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#### Focus on energy production produces chronic failure. Energy becomes an end-in-itself with no social or ethical guidance.

Byrne and Toly 6—\*John Byrne, Director Center for Energy and Environmental Policy & Public Policy at Delaware and \*\*Noah Toly, Research Associate Center for Energy and Environmental Policy [*Transforming Power* eds. Byrne, Toly, & Glover p. 20-21] **[Gender paraphrased]**

The Technique of Modern Energy Governance While moderns usually declare strong preferences for democratic governance, their preoccupation with technique and efficiency may preclude the achievement of such ambitions, or require changes in the meaning of democracy that are so extensive as to raise doubts about its coherence. A veneration of technical monuments typifies both conventional and sustainable energy strategies and reflects a shared belief in technological advance as commensurate with, and even a cause of, contemporary social progress. The modern proclivity to search for human destiny in the march of scientific discovery has led some to warn of a technological politics (Ellul, 1997a, 1997b, 1997c; Winner, 1977, 1986) in which social values are sublimated by the objective norms of technical success (e.g., the celebration of efficiency in all things). In this politics, technology and its use become the end of society and members have the responsibility, as rational beings, to learn from the technical milieu what should be valorized. An encroaching autonomy of technique (Ellul, 1964: 133- 146) replaces critical thinking about modern life with an awed sense and acceptance of its inevitable reality. From dreams of endless energy provided by Green Fossil Fuels and Giant Power, to the utopian promises of Big Wind and Small-Is-Beautiful Solar, technical excellence powers modernist energy transitions. Refinement of technical accomplishments and/or technological revolutions are conceived to drive social transformation, despite the unending inequality that has accompanied two centuries of modern energy's social project. As one observer has noted (Roszak, 1972: 479), the "great paradox of the technological mystique [is] its remarkable ability to grow strong by chronic failure. While the treachery of our technology may provide many occasions for disenchantment, the sum total of failures has the effect of increasing dependence on technical expertise." Even the vanguard of a sustainable energy transition seems swayed by the magnetism of technical acumen, leading to the result that enthusiast and critic alike embrace a strain of technological politics. Necessarily, the elevation of technique in both strategies to authoritative status vests political power in experts most familiar with energy technologies and systems. Such a governance structure derives from the democratic-authoritarian bargain described by Mumford ( 1964). Governance "by the people" consists of authorizing qualified experts to assist political leaders in finding the efficient, modern solution. In the narratives of both conventional and sustainable energy, citizens are empowered to consume the products of the energy regime while largely divesting themselves of authority to govern its operations. Indeed, systems of the sort envisioned by advocates of conventional and sustainable strategies are not governable in a democratic manner. Mumford suggests ( 1964: I) that the classical idea of democracy includes "a group of related ideas and practices ... [including] communal self-government ... unimpeded access to the common store of knowledge, protection against arbitrary external controls, and a sense of moral responsibility for behavior that affects the whole community." Modern conventional and sustainable energy strategies invest in external controls, authorize abstract, depersonalized interactions of suppliers and demanders, and celebrate economic growth and technical excellence without end. Their social consequences are relegated in both paradigms to the status of problems-to-be-solved, rather than being recognized as the emblems of modernist politics. As a result, modernist democratic practice becomes imbued with an authoritarian quality, which "deliberately eliminates the whole human personality, ignores the historic process, [and] overplays the role of abstract intelligence, and makes control over physical nature, ultimately control over [hu]man[ity] himself, the chief purpose of existence" (Mumford, 1964: 5). Meaningful democratic governance is willingly sacrificed for an energy transition that is regarded as scientifically and technologically unassailable.

