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#### Advantage 1 is Decentralization

**Federal preemption is the central issue of federalism – the plan stops decentralization**

YOUNG 08 Professor of Law, Duke Law School [Ernest A. Young, SYMPOSIUM: ORDERING STATE-FEDERAL RELATIONS THROUGH FEDERAL PREEMPTION DOCTRINE: EXECUTIVE PREEMPTION, Special Issue 2008, Northwestern University Law Review, 102 Nw. U.L. Rev. 869]

Preemption of state regulatory authority by national law is the central federalism issue of our time. Most analysis of this issue has focused on the preemptive effects of federal statutes. But as Justice White observed in INS v. Chadha, n1 "for some time, the sheer amount of law ... made by the [administrative] agencies has far outnumbered the lawmaking engaged in by Congress through the traditional process." n2 Whether one views this development as a "bloodless constitutional revolution" n3 or as a necessary "renovation" of the constitutional structure in response to the complexity of modern society, n4 the advent of the administrative state has profound implications for the Constitution's core commitments to federalism and separation of powers in general and for preemption doctrine in particular. Specifically, preemption doctrine has yet to resolve the extent to which executive action should be treated differently from legislation, or to grapple with the considerable range of diverse governmental activities that march under the banner of executive agency action.

Federal administrative action is, in important ways, considerably more threatening to state autonomy than legislation is. As the constitutional limits on national action fade into history, the primary remaining safeguards for state autonomy are political, stemming from the representation of the states in Congress, and procedural, arising from the sheer difficulty of navigating the federal legislative process. These safeguards have little purchase on executive action. The states have no direct role in the "composition and [\*870] selection" of federal administrative agencies, n5 and much of the point of such agencies is to be more efficient lawmakers than Congress. n6 Agency action thus evades both the political and the procedural safeguards of federalism.

**Federal preemption key**

EBERHARDT 06 B.A., 1998, Swarthmore (Biology); M.F.S., 2001, Harvard; J.D. Candidate, 2006, New York University School of Law. Senior Notes Editor, 2005-2006, New York University Environmental Law Journal [Robert W. Eberhardt, FEDERALISM AND THE SITING OF OFFSHORE WIND ENERGY FACILITIES, New York University Environmental Law Journal, 14 N.Y.U. Envtl. L.J. 374]

In addition to Congress, state governments have responded to the potential of offshore wind energy development, and these state actions set the stage for the premise of this Note: when designing the regulatory regime to weigh competing environmental values implicated by offshore wind energy projects, decisions must be made about how to divide regulatory authority between the federal government and the states. Recent state regulatory actions are particularly important for offshore wind energy because to transmit power to the electricity grid, facilities inevitably will include submarine transmission cables running to the mainland that pass through submerged lands subject to state control. n16 Furthermore, existing marine foundation technologies currently restrict development to relatively shallow locations near the coastline, raising the potential for states to exert influence over federal decisions to issue permits or property interests needed to develop facilities. n17 Examples of recent state regulatory actions include proposed legislation in Massachusetts that would dramatically restructure the regulatory regime for offshore areas under state control, and a New Jersey executive order that imposes a moratorium on state approval of offshore wind energy facilities and establishes an expert panel to make policy recommendations on how the State should regulate offshore wind energy. n18 In addition to regulatory initiatives, New York has taken a more direct role in project development through the Long Island Power [\*379] Authority's ("LIPA") support of the "Long Island Offshore Wind Park," a facility proposed for south of Jones Beach Island. LIPA did the initial technical work and public outreach to select a suitable location, solicited proposals from developers, and intends to purchase power from the facility pursuant to a long-term contract. n19 LIPA and FPL Energy (a leading owner of land-based wind energy projects) recently submitted a joint permit application to the Army Corps of Engineers for permission to build the facility. n20

Despite the interest in offshore wind energy, federal legislative reforms, the imminent MMS rulemaking process, and recent state actions, commentators thus far have paid little attention to federalism issues raised by the regulation of offshore wind energy development. n21 This Note attempts to start a conversation about federalism and the development of offshore wind energy by describing how states play an important role in the siting of offshore wind energy projects under current law. Furthermore, by looking at the potential for interstate environmental spillovers and the particular concerns associated with climate change, this Note attempts to provide a theoretical basis for dividing regulatory authority over different environmental impacts potentially caused by offshore wind energy projects. One conclusion is that state control generally is justified because offshore wind energy facilities (particularly those close to shore) generally are expected to affect the environment or otherwise implicate the environmental preferences of single coastal states. However, specific interstate spillovers, environmental effects that do not implicate state environmental conditions or concerns (such as certain impacts concentrated in areas far from shore), and the distinctive problems raised by climate change also ground theoretical justifications for areas of [\*380] federal regulation. Based on these conclusions, it is recommended that the federal government adopt siting policies that focus on concerns about interstate spillovers. To implement such a policy, federal legislation with preemptive effects over state control of submerged lands ultimately may be necessary to insure adequate consideration of the environmental benefits promised by increased offshore wind energy development.

**Domestically – undermining environmental federalism key to disaster response coordination – they are inevitable – only federal hierarchy insures a proper response to natural and human disasters**

GRIFFIN 07 Rutledge C. Clement, Jr. Professor in Constitutional Law, Tulane Law School [Stephen M. Griffin, Stop Federalism Before It Kills Again: Reflections on Hurricane Katrina, Journal of Civil Rights and Economic Development, Volume 21, Issue 2 Volume 21, Spring 2007, Issue 2 Article 6]

And so it is still the case that when natural disasters strike, the divided power of the federal structure presents a coordination problem. The kind of coordination that had to occur to avoid the Katrina disaster requires long-term planning before the event. The American constitutional system makes taking intergovernmental action difficult and complex. The process of coordinating governments can take years. In many ways, the government was just at the beginning of that process at the time of Katrina,48 although we are now four years distant from the terrorist attacks of September 11, 2001 that set the latest round of disaster coordination in motion.

Suppose, however, that we don't have the luxury of taking the time to satisfy every official with a veto. This is the key point of tension between what contemporary governance demands and what the Constitution permits. The kind of limited change that occurred in 1927 can take us only so far. What Hurricane Katrina showed was that even after decades of experience with natural disasters, the federal and state governments were still uncoordinated and unprepared. The reasons they were unprepared go to the heart of the constitutional order.

III. FEDERAL LESSONS

Unless we learn some lessons, Katrina will happen again. It may be a massive earthquake, an influenza pandemic, a terrorist attack, or even another hurricane, but the same ill-coordinated response will indeed happen again unless some attention is paid to the constitutional and institutional lessons of Katrina. We need to "stop federalism" before it kills again. That is, we need to stop our customary thinking about what federalism requires in order to prevent another horrific loss of life and property. First, let's approach the difficult questions left by the legacy of decades of informal constitutional change not reflected in the text of the Constitution. These changes mean that there is no real sense in which we can act to preserve and extend eighteenth century federal values. Much of the formal institutional structure is there (but not all - see the Fourteenth and Seventeenth Amendments), but its meaning has been altered by informal constitutional change, most of which occurred in the twentieth century. So if we sound the call, as the House Committee did, for remaining faithful to the values of eighteenth century federalism, we become unthinking believers in an ideology that does not relate to contemporary reality. Moreover, the formal structure that does carry over from the eighteenth century is misleading because it has been supplemented and subtly altered by continuous institutional change.

The federal system as it exists today is our system, not that of the founding generation. "We" - generations still alive - created it and we are continuing to change it. The best example during the Bush administration was the No Child Left Behind Act,49 legislation that involved an unprecedented intrusion into a subject, education, that everyone used to agree should be left to the states - at least left to the states for most of American history. 50 In any event, if this system is ours, we are responsible for its successful operation and we can decide to change it for good and sufficient reasons.

There is nothing in the Constitution to prevent us from doing better the next time. We can stop traditional federalist ways of thinking in order to prevent disasters and aid disaster victims when the worst occurs. An obvious place to start, one that has occurred to both the White House and the House Select Committee, is with the assumption that the initiative should lie with state and local governments and that the federal government should wait until their help is requested. The federal government already had installations, resources and personnel in the New Orleans area prior to Katrina and could have moved far more aggressively on its own to render assistance. Only previous national policy, based not on the Constitution itself, but on a sense of constitutional protocol, stood in the way.

Unfortunately, more than protocol stands in the way of preventing future disasters. Whether the policy is flood control, communications, or (perhaps in a future disaster) a massive need for medical care, the separated layers of government make coordination inherently difficult and time-consuming. Here the federal government will have to be far more directive than it has been in order to avoid future Katrinas. It will have to condition federal aid in these areas on timetables, the use of specific technology, and review by independent experts such as the National Academy of Sciences.

**Poor response allows escalation to human extinction**

SID-AHMED 05 Managing Editor for Al-Ahali [Mohamed Sid-Ahmed, “The post-earthquake world”, Issue #724, http://weekly.ahram.org.eg/2005/724/op3.htm]

The year 2005 began with a calamity, resulting not from conflicts between people but from an unprecedented natural disaster that has so far claimed over 155,000 lives, a figure that is expected to rise still more over the coming period. Is this Nature's reaction to the abuse it is suffering at the hands of the human race, its revenge on us for challenging its laws beyond acceptable limits?

The earthquake that struck deep under the Indian Ocean was the strongest in over a century. What is still more critical is that what we have witnessed so far is only the beginning of the catastrophe. According to a spokesman from the World Health organisation, "there is certainly a chance that we could have as many dying from communicable diseases as from the tsunamis". The logistics of providing the survivors with clean water, vaccines and medicines are formidable, and, with many thousands of bodies lying unburied, epidemics spread by waterborne diseases are expected to claim many thousands of victims. There is also the possibility of seismic activity elsewhere in the world because disturbances in the inner structure of the earth's crust have occurred and there are no means to foresee how they will unfold. Will they build up into still broader disarray and eventually move our planet out of its orbit around the sun? Moreover, even if we can avoid the worse possible scenario, how can we contain the earthquake's effects ecologically, meteorologically, economically and socially?

The contradiction between Man and Nature has reached unprecedented heights, forcing us to re-examine our understanding of the existing world system. US President George W Bush has announced the creation of an international alliance between the US, Japan, India, Australia and any other nation wishing to join that will work to help the stricken region overcome the huge problems it is facing in the wake of the tsunamis. Actually, the implications of the disaster are not only regional but global, not to say cosmic. Is it possible to mobilise all the inhabitants of our planet to the extent and at the speed necessary to avert similar disasters in future? How to engender the required state of emergency, that is, a different type of inter-human relations which rise to the level of the challenge before contradictions between the various sections of the world community make that collective effort unrealisable?

The human species has never been exposed to a natural upheaval of this magnitude within living memory. What happened in South Asia is the ecological equivalent of 9/11. Ecological problems like global warming and climatic disturbances in general threaten to make our natural habitat unfit for human life. The extinction of the species has become a very real possibility, whether by our own hand or as a result of natural disasters of a much greater magnitude than the Indian Ocean earthquake and the killer waves it spawned. Human civilisation has developed in the hope that Man will be able to reach welfare and prosperity on earth for everybody. But now things seem to be moving in the opposite direction, exposing planet Earth to the end of its role as a nurturing place for human life.

Today, human conflicts have become less of a threat than the confrontation between Man and Nature. At least they are less likely to bring about the end of the human species. The reactions of Nature as a result of its exposure to the onslaughts of human societies have become more important in determining the fate of the human species than any harm it can inflict on itself.

Until recently, the threat Nature represented was perceived as likely to arise only in the long run, related for instance to how global warming would affect life on our planet. Such a threat could take decades, even centuries, to reach a critical level. This perception has changed following the devastating earthquake and tsunamis that hit the coastal regions of South Asia and, less violently, of East Africa, on 26 December.

This cataclysmic event has underscored the vulnerability of our world before the wrath of Nature and shaken the sanguine belief that the end of the world is a long way away. Gone are the days when we could comfort ourselves with the notion that the extinction of the human race will not occur before a long-term future that will only materialise after millions of years and not affect us directly in any way. We are now forced to live with the possibility of an imminent demise of humankind.

#### Federal preparedness deters the use of bioweapons

**Koblentz 04** – Doctoral candidate in Political Science @ MIT [Gregory Koblentz, “Pathogens as Weapons: The International Security Implications of **Biological** Warfare,” International Security 28.3 (2003/04) 84-122]edlee

The second major difference between nuclear and **biological** weapons concerns the availability of defenses. There are no effective defenses against the effects of a nuclear attack. As discussed earlier, however, there are countermeasures that can be taken prior to or following a **biological** attack. This creates two problems for relying on **biological** weapons as a strategic deterrent. First, the availability of defenses that could significantly mitigate the consequences of a **biological** attack is likely to reduce the confidence of states in their ability to reliably inflict unacceptable damage against an adversary in a retaliatory strike. The full panoply of defenses need not be deployed constantly at full readiness because the very availability of these defenses may be sufficient to dissuade a state from calculating that it can inflict unacceptable damage. Although civilian populations will remain more vulnerable to **biological** weapons than military forces, damage limitation remains a viable option for larger, [End Page 105] more advanced states facing less sophisticated adversaries. The December 2002 initiative by the United States to vaccinate nearly 1 million soldiers, public health officials, and medical workers against smallpox in advance of the looming war with Iraq illustrates how states can adopt precautionary measures to blunt the effectiveness of an anticipated threat. 104

#### Bioterrorism coming now—no impediments to deployment

**Glassman, 12** (James, “We're Letting Our Bioterrorism Defenses Down,” April 4th, 2012, http://www.forbes.com/sites/jamesglassman/2012/04/04/were-letting-our-bioterrorism-defenses-down/print/)

A little over three years ago, a commission of experts, established by Congress, concluded that the chances were better than 50-50 that a weapon of mass destruction would be used in a terrorist attack somewhere in the world by 2013. And, said the [Commission on the Prevention of WMD Proliferation and Terrorism](http://www.absa.org/leg/WorldAtRisk.pdf), that weapon is more likely to be biological than nuclear.¶ Both Michael Chertoff, former secretary of Homeland Security, and Admiral Mike McConnell, former director of national intelligence, have said that bioterror – not a nuclear weapon – was their greatest fear when they were in office. “[In terms of catastrophic attacks, bio was at the top of the list](http://www.nytimes.com/2011/10/30/magazine/how-ready-are-we-for-bioterrorism.html?_r=1),” said Chertoff, who served from 2005 to 2009¶ Bacillus anthracis, via Wikipedia¶ But we haven’t heard much about bioterrorism since the anthrax incidents that closely followed 9/11, a little over a decade ago. The truth is that America remains vulnerable to an attack that could kill hundreds of thousands. Terrorists could spray Bacillus anthracis from crop-dusters over football stadiums. Or they could send intentionally infected fanatics out to spread the smallpox virus through a crowded city, doing far more damage than a brigade of suicide bombers.¶ While biological warfare dates back centuries (cadavers were used to contaminate the water supplies of enemies), the United States was paying scant attention to bio-defense until a few years before the airplane attacks on the World Trade Center and the Pentagon. Despite a relatively swift mobilization after 9/11, severe problems remain.¶ A “[Bio-Response Report Card” study](http://www.wmdcenter.org/wp-content/uploads/2011/10/bio-response-report-card-2011.pdf), issued last October by the Bipartisan WMD Terrorism Research Center, concluded, “The nation does not yet have adequate bio-response capability to meet fundamental expectations during a large-scale biological event.” The study gives grades of “D” to “detection and diagnosis” and “medical counter-measure availability” for a major bioterror attack.¶ Biological weapons have been called the “poor man’s atom bomb.” They are nowhere near as difficult to manufacture as nuclear weapons, and their return address is hard to assess, making them ideal for non-state actors like Al Qaeda, which, in fact, has been [seeking to acquire](http://belfercenter.ksg.harvard.edu/files/al-qaeda-wmd-threat.pdf) biological WMD since at least 1999.¶ A report 12 years ago concluded, “Individuals, with no background in the development and production of bioweapons and no access to the classified information from the former U.S. bio-weapons program, were able to produce a significant quantity of high-quality weaponized Bacillus globigii – a close cousin to the well-known threat, Anthrax.”¶ Colonies of Baccilus subtilis, via Wikipedia¶ In the spring of 2001, a Defense Science Board report, co-authored by Nobel Prize winner Joshua Lederberg and George Whiteside, former chair of the Harvard chemistry department, concluded that “major impediments to the development of biological weapons…have largely been eliminated in the last decade by the rapid spread of biotechnology.¶ Later that year, five Americans were killed by anthrax powder, carried in letters. The FBI is convinced that the letters came from a civilian employee of the U.S. Army. If so, then “a single employee with no work experience in the weaponization of pathogens,… using equipment that could be readily purchased over the Internet, was able to produce very high-quality, dry-powdered anthrax,” said the [Bio-Response Report Card](http://www.wmdcenter.org/wp-content/uploads/2011/10/bio-response-report-card-2011.pdf).

**Keeping the casualties low is vital to prevent US nuclear and military retaliation**

CONLEY 03 chief of the Systems Analysis Branch, Directorate of Requirements, Headquarters Air Combat Command (ACC), Langley AFB, Virginia [Lt. Col. Harry W. Conley, Air & Space Power Journal – Spring, <http://www.airpower.maxwell.af.mil/airchronicles/apj/apj03/spr03/conley.html>]

The number of American casualties suffered due to a WMD attack may well be the most important variable in determining the nature of the US reprisal. A key question here is how many Americans would have to be killed to prompt a massive response by the United States. The bombing of marines in Lebanon, the Oklahoma City bombing, and the downing of Pan Am Flight 103 each resulted in a casualty count of roughly the same magnitude (150–300 deaths). Although these events caused anger and a desire for retaliation among the American public, they prompted no serious call for massive or nuclear retaliation. **The body count from a single biological attack could easily be** one or **two orders of magnitude higher** than the casualties caused by these events. Using the rule of proportionality as a guide, one could justifiably debate whether the United States should use massive force in responding to an event that resulted in only a few thousand deaths. However, what if the casualty count was around 300,000? Such an unthinkable result from a single CBW incident is not beyond the realm of possibility: “According to the U.S. Congress Office of Technology Assessment, 100 kg of anthrax spores delivered by an efficient aerosol generator on a large urban target would be between two and six times as lethal as a one megaton thermo-nuclear bomb.”46 Would the deaths of 300,000 Americans be enough to trigger a nuclear response? In this case, proportionality does not rule out the use of nuclear weapons. Besides simply the total number of casualties, the types of casualties- predominantly military versus civilian- will also affect the nature and scope of the US reprisal action. Military combat entails known risks, and the emotions resulting from a significant number of military casualties are not likely to be as forceful as they would be if the attack were against civilians. World War II provides perhaps the best examples for the kind of event or circumstance that would have to take place to trigger a nuclear response. A CBW event that produced a shock and death toll roughly equivalent to those arising from the attack on Pearl Harbor might be sufficient to prompt a nuclear retaliation. President Harry Truman’s decision to drop atomic bombs on Hiroshima and Nagasaki- based upon a calculation that up to one million casualties might be incurred in an invasion of the Japanese homeland47- is an example of the kind of thought process that would have to occur prior to a nuclear response to a CBW event. Victor Utgoff suggests that “if nuclear retaliation is seen at the time to offer the best prospects for suppressing further CB attacks and speeding the defeat of the aggressor, and if the original attacks had caused severe damage that had outraged American or allied publics, nuclear retaliation would be more than just a possibility, whatever promises had been made.”48

#### AND bioweapons cause extinction

Singer 1— Clifford Singer, Director of the Program in Arms Control, Disarmament, and International Security at the University of Illinois at Urbana—Champaign [Spring 2001, “Will Mankind Survive the Millennium?” The Bulletin of the Program in Arms Control, Disarmament, and International Security, University of Illinois at Urbana-Champaign, 13.1, http://www.acdis.uiuc.edu/research/S&Ps/2001-Sp/S&P\_XIII/Singer.htm]

In recent years the fear of the apocalypse (or religious hope for it) has been in part a child of the Cold War, but its seeds in Western culture go back to the Black Death and earlier. Recent polls suggest that the majority in the United States that believe man would survive into the future for substantially less than a millennium was about 10 percent higher in the Cold War than afterward. However fear of annihilation of the human species through nuclear warfare was confused with the admittedly terrifying, but much different matter of destruction of a dominantcivilization. The destruction of a third or more of much of the globe’s population through the disruption from the direct consequences of nuclear blast and fire damage was certainly possible. There was, and still is, what is now known to be a rather small chance that dust raised by an all-out nuclear war would cause a socalled nuclear winter, substantially reducing agricultural yields especially in temperate regions for a year or more. As noted above mankind as a whole has weathered a number of mind-boggling disasters in the past fifty thousand years even if older cultures or civilizations have sometimes eventually given way to new ones in the process. Moreover the fear that radioactive fallout would make the globe uninhabitable, publicized by widely seen works such as “On the Beach,” was a metaphor for the horror of nuclear war rather than reality. The epidemiological lethal results of well over a hundred atmospheric nuclear tests are barely statistically detectable except in immediate fallout plumes. The increase in radiation exposure far from the combatants in **even a full scale nuclear exchange** at the height of the Cold War would have been modest compared to the variations in natural background radiation doses that have readily been adapted to by a number of human populations. Nor is there any reason to believe that global warming or other insults to our physical environment resulting from currently used technologies will challenge the survival of mankind as a whole beyond what it has already handily survived through the past fifty thousand years. There are, however, two technologies currently under development that may pose a more serious threat to human survival. The first and most immediate is biological warfare combined with genetic engineering. Smallpox is the most fearsome of natural biological warfare agents in existence. By the end of the next decade, global immunity to smallpox will likely be at a low unprecedented since the emergence of this disease in the distant past, while the opportunity for it to spread rapidly across the globe will be at an all time high. In the absence of other complications such as nuclear war near the peak of an epidemic, developed countries may respond with quarantine and vaccination to limit the damage. Otherwise mortality there may match the rate of 30 percent or more expected in unprepared developing countries. With respect to genetic engineering using currently available knowledge and technology, the simple expedient of spreading an ample mixture of coat protein variants could render a vaccination response largely ineffective, but this would otherwise not be expected to substantially increase overall mortality rates. With development of new biological technology, however, there is a possibility that a variety of infectious agents may be engineered for combinations of greater than natural virulence and mortality, rather than just to overwhelm currently available antibiotics or vaccines. There is no a priori known upper limit to the power of this type of technology base, and thus the survival of a globally connected human family may be in question when and if this is [[1]](#footnote-1)achieved.

