognized the overriding practical political advantages accruing from choosing an Hispanic woman, with left-leaning credentials. We cannot know if this would have been his ideal choice based on judicial philosophy alone, but presidents are never free to act on their ideal preferences. Politics is the art of the possible. Whether Sotomayer is his first choice or not, however, her nomination is a reminder that the power of the presidency often resides in the president’s ability to dictate the alternatives from which Congress (or in this case the Senate) must choose. Although Republicans will undoubtedly attack Sotomayor for her judicial “activism” (citing in particular her decisions regarding promotion and affirmative action), her comments regarding the importance of gender and ethnicity in influencing her decisions, and her views regarding whether appellate courts “make” policy, they run the risk of alienating Hispanic voters – an increasingly influential voting bloc (to the extent that one can view Hispanics as a voting bloc!) I find it very hard to believe she will not be easily confirmed. In structuring the alternative before the Senate in this manner, then, Obama reveals an important aspect of presidential power that **cannot be measured** through legislative box scores. Of perhaps greater significance – not one of you predicted Sotomayor’s nomination, and thus no one is the recipient of an “It’s the Fundamentals, Stupid!” T-Shirt. I am deeply, deeply disappointed in all of you. If it were in my power, those diplomas that were handed out in the pouring rain would be rescinded. What kind of an education did you pay for? I’m shocked…SHOCKED!

**Intrinsicness --- DA is not a rational opportunity cost of the plan --- most reciprocal.**

**Obama is much more important.**

**Secretary of Defense doesn’t matter**

**WALT 12 – 26 – 12 The Robert and Renée Belfer professor of international relations at Harvard University** [Stephen M. Walt, What's at stake in the Hagel affair, <http://walt.foreignpolicy.com/posts/2012/12/26/whats_at_stake_in_the_hagel_affair>]

Second, let's not lose sight of what is at stake here. Contrary to what some suggest, the choice of SecDef isn't going to make any difference in U.S. policy toward Israel or the "peace process." Policy on those issues will be set by the White House and Congress, with AIPAC et al. breathing down both their necks. The Israeli government has no interest in a two-state solution, the Palestinians are too weak and divided to persuade Israel to rethink its present course, and the United States is incapable of mounting the sort of sustained pressure that might force both sides to compromise. Which means the two-state solution is dead, and it won't matter whether Hagel gets the nod or not. The $3-4 billion annual aid package won't be affected, and I'll bet the United States continues to wield its U.N. Security Council veto whenever it is asked.

This appointment could affect U.S. policy toward Iran, insofar as Hagel's been skeptical about the wisdom of using military force in the past. He's hardly a dove or an appeaser, of course; he just recognizes that military force may not be a very good way to deal with this problem. (Well, duh.) If Obama wants to pursue diplomacy instead of preventive war -- and he should -- the combination of Hagel at Defense and Kerry at State would give him two respected, articulate, and persuasive voices to help him make that case. But if Obama were to decide that force was a good idea, neither Kerry nor Hagel would stand in his way. So in terms of overall Middle East policy in the next couple of years, this appointment may matter less than most people think.

### AO—Phillipenes

#### Gulf of Mexico corral reefs contain unique compounds needed to fight mutating forms of HIV, TB and malaria. That’s our 1ac Ecorigs evidence.

#### Human survival is at risk.

**Fineberg 10** – Professor of Health Policy and Management @ Harvard University [HV Fineberg (President I@ nstitute of Medicine) & ME Wilson, “Emerging Infectious Diseases,” International Risk Governance Council, October 2010.

Emerging infectious diseases are one category of emerging risks that could have important¶ consequences for human populations – microbial predators are as threatening to human survival and¶ wellbeing as the macro-scale predators. The microbial world is defined by its tiny scale, invisible to¶ the naked eye, and embraces viruses, bacteria, archaea, fungi, prions, and protozoa, each analogous¶ to the more familiar macro-scale kingdoms of plants and animals. Although the evolutionary origin of viruses is uncertain (no fossil record), bacteria have been evolving for 4 billion years. The animal kingdom—including the recent arriviste, Homo sapiens, which first appeared about 50-100,000 years ago—has co-evolved with the microbial world from the outset of its existence.

#### Their takeouts will ignore the indirect fallout.

**East West Center 12** [“World Must Wake Up to Pandemic Disease Threat, expert urges,” January 25, 2012, pg. http://tinyurl.com/92o38z5

While the media has done lots of short-term reporting on the pandemic flu threat, it has largely failed to understand the larger, and quite terrifying, consequences of rapidly spreading disease, Osterholm said. For instance, an avian flu pandemic might directly claim a relatively limited number of lives, but the fallout from a pandemic could well be catastrophic.“

Just because these are small numbers, anyone who shrugs off the seriousness of this is a fool of history,” Osterholm said.