#### Technocratic management makes extinction inevitable—no aff proposal can solve.

Crist 7 [Eileen Crist, Associate Professor of Science and Technology in Society at Virginia Tech University, 2007, “Beyond the Climate Crisis: A Critique of Climate Change Discourse,” *Telos*, Volume 141, Winter, Available Online to Subscribing Institutions via Telos Press, p. 49-51]

If mainstream environmentalism is catching up with the solution promoted by Teller, and perhaps harbored all along by the Bush administration, it would certainly be ironic. But the irony is deeper than incidental politics. The projected rationality of a geoengineering solution, stoked by apocalyptic fears surrounding climate change, promises consequences (both physical and ideological) that will only quicken the real ending of wild nature: "here we encounter," notes Murray Bookchin, "the ironic perversity of a 'pragmatism' that is no different, in principle, from the problems it hopes to resolve."58 Even if they work exactly as hoped, geoengineering solutions are far more similar to anthropogenic climate change than they are a counterforce to it: their implementation constitutes an experiment with the biosphere underpinned by technological arrogance, unwillingness to question or limit consumer society, and a sense of entitlement to transmogrifying the planet that boggles the mind. It is indeed these elements of techno-arrogance, unwillingness to advocate radical change, and unlimited entitlement, together with the profound erosion of awe toward the planet that evolved life (and birthed us), that constitute the apocalypse underway—if that is the word of choice, though the words humanization, colonization, or occupation of the biosphere are far more descriptively accurate. Once we grasp the ecological crisis as the escalating conversion of the planet into "a shoddy way station,"59 it becomes evident that inducing "global dimming" in order to offset "global warming" is not a corrective action but another chapter in the project of colonizing the Earth, of what critical theorists called world domination.

Domination comes at a huge cost for the human spirit, a cost that may or may not include the scale of physical imperilment and suffering that apocalyptic fears conjure. Human beings pay for the domination of the biosphere—a domination they are either bent upon or resigned to—with alienation from the living Earth.60 This alienation manifests, first and [end page 50] foremost, in the invisibility of the biodiversity crisis: the steadfast denial and repression, in the public arena, of the epochal event of mass extinction and accelerating depletion of the Earth's biological treasures. It has taken the threat of climate change (to people and civilization) to allow the tip of the biodepletion iceberg to surface into public discourse, but even that has been woefully inadequate in failing to acknowledge two crucial facts: first, the biodiversity crisis has been occurring independently of climate change, and will hardly be stopped by windmills, nuclear power plants, and carbon sequestering, in any amount or combination thereof; and second, the devastation that species and ecosystems have already experienced is what largely will enable more climate-change-driven damage to occur.

Human alienation from the biosphere further manifests in the recalcitrance of instrumental rationality, which reduces all challenges and problems to variables that can be controlled, fixed, managed, or manipulated by technical means. Instrumental rationality is rarely questioned substantively, except in the flagging of potential "unintended consequences" (for example, of implementing geoengineering technologies). The idea that instrumental rationality (in the form of technological fixes for global warming) might save the day hovers between misrepresentation and delusion: firstly, because instrumental rationality has itself been the planet's nemesis by mediating the biosphere's constitution as resource and by condoning the transformation of Homo sapiens into a user species; and secondly, because instrumental rationality tends to invent, adjust, and tweak technical means to work within given contexts—when it is the given, i.e., human civilization as presently configured economically and culturally, that needs to be changed.

#### Critique is a prior question—starting with incentives dodges issues of social and environmental sustainability.

Byrne and Toly 6—\*John Byrne, Director Center for Energy and Environmental Policy & Public Policy at Delaware and \*\*Noah Toly, Research Associate Center for Energy and Environmental Policy [*Transforming Power* eds. Byrne, Toly, & Glover p. 22-24]