#### Advantage 2 is Warming

#### Its real and anthropogenic

**Prothero 12** [Donald R. Prothero, Professor of Geology at Occidental College and Lecturer in Geobiology at the California Institute of Technology, 3-1-2012, "How We Know Global Warming is Real and Human Caused," Skeptic, 17.2, EBSCO]

How do we know that global warming is real and primarily human caused? There are numerous lines of evidence that converge toward this conclusion. 1. Carbon Dioxide Increase Carbon dioxide in our atmosphere has increased at an unprecedented rate in the past 200 years. Not one data set collected over a long enough span of time shows otherwise. Mann et al. (1999) compiled the past 900 years' worth of temperature data from tree rings, ice cores, corals, and direct measurements in the past few centuries, and the sudden increase of temperature of the past century stands out like a sore thumb. This famous graph is now known as the "hockey stick" because it is long and straight through most of its length, then bends sharply upward at the end like the blade of a hockey stick. Other graphs show that climate was very stable within a narrow range of variation through the past 1000, 2000, or even 10,000 years since the end of the last Ice Age. There were minor warming events during the Climatic Optimum about 7000 years ago, the Medieval Warm Period, and the slight cooling of the Litde Ice Age in the 1700s and 1800s. But the magnitude and rapidity of the warming represented by the last 200 years is simply unmatched in all of human history. More revealing, the timing of this warming coincides with the Industrial Revolution, when humans first began massive deforestation and released carbon dioxide into the atmosphere by burning an unprecedented amount of coal, gas, and oil. 2. Melting Polar Ice Caps The polar icecaps are thinning and breaking up at an alarming rate. In 2000, my former graduate advisor Malcolm McKenna was one of the first humans to fly over the North Pole in summer time and see no ice, just open water. The Arctic ice cap has been frozen solid for at least the past 3 million years (and maybe longer),[ 4] but now the entire ice sheet is breaking up so fast that by 2030 (and possibly sooner) less than half of the Arctic will be ice covered in the summer.[ 5] As one can see from watching the news, this is an ecological disaster for everything that lives up there, from the polar bears to the seals and walruses to the animals they feed upon, to the 4 million people whose world is melting beneath their feet. The Antarctic is thawing even faster. In February-March 2002, the Larsen B ice shelf -- over 3000 square km (the size of Rhode Island) and 220 m (700 feet) thick -- broke up in just a few months, a story -typical of nearly all the ice shelves in Antarctica. The Larsen B shelf had survived all the previous ice ages and interglacial warming episodes over the past 3 million years, and even the warmest periods of the last 10,000 years -- yet it and nearly all the other thick ice sheets on the Arctic, Greenland, and Antarctic are vanishing at a rate never before seen in geologic history. 3. Melting Glaciers Glaciers are all retreating at the highest rates ever documented. Many of those glaciers, along with snow melt, especially in the Himalayas, Andes, Alps, and Sierras, provide most of the freshwater that the populations below the mountains depend upon -- yet this fresh water supply is vanishing. Just think about the percentage of world's population in southern Asia (especially India) that depend on Himalayan snowmelt for their fresh water. The implications are staggering. The permafrost that once remained solidly frozen even in the summer has now thawed, damaging the Inuit villages on the Arctic coast and threatening all our pipelines to the North Slope of Alaska. This is catastrophic not only for life on the permafrost, but as it thaws, the permafrost releases huge amounts of greenhouse gases which are one of the major contributors to global warming. Not only is the ice vanishing, but we have seen record heat waves over and over again, killing thousands of people, as each year joins the list of the hottest years on record. (2010 just topped that list as the hottest year, surpassing the previous record in 2009, and we shall know about 2011 soon enough). Natural animal and plant populations are being devastated all over the globe as their environments change.[ 6] Many animals respond by moving their ranges to formerly cold climates, so now places that once did not have to worry about disease-bearing mosquitoes are infested as the climate warms and allows them to breed further north. 4. Sea Level Rise All that melted ice eventually ends up in the ocean, causing sea levels to rise, as it has many times in the geologic past. At present, the sea level is rising about 3-4 mm per year, more than ten times the rate of 0.1-0.2 mm/year that has occurred over the past 3000 years. Geological data show that the sea level was virtually unchanged over the past 10,000 years since the present interglacial began. A few mm here or there doesn't impress people, until you consider that the rate is accelerating and that most scientists predict sea levels will rise 80-130 cm in just the next century. A sea level rise of 1.3 m (almost 4 feet) would drown many of the world's low-elevation cities, such as Venice and New Orleans, and low-lying countries such as the Netherlands or Bangladesh. A number of tiny island nations such as Vanuatu and the Maldives, which barely poke out above the ocean now, are already vanishing beneath the waves. Eventually their entire population will have to move someplace else.[ 7] Even a small sea level rise might not drown all these areas, but they are much more vulnerable to the large waves of a storm surge (as happened with Hurricane Katrina), which could do much more damage than sea level rise alone. If sea level rose by 6 m (20 feet), most of the world's coastal plains and low-lying areas (such as the Louisiana bayous, Florida, and most of the world's river deltas) would be drowned. Most of the world's population lives in low-elevation coastal cities such as New York, Boston, Philadelphia, Baltimore, Washington, D.C., Miami, and Shanghai. All of those cities would be partially or completely under water with such a sea level rise. If all the glacial ice caps melted completely (as they have several times before during past greenhouse episodes in the geologic past), sea level would rise by 65 m (215 feet)! The entire Mississippi Valley would flood, so you could dock an ocean liner in Cairo, Illinois. Such a sea level rise would drown nearly every coastal region under hundreds of feet of water, and inundate New York City, London and Paris. All that would remain would be the tall landmarks such as the Empire State Building, Big Ben, and the Eiffel Tower. You could tie your boats to these pinnacles, but the rest of these drowned cities would lie deep underwater. Climate Change Critic's Arguments and Scientists' Rebuttals Despite the overwhelming evidence there are many people who remain skeptical. One reason is that they have been fed distortions and misstatements by the global warming denialists who cloud or confuse the issue. Let's examine some of these claims in detail: \* "It's just natural climatic variability." No, it is not. As I detailed in my 2009 book, Greenhouse of the Dinosaurs, geologists and paleoclimatologists know a lot about past greenhouse worlds, and the icehouse planet that has existed for the past 33 million years. We have a good understanding of how and why the Antarctic ice sheet first appeared at that time, and how the Arctic froze over about 3.5 million years ago, beginning the 24 glacial and interglacial episodes of the "Ice Ages" that have occurred since then. We know how variations in the earth's orbit (the Milankovitch cycles) controls the amount of solar radiation the earth receives, triggering the shifts between glacial and interglacial periods. Our current warm interglacial has already lasted 10,000 years, the duration of most previous interglacials, so if it were not for global warming, we would be headed into the next glacial in the next 1000 years or so. Instead, our pumping greenhouse gases into our atmosphere after they were long trapped in the earth's crust has pushed the planet into a "super-interglacial," already warmer than any previous warming period. We can see the "big picture" of climate variability most clearly in ice cores from the EPICA (European Project for Ice Coring in Antarctica), which show the details of the last 650,000 years of glacial-inters glacial cycles (Fig. 2). At no time during any previous interglacial did the carbon dioxide levels exceed 300 ppm, even at their very warmest. Our atmospheric carbon dioxide levels are already close to 400 ppm today. The atmosphere is headed to 600 ppm within a few decades, even if we stopped releasing greenhouse gases immediately. This is decidedly not within the normal range of "climatic variability," but clearly unprecedented in human history. Anyone who says this is "normal variability" has never seen the huge amount of paleoclimatic data that show otherwise. \* "It's just another warming episode, like the Medieval Warm Period, or the Holocene Climatic Optimum or the end of the Little Ice Age." Untrue. There were numerous small fluctuations of warming and cooling over the last 10,000 years of the Holocene. But in the case of the Medieval Warm Period (about 950-1250 A.D.), the temperatures increased only 1°C, much less than we have seen in the current episode of global warming (Fig. 1). This episode was also only a local warming in the North Atlantic and northern Europe. Global temperatures over this interval did not warm at all, and actually cooled by more than 1°C. Likewise, the warmest period of the last 10,000 years was the Holocene Climatic Optimum ( 5,000-9,000 B.C.E.) when warmer and wetter conditions in Eurasia contributed to the rise of the first great civilizations in Egypt, Mesopotamia, the Indus Valley, and China. This was largely a Northern Hemisphere-Eurasian phenomenon, with 2-3°C warming in the Arctic and northern Europe. But there was almost no warming in the tropics, and cooling or no change in the Southern Hemisphere.[ 8] From a Eurocentric viewpoint, these warming events seemed important, but on a global scale the effect was negligible. In addition, neither of these warming episodes is related to increasing greenhouse gases. The Holocene Climatic Optimum, in fact, is predicted by the Milankovitch cycles, since at that time the axial tilt of the earth was 24°, its steepest value, meaning the Northern Hemisphere got more solar radiation than normal -- but the Southern Hemisphere less, so the two balanced. By contrast, not only is the warming observed in the last 200 years much greater than during these previous episodes, but it is also global and bipolar, so it is not a purely local effect. The warming that ended the Little Ice Age (from the mid-1700s to the late 1800s) was due to increased solar radiation prior to 1940. Since 1940, however, the amount of solar radiation has been dropping, so the only candidate remaining for the post-1940 warming is carbon dioxide.[ 9] "It's just the sun, or cosmic rays, or volcanic activity or methane." Nope, sorry. The amount of heat that the sun provides has been decreasing since 1940,[ 10] just the opposite of the critics' claims (Fig. 3). There is no evidence of an increase in cosmic ray particles during the past century.[ 11] Nor is there any clear evidence that large-scale volcanic events (such as the 1815 eruption of Tambora in Indonesia, which changed global climate for about a year) have any long-term effects that would explain 200 years of warming and carbon dioxide increase. Volcanoes erupt only 0.3 billion tonnes of carbon dioxide each year, but humans emit over 29 billion tonnes a year,[ 12] roughly 100 times as much. Clearly, we have a bigger effect. Methane is a more powerful greenhouse gas, but there is 200 times more carbon dioxide than methane, so carbon dioxide is still the most important agent.[ 13] Every other alternative has been looked at and can be ruled out. The only clear-cut relationship is between human-caused carbon dioxide increase and global warming. \* "The climate records since 1995 (or 1998) show cooling." That's simply untrue. The only way to support this argument is to cherry-pick the data.[ 14] Over the short term, there was a slight cooling trend from 1998-2000, but only because 1998 was a record-breaking El Nino year, so the next few years look cooler by comparison (Fig. 4). But since 2002, the overall long-term trend of warming is unequivocal. All of the 16 hottest years ever recorded on a global scale have occurred in the last 20 years. They are (in order of hottest first): 2010, 2009, 1998, 2005, 2003, 2002, 2004, 2006, 2007, 2001, 1997, 2008, 1995, 1999, 1990, and 2000.[ 15] In other words, every year since 2000 has been on the Top Ten hottest years list. The rest of the top 16 include 1995, 1997, 1998, 1999, and 2000. Only 1996 failed to make the list (because of the short-term cooling mentioned already). \* "We had record snows in the winter of 2009-2010, and also in 2010-2011." So what? This is nothing more than the difference between weather (short-term seasonal changes) and climate (the long-term average of weather over decades and centuries and longer). Our local weather tells us nothing about another continent, or the global average; it is only a local effect, determined by short-term atmospheric and oceano-graphic conditions.[ 16] In fact, warmer global temperatures mean more moisture in the atmosphere, which increases the intensity of normal winter snowstorms. In this particular case, the climate change critics forget that the early winter of November-December 2009 was actually very mild and warm, and then only later in January and February did it get cold and snow heavily. That warm spell in early winter helped bring more moisture into the system, so that when cold weather occurred, the snows were worse. In addition, the snows were unusually heavy only in North America; the rest of the world had different weather, and the global climate was warmer than average. Also, the summer of 2010 was the hottest on record, breaking the previous record set in 2009. \* "Carbon dioxide is good for plants, so the world will be better off." Who do they think they're kidding? The Competitive Enterprise Institute (funded by oil and coal companies and conservative foundations[ 17]) has run a series of shockingly stupid ads concluding with the tag line "Carbon dioxide: they call it pollution, we call it life." Anyone who knows the basic science of earth's atmosphere can spot the gross inaccuracies in this ad.[ 18] True, plants take in carbon dioxide that animals exhale, as they have for millions of years. But the whole point of the global warming evidence (as shown from ice cores) is that the delicate natural balance of carbon dioxide has been thrown off balance by our production of too much of it, way in excess of what plants or the oceans can handle. As a consequence, the oceans are warming[ 19, 20] and absorbing excess carbon dioxide making them more acidic. Already we are seeing a shocking decline in coral reefs ("bleaching") and extinctions in many marine ecosystems that can't handle too much of a good thing. Meanwhile, humans are busy cutting down huge areas of temperate and tropical forests, which not only means there are fewer plants to absorb the gas, but the slash and burn practices are releasing more carbon dioxide than plants can keep up with. There is much debate as to whether increased carbon dioxide might help agriculture in some parts of the world, but that has to be measured against the fact that other traditional "breadbasket" regions (such as the American Great Plains) are expected to get too hot to be as productive as they are today. The latest research[ 21] actually shows that increased carbon dioxide inhibits the absorption of nitrogen into plants, so plants (at least those that we depend upon today) are not going to flourish in a greenhouse world. It is difficult to know if those who tell the public otherwise are ignorant of basic atmospheric science and global geochemistry, or if they are being cynically disingenuous. \* "I agree that climate is changing, but I'm skeptical that humans are the main cause, so we shouldn't do anything." This is just fence sitting. A lot of reasonable skeptics deplore the right wing's rejection of the reality of climate change, but still want to be skeptical about the cause. If they want proof, they can examine the huge array of data that points directly to human caused global warming.[ 22] We can directly measure the amount of carbon dioxide humans are producing, and it tracks exactly with the amount of increase in atmospheric carbon dioxide. Through carbon isotope analysis, we can show that this carbon dioxide in the atmosphere is coming directly from our burning of fossil fuels, not from natural sources. We can also measure the drop in oxygen as it combines with the increased carbon levels to produce carbon dioxide. We have satellites in space that are measuring the heat released from the planet and can actually see the atmosphere getting warmer. The most crucial evidence emerged only within the past few years: climate models of the greenhouse effect predict that there should be cooling in the stratosphere (the upper layer of the atmosphere above 10 km or 6 miles in elevation), but warming in the troposphere (the bottom layer below 10 km or 6 miles), and that's exactly what our space probes have measured. Finally, we can rule out any other suspects (see above): solar heat is decreasing since 1940, not increasing, and there are no measurable increases in cosmic rays, methane, volcanic gases, or any other potential cause. Face it -- it's our problem. Why Do People Continue to Question the Reality of Climate Change? Thanks to all the noise and confusion over climate change, the general public has only a vague idea of what the debate is really about, and only about half of Americans think global warming is real or that we are to blame.[ 23] As in the evolution/creationism debate, the scientific community is virtually unanimous on what the data demonstrate about anthropogenic global warming. This has been true for over a decade. When science historian Naomi Oreskes[ 24] surveyed all peer-reviewed papers on climate change published between 1993 and 2003 in the world's leading scientific journal, Science, she found that there were 980 supporting the idea of human-induced global warming and none opposing it. In 2009, Doran and Kendall Zimmerman[ 25] surveyed all the climate scientists who were familiar with the data. They found that 95-99% agreed that global warming is real and human caused. In 2010, the prestigious Proceedings of the National Academy of Sciences published a study that showed that 98% of the scientists who actually do research in climate change are in agreement over anthropogenic global warming.[ 26] Every major scientific organization in the world has endorsed the conclusion of anthropogenic climate change as well. This is a rare degree of agreement within such an independent and cantankerous group as the world's top scientists. This is the same degree of scientific consensus that scientists have achieved over most major ideas, including gravity, evolution, and relativity. These and only a few other topics in science can claim this degree of agreement among nearly all the world's leading scientists, especially among everyone who is close to the scientific data and knows the problem intimately. If it were not such a controversial topic politically, there would be almost no interest in debating it since the evidence is so clear-cut. If the climate science community speaks with one voice (as in the 2007 IPCC report, and every report since then), why is there still any debate at all? The answer has been revealed by a number of investigations by diligent reporters who got past the PR machinery denying global warming, and uncovered the money trail. Originally, there were no real "dissenters" to the idea of global warming by scientists who are actually involved with climate research. Instead, the forces with vested interests in denying global climate change (the energy companies, and the "free-market" advocates) followed the strategy of tobacco companies: create a smokescreen of confusion and prevent the American public from recognizing scientific consensus. As the famous memo[ 27] from the tobacco lobbyists said "Doubt is our product." The denialists generated an anti-science movement entirely out of thin air and PR. The evidence for this PR conspiracy has been well documented in numerous sources. For example, Oreskes and Conway revealed from memos leaked to the press that in April 1998 the right-wing Marshall Institute, SEPP (Fred Seitz's lobby that aids tobacco companies and polluters), and ExxonMobil, met in secret at the American Petroleum Institute's headquarters in Washington, D.C. There they planned a $20 million campaign to get "respected scientists" to cast doubt on climate change, get major PR efforts going, and lobby Congress that global warming isn't real and is not a threat. The right-wing institutes and the energy lobby beat the bushes to find scientists -- any scientists -- who might disagree with the scientific consensus. As investigative journalists and scientists have documented over and over again,[ 28] the denialist conspiracy essentially paid for the testimony of anyone who could be useful to them. The day that the 2007 IPCC report was released (Feb. 2, 2007), the British newspaper The Guardian reported that the conservative American Enterprise Institute (funded largely by oil companies and conservative think tanks) had offered $10,000 plus travel expenses to scientists who would write negatively about the IPCC report.[ 29] In February 2012, leaks of documents from the denialist Heartland Institute revealed that they were trying to influence science education, suppress the work of scientists, and had paid off many prominent climate deniers, such as Anthony Watts, all in an effort to circumvent the scientific consensus by doing an "end run" of PR and political pressure. Other leaks have shown 9 out of 10 major climate deniers are paid by ExxonMobil.[ 30] We are accustomed to hired-gun "experts" paid by lawyers to muddy up the evidence in the case they are fighting, but this is extraordinary -- buying scientists outright to act as shills for organizations trying to deny scientific reality. With this kind of money, however, you can always find a fringe scientist or crank or someone with no relevant credentials who will do what they're paid to do. Fishing around to find anyone with some science background who will agree with you and dispute a scientific consensus is a tactic employed by the creationists to sound "scientific". The NCSE created a satirical "Project Steve,"[ 31] which demonstrated that there were more scientists who accept evolution named "Steve" than the total number of "scientists who dispute evolution". It may generate lots of PR and a smokescreen to confuse the public, but it doesn't change the fact that scientists who actually do research in climate change are unanimous in their insistence that anthropogenic global warming is a real threat. Most scientists I know and respect work very hard for little pay, yet they still cannot be paid to endorse some scientific idea they know to be false. The climate deniers have a lot of other things in common with creationists and other anti-science movements. They too like to quote someone out of context ("quote mining"), finding a short phrase in the work of legitimate scientists that seems to support their position. But when you read the full quote in context, it is obvious that they have used the quote inappropriately. The original author meant something that does not support their goals. The "Climategate scandal" is a classic case of this. It started with a few stolen emails from the Climate Research Unit of the University of East Anglia. If you read the complete text of the actual emails[ 32] and comprehend the scientific shorthand of climate scientists who are talking casually to each other, it is clear that there was no great "conspiracy" or that they were faking data. All six subsequent investigations have cleared Philip Jones and the other scientists of the University of East Anglia of any wrongdoing or conspiracy.[ 33] Even if there had been some conspiracy on the part of these few scientists, there is no reason to believe that the entire climate science community is secretly working together to generate false information and mislead the public. If there's one thing that is clear about science, it's about competition and criticism, not conspiracy and collusion. Most labs are competing with each other, not conspiring together. If one lab publishes a result that is not clearly defensible, other labs will quickly correct it. As James Lawrence Powell wrote: Scientists…show no evidence of being more interested in politics or ideology than the average American. Does it make sense to believe that tens of thousands of scientists would be so deeply and secretly committed to bringing down capitalism and the American way of life that they would spend years beyond their undergraduate degrees working to receive master's and Ph.D. degrees, then go to work in a government laboratory or university, plying the deep oceans, forbidding deserts, icy poles, and torrid jungles, all for far less money than they could have made in industry, all the while biding their time like a Russian sleeper agent in an old spy novel? Scientists tend to be independent and resist authority. That is why you are apt to find them in the laboratory or in the field, as far as possible from the prying eyes of a supervisor. Anyone who believes he could organize thousands of scientists into a conspiracy has never attended a single faculty meeting.[ 34] There are many more traits that the climate deniers share with the creationists and Holocaust deniers and others who distort the truth. They pick on small disagreements between different labs as if scientists can't get their story straight, when in reality there is always a fair amount of give and take between competing labs as they try to get the answer right before the other lab can do so. The key point here is that when all these competing labs around the world have reached a consensus and get the same answer, there is no longer any reason to doubt their common conclusion. The anti-scientists of climate denialism will also point to small errors by individuals in an effort to argue that the entire enterprise cannot be trusted. It is true that scientists are human, and do make mistakes, but the great power of the scientific method is that peer review weeds these out, so that when scientists speak with consensus, there is no doubt that their data are checked carefully Finally, a powerful line of evidence that this is a purely political controversy, rather than a scientific debate, is that the membership lists of the creationists and the climate deniers are highly overlapping. Both anti-scientific dogmas are fed to their overlapping audiences through right-wing media such as Fox News, Glenn Beck, and Rush Limbaugh. Just take a look at the "intelligent-design" cre-ationism website for the Discovery Institute. Most of the daily news items lately have nothing to do with creationism at all, but are focused on climate denial and other right-wing causes.[ 35] If the data about global climate change are indeed valid and robust, any qualified scientist should be able to look at them and see if the prevailing scientific interpretation holds up. Indeed, such a test took place. Starting in 2010, a group led by U.C. Berkeley physicist Richard Muller re-examined all the temperature data from the NOAA, East Anglia Hadley Climate Research Unit, and the Goddard Institute of Space Science sources. Even though Muller started out as a skeptic of the temperature data, and was funded by the Koch brothers and other oil company sources, he carefully checked and re-checked the research himself. When the GOP leaders called him to testify before the House Science and Technology Committee in spring 2011, they were expecting him to discredit the temperature data. Instead, Muller shocked his GOP sponsors by demonstrating his scientific integrity and telling the truth: the temperature increase is real, and the scientists who have demonstrated that the climate is changing are right (Fig. 5). In the fall of 2011, his study was published, and the conclusions were clear: global warming is real, even to a right-wing skeptical scientist. Unlike the hired-gun scientists who play political games, Muller did what a true scientist should do: if the data go against your biases and preconceptions, then do the right thing and admit it -- even if you've been paid by sponsors who want to discredit global warming. Muller is a shining example of a scientist whose integrity and honesty came first, and did not sell out to the highest bidder.[ 36] \* Science and Anti-Science The conclusion is clear: there's science, and then there's the anti-science of global warming denial. As we have seen, there is a nearly unanimous consensus among climate scientists that anthropogenic global warming is real and that we must do something about it. Yet the smokescreen, bluster and lies of the deniers has created enough doubt so that only half of the American public is convinced the problem requires action. Ironically, the U.S. is almost alone in questioning its scientific reality. International polls taken of 33,000 people in 33 nations in 2006 and 2007 show that 90% of their citizens regard climate change as a serious problem[ 37] and 80% realize that humans are the cause of it.[ 38] Just as in the case of creationism, the U.S. is out of step with much of the rest of the world in accepting scientific reality. It is not just the liberals and environmentalists who are taking climate change seriously. Historically conservative institutions (big corporations such as General Electric and many others such as insurance companies and the military) are already planning on how to deal with global warming. Many of my friends high in the oil companies tell me of the efforts by those companies to get into other forms of energy, because they know that cheap oil will be running out soon and that the effects of burning oil will make their business less popular. BP officially stands for "British Petroleum," but in one of their ad campaigns about 5 years ago, it stood for "Beyond Petroleum."[ 39] Although they still spend relatively little of their total budgets on alternative forms of energy, the oil companies still see the handwriting on the wall about the eventual exhaustion of oil -- and they are acting like any company that wants to survive by getting into a new business when the old one is dying. The Pentagon (normally not a left-wing institution) is also making contingency plans for how to fight wars in an era of global climate change, and analyzing what kinds of strategic threats might occur when climate change alters the kinds of enemies we might be fighting, and water becomes a scarce commodity. The New York Times reported[ 40] that in December 2008, the National Defense University outlined plans for military strategy in a greenhouse world. To the Pentagon, the big issue is global chaos and the potential of even nuclear conflict. The world must "prepare for the inevitable effects of abrupt climate change -- which will likely come [the only question is when] regardless of human activity." Insurance companies have no political axe to grind. If anything, they tend to be on the conservative side. They are simply in the business of assessing risk in a realistic fashion so they can accurately gauge their future insurance policies and what to charge for them. Yet they are all investing heavily in research on the disasters and risks posed by climatic change. In 2005, a study commissioned by the re-insurer Swiss Re said, "Climate change will significantly affect the health of humans and ecosystems and these impacts will have economic consequences."[ 41] Some people may still try to deny scientific reality, but big businesses like oil and insurance and conservative institutions like the military cannot afford to be blinded or deluded by ideology. They must plan for the real world that we will be seeing in the next few decades. They do not want to be caught unprepared and harmed by global climatic change when it threatens their survival. Neither can we as a society.