The fallout from a flu pandemic, he said, could include massive energy shortages around the world, a surge in other deadly infectious diseases, uncounted associated deaths due to shortage of medical supplies and treatment, and more.

The relatively fragile world health system could collapse, he said.

What drives the possibility of these catastrophic side-effects of a flu pandemic? It is in part, Osterholm said, because the world is vastly more interconnected today than it was during previous pandemics. What happens in one place will inevitably impact another.

In addition, he said, it is because the world economy has developed a “just-in time” approach to commodities, from medical supplies to food and energy, with the result that such resources are short and they can’t be easily moved around. “Energy, food, water, transportation, communications, equipment parts, security — all will be in short supply,” he said.

\* Dr. Michael T. Osterholm - Director of the Center for Infectious Disease Research and Policy at the University of Minnesota

## \*\*\* 1AR

### China wind collapse now

#### China wind collapsing now—their ev assumes the pre-2011 industry

Sally Blakewell, 1/4/13, China Windpower Sees ‘Significant’ Profit Drop on Sales, Output, www.bloomberg.com/news/2013-01-04/china-windpower-sees-significant-profit-drop-on-sales-output.html

China Windpower Group Ltd. (182) expects to post a “significant drop” in 2012 profit on waning growth in sales of stakes in projects and income from electricity output. It reported profit of HK$372 million ($48 million) in 2011. “The significant drop in net profit is mainly due to the decrease in the gain on disposal of interests in our investments in our wind power projects, and the decrease in the income from the electricity output generated by certain jointly controlled entities,” Hong Kong-based China Windpower said in a statement. Expansion of China’s wind industry slowed in 2011 after the government curbed approvals for farms to ease grid congestion. Installations probably slid 20 percent to 16.4 gigawatts last year, the first annual drop, Bloomberg New Energy Finance said. China Windpower, which also makes equipment, saw first-half profit drop 90 percent to HK$24.8 million as the growth in demand for electricity slowed and approvals became harder. The company expects to release its full-year earnings in March.

### Irrelevant

#### Secretary of Defense irrelevant –

GRAY & MILLER 1 – 6 – 13 [Rosie Gray and Zeke Miller (staff writers for BuzzFeed) January 6, 2013 “Obama Upends Iran Debate By Picking Chuck Hagel” <http://www.buzzfeed.com/rosiegray/obama-updends-iran-debate-by-picking-chuck-hagel>]

The fight, some foreign policy observers say, is primarily symbolic. Obama “is the most controlling and withholding foreign policy and national security president since Richard Nixon,” said Aaron David Miller, a former longtime Middle East diplomat. “It doesn’t really matter on the core issues of the day what John Kerry or Chuck Hagel think on any one issue.”

### A2 budget cuts

#### Hagel doesn’t impact military decisions

GOODSELL 1 – 6 – 13 [Paul Goodsell (staff writer for The World Herald) January 6, 2013 “Chuck Hagel's record suggests his approach to military, budget” <http://www.omaha.com/article/20130106/NEWS/701069941/1707>]