Transition without Change: A Failing Discourse After more than thirty years of contested discourse, the major 'energy futures' under consideration appear committed to the prevailing systems of governance and political economy that animate late modernity. The new technologies-conventional or sustainable-that will govern the energy sector and accumulate capital mjght be described as centaurian technics21 in which the crude efficiency of the fossil energy era is bestowed a new sheen by high . technologies and modernized ecosystems: capitalism without smoky cities, contaminated industrial landscapes, or an excessively carbonized atmosphere. Emerging energy solutions are poised to realize a postmodern transition (Roosevelt, 2002), but their shared commitment to capitalist political economy and the democratic-authoritarian bargain lend credence to Jameson's assessment (1991) of postmodernism as the "cultural logic of late capitalism." Differences in ecological commitments between conventional and sustainable energy strategies still demarcate a battleground that, we agree, is important-even fundamental. But so also are the common aspirations of the two camps. Each sublimates social considerations in favor of a politics of more-is-better, and each regards the advance of energy capitalism with a sense of inevitability and triumph. Conventional and sustainable energy visions equally presume that a social order governed by a 'democratic' ideal of cornucopia, marked by economic plenty, and delivered by technological marvels will eventually lance the wounds of poverty and inequality and start the healing process. Consequently, silence on questions of governance and social justice is studiously observed by both·proposals. Likewise, both agree to, or demur on, the question of capitalism's sustainability.22 Nothing is said on these questions because, apparently, nothing needs to be. If the above assessment of the contemporary energy discourse is correct, then the enterprise is not at a crossroad; rather, it has reached a point of acquiescence to things as they are. Building an inquiry into energy as a social project will require the recovery of a critical voice that can interrogate, rather than concede, the discourse's current moorings in technological politics and capitalist political economy. A fertile direction in this regard is to investigate an energy-society order in which energy systems evolve in response to social values and goals, and not simply according to the dictates of technique, prices, or capital. Initial interest in renewable energy by the sustainability camp no doubt emanated, at least in part, from the fact that its fuel price is non-existent and that capitalization of systems to collect renewable sources need not involve the extravagant, convoluted corporate forms that manage the conventional energy regime. But forgotten, or misunderstood, in the attraction of renewable energy have been the social origins of such emergent possibilities. Communities exist today who address energy needs outside the global marketplace: they are often rural in character and organize energy services that are immune to oil price spikes and do not require water heated to between 550Q and 900Q Fahrenheit (300Q and 500Q Celsius) (the typical temperatures in nuclear reactors). No energy bills are sent or paid and governance of the serving infrastructure is based on local (rather than distantly developed professional) knowledge. Needless to say, sustainability is embodied in the lifeworld of these communities, unlike the modern strategy that hopes to design sustainability into its technology and economics so as not to seriously change its otherwise unsustainable way of life . Predictably, modern society will underscore its wealth and technical acumen as evidence of its superiority over alternatives. But smugness cannot overcome the fact that energy-society relations are evident in which the bribe of democratic-authoritarianism and the unsustainability of energy capitalism are successfully declined. In L 928, Mahatma Gandhi (cited in Gandhi, 1965: 52) explained why the democratic-authoritarian bargain and Western capitalism should be rejected: God forbid that India should ever take to industrialization after the manner of the West. The economic imperialism of a single tiny island kingdom (England) is today keeping the world in chains. If an entire nation of 300 million took to similar economic exploitation, it would strip the world bare like locusts. Unless the capitalists of India help to avert that tragedy by becoming trustees of the welfare of the masses and by devoting their talents not to amassing wealth for themselves but to the service of the masses in an altruistic spirit, they will end either by destroying the masses or being destroyed by them. As Gandhi's remark reveals, social inequality resides not in access to electric light and other accoutrements of modernity, but in a world order that places efficiency and wealth above life-affirming ways of life. This is our social problem, our energy problem, our ecological problem, and, generally, our political-economic problem. The challenge of a social inquiry into energy-society relations awaits.

### 1NC ASPEC

#### Power in the federal government is divided into three branches—the affirmative does not specify

Rotunda 1 (18 Const. Commentary 319, “THE COMMERCE CLAUSE, THE POLITCAL QUESTION DOCTRINE, AND MORRISON,” lexis)

The Framers of our Constitution anticipated that a self-interested "federal majority" would consistently seek to impose more federal control over the people and the states. n10 Hence, they created a federal structure designed to protect freedom by dispersing and limiting federal power. They instituted federalism [\*321] chiefly to protect individuals, that is, the people, not the "states qua states." n11 The Framers sought to protect liberty by creating a central government of enumerated powers. They divided power between the state and federal governments, and they further divided power within the federal government by splitting it among the three branches of government, and they further divided the legislative power (the power that the Framers most feared) by splitting it between two Houses of Congress.