**Fixing the regulatory framework to incentivize offshore wind offsets enough emissions to slow catastrophic warming – extinction, methane release, diseases, crop yields, conflict multiplier**

THALER 12 Visiting Professor of Energy Policy, Law & Ethics, University of Maine School of Law and School of Economics [Jeff Thaler, FIDDLING AS THE WORLD BURNS: HOW CLIMATE CHANGE URGENTLY REQUIRES A PARADIGM SHIFT IN THE PERMITTING OF RENEWABLE ENERGY PROJECTS,  [Jeff Thaler](http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=1870962)  University of Maine School of Law September 17, 2012 [Environmental Law, Volume 42, Issue 4,](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2148122##) <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2148122>]

This is not an Article debating whether twenty first century climate change is likely, very likely, or primarily caused by human emissions of greenhouse gases; how much global temperatures will rise by various dates; or whether to choose a carbon tax or cap-and-trade system. This Article also will not debate whether and how much to decrease subsidies of fossil fuel energy sources or increase those for renewable energy sources. This Article instead will start with the oft-stated goal of increasing domestic and international reliance upon carbon-emission-free renewable energy sources3 while decreasing use of fossil fuel energy sources,4 and ask the question few have addressed concretely: how can we more quickly achieve that goal to slow the devastating effects of increasing greenhouse gases, if we do not first tackle the significant barriers posed by the outdated and often self-defeating maze of regulatory requirements? The need to act is urgent if we are to make sufficient and timely progress toward reduced fossil fuel reliance.

To best understand the urgency, Part II begins with a look at our current fossil and renewable energy mix in the generation of electricity,5 and then reviews the current and predicted climate change impacts on our energy choices. At stake are several hundred billion dollars of climate change–related damages each year just in the United States—from farming, fishing, and forestry industries increasingly harmed by changing temperature and precipitation patterns,6 to coastlines and cities progressively more threatened by rising sea levels.7 The business and insurance sectors have been hit by a growing number of extreme weather events (most recently Hurricane Sandy),8 public health is increasingly threatened by disease and mortality from our over-reliance on fossil fuels and from their resulting emissions,9 and U.S. national security is increasingly at risk from having to protect more foreign sources of fossil fuels and from resource-related conflicts resulting in more violence and displaced persons.10

Unfortunately, as the economic and health costs from fossil fuel emissions have grown, so too has the byzantine labyrinth of laws and regulations to be navigated before a renewable energy project can be approved, let alone financed and developed.11 The root cause goes back to the 1970s when some of our fundamental environmental laws were enacted—before we were aware of climate change threats—so as to slow down the review of proposed projects by requiring more studies of potential project impacts before approval.12 But in our increasingly carbon-based tweny first century, we need a paradigm shift. While achieving important goals, those federal laws and regulations, and similar ones at the state and local levels, have become so unduly burdensome, slow, and expensive that they will chill investment in—and kill any significant growth of—renewable carbon-free energy sources and projects, thereby imposing huge economic, environmental, and social costs upon both our country and the world unless they are substantially changed.13 Indeed, by 2050 the U.S. must reduce its greenhouse gas emissions by 80% to even stabilize atmospheric levels of carbon, and can do so by increasing generated electricity from renewable sources from the current 13% up to 80%,14 but only if there are new targeted policy efforts to accelerate—fifty times faster than since 1990— implementation of clean, renewable energy sources.15

Thus, Part III focuses on one promising technology to demonstrate the flaws in current licensing permitting regimes, and makes concrete recommendations for reform.16 Wind power generation from onshore installations is proven technology, generates no greenhouse gases, consumes no water,17 is increasingly cost-competitive with most fossil fuel sources,18 and can be deployed relatively quickly in many parts of the United States and the world.19 Offshore wind power is a relatively newer technology, especially deep-water floating projects, and is presently less cost-competitive than onshore wind.20 However, because wind speeds are on average about 90% stronger and more consistent over water than over land, with higher power densities and lower shear and turbulence,21 America’s offshore resources can provide more than its current electricity use.22 Moreover, since these resources are near many major population centers that drive electricity demand, their exploitation would “reduc[e] the need for new high-voltage transmission from the Midwest and Great Plains to serve coastal lands.”23 Therefore, in light of Part III’s spotlight on literally dozens of different federal (let alone state and local) statutes and their hundreds of regulations standing between an offshore wind project applicant and construction, Part IV makes concrete statutory and regulatory recommendations to more quickly enable the full potential of offshore wind energy to become a reality before it is too late.

II. OUR ENERGY USE AND ITS RESULTANT CLIMATE CHANGE IMPACTS

A. Overview

Greenhouse gases (GHGs) trap heat in the atmosphere.24 The primary GHG emitted by human activities is carbon dioxide (CO2), which in 2010 represented 84% of all human-sourced GHG emissions in the U.S.25 “The combustion of fossil fuels to generate electricity is the largest single source of CO2 emissions in the nation, accounting for about 40% of total U.S. CO2 emissions and 33% of total U.S. greenhouse gas emissions in 2009.”26 Beginning with the 1750 Industrial Revolution, atmospheric concentrations of GHGs have significantly increased with greater use of fossil fuels—which has in turn caused our world to warm and the climate to change.27 In fact, climate change may be the single greatest threat to human society and wildlife, as well as to the ecosystems upon which each depends for survival.28

In 1992, the U.S. signed and ratified the United Nations Framework Convention on Climate Change (UNFCCC), the stated objective of which was:

[To achieve] stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.29

In 2007, the Intergovernmental Panel on Climate Change (IPCC) concluded that it is “very likely”—at least 90% certain—that humans are responsible for most of the “unequivocal” increases in globally averaged temperatures of the previous fifty years.30

Yet in the twenty years since the UNFCCC, it also is unequivocal that GHG levels have not stabilized but continue to grow, ecosystems and food production have not been able to adapt, and our heavy reliance on fossil fuels perpetuates “dangerous anthropogenic interference with the climate system.”31 Equally unequivocal is that 2011 global temperatures were “the tenth highest on record and [were] higher than any previous year with a La Nina event, which [normally] has a relative cooling influence.”32 The warmest thirteen years of average global temperatures also “have all occurred in the [fifteen] years since 1997.”33 Global emissions of carbon dioxide also jumped 5.9% in 2010—500 million extra tons of carbon was pumped into the air—“the largest absolute jump in any year since the Industrial Revolution [began in 1750], and the largest percentage increase since 2003.”34

In order to even have a fifty-fifty chance that the average global temperature will not rise more than 2°C 35 beyond the temperature of 1750,36 our cumulative emissions of CO2 after 1750 must not exceed one trillion tons. However, by mid-October 2012 we had already emitted over 561 billion tons, and at current rates, we will emit the trillionth ton in June 2043.37 The consequence is that members of “the current generation are uniquely placed in human history: the choices we make now—in the next 10–20 years—will alter the destiny of our species (let alone every other species) unalterably, and forever.”38 Unfortunately by the end of 2011, the more than 10,000 government and U.N. officials from all over the world attending the Durban climate change conference39 agreed that there is a “significant gap between the aggregate effect of Parties’ mitigation pledges in terms of global annual emissions of greenhouse gases by 2020 and aggregate emission pathways consistent with having a likely chance of holding the increase in global average temperature below 2°C or 1.5°C above pre-industrial levels.”40

What are some of the growing economic, public health, and environmental costs to our country proximately caused41 by our daily burning of fossil fuels? The National Research Council (NRC) recently analyzed the “hidden” costs of energy production and use not reflected in market prices of coal, oil, and other energy sources, or in the prices of electricity and gasoline produced from them.42 For the year 2005 alone, the NRC estimated $120 billion of damages to the U.S. from fossil fuel energy production and use, reflecting primarily health damages from air pollution associated with electricity generation and motor vehicle transportation.43 Of that total, $62 billion was due to coal-fired electricity generation;44 $56 billion from ground transportation (oil-petroleum);45 and over $2.1 billion from electricity generation and heating with natural gas.46 The $120 billion figure did not include damages from climate change, harm to ecosystems and infrastructure, insurance costs, effects of some air pollutants, and risks to national security, which the NRC examined but did not specifically monetize.47 The NRC did, however, suggest that under some scenarios, climate damages from energy use could equal $120 billion.48 Thus, adding infrastructure and ecosystem damages, insurance costs, air pollutant costs, and fossil-fueled national security costs to reach a total of $240 billion, it becomes clear that fossil consumption costs Americans almost $300 billion each year49—a “hidden” number likely to be larger in the future.

What does the future hold for a carbon-stressed world? Most scientific analyses presently predict that by 2050 the Earth will warm by 2–2.5°C due to the rising level of GHGs in the atmosphere; at the high-end of projections, the 2050 warming could exceed 4.5°C.50 But those increases are not consistent globally; rather, “[i]n all possible [predicted] outcomes, the warming over land would be roughly twice the global average, and the warming in the Arctic greater still.”51

For example, the NRC expects that each degree Celsius increase will produce double to quadruple the area burned by wildfires in the western United States, a 5%–15% reduction in crop yields, more destructive power from hurricanes, greater risk of very hot summers, and more changes in precipitation frequency and amounts.52 Globally, a summary of studies predicts that at a 1°C global average temperature rise would reduce Arctic sea ice by an annual average of 15% and by 25% in the month of September;53 at 2°C Europe suffers greater heat waves, the Greenland Ice Sheet significantly melts, and many land and marine species are driven to extinction;54 at 3°C the Amazon suffers severe drought and resultant firestorms that will release significantly more carbon into the atmosphere;55 at 4°C hundreds of billions of tons of carbon in permafrost melts, releasing methane in immense quantities, while the Arctic Ocean ice cap disappears and Europe suffers greater droughts.56

To presently assess what a 5°C rise will mean, we must look back into geological time, 55 million years ago, when the Earth abruptly experienced dramatic global warming due to the release of methane hydrates—a substance presently found on subsea continental shelves.57 Fossils demonstrate that crocodiles were in the Canadian high Arctic along with rain forests of dawn redwood, and the Arctic Ocean saw water temperatures of 20°C within 200 km of the North Pole itself.58 And a 6°C average rise takes us even further back—to the end of the Permian period, 251 million years ago—when up to 95% of species relatively abruptly became extinct.59 This may sound extreme, but the International Energy Agency warned this year that the 6°C mark is in reach by 2050 at current rates of fossil fuel usage.60 However, even given the severity of these forecasts, many still question the extent to which our climate is changing,61 and thus reject moving away from our largely fossil-fueled electricity, transportation, and heating sources. Therefore, in this next subsection I provide the latest scientific data documenting specific climate impacts to multiple parts of the U.S. and global daily lives, and the costly consequences that establish the urgency for undertaking the major regulatory reforms I recommend in Part IV of this Article.

B. Specific Climate Threats and Consequences

1. When Weather Extremes Increase

A 2011 IPCC Special Report predicted that:

It is virtually certain [99–100% probability] that increases in the frequency of warm daily temperature extremes and decreases in cold extremes will occur throughout the 21st century on a global scale. It is very likely [90–100% probability] that heat waves will increase in length, frequency, and/or intensity over most land areas. . . . It is very likely that average sea level rise will contribute to upward trends in extreme sea levels in extreme coastal high water levels.62

Similarly, a House of Representatives committee report (ACESA Report) found that “[t]here is a broad scientific consensus that the United States is vulnerable to weather hazards that will be exacerbated by climate change.”63 It also found that the “cost of damages from weather disasters has increased markedly from the 1980s, rising to more than 100 billion dollars in 2007. In addition to a rise in total cost, the frequency of weather disasters costing more than one billion dollars has increased.”64 In 2011, the U.S. faced the most billion-dollar climate disasters ever, with fourteen distinct disasters alone costing at least $54 billion to our economy.65 In the first six months of 2012 in the U.S., there were more than 40,000 hot temperature records, horrendous wildfires, major droughts, oppressive heat waves, major flooding, and a powerful derecho wind storm, followed in August by Hurricane Isaac ($2 billion damages), and in October by Hurricane Sandy ($50 billion damages).66

The IPCC Synthesis identified impacts from growing weather hazards upon public health to include: more frequent and more intense heat waves; more people suffering death, disease, and injury from floods, storms, fires, and droughts; increased cardio-respiratory morbidity and mortality associated with ground-level ozone pollution; changes in the range of some infectious disease carriers spreading, for example, malaria and the West Nile virus; and increased malnutrition and consequent disorders.67 The NRC Hidden Costs of Energy report’s damage assessment concluded that the vast majority of the $120 billion per year were based on health damages,68 including an additional 10,000–20,000 deaths per year.69 By 2050, cumulative additional heat-related deaths from unabated climate change are predicted to be roughly 33,000 in the forty largest U.S. cities, with more than 150,000 additional deaths by 2100.70

Weather extremes also threaten our national security, which is premised on stability. In 2007, the CNA Corporation’s report National Security and the Threat of Climate Change described climate change as a “threat multiplier for instability” and warned that:

Projected climate change poses a serious threat to America’s national security. The predicted effects of climate change over the coming decades include extreme weather events, drought, flooding, sea level rise, retreating glaciers, habitat shifts, and the increased spread of life-threatening diseases. These conditions have the potential to disrupt our way of life and to force changes in the way we keep ourselves safe and secure.71

The following year, in the first ever U.S. government analysis of climate change security threats, the National Intelligence Council issued an assessment warning, in part, that climate change could threaten U.S. security by leading to political instability, mass movements of refugees, terrorism, and conflicts over water and other resources.72

2. When Frozen Water Melts

In 2007, the IPCC predicted that sea levels would rise by eight to twenty-four inches above current levels by 2100;73 since then, however, numerous scientists and studies have suggested that the 2007 prediction is already out-of-date and that sea levels will likely rise up to 1.4 meters (m), or 55 inches, given upwardly trending CO2 emissions.74 The 2009 ACESA Report found that rising sea levels are:

[A]lready causing inundation of low-lying lands, corrosion of wetlands and beaches, exacerbation of storm surges and flooding, and increases in the salinity of coastal estuaries and aquifers. . . . Further, about one billion people live in areas within 75 feet elevation of today’s sea level, including many US cities on the East Coast and Gulf of Mexico, almost all of Bangladesh, and areas occupied by more than 250 million people in China.75

This year NASA’s Chief Scientist testified to Congress that two-thirds of sea level rise from the last three decades is derived from the Greenland and Antarctic ice sheets and the melting Arctic region; he then warned:

[T]he West Antarctic ice sheet (WAIS), an area about the size of the states of Texas and Oklahoma combined . . . contains the equivalent of 3.3 m of sea level, and all that ice rests on a soft-bed that lies below sea level. In this configuration, as warm seawater melts the floating ice shelves, causing them to retreat and the glaciers that feed them to speed up, there is no mechanism to stop the retreat and associated discharge, if warming continues. Thus the WAIS exhibits great potential for substantial and relatively rapid contributions to sea level rise.

In Greenland, the situation is not as dramatic, since the bed that underlies most of the ice is not below sea level, and the potential for unabated retreat is limited to a few outlet glaciers. In Greenland, however, summer air temperatures are warmer and closer to ice’s melting point, and we have observed widespread accumulation of meltwater in melt ponds on the ice sheet surface.76

In the West Antarctic ice sheet region, glacier retreat appears to be widespread, as the air has “warmed by nearly 6°F since 1950.”77 As for Greenland’s ice sheet, it also is at greater risk than the IPCC had thought.

Recent studies with more complete modeling suggest that the warming threshold leading to an essentially ice-free state is not the previous estimate of an additional 3.1°C, but only 1.6°C. Thus, the 2°C target may be insufficient to prevent loss of much of the ice sheet and resultant significant sea level rise.78

The ACESA Report also identified the Arctic as “one of the hotspots of global warming”79 because “[o]ver the past 50 years average temperatures in the Arctic have increased as much as 7°F, five times the global average.”80 Moreover, in “2007, a record 386,000 square miles of Arctic sea ice melted away, an area larger than Texas and Arizona combined and as big a decline in one year as has occurred over the last decade.”81 “Arctic sea ice is melting faster than climate models [had] predict[ed,] and is about [thirty] years ahead” of the 2007 IPCC predictions, thus indicating that the Arctic Ocean could be ice-free in the late summer beginning sometime between 2020 and 2037.82

How is the Arctic’s plight linked to non-Arctic impacts? “The Arctic region arguably has the greatest concentration of potential tipping elements in the Earth system, including Arctic sea ice, the Greenland ice sheet, North Atlantic deep-water formation regions, boreal forests, permafrost and marine methane hydrates.”83 Additionally:

Warming of the Arctic region is proceeding at three times the global average . . . . Loss of Arctic sea ice has been tentatively linked to extreme cold winters in Europe . . . . Near complete loss of the summer sea ice, as forecast for the middle of this century, if not before, will probably have knock-on effects for the northern mid-latitudes, shifting the jet streams and storm tracks.84

Since 1980, sea levels have been rising three to four times faster than the global average between Cape Hatteras, North Carolina and Boston, Massachusetts.85 “[P]ast and future global warming more than doubles the estimated odds of ‘century’ or worse floods occurring within the next 18 years” for most coastal U.S. locations.86

Although land-based glacier melts are not major contributors to sea level rise, they do impact peoples’ food and water supplies. Virtually all of the world’s glaciers, which store 75% of the world’s freshwater, are receding in direct response to global warming, aggravating already severe water scarcity—both in the United States and abroad.87 While over 15% of the world’s population currently relies on glacial melt and snow cover for drinking water and irrigation for agriculture, the IPCC projects a 60% volume loss in glaciers in various regions and widespread reductions in snow cover throughout the twenty-first century.88 Likewise, snowpack has been decreasing, and it is expected that snow cover duration will significantly decrease in eastern and western North America and Scandinavia by 2020 and globally by 2080.89

Climate change thus increases food insecurity by reducing yields of grains, such as corn and wheat, through increased water scarcity and intensification of severe hot conditions, thereby causing corn price volatility to sharply increase.90 Globally, the number of people living in “severely stressed” river basins will increase “by one to two billion people in the 2050s. About two-thirds of global land area is expected to experience increased water stress.”91

3. When Liquid Water Warms

Over the past century, oceans, which cover 70% of the Earth’s surface, have been warming. Global sea-surface temperatures have increased about 1.3°F and the heat has penetrated almost two miles into the deep ocean.92 This increased warming is contributing to the destruction of seagrass meadows, causing an annual release back into the environment of 299 million tons of carbon.93 Elevated atmospheric CO2 concentrations also are leading to higher absorption of CO2 into the upper ocean, making the surface waters more acidic (lower pH).94 “[O]cean chemistry currently is changing at least 100 times more rapidly than it has changed during the 650,000 years preceding our [fossil-fueled] industrial era.”95 This acidification has serious implications for the calcification rates of organisms and plants living at all levels within the global ocean. Coral reefs—habitat for over a million marine species—are collapsing, endangering more than a third of all coral species.96 Indeed, temperature thresholds for the majority of coral reefs worldwide are expected to be exceeded, causing mass bleaching and complete coral mortality.97 “[T]he productivity of plankton, krill, and marine snails, which compose the base of the ocean food-chain, [also] declines as the ocean acidifies,”98 adversely impacting populations of “everything from whales to salmon”99—species that are also are being harmed by the oceans’ warming.100

Extinctions from climate change also are expected to be significant and widespread. The IPCC Fourth Assessment found that “approximately 20– 30% of plant and animal species assessed so far are likely to be at increased risk of extinction if increases in global average temperature exceed 1.5– 2.5°C”101—a range likely to be exceeded in the coming decades. “[R]ecent studies have linked global warming to declines in such [] species as [] blue crabs, penguins, gray whales, salmon, walruses, and ringed seals[; b]ird extinction rates are predicted to be as high as 38[%] in Europe and 72[%] in northeastern Australia, if global warming exceeds 2°C above pre-industrial levels.”102 Between now and 2050, Conservation International estimates that one species will face extinction every twenty minutes;103 the current extinction rate is one thousand times faster than the average during Earth’s history,104 in part because the climate is changing more than 100 times faster than the rate at which many species can adapt.105

4. When Land Dries Out

The warming trends toward the Earth’s poles and higher latitudes are threatening people not just from melting ice and sea level rise, but also from the predicted thawing of 30%–50% of permafrost by 2050, and again as much or more of it by 2100.106 “The term permafrost refers to soil or rock that has been below 0°C (32°F) and frozen for at least two years.”107 Permafrost underlies about 25% of the land area in the northern hemisphere, and is “estimated to hold 30[%] or more of all carbon stored in soils worldwide”— which equates to four times more than all the carbon humans have emitted in modern times.108 Given the increasing average air temperatures in eastern Siberia, Alaska, and northwestern Canada, thawing of the Northern permafrost would release massive amounts of carbon dioxide (doubling current atmospheric levels) and methane into the atmosphere.109 Indeed, there are about 1.7 trillion tons of carbon in northern soils (roughly twice the amount in the atmosphere), about 88% of it in thawing permafrost.110 Permafrost thus may become an annual source of carbon equal to 15%–35% of today’s annual human emissions.111 But like seagrass meadows and unlike power plant emissions, we cannot trap or prevent permafrost carbon emissions at the source.