But Obama's expected choice wouldn't come with proven expertise in running the vast military bureaucracy at a time of budget cutbacks. Nor would Hagel, despite being a Republican, bring much bipartisan credibility to the Democratic administration's policies when he discusses them with Congress. “He's not likely to bring many Republicans along,” said Peter Feaver, a Duke University political scientist who was a national security adviser during the George W. Bush administration. “I think he will struggle more than his supporters in the pundit academic world understand.” Obama may nominate Hagel, 66, as defense secretary early this week, reports from Washington, D.C., indicate. Word of a possible nomination has triggered a month of harsh criticism of Hagel by some of his former GOP Senate colleagues as well as others, on both the right and the left. He also has strong support, including from a bipartisan group of former government officials, such as former National Security Advisers Brent Scowcroft and Zbigniew Brzezinski, as well as retired U.S. ambassadors, generals and admirals. “Senator Hagel is eminently qualified for the job,” one group of former generals and admirals wrote in an open letter. “He would bring a long-term strategic vision to the job and to the President's Cabinet.” Much of the public controversy about Hagel's nomination has centered on past comments that critics view as anti-Israel or anti-gay. Feaver said those issues are a sideshow to the real questions about whether Hagel would be a good secretary of defense — a job that involves not only military and budget matters but also foreign policy concerns. “The U.S. secretary of defense today is a high-stakes actor in international diplomacy,” said Ryan Crocker, a former U.S. ambassador to Lebanon, Kuwait, Syria, Pakistan, Iraq and Afghanistan. Hagel, Crocker said in an open letter in the Wall Street Journal, is an experienced statesman who understands world challenges and would work well with Obama's nominee for secretary of state, Massachusetts Sen. John Kerry. Crocker said Hagel sees the advantages of a nuanced, strategically patient approach in dealing with the world, using both pressure and support to influence other countries. Feaver said Hagel's value to the Obama administration would be that he, like the president, favors a restrained approach to using military force. Hagel voted in favor of the Iraq War but later came to oppose it. In the current debate over Iran's development of nuclear weapons, Hagel has said he favors a negotiated solution rather than military intervention. “Hagel is largely in sync with Obama's world view and may be where Obama's heart is,” Feaver said. That's one thing Hagel's critics on the right don't like. They favor a more hawkish approach in dealing with Iran, and they were irritated by Hagel's willingness to criticize the Bush administration's policies, including his opposition to sending more troops to Iraq in 2007. Rich Lowry, editor of the National Review, sharply criticized Hagel in a Politico.com column last month, saying that his conflicting statements and votes on Iraq make him “either a gutless dove or a foolish hawk, or maybe a little of both.” Others, however, note that numerous members of Congress voted — often with some misgivings — to go to war in Iraq and later became critics of the war. In a recent Baltimore Sun column, former Army officer and CIA analyst Ray McGovern said Hagel is willing to speak out and resist those who are quick to go to war. “Chuck Hagel is his own man,” McGovern wrote. If he takes over the Defense Department, Hagel would have to deal with expected budget cuts as America winds down the war in Afghanistan. In September 2011, Hagel said the Pentagon had room to cut. “The Defense Department, I think in many ways, has been bloated,” he told the Financial Times. “So I think the Pentagon needs to be pared down. I don't think our military has really looked at themselves strategically, critically, in a long, long time.” Hagel would help the Obama administration develop a “strategic narrative” that would mesh the Pentagon budget with a less-interventionist — and thus less costly — approach, Feaver said. The administration's intention, he said, is to make any budget cuts reversible, allowing a quick buildup if a large military budget is needed to meet a new challenge. “But you need very deft budget and management skills to figure out what to cut and how much to cut,” Feaver said. Hagel doesn't have the same budget background as some other defense secretaries, including current Secretary Leon Panetta, who formerly headed the Office of Management and Budget. But Feaver suggested that Hagel's foreign policy strength could be balanced by naming a budget expert to the Pentagon's No. 2 position. If nominated and confirmed, Hagel would become the first former enlisted soldier to ever lead the Pentagon. Within the Pentagon, some say, Hagel's combat experience in Vietnam would earn him some respect and credibility in dealing with military officials. But they also note that he might face internal Pentagon opposition based on his foreign policy ideas or budget positions.

### 1ar - No Confirmation

#### CNN—can’t confirm—a lot of obstacles like his views over Israel—democrats who back Israel hate it

#### GOP can filibuster

CSM 1 – 7 – 13 <http://www.csmonitor.com/USA/Politics/2013/0107/Chuck-Hagel-why-Obama-is-using-political-capital-on-Pentagon-pick-video>

Some Senate Democrats have endorsed Hagel, and at least three Republican senators have come out against him, while others of both parties have expressed skepticism. [Democrats](http://www.csmonitor.com/tags/topic/U.S.+Democratic+Party) have a 55-45 majority in the Senate, but Republicans could decide to filibuster – which would require 60 votes to overcome. And there’s no guarantee that all the Democrats vote with the president.

#### That’s likely

NATIONAL JOURNAL 1 – 7 – 13 – lexis

But, two things could derail Hagel. First, his Israel comments have left so many Democrats unwilling to commit to supporting Hagel that you have to wonder if he could become undone. Second, Washington is now Filibuster Town. Anything that goes to the Senate is in danger of getting buried by the promiscuous, unprecedented use of the filibuster. It would have been inconceivable that Tower wouldn't come up for a vote. It's entirely possible Hagel's nomination would be blocked from a vote.  
Life is unpredictable and these things matter not just for Hagel but for us all. Robert Bork's defeat led, eventually, to the nomination of the titular swing vote, Anthony Kennedy. After Tower, Bush chose a conservative and well respected congressman to be secretary of defense, a job where he'd run the first Gulf War and then go on to bigger things. His name was Dick Cheney.

#### Both sides hate hagel

MSNBC 1 – 7 – 13 [Chuck Hagel: Why his secretary of defense confirmation is far from certain, <http://tv.msnbc.com/2013/01/07/chuck-hagel-why-his-secretary-of-defense-confirmation-is-far-from-certain/>]

In picking Chuck Hagel for Secretary of Defense, President Obama is also picking a big fight with the GOP.

The commander-in-chief is nominated former Republican Nebraska senator and Vietnam vet Monday afternoon, calling him the “leader our troops deserve.”

Unlike former Sen. John Kerry of Massachusetts, who is largely seen as a shoo-in for secretary of state, Hagel’s confirmation is far from certain—and judging from vocal GOP critics, we may be in for another Susan Rice-like slugfest.

Republicans have questioned the moderate GOPer’s dedication to Israel and his willingness to take a strong stance with Iran over nuclear weapons. They see a Hagel Pentagon as being particularly weak and dove-ish.

As for Israel, the White House has said Hagel’s stance has largely been misrepresented. And, in what was seen as a win for the 66-year-old, the National Jewish Democratic Council, which has been critical of Hagel, said Monday it would back his nomination.

“President Barack Obama’s unprecedented pro-Israel credentials are unquestionable, and setting policy starts and stops with the president,” the group said in a statement. “While we have expressed concerns in the past, we trust that when confirmed, former Senator Chuck Hagel will follow the president’s lead of providing unrivaled support for Israel—on strategic cooperation, missile defense programs, and leading the world against Iran’s nuclear program.”

A lot of the negative attention has zeroed in on Hagel’s reference in 2008 to the [Jewish lobby] that “intimidates a lot of people” in D.C., and adding “I’m a United States senator. I’m not an Israeli senator.” They also take issue with Hagel supporting direct talks with Syria and Iran, opposing unilateral sanctions against Iran and speaking against a surge in troops favored by then-President George Bush.

Republicans over the weekend immediately pounced on the idea that Hagel would replace outgoing Secretary of Defense Leon Panetta.

Texas Sen. John Cornyn said in a statement that he would not back Hagel’s nomination, insisting “his record and past statements, particularly with respect to rogue nations like Iran, are extremely concerning to me.”

Tea Party favorite Sen. Ted Cruz told Fox News Sunday that it’s “very difficult to imagine the circumstance in which I could support his confirmation.” And Republican Sen. Lindsey Graham called the pending nomination an “in your face” pick, saying Hagel “is out of the mainstream thinking of most issues regarding foreign policy.”

Hagel has also ruffled some feathers on the left, as critics point to Hagel in 1998 calling James Hormel, then President Bill Clinton’s pick for U.S. ambassador to Luxembourg “openly, aggressively gay.” Hagel recently apologized saying his remarks were “insensitive.”

#### Tough fight

CBS NEWS 1 – 7 – 12 [<http://www.cbsnews.com/8301-250_162-57562327/early-signs-point-to-rocky-road-for-hagel-confirmation-as-defense-secretary/>]

Early signs point to rocky road for Hagel confirmation as defense secretary

President Obama will announce former Sen. Chuck Hagel, R-Neb., today as his pick to succeed Defense Secretary Leon Panetta, Democratic sources in the defense community and in Congress tell CBS News - and lawmakers and policy groups on both sides of the aisle are already priming for a confirmation fight.

"I think there will be a lot of tough questions for Sen. Hagel," Senate Minority Leader Mitch McConnell, R-Ky., said Sunday on NBC's "Meet the Press," "but he will be treated fairly by Republicans in the Senate. I think he'll be subjected to the same kind of oversight hearings that any nominee for such an important position would expect."

McConnell said he's waiting out the hearing process and wouldn't commit to voting for or against a Hagel nomination, but said his "views with regard to Israel, for example, and Iran and all the other positions that he's taken over the years will be very much a matter of discussion in the confirmation process."

Indeed, Hagel's record on the Middle East and Israel in particular has attracted strong opposition, mostly from Republicans and the pro-Israel lobby. The Vietnam War veteran branded himself a maverick conservative during his two Senate terms, loudly criticizing the wars in Iraq and Afghanistan, calling for U.S. negotiations with the Palestinian organization Hamas, and voting against some Iran sanctions. After co-chairing Arizona Sen. John McCain's unsuccessful bid for the 2000 GOP presidential nomination, he turned around in 2008 and endorsed Mr. Obama.

#### No votes for Hagel

LA TIMES 12 – 30 – 12 Obama says no decision yet on Defense secretary, defends Hagel, <http://www.latimes.com/news/politics/la-pn-obama-defense-secretary-hagel-20121230,0,6005170.story>

WASHINGTON — President Obama said he has made no decision on a new Defense secretary but has seen nothing that would disqualify former Sen. Chuck Hagel, the onetime Nebraska Republican senator who has come under fire as his name has been floated in recent weeks.

“I've served with Chuck Hagel. I know him. He is a patriot,” Obama said on NBC’s "Meet the Press." “He is somebody who has done extraordinary work both in the United States Senate [and] somebody who served this country with valor in Vietnam. And is somebody who's currently serving on my intelligence advisory board and doing an outstanding job.

But Hagel would get very few Republican votes for confirmation, and some Democrats are skeptical as well, Sen. Lindsey Graham (R-S.C.) said on "Fox News Sunday."

“A lot of Republicans and Democrats are very concerned about Chuck Hagel’s position on Iran sanctions, his views toward Israel, Hamas and Hezbollah,” Graham said.