Similarly, forests, which “cover about 30[%] of the Earth’s land surface and hold almost half of the world’s terrestrial carbon . . . act both as a source of carbon emissions to the atmosphere when cut, burned, or otherwise degraded and as a sink when they grow.”112 A combination of droughts, fires, and spreading pests, though, are causing economic and environmental havoc: “In 2003 . . . forest fires in Europe, the United States, Australia, and Canada accounted for more global [carbon] emissions than any other source.”113 There have been significant increases in both the number of major wildfires and the area of forests burned in the U.S. and Canada.114 Fires fed by hot, dry weather have killed enormous stretches of forest in Siberia and in the Amazon, which “recently suffered two ‘once a century’ droughts just five years apart.”115

Climate change also is exacerbating the geographic spread and intensity of insect infestations. For example:

[I]n British Columbia . . . the mountain pine beetle extended its range north and has destroyed an area of soft-wood forest three times the size of Maryland, killing 411 million cubic feet of trees—double the annual take by all the loggers in Canada. Alaska has also lost up to three million acres of old growth forest to the pine beetle.116

Over the past fifteen years the spruce bark beetle extended its range into Alaska, where it has killed about 40 million trees more “than any other insect in North America’s recorded history.”117 The drying and burning forests, and other increasingly dry landscapes, also are causing “flora and fauna [to move] to higher latitudes or to higher altitudes in the mountains.”118

The human and environmental costs from failing to promptly reduce dependence on carbon-dioxide emitting sources for electricity, heating, and transportation are dire and indisputable. Rather than being the leader among major countries in per capita GHG emissions, our country urgently needs to lead the world in cutting 80% of our emissions by 2050 and using our renewable energy resources and technological advances to help other major emitting countries do the same. However, significantly increasing our use of carbon-free renewable sources to protect current and future generations of all species—human and non-human—requires concrete changes in how our legal system regulates and permits renewable energy sources. One source with the potential for significant energy production and comparable elimination of fossil fueled GHGs near major American and global population centers is offshore wind.

III. THE OFFSHORE WIND POWER PERMITTING AND LEASING OBSTACLE COURSE

A. Overview of Technology and Attributes

As noted in Part I, offshore wind energy projects have the potential to generate large quantities of pollutant-free electricity near many of the world’s major population centers, and thus to help reduce the ongoing and projected economic, health, and environmental damages from climate change. Wind speeds over water are stronger and more consistent than over land, and “have a gross potential generating capacity four times greater than the nation’s present electric capacity.”119 The net capacity factor120 for offshore turbines is greater than standard land-based turbines, and their blade-tip speeds are higher than their land-based counterparts.121 Offshore wind turbine substructure designs mainly fall into three depth categories: shallow (30 m or less), transitional (30 m to 60 m), and deep water ( greater than 60 m).122 Most of the grid-scale offshore wind farms in Europe have monopole foundations embedded into the seabed in water depths ranging from 5 m to 30 m;123 the proposed American projects such as Cape Wind in Massachusetts and Block Island in Rhode Island would likewise be shallowwater installations.124

In deeper water, it is not economically feasible to affix a rigid structure to the sea floor, and floating platforms are envisioned. The three concepts shown below have been developed for floating platform designs, each of which is tethered but not built into the seabed.125

Each design uses a different method for achieving static stability, and some small pilot efforts are underway to demonstrate the performance of different turbines.126 Greater wind speeds and thus available energy capture are found further from shore, particularly at ocean depths greater than 60 m.127 These attributes, combined with their proximity to major coastal cities and energy consumers,128 are why, in our carbon-stressed world, offshore wind requires serious consideration and prompt implementation. As demonstrated in the following pages, however, the maze of federal and state regulatory requirements facing renewable energy projects in general and offshore wind in particular, is especially burdensome.129 These requirements undermine the fundamental goal of significantly increasing reliance on emission-free renewable energy sources130 and, unless substantially revised, will effectively preclude any meaningful efforts to mitigate the many damaging human and economic impacts of climate change.

B. Federal and State Jurisdiction

U.S. jurisdiction over the ocean and seafloor extends from the coast 200 nautical miles seaward.131 Within the umbrella of U.S. jurisdiction, ocean governance is divided between the federal government and individual states.132 Individual state governments retain title to submerged land within three nautical miles of shore,133 and may regulate activities within that area, subject to federal law.134 The federal government retains title and authority over all remaining waters out to 200 nautical miles from shore—the Outer Continental Shelf (OCS).135

#### Advantage 3 is Strategic Partnership

**The US and Europe are diverging on issues of energy --- aff key to coordination to save the alliance.**

**Koryani, 11**—Hungarian diplomat, former Undersecretary of State, foreign policy and energy expert. He is also the Deputy Director of the Dinu Patriciu Eurasia Center of the Atlantic Council of the United States (David [Editor], Transatlantic Energy Futures, 2011, http://transatlantic.sais-jhu.edu/publications/books/Transatlantic\_Energy\_Futures/Transatlantic\_Energy\_Futures.pdf)

What Brings Us Together...¶ Transatlantic cooperation is key to addressing all the above challenges¶ and dilemmas. Due to a number of reasons, the transatlantic¶ partners are well positioned to provide answers jointly.¶ To begin with, transatlantic cooperation on energy has a rich history,¶ a decent track record and a good basis upon which to build. It picked up after the first oil crisis in 1973-74 and led to the establishment¶ of the International Energy Agency (IEA). In the 1980s the¶ transatlantic partners somewhat differed in their views on core energy¶ security issues and in their responses to challenges, such as the role of¶ Russia in providing oil and natural gas to Europe. Nonetheless,¶ transatlantic cooperation again intensified in the 1990s and 2000s on¶ various issues, such as oil and gas pipelines,9 energy efficiency, RD&D¶ cooperation, carbon capture and storage projects, smart grids, and¶ energy storage. This culminated in the establishment of the EU-U.S.¶ Energy Council in November 2009, which testified to the recognition¶ of energy as an issue of strategic importance and of great potential in¶ transatlantic cooperation.¶ The transatlantic partners share strategic interests in maintaining¶ and improving the effectiveness of a global governance system that is¶ norm-based, rule-based, and inclusive, and that ensures the security of¶ the U.S and the EU. Moreover, the EU and the U.S. have an exceptionally¶ strong incentive— exacerbated by the financial and economic¶ crisis—to reinforce existing cooperation and to share burdens by¶ pooling resources. In times of austerity and shrinking budgets, identifying¶ and exploiting synergies and avoiding duplications is a must.¶ The transatlantic community is uniquely positioned to develop¶ technology, leverage financing, and share experiences in legislative and¶ regulatory developments that are necessary to advance clean energy¶ technologies. As pluralist democracies, the EU and the U.S. are best¶ positioned to profit from the ‘democratization of energy.’ Innovation,¶ initiative, subsidiarity and self-governance, decentralized decisionmaking¶ system, management of interconnectivity, co-dependencies¶ and market integration— all these skills, which will be required to be¶ successful in the new era, are deeply ingrained in our societies.¶ Finally we face common threats and challenges closely linked to¶ energy issues, such as the proliferation of nuclear weapons, a resurgent¶ Russia, an unstable Middle East or China’s insatiable appetite for¶ resources and its repercussions around the globe.¶ ...and What Drives Us Apart¶ Critical factors of divergence cannot be discounted either, as they¶ have an almost equally strong pull. Differing climate change perceptions¶ and the lack of U.S. commitment and action is extremely dangerous,¶ as it alienates Europeans, both policymakers and the wider¶ public alike. These differences, if not solved, could drive a wedge for¶ decades between the partners, undermine trust, create a value gap and¶ hinder cooperation not only in climate change and energy issues but¶ in all other aspects as well.¶ There is in fact a chance that U.S. and European energy markets¶ could largely decouple in coming years, due in part to differences¶ regarding the need to tackle climate change, and in part to diverging¶ geopolitical and domestic trends. The U.S. has edged closer to self sufficiency¶ with respect to fossil fuels, with the extensive development¶ of its vast unconventional gas resources and increasing reliance on¶ Canadian oil sands. This could lead to a more isolationist stance in¶ U.S. policy. Meanwhile unconventional gas faces mixed reactions in¶ Europe; the EU, for example, plans to shun oil shales and tar sands in¶ its impending Fuel Quality Directive. Friction in transatlantic perceptions¶ on energy security and divergences over preferred courses of¶ action are real dangers that must be addressed head on.¶ Towards a Transatlantic Energy Alliance¶ The systemic transformation of the world of energy, triggered by¶ climate change and powered by new technologies, will likely cause the¶ reorganization of our societies. The benefits and pitfalls of transatlantic¶ cooperation are beyond doubt. Renewing the transatlantic community’s¶ leadership is essential to lead the world to a sustainable, low carbon¶ future. Transatlantic cooperation can contribute to provide¶ secure and affordable energy to people in the EU and the U.S., foster¶ economic prosperity and create jobs. Current cooperation on a wide¶ range of subjects is encouraging but inadequate. What we need is a¶ new impetus, genuine political will, adequate resources and enhanced¶ cooperation to advance a transatlantic green economy. Joint efforts in¶ addressing climate change, innovation and investment into clean¶ energy technologies, risk sharing and cost reduction, joint RD&D and harmonized energy diplomacy must be the cornerstones of a Transatlantic¶ Energy Alliance.¶ A Transatlantic Energy Alliance is desirable and feasible, but not¶ self-evident. Climate change and energy cooperation will be the litmus¶ test of converging or diverging European and American norms,¶ values and interests in the 21st century. We have to bridge our differences¶ and we have to do that quickly in order to remain in the driving¶ seat. To amend Robert Kagan’s famous line, Americans may be from¶ Mars and Europeans from Venus, but we shall all soon need to move¶ to some other planet if we do not adjust course.¶ Transatlantic Energy Futures endeavors to give you a taste of the¶ intricate and multifaceted energy challenges facing our communities.¶ It aims to do so with a strong conviction in the enduring prominence¶ and necessity of the transatlantic partnership.

#### **Removing restrictions key to market coordination**

**Leone, 11**—Associate Editor, RenewableEnergyWorld.com (Steve, “For Offshore Wind to Thrive, Collaboration A Must,” July 28th, 2011, http://www.renewableenergyworld.com/rea/news/article/2011/07/for-offshore-wind-to-thrive-collaboration-a-must)

 New Hampshire, USA -- If the European Wind Energy Association projections prove accurate, offshore capacity across the continent will leapfrog past traditional onshore wind developments sometime after 2030. By 2050, it predicts, offshore will be the dominant form of wind development. There's no reason to believe that this trend will play out any differently in other parts of the world as the industry sets out to take wind energy farther and deeper than its ever been.¶ If it’s true that the winds of change are coming to the wind industry, and that developments will move farther offshore behind technologies currently in the research stage, the question remains: Who will lead this emerging sector of the industry?¶ To answer that, start with the current leader — in this case, the United Kingdom.¶ According to a report from EWEA released in this week, Europe added 883 MW of offshore capacity in 2010, giving the continent 2,964 MW in total capacity. A bit less than half of that rests off the U.K. coast. The U.K. is the global leader with a total of 1341 MW, followed by Denmark (854 MW), The Netherlands (249), Belgium (195) and Sweden (164).¶ While there’s a lot of capacity at stake, there’s also a lot of money on the table. The industry, according to the report, was worth €2.6 billion ($3.77 billion) in 2010. Again, this puts the U.K. in the driver’s seat as the rest of the world considers its offshore future. But in the nascent industry, U.K. companies are marketing themselves as sources of experience for other European countries exploring offshore, such as France. More than anything, business leaders and government officials see the vast potential of the American market — particularly along the East Coast — as a way to move the industry forward as a whole.¶ U.K. Looking to U.S.¶ In the U.S., there’s been a lot of talk and a lot of hope for a place where the industry has yet to install its first offshore wind development. Still, U.K. companies have taken notice, and they see enormous potential in the waters that could eventually serve major markets like New York City, Washington and Boston.¶ One U.K. company that has crossed the Atlantic is PMSS, a global renewable energy consulting firm that recently opened a New York office to better position itself in the new market. According to Mike Rosenfeld, a Los Angeles-based vice-consul with UK Trade & Investment — the U.K. government’s international business development agency — PMSS is already working in a consulting capacity with prospective developers interested in exploring offshore wind. Scotland-based SgurrEnergy has played a prominent role in the yet-to-be-built Cape Wind development — the project that has come to define America’s movement in offshore wind.¶ Aside from individual companies looking to expand into American waters, Rosenfeld says it’s the unified vision of the two governments that has helped pique interest. Though the British government has traditionally been more supportive through policy, there have been some significant actions by American leaders to help kick-start offshore exploration. One of those — Smart from the Start — may have come later than some would have liked, but it has nonetheless laid the groundwork to facilitate siting, leasing and construction of new projects.¶ “There is already collaboration between the U.S. Department of Energy and the UK Department of Energy and Climate Change on how to accelerate deployment of offshore wind,” said Rosenfeld. “There’s no need to constantly reinvent the wheel. If there’s an opportunity to collaborate on how to get this offshore wind deployed faster, this is a good example of how government to government collaboration will come into play.”¶ Not all innovation is flowing from Europe’s more established markets to the United States. Principle Power, a Seattle-based deep water wind platform technology company, has teamed with a group of international companies, including turbine-maker Vestas, on a 2-MW floating test installation off the coast of Portugal. The project could be completed in 2012.¶ Why U.K. has emerged as a leader¶ The nation undoubtedly is looking to maintain its role as an industry leader in engineering, research and manufacturing. The U.K. has broad government support, a strong cluster of universities and places like the Energy Technology Institute, where global industries and the U.K. government have teamed to work on developing new technologies.¶ Denmark may have installed the first offshore project, but the U.K. appears to have won the inherent advantage that usually comes with the first to market. Rosenfeld says this is partly due to strong government support and ideal conditions for offshore wind.¶ "The U.K. has a resource that is considered the most viable at the moment,” said Rosenfeld. “The resource, which is the wind itself, blows pretty consistently.”¶ But even as the U.K. develops more and more offshore farms, they realize the future is likely in the areas they have not yet reached. It’s those nations that support innovation, says Rosenfeld, that will allow companies to go after farther, deeper deployment in a quest to develop commercialized wind farms far off the coast where the wind blows the strongest.¶ “Right now, the engineering challenges of deploying in deeper waters clearly is the challenge,” said Rosenfeld. “We know how to do it because we’ve done it with offshore oil drilling production. The deeper you go, the more expensive and challenging it is. Then bringing the power back is also a question. How do you bring the cost down of deploying in deep water?”

**US-European partnership creates linkages and pools resources – accesses every impact**

**Stivachtis 10** – Director of International Studies Program @ Virginia Polytechnic Institute  [Dr. Yannis. A. Stivachtis (Professor of Poli Sci @ Virginia Polytechnic Institute & Ph.D. in Politics & International Relations from Lancaster University), THE IMPERATIVE FOR TRANSATLANTIC COOPERATION,” The Research Institute for European and American Studies, 2010,  pg. <http://www.rieas.gr/research-areas/global-issues/transatlantic-studies/78.html>]

There is no doubt that US-European relations are in a period of transition, and that the stresses and strains of globalization are increasing both the number and the seriousness of the challenges that confront transatlantic relations. The events of 9/11 and the Iraq War have added significantly to these stresses and strains. At the same time, international terrorism, the nuclearization of North Korea and especially Iran, the proliferation of weapons of mass destruction (WMD), the transformation of Russia into a stable and cooperative member of the international community, the growing power of China, the political and economic transformation and integration of the Caucasian and Central Asian states, the integration andstabilization of the Balkan countries, the promotion of peace and stability in the Middle East, poverty, climate change, AIDS and other emergent problems and situations require further cooperation among countries at the regional, global and institutional levels. Therefore, cooperation between the U.S. and Europe is more imperative than ever to deal effectively with these problems. It is fair to say that the challenges of crafting a new relationship between the U.S. and the EU as well as between the U.S. and NATO are more regional than global, but the implications of success or failure will be global. The transatlantic relationship is still in crisis, despite efforts to improve it since the Iraq War. This is not to say that differences between the two sides of the Atlantic did not exist before the war. Actually, post-1945 relations between Europe and the U.S. were fraught with disagreements and never free of crisis since the Suez crisis of 1956. Moreover, despite trans-Atlantic proclamations of solidarity in the aftermath of 9/11, the U.S. and Europe parted ways on issues from global warming and biotechnology to peacekeeping and national missile defense. Questions such as, the future role of NATO and its relationship to the common European Security and Defense policy (ESDP), or what constitutes terrorism and what the rights of captured suspected terrorists are, have been added to the list of US-European disagreements. There are two reasons for concern regarding the transatlantic rift. First, if European leaders conclude that Europe must become counterweight to the U.S., rather than a partner, it will be difficult to engage in the kind of open search for a common ground than an elective partnership requires. Second, there is a risk that public opinion in both the U.S. and Europe will make it difficult even for leaders who want to forge a new relationship to make the necessary accommodations. If both sides would actively work to heal the breach, a new opportunity could be created. A vibrant transatlantic partnership remains a real possibility, but only if both sides make the necessary political commitment. There are strong reasons to believe that the security challenges facing the U.S. and Europe are more shared than divergent. The most dramatic case is terrorism. Closely related is the common interest in halting the spread of weapons of mass destruction and the nuclearization of Iran and North Korea. This commonality of threats is clearly perceived by publics on both sides of the Atlantic. Actually, Americans and Europeans see eye to eye on more issues than one would expect from reading newspapers and magazines. But while elites on both sides of the Atlantic bemoan a largely illusory gap over the use of military force, biotechnology, and global warming, surveys of American and European public opinion highlight sharp differences over global leadership, defense spending, and the Middle East that threaten the future of the last century’s most successful alliance. There are other important, shared interests as well. The transformation of Russia into a stable cooperative member of the international community is a priority both for the U.S. and Europe. They also have an interest in promoting a stable regime inUkraine. It is necessary for the U.S. and EU to form a united front to meet these challenges because first, there is a risk that dangerous materials related to WMD will fall into the wrong hands; and second, the spread of conflict along those countries’ periphery could destabilize neighboring countries and provide safe havens for terrorists and other international criminal organizations. Likewise, in the Caucasus and Central Asia both sides share a stake in promoting political and economic transformation and integrating these states into larger communities such as the OSCE. This would also minimize the risk of instability spreading and prevent those countries of becoming havens for international terrorists and criminals. Similarly, there is a common interest in integrating the Balkans politically and economically. Dealing with Iran, Iraq, Lebanon, and the Israeli-Palestinian conflict as well as other political issues in the Middle East are also of a great concern for both sides although the U.S. plays a dominant role in the region. Finally, US-European cooperation will be more effective in dealing with the rising power of China through engagement but also containment. The post Iraq War realities have shown that it is no longer simply a question of adapting transatlantic institutions to new realities. The changing structure of relations between the U.S. and Europe implies that a new basis for the relationship must be found if transatlantic cooperation and partnership is to continue. The future course of relations will be determined above all by U.S. policy towards Europe and the Atlantic Alliance. Wise policy can help forge a new, more enduring strategic partnership, through which the two sides of the Atlantic cooperate in meeting the many major challenges and opportunities of the evolving world together. But a policy that takes Europe for granted and routinely ignores or even belittles European concerns, may force Europe to conclude that the costs of continued alliance outweigh its benefits. There is no doubt that the U.S. and Europe have considerable potential to pursue common security interests. Several key steps must be taken to make this potential a reality. First, it is critical to avoid the trap of ‘division of labor’ in the security realm, which could be devastating for the prospects of future cooperation. Second, and closely related to avoiding division of labor as a matter of policy, is the crucial necessity for Europe to develop at least some ‘high-end’ military capabilities to allow European forces to operate effectively with the U.S. Third, is the need for both the U.S. and Europe to enhance their ability to contribute to peacekeeping and post-conflict stabilization and reconstruction. Fourth, is the importance of preserving consensus at the heart of alliance decision-making. Some have argued that with the expansion of NATO, the time has come to reconsider the consensus role. One way to increase efficiency without destroying consensus would be to strengthen the role of the Secretary General in managing the internal and administrative affairs of the alliance, while reserving policy for the member states. Fifth is the need to make further progress on linking and de-conflicting NATO and EU capabilities. Sixth is the need for enhanced transatlantic defense industrial cooperation. Seventh, one future pillar for transatlantic cooperation is to strengthen US-European coordination in building the infrastructure of global governance through strengthening institutions such as the UN and its specialized agencies, the World Bank, the IFM, G-8, OECD and regional development banks. Finally, cooperation can also be achieved in strengthening the global economic infrastructure, sustaining the global ecosystem, and combating terrorism and international crime. To translate the potential of the transatlantic relationship into a more positive reality will require two kinds of development. First, the EU itself must take further steps to institutionalize its own capacity to act in these areas. Foreign policy and especially defense policy remain the areas where the future of a ‘European’ voice is most uncertain. Second, the U.S. and Europe need to establish more formal, effective mechanisms for consultation and even decision-making. The restoration of transatlantic relations requires policies and actions that governments on both sides of the Atlantic should simultaneously adopt and not only a unilateral change of course. Developing a new, sustainable transatlantic relationship requires a series of deliberate decisions from both the U.S. and EU if a partnership of choice and not necessity is to be established. For the U.S., this means avoiding the temptation, offered by unprecedented strength, to go it alone in pursuit of narrowly defined national interests. For the EU, the new partnership requires a willingness to accept that the EU plays a uniquely valuable role as a leader in a world where power still matters, and that a commitment to a rule-based international order does not obviate the need to act decisively against

**And, regulatory harmonization key to a US-EU FTA**

**Alden, 13**—the Bernard L. Schwartz senior fellow at the Council on Foreign Relations, and was project director for the CFR Independent Task Force on U.S. Trade and Investment Policy (Edward, “U.S.-EU FTA Talks Chart a New Path for Global Trade,” March 13th, 2013, <http://www.worldpoliticsreview.com/articles/12787/u-s-eu-fta-talks-chart-a-new-path-for-global-trade>)

The negotiations will carry much symbolic weight as well. The economic boost is anticipated to be modest but significant. EU projections are that European GDP would rise by as much as 0.5 percent annually with a comprehensive trade deal, and similar gains are likely for the U.S. But the stakes are bigger than those numbers would suggest. The EU remains mired in a standoff between the heavy-debt, high-unemployment countries like Greece, Spain and Italy and a northern bloc led by an export-dependent and austerity-minded Germany. The deal with the United States could offer a desperately needed new growth story. For its part, the United States is still recovering from the hangover of the 2008 financial crisis, but weaker export markets mean that President Barack Obama will fall well short of his stated goal of doubling U.S. exports by the end of 2014. So Washington, too, would welcome additional market openings.¶ Finally, the U.S. and Europe are hoping that their negotiations will set a kind of template for dealing with other countries in the future. In big developing countries like China and India, where the state plays a large economic role, foreign investors face an imposing array of regulatory barriers that make it difficult to compete on an equal footing with state-owned enterprises or other favored domestic companies. A united front between Europe and the U.S. could make it easier to tackle these issues.

**Saves the European economy and boosts global growth**

**Vale de Almeida, 13**—the European Union ambassador to the United States (Joao, Why EU-US free trade agreement would benefit both sides, February 13th, 2013, <http://www.csmonitor.com/Commentary/Opinion/2013/0213/Why-EU-US-free-trade-agreement-would-benefit-both-sides>)

Bringing down stubborn tariff and non-tariff barriers to trade and investment and aligning our regulatory frameworks while respecting our differences could do a great deal to promote growth and jobs on both sides of the Atlantic. The transatlantic economic relationship is still by far the most important relationship in the world, accounting for about half of the world’s GDP and almost a third of global trade flows. The US and Europe remain each other’s most important markets. ¶ By some estimates, an agreement eliminating tariffs and other barriers between us could increase annual economic growth by up to 1 percent on both sides of the Atlantic. That means jobs, and as Mr. Obama pointed out in his speech last night, "trade that is free and fair across the Atlantic supports millions of good-paying American jobs."¶ We badly need a free trade pact as both the EU and US continue to fight our way back from the financial crisis and face increased competition from a host of emerging economies. Now is the right time to look across the Atlantic and see how we can help each other. This would undoubtedly be a recovery booster.¶ Working toward a trade pact also recognizes that a more intense EU-US partnership can enhance the capacity of Europe and the US to deal more effectively with other regions of the world.¶ Reaching an ambitious economic agreement between us would send a powerful message to the rest of the world about our leadership in shaping global economic governance in line with our values.¶ The battle to promote free and open democratic principles and practices, as Europe and the US interpret them, is far from over and the attraction of undemocratic formulas of governance is a reality in many parts of the world. A free trade agreement not only serves European and US interests, it serves the interests of the world – and promotes democratic values.

#### Eurozone collapse causes World War III

Gommes, 11 -- former Columbia Law Review senior editor

(Thomas, publisher of Periscope Post, former corporate lawyer, "Eurozone in crisis: The death of the euro could trigger World War III," 12-9-11, www.periscopepost.com/2011/12/eurozone-in-crisis-the-death-of-the-euro-could-trigger-world-war-iii/, accessed 10-23-12, )

Eurozone in crisis: The **death of the euro could trigger** World War III The slow-motion demise of the euro isn’t just financial Armageddon – it could just be one step down the slippery path to World War III. At the risk of being accused of scaremongering, I’ll state my point simply and up front: Things in Europe are not as bad as they seem – they’re worse. And though the commentariat is queuing up to predict the imminent demise of the euro currency and to lament the ongoing recession, that’s not even the half of it: We’re looking at World War III. As major corporations start drawing up contingency plans for a world without the euro and as weaknesses in government finances become ever more glaring, the end of the euro currency becomes an increasingly realistic prospect. Related, the total absence of business growth, or trading among European nations raises the question of what benefits a unified trading block offers. The driving motive behind the original Coal and Steel alliance that ultimately became today’s European Union was a desire among nations, traumatised by the worst war in their collective history, to provide a deterrent against another war. My concern is that that trauma has faded, and that the fear of war has been replaced by the fear of recession. As anyone with even a fleeting familiarity with **European history** can confirm, ours **is not** exactly **a history of** love and **peace**. In fact, the period since the end of World War II has been probably the longest period of relative peace the region has ever known. Arguably, it’s no coincidence that that period of peace has coincided exactly with the ever strengthening ties that have been forged between European nations over these past 60 years. If the bonds that tie European nations together are weakened, the **incentives to avoid** total war **dwindle.** And its not as dramatic or far fetched a theory as it may at first sound. The end of the euro currency and a reversion to national currencies could quite possibly provide the impetus for a further dissolution of the union. The unraveling of painstakingly negotiated ties becomes easier and easier as each strand frays and breaks. Combine this unraveling with an ongoing or even deepening recession, and it all makes for a **combustible atmosphere**. Unfortunately, it is human nature to blame others for our woes. In an environment of unemployment, austerity, and general resentment, it is not difficult to imagine nations starting to point the finger at their neighbours. And **without the unifying effect** of a common currency, thriving trading relations, free movement of peoples, and common interests, **Europe would find itself** increasingly susceptible to war. Moreover, as so few Europeans in my generation, let alone subsequent generations, have even the slightest inkling about how horrific war is, it may be tempting to consider it as a solution to problems, or at minimum an acceptable response to perceived slights.

**Economic decline causes war—strong statistical support.**

Royal 10 — Jedidiah Royal, Director of Cooperative Threat Reduction at the U.S. Department of Defense, M.Phil. Candidate at the University of New South Wales, 2010 (“Economic Integration, Economic Signalling and the Problem of Economic Crises,” *Economics of War and Peace: Economic, Legal and Political Perspectives*, Edited by Ben Goldsmith and Jurgen Brauer, Published by Emerald Group Publishing, ISBN 0857240048, p. 213-215)

Less intuitive is how periods of economic decline may **increase the likelihood of external conflict**. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defence behaviour of interdependent states. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow. ¶ First, on the systemic level, Pollins (2008) advances Modelski and Thompson's (1996) work on leadership cycle theory, finding that rhythms in the global economy are associated with the rise and fall of a pre-eminent power and the often **bloody transition** from one pre-eminent leader to the next. As such, exogenous shocks such as economic crises could usher in a redistribution of relative power (see also Gilpin. 1981) that leads to **uncertainty** about power balances, **increasing the risk of miscalculation** (Feaver, 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power (Werner. 1999). Separately, Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown.¶ Second, on a dyadic level, Copeland's (1996, 2000) theory of trade expectations suggests that 'future expectation of trade' is a significant variable in understanding economic conditions and security behaviour of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, if the expectations of future trade decline, particularly for difficult [end page 213] to replace items such as energy resources, **the likelihood for conflict increases**, as states will be inclined to use force to gain access to those resources. Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states.4 ¶ Third, others have considered the link between economic decline and external armed conflict at a national level. Blomberg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write,¶ The linkages between internal and external conflict and prosperity are **strong** and **mutually reinforcing**. Economic conflict tends to spawn internal conflict, which in turn **returns the favour**. Moreover, the presence of a recession tends to **amplify** the extent to which international and external conflicts **self-reinforce** each other. (Blomberg & Hess, 2002. p. 89) ¶ Economic decline has also been linked with an **increase in** the likelihood of **terrorism** (Blomberg, Hess, & Weerapana, 2004), which has the capacity to **spill across borders** and lead to **external tensions**. ¶ Furthermore, crises generally reduce the popularity of a sitting government. “Diversionary theory" suggests that, when facing unpopularity arising from economic decline, sitting governments have **increased incentives** to **fabricate external military conflicts** to create a 'rally around the flag' effect. Wang (1996), DeRouen (1995). and Blomberg, Hess, and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller (1999), and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics are greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DeRouen (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak Presidential popularity, are **statistically linked** to an increase in the use of force. ¶ In summary, recent economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas political science scholarship links economic decline with external conflict at **systemic, dyadic and national levels**.5 This implied connection between integration, crises and armed conflict has not featured prominently in the economic-security debate and deserves more attention. ¶ This observation is **not contradictory** to other perspectives that link economic interdependence with a decrease in the likelihood of external conflict, such as those mentioned in the first paragraph of this chapter. [end page 214] Those studies tend to focus on dyadic interdependence instead of global interdependence and **do not specifically consider** the occurrence of and conditions created by economic crises. As such, the view presented here should be considered ancillary to those views.

**US-EU leadership key to assuage energy insecurity issues**

**Lawson et al., 9—**a former General and former deputy commander in chief, Headquarters United States European Command, Stuttgart-Vaihingen, Germany (“A shared Vision for Energy and Climate Change; Establishing a Common Transatlantic Agenda,” May 28th-29th, http://www.acus.org/files/publication\_pdfs/65/AtlanticCouncil-USEUEnergy-Rev4.pdf)

If the challenges facing the transatlantic communit¶ y were easily resolved they would be well on¶ the way to being resolved through existing national¶ regulations and market forces. The¶ discussions brought to light many of the complex is¶ sues and intertwining relationships that need¶ to be considered in addressing energy security, env¶ ironmental degradation and economic¶ prosperity. At the same time these issues are being¶ addressed, the transatlantic community, as well¶ as the rest of the world, is facing two simultaneou¶ s crises. One is financial and economic and the¶ other is environmental. The former is making it difficult to make necessary environmental¶ investments and to pay the higher energy costs that¶ may be required. The latter is making it¶ necessary to change radically how we produce and co¶ nsume energy.¶ This situation also provides a huge opportunity for¶ positive change. In the coming years we¶ cannot afford to continue with “business as usual”¶ as the current path is unsustainable. There was¶ strong sentiment that failure to transform the ener¶ gy sector to address the threats of global¶ warming adequately will have very costly consequenc¶ es for future generations. The world already¶ has to adapt to the impact of climate change and th¶ e impacts will continue to increase for many¶ decades even under the best of scenarios.¶ Fortunately, there are many technologies that can b¶ e brought to bear. But development and deployment¶ will¶ not be easy, or inexpensive. Current infrastructur¶ es will need to be transformed. Transitions will t¶ ake time¶ and must be undertaken in a manner that avoids seve¶ re economic disruptions to industry and consumers.¶ In¶ the end, we may need a complete reorganization of o¶ ur¶ societies.¶ It is essential that the United States and Europe provide the needed leadership¶ . Cooperation in¶ undertaking such a transformation makes more sense¶ than ever before, as it will be easier to devise¶ an effective and efficient way forward through coop¶ eration than by going on separate and possibly¶ conflicting paths. From a Transatlantic perspective¶ the differences between the US and EU over the¶ past 8 years have been greatly exaggerated, and ove¶ r emphasizing differences in discussions and¶ negotiations is often counterproductive. There is¶ broad agreement that global warming exists and¶ that technology is needed. Energy security remains¶ a global as well as a transatlantic concern.

**Offshore wind solves energy demand in the mediterranean**

**Gaudiosi and Borri, 10** (Gaetano and Claudio, 2010, “Offshore wind energy in the mediterranean countries,”http://www.cder.dz/download/smee2010\_19.pdf)

Future increase of energy demand of South Mediterranean countries,¶ decarbonisation of electricity,¶ particularly requested by No¶ rth Mediterranean countries¶ for the climate change effects, global market enlargement for foss¶ il fuels at increasing¶ prices are pushing the demand of renewable electricity, among which offshore wind that ¶ could have a significant role, even though up to now it has been disregarded by the¶ Mediterranean Energy National Authorities in their Energy Plans.¶ Since the very preliminary past evaluations the Mediterranean offshore wind¶ potential looks promising and effective to increase the percentage of renewable on total¶ electricity from 7 % to more than 10 %.¶ The Mediterranean Solar Plan (PSM)¶ lunched in 2008 by the Union for¶ Mediterranean will cover Offshore Wind in near future and then a more specific¶ offshore wind potential evaluation has to be carried out for all the Mediterranean countries to complete the results of th¶ e 2004 EU-Nostrum and of 2006 OME-MAP¶ Projects [9].

**And, Mediterranean conflict escalates**

**Zhukov 3-20** [Yuri M., "Trouble in the Eastern Mediterranean Sea," http://www.foreignaffairs.com/articles/139069/yuri-m-zhukov/trouble-in-the-eastern-mediterranean-sea?page=show]

In recent years, resource disputes in the South China Sea have made headlines across the world. But another body of water -- the Mediterranean -- is rapidly becoming as volatile as its eastern cousin. Exploratory drilling near the coasts of Cyprus, Egypt, Israel, Lebanon, Syria, and Turkey has unearthed vast reserves of natural gas. Competition over the rights to tap those resources is compounding existing tensions over sovereignty and maritime borders. Without more active engagement by outside powers, these disagreements will be difficult to resolve.¶ Israel stands to be the main beneficiary of the eastern Mediterranean’s bounty, due mainly to the geographic distribution of recent discoveries. In 2009 and 2010, a pair of U.S.-Israeli consortiums exploring the seabed near Haifa discovered the Tamar and Leviathan fields, which collectively hold an estimated 26 trillion cubic feet (tcf) of natural gas. The timing of these discoveries was opportune. Since the beginning of the Arab Spring, Israel has suffered frequent supply interruptions and the eventual termination of its contract with Egypt, which had previously provided 40 percent of the gas Israel consumed, at below-market rates. The Tamar and Leviathan fields, once developed, could satisfy Israel’s electricity needs for the next 30 years and even allow it to become a net energy exporter.¶ Lebanon -- with whom Israel has never settled its maritime boundary -- has declared that a portion of the Leviathan field falls into a 330-square-mile area that both countries claim as part of their protected economic zones. This dispute, along with Hezbollah’s threat to attack Israeli gas platforms, has increased the burden on Israel’s small navy. Until recently, the Israeli navy’s primary strategic focus was on coastal defense and maintaining a blockade of Gaza. To equip the fleet for the protection of offshore gas rigs, Israeli Defense Minister Ehud Barak and Chief of General Staff Benny Gantz have approved a plan to procure four new warships. Israel has also worked to expand political, military, and economic cooperation with other local stakeholders, particularly Cyprus.¶ Since Cyprus signed a maritime border agreement with Israel in 2010, it has become the second main beneficiary of the gas boom. The island straddles Israel’s most likely gas export route to European markets. Cyprus also lays claim to its own gas deposits. The Aphrodite field, which is adjacent to Leviathan, may contain up to seven tcf of natural gas -- enough to meet Greek Cypriot domestic consumption needs for decades to come. Yet even that field is contested by others. The breakaway Turkish Republic of Northern Cyprus claims co-ownership of the island's natural resources and has opposed Nicosia’s attempts to unilaterally secureoffshore drilling contracts.¶ Like Northern Cyprus and Lebanon, Turkey has viewed the Israeli-Cypriot gas bonanza with apprehension. Ankara does not recognize Cyprus’ border agreements with its neighbors and fears that Turkish Cypriots will be excluded from Nicosia’s future gas profits. Turkey also sees a possible gas export route through Cyprus and Greece as a threat to its own ambitions as a transit country feeding Caspian and Central Asian gas to the European market. Ankara has thus protested cooperation between Israel and Cyprus and supported Lebanon’s position in boundary disputes with Israel. Upping the ante, Turkey has scheduled major naval exercises to coincide with drilling by Greek Cypriot contractors and has sent its own exploration vessels to disputed waters, threatening to drill

 on behalf of Turkish Cypriots in the Aphrodite field -- which lies partly within Israel's economic zone.¶ These moves come during an ongoing deterioration in Turkish-Israeli relations, signaled most notably by Israeli commandos boarding a Turkish relief ship en route to Gaza in May 2010. That and other incidents have prompted Turkey to devote greater resources to ensure the safe passage of its civilian and merchant ships in the eastern Mediterranean. As the region’s largest and most capable maritime force -- it boasts a 200-ship mix of frigates, corvettes, tactical submarines, fast-attack craft, amphibious vessels, and logistics ships -- the Turkish navy has happily embraced its expanded mission.¶ The region's two remaining littoral states -- Egypt and Syria -- have been too consumed by domestic unrest to generate a coherent response to the offshore gas discoveries. Egypt is Africa's second-largest gas producer, with 77 tcf of proven reserves, 80 percent of them in the Nile Delta and Mediterranean. Yet post-revolutionary upheaval has cast doubt on Cairo's reliability as a supplier, slowing exploration and exposing a host of pipeline security challenges. Meanwhile, exploration in Syria has been at a near-standstill due to ongoing violence and stiff international sanctions. Syria’s lack of an agreement on exclusive economic zone borders with Cyprus bodes ill for stability in the future, particularly if a more Ankara-friendly regime replaces Bashar al-Assad. Eventually, both Egypt and Syria will emerge from political crisis and reassert themselves in the region.¶ Although an open naval conflict in the eastern Mediterranean is unlikely in the near term, inadvertent escalation due to incidents at sea is becoming an increasingly probable scenario. As the region’s fleets begin to operate in close proximity and with greater frequency, even a minor accident or provocation might be mistaken for an act of aggression. Risky maneuvers -- such as interference in naval formations, “shouldering” tactics (when a ship from one navy forces ships from another to change direction), mock attacks, “buzzing” ships with low-flying aircraft, and other close-quarter actions -- are likely to become more common. In a climate of perpetual mistrust and uncertainty, such provocations can easily invite retaliation.

### Plan

#### The United States federal government should determine that federal law precludes relevant state and local restrictions on offshore wind energy.

### 1AC: Solvency

**DOI has the authority --- removing state and local restrictions solves.**

EBERHARDT 6 B.A., 1998, Swarthmore (Biology); M.F.S., 2001, Harvard; J.D. Candidate, 2006, New York University School of Law. Senior Notes Editor, 2005-2006, New York University Environmental Law Journal [Robert W. Eberhardt, FEDERALISM AND THE SITING OF OFFSHORE WIND ENERGY FACILITIES, New York University Environmental Law Journal, 14 N.Y.U. Envtl. L.J. 374]

Changes to regulatory regimes that govern the use of submerged lands likely will play a central role in state policy development on offshore wind energy. Apart from withholding approval of proposed amendments to a state's coastal management program, the federal government has limited recourse under current law to prevent states from adopting overly-restrictive siting policies that provide for inadequate consideration of positive interstate spillovers such as air quality improvements or greenhouse gas emissions reductions. The coordination problems and international dimensions of climate change present particularly acute theoretical concerns about the ability of states to implement welfare-maximizing policies. n185 Accordingly, federal legislation may be required to insure full consideration of the environmental benefits promised by would-be developers of offshore wind energy facilities.

States generally have demonstrated an ability to consider horizontal spillovers in their policies towards offshore wind energy that cuts against calls for federal legislative action at this time. New York has taken the particularly aggressive step of actively participating in the development process of the Long Island Offshore Wind Farm, and notwithstanding the controversy surrounding Cape Wind, legislative proposals in Massachusetts leave open the possibility of development of offshore wind energy [\*418] facilities in state waters. n186 New Jersey's approach, which has included a temporary moratorium on development, raises concerns, but final judgment must be reserved until the state's Blue Ribbon Panel on Development of Wind Turbine Facilities in Coastal Waters has issued its final recommendations and the political branches have responded. n187 Furthermore, the general posture of state and federal climate change policies does not indicate that coordination problems dissuade state action on climate change generally. n188 On the contrary, if anything the states poised to host offshore wind energy facilities in the near future have been more aggressive than the federal government in attempts to reduce greenhouse gas emissions. n189

In the future, if states definitively show inattention to positive horizontal spillovers, then Congress should consider legislation on offshore wind energy facilities that preempts state regulation of submerged lands. Section 311 of the EPAct of 2005, which addresses siting of liquefied natural gas ("LNG") terminals, represents one model for future legislation that has garnered recent congressional support. Section 311 provides that the Federal Energy Regulatory Commission ("FERC") "shall have the exclusive authority to approve or deny an application for the siting, construction, expansion, or operation of an LNG terminal." n190 This language likely preempts more restrictive state health, safety, or welfare laws that regulate siting or construction of LNG facilities, although Section 311 explicitly reserves the rights afforded to states under several federal environmental laws (including the CZMA) and provides states with opportunities to consult with FERC on safety concerns related to pending applications. n191

Section 311 clearly illustrates the ability for federal legislation to strip states of regulatory authority given sufficient political support at the national level. The uniform regulatory regimes that result from such federal action provide for less geographic [\*419] variation in environmental preferences, but they have a theoretical basis if they address failures by states to consider positive horizontal spillovers. If states fail to adequately consider positive spillovers that potentially result from offshore wind energy facilities, federal legislation akin to Section 311 would be justified.

Conclusion

The growing general interest in wind energy development and the dispute surrounding Cape Wind has spurred considerable commentary and legislative activity that stands to shape the extent and direction of offshore wind energy development in the United States. There will be additional opportunities to evaluate theoretical assumptions underlying the environmental regulation of this promising clean energy technology as policies continue to mature through future legislative and administrative activity and as sponsors seek approval to develop additional projects. In this dynamic context, this Note attempts to begin a discussion about how issues of federalism will influence

and should inform the environmental regulation of offshore wind energy development. As a descriptive matter, states in the short term will continue to play a central role in determining which projects ultimately obtain the necessary regulatory approvals. As a normative matter, a prominent state role is theoretically justified (at least for near-shore projects), on the basis of a generalized analysis of the environmental impacts expected to result from offshore wind energy projects. However, important environmental impacts - reductions in air pollution and greenhouse gas emissions, in particular - that may result from offshore wind energy projects provide strong justifications for federal oversight, particularly in the event that states fail to consider out-of-state environmental benefits as they design regulatory regimes and make siting decisions. In light of these claims, the federal government should adopt policies that encourage siting decisions that consider interstate spillovers while at the same time reflect individual coastal states' particular environmental priorities. Federal agencies can implement such policies in the context of the Department of the Interior's imminent rulemaking pursuant to Section 388 of the EPAct of 2005, although future federal legislation with preemptive effects ultimately may be necessary in the event that the state regulatory regimes develop that fail to consider positive interstate spillovers.

**Reducing restrictions vital to investment**

**Zeller, 13**—a senior writer covering a variety of topics, including poverty, energy policy and the environment. Before joining The Huffington Post, Tom spent more than 10 years as a reporter and editor at The New York Times, where he covered numerous beats, including technology culture and policy, cybercrime, clean energy and the politics of climate change (Tom, “Cape Wind: Regulation, Litigation And The Struggle To Develop Offshore Wind Power In The U.S.” 2-23-13, http://www.huffingtonpost.com/2013/02/23/cape-wind-regulation-liti\_n\_2736008.html)

Acquiring the full array of government permits and sign-offs -- a byzantine process involving dozens of sometimes overlapping, often contradictory agencies, hundreds of officials and thousands of pages of impact statements -- took over a decade. And more than a dozen lawsuits, citing everything from potential disruption of whale and bird migrations to interference with airplane and shipping traffic, the wrecking of commercial fishing grounds and the desecration of sacred Native American sites, have thrown sand in the project's gears at every turn.¶ Virtually all of the opposition suits over the years have been rejected ultimately by the courts, but at least four more are still pending, and opponents promise to keep fighting.¶ To be sure, as the first proposed offshore wind project in the United States, Cape Wind, as it is called, was bound to encounter unique scrutiny, and like any undertaking of its size, it is not without environmental impacts. But the long-thwarted wind farm also highlights what some critics say has become a bloated and overly complicated regulatory maze through which fewer and fewer project developers of any kind have the wherewithal to navigate.

**Current framework dooms offshore wind**

SCHROEDER 10 J.D., University of California, Berkeley, School of Law, 2010. M.E.M., Yale School of Forestry & Environmental Studies, 2004; B.A., Yale University, 2003 [Erica Schroeder, COMMENT: Turning Offshore Wind On, October, 2010, California Law Review, 98 Calif. L. Rev. 1631]

In spite of the impressive growth in the U.S. wind industry, the United States has not kept pace with other countries in developing offshore wind facilities. Though offshore wind has been used in other countries for nearly twenty years, n11 none of the United States' current wind capacity comes from offshore wind. n12 An estimated 900,000 MW of potential wind energy capacity exists off the coasts of the United States n13 - an estimated 98,000 MW of it in [\*1633] shallow waters. n14 This shallow-water capacity could power between 22 and 29 million homes, n15 or between 20 and 26 percent of all U.S. homes. n16 The nation has failed to take advantage of this promising resource.

This failure can be ascribed in part to the unevenly balanced distribution of the costs and benefits of offshore wind technology, as well as to the incoherent regulatory framework in the United States for managing coastal resources. n17 While the most compelling benefits of offshore wind are frequently regional, national, or even global, the costs are almost exclusively local. The U.S. regulatory framework is not set up to handle this cost-benefit gap. As a result, local opposition has stalled offshore wind power development, and inadequate attention has been paid to its wide-ranging benefits.

The Cape Wind project in Massachusetts is a stark example of how local forces have hindered offshore wind power development. The project is expected to have a maximum production of 450 MW and an average daily production of 170 MW, or 75 percent of the 230-MW average demand of Cape Cod and neighboring islands. n18 In addition to this electricity boon to energy-constrained Massachusetts, n19 Cape Wind will reduce regional air pollution and global carbon dioxide emissions. n20 Nonetheless, local opponents to Cape Wind protest its effect on the surrounding environment, including its aesthetic impacts. n21 Without an effective way to champion the regional, national, and [\*1634] global benefits of offshore wind, policymakers have been unable to keep local interests from controlling the process through protest and litigation. After about ten years of waiting and fighting, Cape Wind developers have still not begun construction. Although the failure of offshore wind power in the United States is discouraging, the Coastal Zone Management Act (CZMA) offers a potential solution. With specific revisions, the CZMA could serve as the impetus that offshore wind power needs for success in the United States.

**Solving regulatory confusion is necessary and sufficient**

POWELL 12 J.D. Candidate, Boston University School of Law, 2013; B.A. Environmental Economics, Colgate University, 2007 [Timothy H. Powell, REVISITING FEDERALISM CONCERNS IN THE OFFSHORE WIND ENERGY INDUSTRY IN LIGHT OF CONTINUED LOCAL OPPOSITION TO THE CAPE WIND PROJECT, Boston University Law Review, December, 2012, 92 B.U.L. Rev. 2023]

IV. The Problem and a Proposed Solution

A. The Problem: Failure in the Current Federal-State Balance of Powers

 Interest in developing offshore wind energy projects in the United States has increased dramatically in the last few years. n150 Yet the complex and changing regulatory scheme, coupled with the high cost and delay associated with private litigation from citizen groups challenging every step of the approval process, will likely discourage future development of wind energy projects in the United States without reform. The problem can be traced to a failure in the current federal-state balance of powers: a disconnect between the federal approval process and the inherently local nature of offshore wind energy.

Both the opposition by the Wampanoag Tribe and the overruling of the FAA's approval further illustrate this disconnect between the interests of the [\*2046] federal government on the one hand, and state and local interests on the other hand. In both instances the federal government has pursued a hard line in favor of the Cape Wind project. The DOI fully approved the project despite a warning from the Advisory Council on Historic Preservation that the project would have significant adverse effects on historic properties. The FAA similarly issued a Determination of No Hazard presumably based only on a cursory application of its regulations, and possibly under political pressure from the Obama Administration. In both instances more localized entities - Native American tribes, local citizen groups, towns, and even state agencies - have expended considerable resources to express their various views in opposition to the Cape Wind project. n151

To date, the overruling of the FAA's approval is the only legal victory on the part of the project's opposition. n152 But whatever the merits of the opposition's legal claims, the process has demonstrated the inefficiency of the current regulatory scheme. The decision of whether the Cape Wind project should go forward has now dragged on more than a decade. The saga has been an incredible waste of resources and time, as the federal government attempts to fit a square peg in a round hole, with local opposition mounting complaints with all levels federal and state agencies and courts to confuse and delay the process. There must be a more effective way to efficiently and optimally allocate the harvesting of coastal wind energy throughout the United States.

#### Risk of a chemical terror attack is high --- preparedness key.

Eason 13 [Martin P, "Sarin Exposure: A Simulation Case Scenario," Southern Medical Journal & Volume 106, Number 1, January 2013]

As a weapon of terror, chemical agents are favored because chemicals are ubiquitous, inexpensive, and more stable than other weapons of mass destruction. In addition, the technology to produce these agents is relatively simple for experienced chemists. Moreover, the ability of these weapons to cause injury in a stealthy, potent, and dramatic fashion can create fear in any society. Chemical weapons can be more potent than conventional explosive weapons, allowing them to cause the most damage against unprotected populations. The most notable use of chemical terrorism involved the use of sarin gas by the religious cult, Aum Shinrikyo, in a Tokyo, Japan, subway in 1995. The well-ﬁnanced sect manufactured and delivered sarin via pierced bags. As the gas evaporated, it spread to affect passengers at 15 stations. As a result 12 people were killed, 54 were critically injured, and 900 were hospitalized (including 135 emergency workers). Symptoms experienced by the victims included nasal and oral bleeding, nausea, vomiting, dyspnea, coma, convulsions, extreme light sensitivity, ﬂu-like symptoms, loss of consciousness, loss of memory, loss of vision, paralysis, seizures, and uncontrollable trembling. Some survivors suffered these problems permanently, in addition to disturbed sleep, nightmares and posttraumatic stress disorder. In addition, more than 5500 ‘‘worried well’’sought screening and treatment at hospitals. It is estimated that during a 5-year span, the cult attempted 17 different chemical attacks.4 As the Aum Shinrikyo case illustrates, given the current geopolitical tensions, the risk of a chemical attack against the United States is signiﬁcant and highlights the importance of community preparedness in addressing a potential attack. Al Quaeda has been implicated in attempts to obtain chemical weapons.4 US President Bill Clinton signed Presidential Directives 39 and 62, which outline policy for deterring and responding to incidents in which weapons of mass destruction are deployed.5,6 Since the terrorist attacks on September 11, 2001, organizations and government agencies both at local and federal levels have promoted preparedness. In 2001, The Joint Commission (formerly the Joint Commission on Accreditation of Health Care Organizations) promoted training and education for healthcare providers in the management of catastrophic incidents.7 Simulation has been used successfully in training healthcare personnel for disaster management and has been perceived by learners as closely mimicking real-life situations.8,9 The following is a case scenario that uses simulation, which was created for training healthcare providers in the recognition and management of a nerve agent attack. The format used is one promulgated by Duke University and is universally recognized as the standard format for simulation scenarios.10 The objectives for the learners are to recognize the signs and symptoms of nerve agent exposure and to take appropriate management steps for the treatment of nerve agent exposure.

### At: solvency

**No transmission problems**

**US Offshore Wind Collaborative, 9** (U.S. Offshore Wind Energy: A Path Forward, Authors include: Steven Clarke—Massachusetts Department of Energy Resources; Fara Courtney—U.S. Offshore Wind Collaborative; Katherine Dykes—MIT; Laurie Jodziewicz—American Wind Energy Association; Greg Watson—Massachusetts Executive Office of Energy and Environmental Affairs and Massachusetts Technology Collaborative, October 2009, http://usoffshorewind.org/wp-content/uploads/2012/06/PathForward.pdf)

Offshore wind resources are especially valuable¶ because they have several distinct advantages over¶ onshore wind. These benefits include greater energy¶ potential, proximity to load centers, and, if sited far¶ enough away from the coast, fewer noise and visual¶ impacts.¶ Stronger and steadier winds found offshore result in¶ higher energy capacity factors than for onshore wind.¶ Offshore winds are generally stronger, less turbulent,¶ and more consistent due to the relatively flat surface¶ of the ocean.84 The amount of energy contained in¶ wind (wind power density) is related to the cube of¶ the wind speed, so slight increases in wind velocity¶ lead to significant increases in energy production.85¶ Average annual wind speeds tend to increase with¶ distance from shore, which would correspond to a¶ higher capacity factor, more energy production, and¶ greater revenue for wind farms offshore.¶ Of the 48 contiguous U.S. states, the 28 that have¶ coastal boundaries consume 78% of the nation’s¶ electricity.86 Many of the best offshore wind sites¶ are near states with large electricity demand, while¶ most onshore wind projects are located far from load¶ centers. As a result, offshore wind developments¶ located close to coastal load centers would not¶ require as large a transmission network as onshore¶ wind projects.

**Research and development is happening now**

**US Department of Energy, 2011** (A National Offshore Wind Strategy: Creating an Offshore Wind Strategy in the United States, February 2011, <http://www1.eere.energy.gov/wind/pdfs/national_offshore_wind_strategy.pdf>)

DOE is currently engaged in several ongoing offshore wind activities and has invested a total of $93.4 million through the American Reinvestment and Recovery Act of 2009 (Recovery Act), FY09 appropriations, and FY10 appropriations into offshore ‐ related activities within the Wind Program. Current offshore wind activities support all three focus areas of the OSWInD initiative: technology development, market barrier removal, and advanced technology demonstration projects. Major activities in support of the technology development focus include the large drivetrain testing facility at Clemson University; the large blade test facility at Massachusetts Clean Energy Center; and research conducted at the University of Maine, the University of Delaware, and the University of Toledo. The large drivetrain and large blade test centers provide national infrastructure for full ‐ scale tests of key turbine components. The facilities will enable testing of drivetrains with capacities as large as 15 MW, and blades up to 90m in length. These facilities are important national investments, as there are currently no facilities in the United States capable of testing the large drivetrains and blades predicted for offshore wind technology deployments. Research conducted by the universities will result in the validation of coupled aeroelastic/hydrodynamic models for floating wind turbine platform deployments; modeling work on two ‐ bladed, downwind floating turbine concepts; feedback to technology developers on corrosion protection and gearbox reliability; and materials innovation using composites for tower and blade structures.

### At: warming

**Offshore wind has massive energy potential – state competition key**

POWELL 12 J.D. Candidate, Boston University School of Law, 2013; B.A. Environmental Economics, Colgate University, 2007 [Timothy H. Powell, REVISITING FEDERALISM CONCERNS IN THE OFFSHORE WIND ENERGY INDUSTRY IN LIGHT OF CONTINUED LOCAL OPPOSITION TO THE CAPE WIND PROJECT, Boston University Law Review, December, 2012, 92 B.U.L. Rev. 2023]

There is great potential for offshore wind energy throughout the coastal United States. In 2009, the National Renewable Energy Laboratory conducted [\*2052] an assessment of offshore wind energy resources throughout the country. n174 The group concluded that "offshore wind resources have the potential to be a significant domestic renewable energy source for coastal electricity loads." n175 In addition, the data demonstrated that all coastal states possess large areas of ocean off their coasts with the wind speed, ocean depth, and distance from the shore ideal for offshore wind energy collection. n176 Moreover, there is demonstrated interest from the states themselves. Katherine Roek, in her article, Offshore Wind Energy in the United States: A Legal and Policy Patchwork, provides a list of state-by-state efforts to promote wind energy, through legislation or otherwise. n177 Proposals for projects are currently being explored in many states, including Rhode Island, n178 South Carolina, n179 New York, n180 New Jersey, n181 and even another project in Massachusetts. n182

 [\*2053] Surely the organizations behind these proposals, and their investors, have followed the saga of Cape Wind closely, and are likely discouraged by the prospect of their own ten-year battle up and down the state and federal regulatory processes and court systems in the face of local opposition. Under the proposal here, offshore wind energy developers would likely face less uncertainty and lower costs as they navigate the permitting process. Local concerns are more likely to be incorporated at the legislative level into the states' CZMPs. Potential developers would then be able to review these plans and choose proposed locations based on the lowest expected costs of regulatory compliance and local opposition. Thus, allowing states to compete for offshore wind development through their own state policies would lead to a more efficient allocation of offshore wind energy facilities.

Conclusion

 The experience of Cape Wind has demonstrated that the current regulatory scheme for offshore wind energy is flawed. The policy of the federal government is to promote wind energy, and there is great potential for offshore wind energy development throughout the United States. Yet the test case for U.S. offshore wind energy, to which the eyes of all potential developers are fixed, remains stuck in regulatory limbo. The federal government, perhaps overeager in its approval of the Cape Wind project at every turn, has found its decisions challenged aggressively by local opposition groups and even in one instance overruled by the judiciary.

### 2AC—aspec

**1. No resolutional basis**—this should be the brightline for theory arguments about the plan.

**2. Agent counterplans bad**—a debates would devolve into agent arguments, killing topic specific education. Second, it destroys affirmative ground because you cant get offense.

**3. No offense**—no reason they need the agent counterplan—plenty of other ground.

**4. We solve**—if any part of USFG should do the plan, vote aff.

This is not a voting issue—we can read evidence that indicate who the most likely actor of the plan is, but that doesn’t mean that we need to spec the actor in the plan.

### 2AC—at: states

**1. Conditionality is a voting issue**—it encourages argument under-development and hurts the 2AC by making it impossible to anticipate the negative strategy—and kills education by ignoring argument interaction. If they get multiple worlds we should get to advocate the permutation. Dispo solves your offense

**2. Permutation**—do both

Doesn’t solve federalism—duh

**3. Federal government key**

**US Offshore Wind Collaborative, 9** (U.S. Offshore Wind Energy: A Path Forward, Authors include: Steven Clarke—Massachusetts Department of Energy Resources; Fara Courtney—U.S. Offshore Wind Collaborative; Katherine Dykes—MIT; Laurie Jodziewicz—American Wind Energy Association; Greg Watson—Massachusetts Executive Office of Energy and Environmental Affairs and Massachusetts Technology Collaborative, October 2009, http://usoffshorewind.org/wp-content/uploads/2012/06/PathForward.pdf)

Implications for Offshore Wind Energy¶ Regulation and Government Policies¶ The future of the U.S. offshore wind industry will¶ be heavily influenced by economic, environmental,¶ and energy policy developments—at both state¶ and federal levels. Decisions to invest public funds¶ in planning and R&D will also play important¶ roles in determining industry growth. Innovation¶ and leadership from states interested in meeting¶ RES, environmental, and economic development¶ objectives through offshore wind development led to¶ diverse planning approaches and financial incentives.¶ However, an integrated federal support structure¶ (like those catalyzing development in the E.U.) has¶ not yet emerged in the U.S. Unified federal support¶ will be necessary to accelerate offshore wind industry¶ growth, since the most significant opportunities¶ for offshore development exist in federal waters.¶ As the Obama Administration moves to create a¶ national framework for offshore renewable energy¶ development, there is an opportunity to create a¶ unified offshore wind strategy. To be successful, this¶ strategy must link multiple federal and state public¶ policy objectives, in order to create a dynamic context¶ for private sector innovation and investment.¶ Key Themes¶ Growing Interest: Although the U.S. does not yet¶ have any installed offshore wind projects, there is¶ significant interest (especially at the state level) to¶ pursue offshore wind development. With individual¶ states moving forward at a rapid pace, federal¶ government regulation and policies will need to¶ coordinate with ongoing state policies in order to¶ accelerate the development process. While today¶ only a few states are focused on specific offshore¶ wind projects, more proposals are expected in the¶ near future. This rapid industry growth will create a¶ demand for effective regulatory structures.¶ Diverse Approaches: Currently, U.S. states take a¶ variety of regulatory and policy approaches, and no single, unified model has emerged to best support¶ offshore wind energy projects. Again, as states¶ move forward with offshore development, federal¶ policy-makers will need to address this dynamic¶ regulatory and policy environment. States must share¶ resources, consider regional approaches, and create¶ procedures to manage the complexity of offshore¶ wind development.¶ Costs and Government Policy as a Driver: In¶ European wind development experience, supportive¶ energy and environmental policy is the key to¶ promoting renewable energy. This is particularly true¶ for offshore wind development. Clear government¶ mandates for renewable energy production drive¶ public investment in addressing siting challenges and¶ in maximizing regulatory efficiencies. Some experts¶ suggest that setting a market floor, through a RES¶ and a carbon policy, would recognize externalities¶ not otherwise included in market prices. These¶ experts note that while this approach has been¶ effective in Europe, it may or may not be appropriate¶ in the U.S. . However, it is essential to determine¶ what kind of economic policy should be enacted to¶ most effectively foster offshore wind development.

**4. States Fiat is a voting issue—**Illegit against this aff – the restrictions are the state restrictions – makes it the object of the resolution. That form of fiat kills all aff ground.

**5. Perm do the counterplan** – states action moots the aff. Avoids the link to all the disads because the perm includes a plan that does absolutely nothing

**6. Perm allows blame shifting to the states**

Overby 3 – A. Brooke, Professor of Law, Tulane University School of Law, “Our New Commercial Law Federalism.” Temple University of the Commonwealth System of Higher Education Temple Law Review, Summer, 2003 76 Temp. L. Rev. 297 Lexis

We held in New York that Congress cannot compel the States to enact or enforce a federal regulatory program. Today we hold that Congress cannot circumvent that prohibition by conscripting the States' officers directly. The Federal Government may neither issue directives requiring the States to address particular problems, nor command the States' officers, or those of their political subdivisions, to administer or enforce a federal regulatory program. It matters not whether policymaking is involved, and no case-by-case weighing of the burdens or benefits is necessary; such commands are fundamentally incompatible with our constitutional system of dual sovereignty.n65 The concerns articulated in New York and echoed again in Printz addressed the erosion of the lines of political accountability that could result from federal commandeering.n66 Federal authority to compel implementation of a national legislative agenda through the state legislatures or officers would blur or launder the federal provenance of the legislation and shift political consequences and costs thereof to the state legislators. Left unchecked, Congress could foist upon the states **expensive or** unpopular programs yet shield itself from accountability to citizens**.** While drawing the line between constitutionally permissible optional implementation and impermissible mandatory implementation does not erase these concerns with accountability, it does ameliorate them slightly.

**7. Federal leadership key**

NREL 10 [National Renewable Energy Laboratory, “Large-Scale Offshore Wind Power in the United States ASSESSMENT OF OPPORTUNITIES AND BARRIERS September 2010 <http://www.nrel.gov/wind/pdfs/40745.pdf>]

In the United States, more than 2,000 MW of offshore wind projects are in the permitting process but none have yet been installed. Uncertainty and projections of lengthy timelines **have motivated states to encourage offshore wind development** in their near-shore **waters**. By doing this, state governments hope to lock in early manufacturing investments, which would strategically position them to capture the economic benefits of the future offshore wind build-out. In many instances, state-sponsored projects appear to be moving ahead of projects under federal agency jurisdiction. **Projects in** state waters face a unique set of challenges including a patchwork of rules and permits, **along with gaps in leasing**, zoning, and fee structures for using the seabed. Siting projects in state waters could accelerate the deployment of offshore wind energy, but this must be done carefully to avoid problems related to regulatory uncertainties, aesthetic issues (arising from the close proximity to the coast),9and other public concerns about uses of the coastal waters (see Section 7). A positive trend is the coalescence of regional entities directing efforts to assuage public and regulatory concerns and minimize siting conflicts arising from offshore wind development. Several groups, such as the USOWC, AWEA’s OWWG, the AOWEC, OffshoreWindDC, the Clean Energy States Alliance (CESA), and the GLWC are building stakeholder relationships. Maryland, Virginia, and Delaware have also signed an MOU to collaborate on offshore wind issues. **Many groups have identified a need to coordinate offshore issues among the states,** but they will need federal leadership, technical guidance, and financial resources.

### 2AC—at: court cp

**1. Conditionality is a voting issue**—it encourages argument under-development and hurts the 2AC by making it impossible to anticipate the negative strategy—and kills education by ignoring argument interaction. If they get multiple worlds we should get to advocate the permutation. Dispo solves your offense

**2. Permutation**—do both—shields the link to the net benefit or solves the net benefit

**3. Perm: do the counterplan**—it does the aff but changes implied functions of fiat. Counterplans must be textually AND functionally competitive. Resolved means the topic committee voted for it and should means desirable. That’s dictionary.com

Permutation do the counterplan then the plan

Permutation do the plan then the counterplan

Democracy links to the supreme court plank because they are not elected either.

**4. The Department of the Interior is essential to spark investment**

**US Department of Energy, 2011** (A National Offshore Wind Strategy: Creating an Offshore Wind Strategy in the United States, February 2011, <http://www1.eere.energy.gov/wind/pdfs/national_offshore_wind_strategy.pdf>)

A National Offshore Wind Strategy: Creating an Offshore Wind Energy Industry in the United States was prepared by the U.S. Department of Energy’s (DOE) Office of Energy Efficiency and Renewable Energy (EERE) Wind and Water Power Program to outline the actions it will pursue to support the development of a world ‐ class offshore wind industry in the United States. This National Offshore Wind Strategy will guide DOE as it expands its ongoing efforts through the Offshore Wind Innovation and Demonstration (OSWInD) initiative to promote and accelerate responsible commercial offshore wind development in the U.S. in both federal and state waters. As the agency with primary jurisdiction over reviewing and approving offshore wind projects in federal waters, the Department of the Interior (DOI) is a crucial partner in implementing this National Offshore Wind Strategy and ensuring the creation of a robust and environmentally responsible offshore wind energy industry in the U.S. Over the past two years, DOI has developed a regulatory framework to review proposed offshore wind projects in federal waters and recently launched the Smart from the Start initiative to facilitate siting, leasing, and construction of new projects. This National Offshore Wind Strategy incorporates elements of that initiative and illustrates the commitment of DOE and DOI to work together to spur the rapid and responsible development of offshore wind energy.

**Supreme court cant solve regulatory uncertainty**

**Wolf 2011** [Michael Allan Wolf University of Florida - Fredric G. Levin College of Law The Supreme Court and the Environment: The Reluctant Protector December 2, 2011 CQ Press/Sage, 2012 http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1967610]

When the Supreme Court’s jurisprudence is founded on a provision of the Constitution, the effects are often relatively immediate and unaffected by subsequent legislation: police recite Miranda warnings, newspapers publish articles critical of public figures, and executions come to a halt. In contrast, many of the projects that received the judicial “green light” from the Supreme Court in high-profile environmental law cases—ski resorts, nuclear reactors, dams, and others—ultimately met their demise months or even years after the justices issued their rulings. Even when the words and phrases of statutes are invoked in support of a regulated industry or a government-sponsored development project, the denouement of the tale often involves the triumph of those in opposition. As will be seen, in many key disputes over the validity of environmental statutes and regulations, the high court has neither served as the court of last resort nor uttered the last word. One result of the many cases in which the justices did not take a principled stand in favor of or in opposition to environmental controls has been a fascinating and sometimes surprising give-and-take with Congress, federal administrative agencies, state and local governments, environmental organizations, and private companies and industry trade groups. Because the justices typically rely on statutory rather than constitutional interpretation, their work product can be (and has been) easily neutralized or countered by statutory or regulatory changes.

Therefore, when one views the body of modern environmental law—the decisions and the other key documents—the picture that emerges is not one of Supreme Court dominance. In this legal drama, the justices have most often played supporting roles. While we can find the occasional, memorable soliloquy in a Supreme Court majority, concurring, or dissenting opinion, the leading men and women are more likely found in Congress, administrative agencies, state and local legislatures, nongovernmental organizations, private industry, and state and lower federal courts. The justices do not have the power to fund the public projects they deem acceptable, to rewrite the statutes and rules they find invalid, or to prevent an end-around maneuver by environmental organizations or trade groups and their allies in the state legislatures. Therefore, the making, remaking, enforcement, and implementation of environmental law depends at least as much on the efforts of other public and private actors.

**Democracy doesn’t solve war --- it’s multilateral institutions and historical patterns**

**Schwartz and Skinner '01** Thomas and Kiron K (Research Fellow at the Hoover Institution at Stanford University, associate professor of history and political science at Carnegie Mellon University); December 22, 2001; “The Myth of Democratic Peace”; JAI Press; ORBIS

Here we show that neither the historical record nor the theoretical arguments advanced for the purpose provide any support for democratic pacifism. It does not matter how high or low one sets the bar of democracy. Set it high enough to avoid major exceptions and you find few, if any, democracies until the Cold War era. Then there were no wars between them, of course. But that fact is better explained by NATO and bipolarity than by any shared form of government. Worse, the peace among the high-bar democracies of that era was part of a larger pacific pattern: peace among all nations of the First and Second Worlds. As for theoretical arguments, those we have seen rest on implausible premises. Why, then, is the belief that democracies are mutually pacific so widespread and fervent? The explanation rests on an old American tendency to slip and slide unawares between two uses of the word "democracy": as an objective description of regimes, and as a term of praise--a label to distinguish friend from foe. Because a democracy (term of praise) can do no wrong--or so the thinking seems to run--at least one side in any war cannot be a democracy (regime description). There lies the source of much potential mischief in foreign policy. The Historical Problem Democratic pacifism combines an empirical generalization with a causal attribution: democracies do not fight each other, and that is because they are democracies. Proponents often present the former as a plain fact. Yet regimes that were comparatively democratic for their times and regions have fought each other comparatively often--bearing in mind, for the purpose of comparison, that most states do not fight most states most of the time. The wars below are either counter-examples to democratic pacifism or borderline cases. Each is listed with the year it started and those combatants that have some claim to the democratic label. American Revolutionary War, 1775 (Great Britain vs. U.S.) Wars of French Revolution (democratic period), esp. 1793, 1795 (France vs. Great Britain) Quasi War, 1798 (U.S. vs. France) War of 1812 (U.S. vs. Great Britain) Texas War of Independence, 1835 (Texas vs. Mexico) Mexican War, 1846 (U.S. vs. Mexico) Roman Republic vs. France, 1849 American Civil War, 1861 (Northern Union vs. Southern Confederacy) Ecuador-Columbia War, 1863 Franco-Prussian War, 1870 War of the Pacific, 1879 (Chile vs. Peru and Bolivia) Indian Wars, much of nineteenth century (U.S. vs. various Indian nations) Spanish-American War, 1898 Boer War, 1899 (Great Britain vs. Transvaal and Orange Free State) World War I, 1914 (Germany vs. Great Britain, France, Italy, Belgium, and U.S.) Chaco War, 1932 (Chile vs. Argentina) Ecuador-Peru, 1941 Palestine War, 1948 (Israel vs. Lebanon) Dominican Invasion, 1967 (U.S. vs. Dominican Republic) Cyprus Invasion, 1974 (Turkey vs. Cyprus) Ecuador-Peru, 1981 Nagorno-Karabakh, 1989 (Armenia vs. Azerbaijan) Yugoslav Wars, 1991 (Serbia and Bosnian-Serb Republic vs. Croatia and Bosnia; sometimes Croatia vs. Bosnia) Georgia-Ossetia, 1991 (Georgia vs. South Ossetia) Georgia-Abkhazia, 1992 (Georgia vs. Abkhazia and allegedly Russia) Moldova-Dnestr Republic, 1992 (Moldova vs. Dnestr Republic and allegedly Russia) Chechen War of Independence, 1994 (Russia vs. Chechnya) Ecuador-Peru, 1995 NATO-Yugoslavia, 1999 India-Pakistan, 1999

**Political preferences prevent full democratization**

**Seligson and Tucker 05** Amber L. Seligson. Joshua A, Tucker. Feeding the Hand that Bit You: Voting for Ex-authoritarian Rulers in Russia and Bolivia <http://www.findarticles.com/p/articles/mi_qa3996/is_200501/ai_n13640841/pg_37>, 2005

What could be motivating voters in transition countries to vote for leaders who have proven themselves to be skilled at violating human rights, repressing civil liberties, and ruling without democratic institutions? We test hypotheses related to this question by using a least-similar-systems design in which we search for common predictors of vote choice in presidential elections from two countries that differ in their past and present political and economic situations: Bolivia and Russia. We find consistent patterns in these two very different countries, which leads to the conclusion that voters for ex-authoritarian candidates or parties are not merely motivated by considerations that typically shape vote choice in long-standing democracies, but are also distinguished by a preference for nondemocratic political systems.

### 2AC—at: immigration

**The US doesn’t matter**

**Carpenter, 13**—a senior fellow at the Cato Institute and a contributing editor to The National Interest, is the author of nine books on international affairs, including Smart Power: Toward a Prudent Foreign Policy for America (Ted, “Delusions of Indispensability,”March 1, 2013, http://server1.nationalinterest.org/article/delusions-indispensability-8145)

THE NOTION that the United States is the indispensable nation is a conceit bordering on narcissism. It had some validity during an era of stark bipolarity when a weak, demoralized democratic West had to depend on American power to protect the liberty and prosperity of the non-Communist world from Soviet coercion. But the world has been multipolar economically for decades, and it has become increasingly multipolar diplomatically and politically in recent years. Yet so much of the American political and foreign-policy communities embrace a security role—and an overall leadership role—for the United States that was born in the era of bipolarity and perpetuated during what Charles Krauthammer described as the “unipolar moment” following the collapse of the Soviet empire.¶ That moment is gone, and that is not the world we live in today. The United States needs a security strategy appropriate for a world of ever-increasing multipolarity. Very few critics of U.S. hegemony advocate an abandonment of all of America’s security commitments. But an aggressive pruning of those commitments is overdue. It is well past time for the EU to assume primary responsibility for Europe’s security and for Japan to emerge as a normal great power with appropriate ambitions and responsibilities in East Asia. It is also past time for smaller U.S. allies, such as South Korea and Australia, to increase their defense spending and take more responsibility for their own defense. While the off-loading of Washington’s obligations needs to be a gradual process, it also needs to begin immediately and to proceed at a brisk pace. And Washington ought to make it clear to all parties concerned that it is entirely out of the business of nation building.¶ Those who desperately try to preserve a status quo with America as the indispensable nation risk an unpleasant outcome. A country with America’s financial woes will find it increasingly onerous to carry out its vast global-security commitments. That raises the prospect of a sudden, wrenching adjustment at some point when the United States simply cannot bear those burdens any longer. That is what happened to Britain after World War II, when London had no choice but to abandon most of its obligations in Africa, Asia and the Mediterranean. The speed and extent of the British move created or exacerbated numerous power vacuums. It is far better for the United States to preside over an orderly transition to an international system in which Washington plays the role of first among equals, rather than clinging to a slipping hegemony until it is forced to give way.

**Hegemony doesn’t prevent war – its absence would have zero effect on international stability
Friedman 10** [Ben, research fellow in defense and homeland security, Cato. PhD candidate in political science, MIT, Military Restraint and Defense Savings, 20 July 2010, <http://www.cato.org/testimony/ct-bf-07202010.html>]

Another argument for high military spending is that U.S. military hegemony underlies global stability. Our forces and alliance commitments dampen conflict between potential rivals like China and Japan, we are told, preventing them from fighting wars that would disrupt trade and cost us more than the military spending that would have prevented war. The theoretical and empirical foundation for this claim is weak. It overestimates both the American military's contribution to international stability and the danger that instability abroad poses to Americans. In Western Europe, U.S. forces now contribute little to peace, at best making the tiny odds of war among states there slightly more so.7 Even in Asia, where there is more tension, the history of international relations suggests that without U.S. military deployments potential rivals, especially those separated by sea like Japan and China, will generally achieve a stable balance of power rather than fight. In other cases, as with our bases in Saudi Arabia between the Iraq wars, U.S. forces probably create more unrest than they prevent. Our force deployments can also generate instability by prompting states to develop nuclear weapons. Even when wars occur, their economic impact is likely to be limited here.8 By linking markets, globalization provides supply alternatives for the goods we consume, including oil. If political upheaval disrupts supply in one location, suppliers elsewhere will take our orders. Prices may increase, but markets adjust. That makes American consumers less dependent on any particular supply source, undermining the claim that we need to use force to prevent unrest in supplier nations or secure trade routes.9 Part of the confusion about the value of hegemony comes from misunderstanding the Cold War. People tend to assume, falsely, that our activist foreign policy, with troops forward supporting allies, not only caused the Soviet Union's collapse but is obviously a good thing even without such a rival. Forgotten is the sensible notion that alliances are a necessary evil occasionally tolerated to balance a particularly threatening enemy. The main justification for creating our Cold War alliances was the fear that Communist nations could conquer or capture by insurrection the industrial centers in Western Europe and Japan and then harness enough of that wealth to threaten us — either directly or by forcing us to become a garrison state at ruinous cost. We kept troops in South Korea after 1953 for fear that the North would otherwise overrun it. But these alliances outlasted the conditions that caused them. During the Cold War, Japan, Western Europe and South Korea grew wealthy enough to defend themselves. We should let them. These alliances heighten our force requirements and threaten to drag us into wars, while providing no obvious benefit.

#### Costs capital

Raju 2013 (Manu Raju, January 18, 2013, “Senate vs. President Obama over Cabinet,” Politico, http://www.politico.com/story/2013/01/lessons-learned-obama-takes-fights-to-congress-85936.html)

President Barack Obama is headed into battle with the Senate over his choices for top administration jobs — and it’s not just about Chuck Hagel, his controversial nominee for defense secretary.¶ Jack Lew, the White House chief of staff and front-runner to become Obama’s treasury secretary, has a contentious relationship with some Senate Republicans who are scoffing at reports that he’s poised to get the nomination for one of the most important posts in government. Whoever Obama chooses to run the Environmental Protection Agency or the Energy Department is certain to run into a buzz saw of opposition from Republicans angry at the administration’s environmental policies.¶ Several looming judicial nominations, including for the crucial D.C. Circuit Court of Appeals, are already giving the GOP fits. And senior Republicans are seeking to delay the nomination of John Brennan to head the CIA until their questions are answered over the Benghazi attacks and accusations that the administration leaked classified information to boost the president’s political standing.¶ The opening act of the new Congress was supposed to be about an emboldened president putting all his political muscle into reforming the country’s immigration system, gun policies and budget. But instead, Obama appears likely to be dragged into a grinding personnel fight where he’ll have to expend significant political capital to fill out his Cabinet.¶ With an expanded Democratic majority in the Senate, Obama could very well see all of his nominees confirmed. But the GOP will extract a price — Republicans are poised to hold up nominees to make their political points on issues ranging from the debt to EPA regulations to the Second Amendment.¶ “When the president chooses to pick a fight or to go through a bruising nomination, that’s got a real downside for the president,” Sen. Mike Johanns (R-Neb.) warned Tuesday. “What happens is everything backs up, and there’s enough of that problem already today.”¶ Alabama Sen. Jeff Sessions, the top Republican on the Budget Committee, said nomination fights cause only more wrangling. “I think it can make already shaky relationships even more difficult, which is not a good thing,” he said. “You would think he might want to be gracious in his victory and seek more bipartisan support.”

**Won’t pass – don’t buy their lies**

**HAMILTON 2 – 28 – 13 Lamron Staff Writer – SUNY Geneso** [Bella Hamilton, On immigration reform, Obama and Congress must compromise, <http://www.thelamron.com/opinion/on-immigration-reform-obama-and-congress-must-compromise-1.3001746>]

It is impossible to ignore the extent of America’s political disunity. In the current political climate, any show of bipartisanship, no matter how disingenuous, is praised. Recent immigration reform proposals are no exception.¶ The original plan, devised by a bipartisan group of senators, proposes an overhaul of the existing system. It aims to create a path to residency and citizenship for 11 million undocumented immigrants and to secure the southern border. It would seem that both parties are prepared to face the issue of illegal immigration head on. In President Barack Obama’s words “The good news is that for the first time in many years Republicans and Democrats seem ready to tackle this problem together.”¶ Similar attempts began with a bill under former President George W. Bush in 2006, ending with Obama’s Dream Act in 2010. As legislation has flared and died upon entering the Republican-controlled House, one might predict Obama’s submission. And, after securing approximately 70 percent of the Hispanic vote last election, it is in his party’s interest to pursue this issue.¶ Although Obama’s show of support seems sincere, given such unprecedented cooperation, Congress’ sudden willingness to cross party lines seems suspicious. Once one looks past the bill’s apparent progressiveness, its tenets are deceiving.¶ There are a few hurdles to the law passing, however. Key congressional players have voiced their opposition to the bill already. As Sen. Mitch McConnell stated, “This effort is too important to be written in a backroom and sent to the floor with a take-it-or-leave-it approach.” Republican dismissal jeopardizes the bill’s survival.¶ Obama’s scheme deviates from the GOP’s in one vital aspect: border control. Republicans suggest a hold until security is ensured. Obama considers the delay, as E.G. Austin puts it in The Economist, a “troubling form of legal limbo.”¶ Without implementation of an enforcement system, the influx of new, undocumented people is likely. If Obama has immigrants’ interests in mind, it is unwise to alienate conservative approval. Without agreement, efforts will come to a standstill.¶ U.S. Rep. Lamar Smith said, “When you legalize those who are in the country illegally, it costs taxpayers millions of dollars.” Illegal immigrants, however, already cost taxpayers $113 billion annually according to the National Research Council. Should the bill fail to pass, this situation remains stagnant. Both scenarios are undesirable.¶ If augmented border security is the only path to consensus, it’s improbable the bill will be passed, let alone considered.¶ Congress’ supposed bipartisanship is a smokescreen. In this period of dissent, the public clings to anything remotely positive. It’s a win-win situation: Both parties, in hedging a flimsy compromise, strengthen their constituencies. The president has already benefited; his approval rating is the highest it has been since 2009.

**Not unique—offshore wind now**

**Colman, 13** (Zack, “Senators reveal coastal energy revenue-sharing bill,” March 20th, 2013, <http://thehill.com/blogs/e2-wire/e2-wire/289299-senators-reveal-coastal-energy-revenue-sharing-bill>)

Sens. Mary Landrieu (D-La.) and Lisa Murkowski (R-Alaska) announced legislation Wednesday that would give a portion of federal energy revenues to coastal states.¶ Currently, coastal states don’t get any federal energy revenues. States in the interior of the country, on the other hand, get half of the revenues from energy produced on federal lands within their borders. The senators said their bill would remedy that inequity.¶ “It’s really justice for the coast,” Landrieu said in a Wednesday news conference.¶ The Landrieu-Murkowski bill would divert 27.5 percent of federal revenues from energy — fossil fuel and renewable — produced offshore to most coastal states. ¶ Alabama, Louisiana, Mississippi and Texas, however, would get 37.5 percent. The bill also gradually phases out a $500 million annual cap on the revenues those states can collect.¶ The bill also would award an additional 10 percent of offshore revenues to coastal states that invest in clean-energy projects. Additionally, it would give coastal states 50 percent of revenues from renewable energy on federal land, whether onshore or offshore.¶ Landrieu and Murkowski, the top Republican on the Senate Energy and Natural Resources Committee, said they are working to build bipartisan support. But right now, the bill lacks a key co-sponsor — Energy Committee Chairman Ron Wyden.¶ Landrieu said the bill has the Oregon Democrat’s “blessing,” but that he is working on broader revenue-sharing legislation that includes provisions for rural communities.¶ Landrieu said her and Murkowski’s bill — and the bipartisan backing she believes it will attract — could become one component of Wyden’s effort to build a wide-ranging coalition.

**Voting Neg links to politics** – means the plan was debated before congress and voted down.

**DOI avoids the link – won’t hold the president responsible, he can dodge.**

MENDELSON 10 Professor of Law – University of Michigan Law School [Nina A. Mendelson, “Disclosing “Political” Oversight of Agency Decision Making,” Michigan Law Review, Vol. 108, p.1127-1175, <http://www.michiganlawreview.org/assets/pdfs/108/7/mendelson.pdf>]

Even if presidential supervision of agency decisions is well known to the voting population, holding a President accountable for particular agency decisions is hard enough, given the infrequency of elections, the number of issues typically on the agenda at the time of a presidential election, presidencies that only last two terms, and presidential candidates who are vague about how the administrative state would run. 175 It is all the more difficult if the public does not know what influence the President may have had or may end up having on particular agency decisions. “To the extent that presidential supervision of agencies remains hidden from public scrutiny, the President will have greater freedom to [assist] parochial interests.” 176 Calling for greater disclosure to the electorate is not to say that majoritarian preferences should dictate agency decision making. Increasing transparency regarding presidential influence on a particular agency decision may or may not make agency decision making simply a “handmaiden of majoritarianism,” as Bressman suggests. 177 Instead, it could facilitate a public dialogue where citizens are persuaded that the decision made, though not the first-cut “majoritarian preference,” is still the correct decision for the country. By comparison, submerging presidential preferences undermines electoral accountability for agency decisions and reduces the chances of a public dialogue on policy. One might respond that the public already knows that the President appoints agency heads and can remove them, and that White House offices review significant agency rules before they are issued. And the public knows the content of the agency’s decision. Shouldn’t that be sufficient to ensure democratic accountability through the electoral process? 178 That level of knowledge might suffice, but only if the public perceives federal agencies as indistinguishable from the President. Voters are sophisticated enough to know, however, that agencies represent large and sometimes unresponsive bureaucracies, a view sometimes promoted by Presidents themselves. Presidents certainly do not consistently foster the view that executive branch agencies are under their complete control. Instead, they have been known to blame the agencies for unpopular decisions and to try to distance themselves. 179 Bressman gives the example of the second Bush Administration distancing itself from the IRS, while at the same time quietly pressuring the agency to revise a proposed rule requiring domestic banks to reveal the identity of all depositors, including foreign ones. 180 Administrators may also “take the fall” for an unpopular decision that is influenced by the White House, as EPA Administrator Johnson appeared to do in denying the California greenhouse gas waiver. 181 And as mentioned earlier, President Obama has selectively taken credit for federal agency actions relating to automotive greenhouse gas emissions, with his OMB only grudgingly backing an EPA proposed rule in response to political controversy. 182 Similarly, President George W. Bush distanced himself from an EPA report concluding that global warming was anthropogenic, even though that report had been reviewed by White House offices prior to its release. In answer to questions from reporters, President Bush commented, “I read the report put out by the bureaucracy.” 183 More recently, when news reports suggested that the White House was pressing the EPA to “edit” its climate change findings, the White House spokesman stated that the agency alone “ ‘determines what analysis it wants to make available’ in its documents.” 184 Finally, take the rash of resignations at the EPA in the mid-1980s, including Administrator Gorsuch and Assistant Administrator Lavelle, arising out of allegations of serious misconduct and conflicts of interest within the agency. President Reagan succeeded in distancing himself from the agency’s problems by presenting the agency as acting more or less independently. 185 Despite issuing directives, 186 Presidents certainly have a significant incentive to keep influence on agency decisions low-key and to maintain “deniability” with respect to agency actions. This minimizes the risk that influence can be characterized later as improperly motivated, that debate within the executive branch can fuel litigation over the ultimate decision, or that the President will have a political price to pay for guessing wrong about what option best serves the public interest. And, of course, keeping a low profile for presidential influence also allows more successful presidential pressure that is the result of presidential capture. 187 All this amounts to reduced electoral accountability for actions taken by administrative agencies. 188

#### You can pass immigration and the plan—its not an opportunity cost to a logical policy maker.

**NO PC now – winners-win. He needs one**

THE HILL 3 – 20 – 13 [Amie Parnes and Justin Sink, Obama honeymoon may be over, <http://thehill.com/homenews/administration/289179-obama-honeymoon-may-be-over>]

The second-term honeymoon for President Obama is beginning to look like it is over.¶ Obama, who was riding high after his reelection win in November, has seen his poll numbers take a precipitous fall in recent weeks. ¶ A CNN poll released Tuesday showed Obama’s favorability rating underwater, with 47 percent approving and 50 percent disapproving of Obama’s handling of his job. ¶ Much of the president’s agenda is stuck, with climate change regulations delayed, immigration reform mired in committee negotiations and prospects for a grand bargain budget deal in limbo at best. ¶ On Tuesday, in a decision that underscored Obama’s depleting political capital, the White House watched as Senate Majority Leader Harry Reid (D-Nev.) announced only a watered-down version of Obama’s gun control proposals would be considered on the Senate floor. ¶ Republicans, sensing the sea change, are licking their chops. They point to the lack of movement on Obama’s signature issues, noting the contrast to the ambitious plans outlined in the early weeks of his second term.¶ “The president set very high goals for himself during his State of the Union, but the reality is very little of his agenda is actually moving,” Republican strategist Ron Bonjean said. “He allowed himself to get caught up in the legislative quicksand, [and] the cement is beginning to harden. “¶ History isn’t on Obama’s side. ¶ The last four presidents who won a second term all saw their poll numbers slide by mid-March with the exception of Bill Clinton, whose numbers improved in the four months following his reelection.¶ Clinton may have only been delaying the inevitable. His numbers dropped 5 points in April 1994. Even Ronald Reagan, buoyed by a dominant performance over Walter Mondale in the 1984 election, saw a double-digit erosion by this point in his second term.¶ Obama has yet to complete the first 100 days of his second term. But without a signature achievement since his reelection, he faces a crossroads that could define the remainder of his presidency. ¶ White House aides maintain that the 24-hour news cycle makes comparisons to previous presidents difficult.¶ “I think the nature of our politics now is different than Ronald Reagan’s honeymoon,” one senior administration official said. “The ebb and flow of politics doesn’t follow that model anymore.”¶ But observers say a drop in popularity is typical for second-termers.¶ “There may be some typical second-term honeymoon fade happening,” said Martin Sweet, an assistant visiting professor of political science at Northwestern University. “Honeymoon periods for incumbents are a bit more ephemeral.”¶ But like most other presidents, Sweet added, “Obama’s fate is tied to the economy.”¶ “Continuing economic progress would ultimately strengthen the president but if we are hit with a double-dip recession, then Obama’s numbers will crater,” he said.¶ The White House disputes any notion that Obama has lost any political capital in recent weeks.¶ “The president set out an ambitious agenda and he’s doing big things that are not easy, from immigration to gun control,” the senior administration official said. “Those are policies you can’t rack up easily, and no one here is naive about that.”¶ The White House is aware that the clock is ticking to push its hefty agenda, but the official added, “The clock is not ticking because of president’s political capital. The clock is ticking because there’s a timetable in achieving all of this. [Lawmakers] are not going to sign on because the president’s popular.” ¶ And administration officials believe they still have the leverage.¶ “There’s a decent amount of momentum behind all of this,” the official said. “It looks like immigration is closer [to passage] than ever before.”¶ Republican strategist Ken Lundberg argued that current budget fights “have cut short the president’s second-term honeymoon.” ¶ He said this could also hurt the president’s party, warning “the lower the president’s approval rating, the bigger the consequence for vulnerable Democrats.”¶ “Voters want solutions, and if they see the president headed down the wrong path, lockstep lawmakers will be punished in 2014,” he said.¶ Democratic strategist Chris Kofinis maintained that as long as he’s president, Obama still has the leverage.¶ “Immigration reform doesn’t get impacted by whether Obama’s poll numbers are 55 or 45,” Kofinis said. “Does it make certain things a little more difficult? Possibly. But while his numbers may have fallen, he’s still more likeable than the Republicans are on their best day.”¶ Kofinis said the real question for Obama is what kind of emphasis he’s going to place on his second term because the public will have less patience than they did during his first.¶ “The challenge in a second term is the American people look at certain things and have a higher tolerance in a second term,” he said. “When they know you’re not running for reelection again, they hold you to a higher standard.” ¶ Bonjean and other Republicans are aware that Obama could potentially bounce back from his latest slip in the polls and regain his footing.¶ “He has the opportunity to take minor legislative victories and blow them up into major accomplishments – meaning if he got something on gun control, he can tout that that was part of his agenda and the work isn’t over. If he were able to strike a grand bargain with Republicans, that’d be a legacy issue.”¶ Still, Bonjean added, “It’s not looking so good right now.”

**Snowe and Collins turn**

Bowes, 11 [Offshore Wind is a Wise Investment <http://blog.nwf.org/2011/07/offshore-wind-is-a-wise-investment/>]

[America’s offshore wind resources are immense](http://www.nwf.org/News-and-Magazines/Media-Center/News-by-Topic/Global-Warming/2010/12-01-10-Offshore-Atlantic-Wind-is-Next-Clean-Energy-Wave.aspx), and it is time to get serious about bringing this significant, domestic clean energy source ashore. National Wildlife Federation applauds Senators Carper (D-DE) and Snowe (R-ME) for their leadership in building a bipartisan coalition of support for offshore wind energy. Today’s introduction of the [Incentivizing Offshore Wind Energy Act](http://carper.senate.gov/public/index.cfm/pressreleases?ID=fdef0fd4-8302-488e-aae6-4caf97975ba1), which will provide much-needed incentives for investments in offshore wind projects, demonstrates a bipartisan commitment to advancing job-producing clean energy. NWF has joined over 120 organizations in calling on the Obama Administration ([Letter to Obama 3.7.11](http://blog.nwf.org/wildlifepromise/2011/07/offshore-wind-is-a-wise-investment/offshorewindlettertoobama_3_7_11-5/), [Loan Guarantee Letter 6.10.11](http://blog.nwf.org/wildlifepromise/2011/07/offshore-wind-is-a-wise-investment/osw_lg_letter_6-10-11/)) and Congressional leaders to take positive steps forward to advance offshore wind development in a manner that is protective of our coastal and marine resources. Providing financial incentives such as an investment tax credit is a critical way to support this emerging industry that has the potential to create thousands of jobs while helping revitalize America’s manufacturing and maritime industries. The Incentivizing Offshore Wind Energy Act is an example of exactly the kind of policies we need at this moment in time. Efforts are also underway in the House of Representatives to promote offshore wind, however two recently introduced bills – the Cutting Federal Red Tape to Facilitate Renewable Energy Act (H.R. 2170) and the Advancing Offshore Wind Production Act (H.R. 2173) – completely miss the mark ([NWF letter – HR 2170 and 2173](http://blog.nwf.org/wildlifepromise/2011/07/offshore-wind-is-a-wise-investment/nwf-letter-hr-2170-and-2173/)). The [Bureau of Ocean Energy Management, Regulation, and Enforcement](http://www.boemre.gov/offshore/RenewableEnergy/index.htm) has recently taken significant steps to improve the permitting process for offshore wind, shortening the timeline and reducing costs for developers while still ensuring sufficient environmental review. Unlike the bipartisan bill introduced today in the Senate, the House bills actually would slow down offshore wind development while failing to address the primary obstacle facing the offshore wind industry. NWF is pleased to see interest by both Houses of Congress in offshore wind development, but encourages our Congressional leaders to focus their attention on polices that can generate the critically needed financial investments to truly grow this new industry. NWF applauds Senators Carper and Snowe, and cosponsors Robert Menendez (D-NJ), Susan Collins (R-ME), Chris Coons (D-DE), Sheldon Whitehouse (D-RI), and Sherrod Brown (D-OH), for their much-needed leadership to advance offshore wind energy.

**Key to the agenda**

Harris and Fried, 12 [¶ Maine’s Political Warriors: Senators Snowe and Collins, ¶ Congressional Moderates in a Partisan Era ¶ Douglas B. Harris ¶ Loyola University Maryland ¶ Amy Fried ¶ University of Maine, <http://nepsanet.org/wp-content/uploads/2012/07/Maines_Political_Warriors.pdf>]

**Moderates seem to be** disappearing **in Congress**. Once a mainstay in American politics, ideological **party outliers** such as conservative ―boll weevil‖ Democrats and ―gypsy moth‖ Rockefeller Republicans **are declining in numbers**, imperiled by an **increasingly partisan** political environment. In general elections, moderate districts and states are most often the opposing party‘s prime targets for electoral gains and it is in these districts that national vote party swings are most likely to produce partisan electoral turnover. Somewhat ironically, it is often those officeholders least likely to support a party‘s agenda and exemplify its image who bear the brunt of voters‘ frustrations. At the same time, moderate members must appease their parties‘ base voters, activists, and donors. An increasing worry, moderates also must fend off potential ideologically-driven primary election challenges from the ideological base. ¶ Still, recent parity between the parties and consequent small legislative majorities (the 111th Congress notwithstanding) **have made moderates all the more important on Capitol Hill.** **They often occupy pivotal positions as ―majority makers‖ in the legislative process**. But even that influence comes with a price as congressional moderates frequently are confronted with difficult decisions and thrust into the limelight. Given these competing pressures and vexing problems, maintaining a moderate political career in the current partisan environment is no meager accomplishment. As one The New England Journal of Political Science 96 ¶ Republican party leadership aide put it, congressional moderates are ―warriors … they come off with a soft veneer but they are political warriors.‖1 ¶ Two of the most pivotal ―political warriors‖ in the contemporary Congress are Maine‘s Senators Olympia Snowe and Susan Collins. Maine has a tradition of sending independent types who defy party leaders and challenge party orthodoxies to the United States Senate. Since the 1950s, Maine has had a strong orientation toward ―bipartisan politics, and the political moderation it encouraged‖ (Palmer, Taylor and LiBrizzi 1992, 32). Furthermore, Maine‘s political culture is oriented toward civility and cooperation. Negative advertising and any hint of corruption or dishonesty are quickly criticized in the media and citizen correspondence. With a population that displays strong civic involvement, politicians who do well exhibit calm, rational discourse and respect for other points of view. Besides prizing a particular style and process, this political culture incorporates certain policy tendencies: a libertarian streak when it comes to personal lives and a progressive view that government can serve the public good.2 ―The Maine electorate tends to view itself as independent and pragmatic. They like to believe they reach decisions based on good old Yankee common sense."3 Maine‘s political culture is moralistic (in Elazar‘s analytical scheme) and thus is ―community oriented,‖ with an orientation toward ―the idea of the state as a commonwealth and the government as citizen-run‖ (Palmer, Taylor and LiBrizzi 1992, 9).

**No political capital**

ROTHMAN 3 – 19 – 13 Editor at Mediaite [Noah Rothman, Obama’s Spiraling Job Approval Ratings Complicate Negotiations With Congressional Republicans, <http://www.mediaite.com/online/obamas-spiraling-job-approval-ratings-complicate-negotiations-with-congressional-republicans/>]

A number of polls released this month have shown that President Barack Obama’s approval rating has dropped dramatically from its post-reelection highs. Surveys show that Obama is seeing his approval among a number of his core constituencies drop, which is likely to complicate bilateral negotiations with Congressional Republicans. While Republicans in Congress remain far more unpopular than the president, they are aware of the president’s collapsing approval rating. An examination of Obama’s support is crucial to understanding how Republicans will fare in negotiations with the president.

A CNN/ORC poll, taken between March 15 – 17, 2013, of 1,021 adults with a +/- 3.0 percent margin of error, shows the president’s approval rating is underwater for the first time since well before the 2012 presidential election. With 47 percent of adults approving of the job the president is doing compared to 50 percent who disapprove, Obama is at his lowest approval rating among all adults since CNN/ORC’s September 28-30, 2012, survey. The last time CNN found the president underwater among adults was their January 11 – 12, 2012, survey which found Obama’s job approval rating at 47/51 percent.

The president’s approval rating is even more troubling for his supporters when one digs into this poll’s crosstabs. Obama is underwater among women. 49 percent of women disapproving of the job he has done in office compared to 48 percent who approve. Though this result is well within this subsample’s +/- 4.5 percent margin of error, in September of 2012, 51 to 45 percent of women approved of the job Obama is doing in office.

The president is buoyed by young adults aged 18 – 35-years-old who support the president by 49 to 43 percent, but Obama’s approval rating is underwater across all other age groups. In September, self-identified moderate voters approved of the job Obama was doing in office by 61 to 37 percent with a MoE of +/- 5.5 percent. Today, that number has shrunk to 54/42 percent approval. Obama remains as unpopular among self-identified independents as he was prior to the election.

In fact, the only area where the president has shown an irrefutable increase in his level of support is among those adults residing in the Northeast. Today, 60 percent of adults in the Northeast approve of the job Obama is doing in office compared to 36 who disapprove. In September, just 50 percent of Northeasterners approved of Obama compared to 46 percent who disapproved.

CNN/ORC’s findings are matched by other pollsters in the field in a similar period. A McClatchy/Marist poll from March 4 – 7, 2013 of 1,068 registered voters found Obama slipping to 45 percent approval and 48 percent disapproval. A Democracy Corps survey of likely voters taken from March 9 – 12, 2013, shows Obama down to 48 percent approval and 49 percent disapproval. Neither poll, however, provides their full crosstabs.

One survey that does, however, provide a counter to these findings is a recent Washington Post/ABC News poll of an undisclosed number of adults taken from March 7 – 10. This survey found Obama above water at 50 to 46 percent approval. However, they registered a significant dip from Obama’s job approval rating in a WaPo/ABC poll released January 13 which showed the president at 55/41 percent approval.

What these polls show definitively is that the president’s post-election bounce is gone. The political capital he would have preferred to spend in pursuit of a comprehensive immigration reform plan or stricter gun laws was consumed in rolling battles with Congress over the sequester and the debt ceiling between December and February. Obama is now reduced to negotiating with the dismally unpopular members of Congress on relatively equal footing. This is not a place a president entering his second term would prefer to be.

#### Gun control thumps

Murray 3-28 (Mark, “First Thoughts: Obama jumps back into the gun debate,” NBC News, <http://firstread.nbcnews.com/_news/2013/03/28/17501341-first-thoughts-obama-jumps-back-into-the-gun-debate?lite>)

Obama jumps back into the gun debate: With some GOP senators vowing to filibuster the legislation coming to the floor next month and with some analysts saying that reformers have already lost, President Obama today steps back into the gun debate with an event at the White House at 11:40 am ET. Per the White House, Obama will stand with mothers, law-enforcement officials, and Vice President Biden in urging Congress to take action on the upcoming Senate legislation, which includes universal background checks. As we have written before, those checks -- supported overwhelmingly in public opinion polls -- will ultimately define success or failure for gun-control advocates. Democrats, led by Sen. Chuck Schumer, are trying to get Republicans to back some type of compromise on background checks, given that the filibuster threat means 60 votes will be needed to even begin considering the legislation. That’s why Michael Bloomberg’s Mayors Against Illegal Guns is airing TV ads in key states to also apply pressure. Meanwhile, Politico reports that Sen. Chuck Grassley, the top GOP lawmaker on the Senate Judiciary Committee, is drafting his own Republican gun bill (without background checks), which “could further complicate what will already be a difficult lift for Democrats and the White House.” \*\*\* Obama, bipartisan group still optimistic on immigration reform: While Obama uses the bully pulpit today on guns, yesterday he used it on immigration by granting interviews to the top Spanish-language TV news outlets. “If we have a bill introduced at the beginning of next month -- as these senators indicate it will be -- then I'm confident that we can get it done certainly before the end of the summer,” Obama told Telemundo regarding the Senate bipartisan activity on immigration, per NBC’s Carrie Dann. “I'm optimistic,” he added. “I've always said that if I see a breakdown in the process, that I've got my own legislation. I'm prepared to step in. But I don't think that's going to be necessary. I think there's a commitment among this group of Democratic and Republican senators to get this done.” Speaking of that bipartisan group senators, four of them (Schumer, John McCain, Jeff Flake, and Michael Bennet) held a press conference yesterday in Arizona, where they also expressed optimism. “I’d say we are 90 percent there,” Schumer said, according to Roll Call. “We have a few little problems to work on; we’ve been on the phone all day talking to our other four colleagues who aren’t here. McCain chimed in: “Nobody is going to be totally happy with this legislation -- no one will be because we are having to make compromises, and that’s what makes for good legislation. It’s compromise that brings everybody together.”

## Wind

#### Expert consensus concludes wind power effectively curbs emissions – contrary evidence comes from bias hacks

Gross, Centre for Energy Policy and Technology, 1-9-12

[Dr. Robert, Senior Lecturer in Energy and Environmental Policy at Imperial, runs the Technology and Policy Assessment theme of UK Energy Research Centre (UKERC) and has a long standing interest in the costs of energy technologies and in the issue of 'intermittency'.,"Are wind turbines increasing carbon emissions?”, http://www.guardian.co.uk/environment/blog/2012/jan/09/wind-turbines-increasing-carbon-emissions, accessed: 8-23-12]

12.54pm: I have received this reaction from Dr Robert Gross, via the UK Energy Research Centre:¶ I am Director of the Centre for Energy Policy and Technology at Imperial College and Senior Lecturer in Energy and Environmental Policy at Imperial. I run the Technology and Policy Assessment theme of UK Energy Research Centre (UKERC). I have a long standing interest in the costs of energy technologies and in the issue of 'intermittency'.¶ The technical implications of integrating wind into modern electricity systems are well understood and have been reviewed across many countries, mixes of power plant, climatic conditions and levels of wind penetration. In this subject, as in most others, there is a large body of broadly consistent analyses, undertaken by technically competent bodies such as university research groups, specialist consultancies and network operators. There is also a smattering of 'outliers', often produced by individuals or groups with particular agendas, such as anti-wind lobby groups. Extreme estimates usually result from flawed or overly simplistic methodologies, unrealistic assumptions, or misallocation of costs.¶ UKERC undertook a thoroughgoing review of the evidence base available in 2006 on the costs and impacts of intermittency, and is in the process of compiling a new review of the relative costs of different generation options, for publication later this year. Electrical engineering based modelling and simulation, and increasingly empirical data from countries where the penetration of wind farms has reached a significant level (such as Ireland, Denmark, Spain, Germany and some US states), demonstrates conclusively that wind does reduce emissions. Economic studies also indicate that the costs of intermittency, though potentially significant (particularly when wind reaches very large penetrations), are currently very small in the UK context. UKERC's assessment concludes that intermittency typically represents less than 10% of the costs of power generation when wind is below 20% of electricity - less than £9/MWh rather than the £60/MWh cited by Civitas. The potential efficiency losses that result from increased 'cycling' of fossil fuel stations responding to wind intermittency are real, but represent a very small fraction of the savings in emissions and fuel that results from the electrical output of wind. UKERC's review indicates that losses typically amount to just 1% of the percentage savings. The options for dealing with intermittency are also diverse; including increasing interconnection, demand side response, and storage, as well as fossil fuel back up.¶ There is also a substantial consensus that the lifecycle carbon emissions associated with the construction and maintaining of wind power are very small compared to those of fossil fuel sources.¶ I find it disappointing that Civitas has chosen to disregard the large body of analysis that indicates that the costs and impacts of intermittency are modest and that wind is an effective fuel saver. There is of course a legitimate debate about the cost and feasibility of the 2020 target for renewables, about which renewables deserve how much support, how best to deliver such support and the role of nuclear, carbon capture and other supply options. This debate is not well served by reporting which ignores the findings of a large body of credible, peer reviewed and professional analyses and selects extreme estimates which have not been peer reviewed, do not emerge from credible engineering/economic simulations or models and are widely out of step with the scientific consensus.

#### Obama proves

**Green 10** [David Michael, Professor of political science at Hofstra University, *The Do-Nothing 44th President*, June 12th, http://www.opednews.com/articles/The-Do-Nothing-44th-Presid-by-David-Michael-Gree-100611-648.html]

Yet, on the other hand, Bush and Cheney had far less than nothing to sell when it came to the Iraq war - indeed, they had nothing but lies - and their team handled that masterfully. The **fundamental characteristic** of the Obama presidency is that the president is a reactive object, essentially the victim of events and other political forces, rather than the single greatest center of power in the country, and arguably on the planet. He is the Mr. Bill of politicians. People sometimes excuse the Obama torpor by making reference to all the problems on his plate, and all the enemies at his gate. But what they fail to understand - and, most crucially, what he fails to understand - is the nature of the modern presidency. Successful presidents today (by which I mean those who get what they want) not only drive outcomes in their preferred direction, but shape the very character of the debate itself. And they not only shape the character of the debate, but they determine which items are on the docket. Moreover, there is a continuously evolving and **reciprocal relationship** between presidential boldness and achievement. In the same way that **nothing** breeds success like success, nothing sets the president up for achieving his or her next goal better than succeeding dramatically on the last go around. This is absolutely a matter of perception, and you can see it best in the way that Congress and especially the Washington press corps fawn over bold and intimidating presidents like Reagan and George W. Bush. The political teams surrounding these presidents understood the psychology of power all too well. They knew that by simultaneously creating a **steamroller effect** and feigning a **clubby atmosphere** for Congress and the press, they could leave such hapless hangers-on with only one remaining way to pretend to preserve their dignities. By **jumping on board** the freight train, they could be given the illusion of being next to power, of being part of the **winning team**. And so, with virtually the sole exception of the now retired Helen Thomas, this is precisely what they did. But the game of successfully governing is substantive as well as psychological. More often than not, timidity turns out not to yield the safe course anticipated by those with weak knees, but rather their **subsequent undoing**. The three cases mentioned at the top of this essay are paradigmatic.

#### The link turn outweighs the link.

**Gergen 2k** [David, American political consultant and former presidential advisor who served during the administrations of Nixon, Ford, Reagan, and Clinton, Director of the Center for Public Leadership and a professor of public service at Harvard Kennedy School, Editor-at-large for U.S. News and World Report, Senior Political Analyst for CNN, *Eyewitness to Power*, p. 285]

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#### Wasted it on sequester

ROTHMAN 3 – 19 – 13 Editor at Mediaite [Noah Rothman, Obama’s Spiraling Job Approval Ratings Complicate Negotiations With Congressional Republicans, <http://www.mediaite.com/online/obamas-spiraling-job-approval-ratings-complicate-negotiations-with-congressional-republicans/>]

A number of polls released this month have shown that President Barack Obama’s approval rating has dropped dramatically from its post-reelection highs. Surveys show that Obama is seeing his approval among a number of his core constituencies drop, which is likely to complicate bilateral negotiations with Congressional Republicans. While Republicans in Congress remain far more unpopular than the president, they are aware of the president’s collapsing approval rating. An examination of Obama’s support is crucial to understanding how Republicans will fare in negotiations with the president.

A CNN/ORC poll, taken between March 15 – 17, 2013, of 1,021 adults with a +/- 3.0 percent margin of error, shows the president’s approval rating is underwater for the first time since well before the 2012 presidential election. With 47 percent of adults approving of the job the president is doing compared to 50 percent who disapprove, Obama is at his lowest approval rating among all adults since CNN/ORC’s September 28-30, 2012, survey. The last time CNN found the president underwater among adults was their January 11 – 12, 2012, survey which found Obama’s job approval rating at 47/51 percent.

The president’s approval rating is even more troubling for his supporters when one digs into this poll’s crosstabs. Obama is underwater among women. 49 percent of women disapproving of the job he has done in office compared to 48 percent who approve. Though this result is well within this subsample’s +/- 4.5 percent margin of error, in September of 2012, 51 to 45 percent of women approved of the job Obama is doing in office.

The president is buoyed by young adults aged 18 – 35-years-old who support the president by 49 to 43 percent, but Obama’s approval rating is underwater across all other age groups. In September, self-identified moderate voters approved of the job Obama was doing in office by 61 to 37 percent with a MoE of +/- 5.5 percent. Today, that number has shrunk to 54/42 percent approval. Obama remains as unpopular among self-identified independents as he was prior to the election.

In fact, the only area where the president has shown an irrefutable increase in his level of support is among those adults residing in the Northeast. Today, 60 percent of adults in the Northeast approve of the job Obama is doing in office compared to 36 who disapprove. In September, just 50 percent of Northeasterners approved of Obama compared to 46 percent who disapproved.

CNN/ORC’s findings are matched by other pollsters in the field in a similar period. A McClatchy/Marist poll from March 4 – 7, 2013 of 1,068 registered voters found Obama slipping to 45 percent approval and 48 percent disapproval. A Democracy Corps survey of likely voters taken from March 9 – 12, 2013, shows Obama down to 48 percent approval and 49 percent disapproval. Neither poll, however, provides their full crosstabs.

One survey that does, however, provide a counter to these findings is a recent Washington Post/ABC News poll of an undisclosed number of adults taken from March 7 – 10. This survey found Obama above water at 50 to 46 percent approval. However, they registered a significant dip from Obama’s job approval rating in a WaPo/ABC poll released January 13 which showed the president at 55/41 percent approval.

What these polls show definitively is that the president’s post-election bounce is gone. The political capital he would have preferred to spend in pursuit of a comprehensive immigration reform plan or stricter gun laws was consumed in rolling battles with Congress over the sequester and the debt

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## Wind

#### Expert consensus concludes wind power effectively curbs emissions – contrary evidence comes from bias hacks

Gross, Centre for Energy Policy and Technology, 1-9-12

[Dr. Robert, Senior Lecturer in Energy and Environmental Policy at Imperial, runs the Technology and Policy Assessment theme of UK Energy Research Centre (UKERC) and has a long standing interest in the costs of energy technologies and in the issue of 'intermittency'.,"Are wind turbines increasing carbon emissions?”, http://www.guardian.co.uk/environment/blog/2012/jan/09/wind-turbines-increasing-carbon-emissions, accessed: 8-23-12]

12.54pm: I have received this reaction from Dr Robert Gross, via the UK Energy Research Centre:¶ I am Director of the Centre for Energy Policy and Technology at Imperial College and Senior Lecturer in Energy and Environmental Policy at Imperial. I run the Technology and Policy Assessment theme of UK Energy Research Centre (UKERC). I have a long standing interest in the costs of energy technologies and in the issue of 'intermittency'.¶ The technical implications of integrating wind into modern electricity systems are well understood and have been reviewed across many countries, mixes of power plant, climatic conditions and levels of wind penetration. In this subject, as in most others, there is a large body of broadly consistent analyses, undertaken by technically competent bodies such as university research groups, specialist consultancies and network operators. There is also a smattering of 'outliers', often produced by individuals or groups with particular agendas, such as anti-wind lobby groups. Extreme estimates usually result from flawed or overly simplistic methodologies, unrealistic assumptions, or misallocation of costs.¶ UKERC undertook a thoroughgoing review of the evidence base available in 2006 on the costs and impacts of intermittency, and is in the process of compiling a new review of the relative costs of different generation options, for publication later this year. Electrical engineering based modelling and simulation, and increasingly empirical data from countries where the penetration of wind farms has reached a significant level (such as Ireland, Denmark, Spain, Germany and some US states), demonstrates conclusively that wind does reduce emissions. Economic studies also indicate that the costs of intermittency, though potentially significant (particularly when wind reaches very large penetrations), are currently very small in the UK context. UKERC's assessment concludes that intermittency typically represents less than 10% of the costs of power generation when wind is below 20% of electricity - less than £9/MWh rather than the £60/MWh cited by Civitas. The potential efficiency losses that result from increased 'cycling' of fossil fuel stations responding to wind intermittency are real, but represent a very small fraction of the savings in emissions and fuel that results from the electrical output of wind. UKERC's review indicates that losses typically amount to just 1% of the percentage savings. The options for dealing with intermittency are also diverse; including increasing interconnection, demand side response, and storage, as well as fossil fuel back up.¶ There is also a substantial consensus that the lifecycle carbon emissions associated with the construction and maintaining of wind power are very small compared to those of fossil fuel sources.¶ I find it disappointing that Civitas has chosen to disregard the large body of analysis that indicates that the costs and impacts of intermittency are modest and that wind is an effective fuel saver. There is of course a legitimate debate about the cost and feasibility of the 2020 target for renewables, about which renewables deserve how much support, how best to deliver such support and the role of nuclear, carbon capture and other supply options. This debate is not well served by reporting which ignores the findings of a large body of credible, peer reviewed and professional analyses and selects extreme estimates which have not been peer reviewed, do not emerge from credible engineering/economic simulations or models and are widely out of step with the scientific consensus.

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1. [↑](#footnote-ref-1)