#### Voting Issue

#### One—negative ground—specification is key to generate specific uniqueness and link magnitude so generic energy production now doesn’t non-unique our disads. Gives us textual competition for counterplans and key to high tech solvency arguments

#### Two—education—specification is a prerequisite to energy policy.

Tomain 90—Professor of Law, University of Cincinnati College of Law [Tomain, Joseph P., “The Dominant Model of United States Energy Policy” (1990), Faculty Articles and Other Publications, Paper 130, http://scholarship.law.uc.edu/fac\_pubs/130]

IV. CONCLUSION

The direct message of the dominant model is that United States energy policy is market driven. The implication of this message is equally clear. Given the structural setting of a complex policymaking process that is woven throughout government and is directly affected by the tensions created by separation of powers and federalism, no comprehensive national energy policy of any detail is likely to develop despite executive, legislative, or administrative desires to do so.

There are ideological and pragmatic reasons behind this conclusion. The first reason, grounded in the liberal tradition, is that the country is "generally suspicious" of central planning. Rather than have an imitation Japanese or European industrial policy, the United States economy continues to run on private competition. Granted, the government will attempt to halt large accumulations of corporate power through antitrust enforcement. Still, though, countervailing government control of the economy through heavy central planning is simply not an accepted way of doing business.

A second and corollary reason is that although government is used as a backstop to prevent large aggregations of corporate power, government will also promote and support competitive businesses. The New Deal was not so much an experiment in social policythough it was clearly that-as it was an example of the federal government stimulating the economy by getting business on its feet again.

Third, there is a commitment to the hard energy path of largescale, high-technology, capital intensive energy production. This commitment finds its roots in the industrial revolution of the nineteenth century. This history makes it difficult for policy makers and decision makers to design and implement alternative energy policies, thus putting the burden of change on proponents 'of alternatives.

Fourth, also echoing the liberal tradition, there is an underlying faith in the market. The country's efforts to achieve the virtues of the market-color blindness, individual liberty, eqmility, and technological innovations-may not reach a Utopian plateau, but government controls are worse approximations. The country's faith in the market forms the baseline, and government will only intervene if cracks in the baseline are perceived.

Thus the dominant model of U.S. energy policy is firmly based in the tenets of democratic capitalism: private ownership and production; competition; no overt central planning; wariness of monopoly; and government support of each of the other elements. The hope is that our national economy and our quality of life can flourish if (1) markets are relatively clear, (2) entry and exits are relatively inexpensive, and (3) corporate power is relatively dispersed. Indeed, the ideology of domestic energy policy rests upon the idea that inter-industry and intra-industry competition are highly desirable~' Moreover, such industrial pluralism ultimately serves the public interest by providing relatively abundant energy at relatively stable prices. Economic efficiency, economic growth, economies of scale, and a cautious eye on market power thus define the public interest in energy. So says the dominant model. What remains to be seen is whether the dominant model has significant longevity given contemporary concerns about the continued use of fossil fuels and environmental degradation. Before the environmental consequences of hard path energy production can be adequately addressed, however, the dominant structure of domestic energy policymaking and policy must be acknowledged. Hopefully, this article has provided that acknowledgement.

#### 2AC clarifications are too late—the 1AC plan is used to generate counterplan competition—2AC or CX clarification justifies aff conditionality and kills any neg predictability

### 1NC CP

#### The United States Federal Government should substantially reduce production restrictions on federal lands in the Gulf of Mexico, Atlantic, and Pacific regions in the United States for conventional gas production.

#### The plan says Outer Continental Shelf—that refers to every area

US Code 2 [“OUTER CONTINENTAL SHELF LANDS ACT,” as amended Through P.L. 106–580, Dec. 29, http://epw.senate.gov/ocsla.pdf]

SEC. 2. DEFINITIONS.—When used in this Act—

(a) The term ‘‘outer Continental Shelf’’ means all submerged lands lying seaward and outside of the area of lands beneath navigable waters as defined in section 2 of the Submerged Lands Act (Public Law 31, Eighty-third Congress, first session), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control;

#### That means the aff is 4 regions

Wikipedia No Date [http://en.wikipedia.org/wiki/Outer\_Continental\_Shelf]

The United States OCS has been divided into four leasing regions:[2]

Gulf of Mexico OCS Region

Atlantic OCS Region

Pacific OCS Region

Alaska OCS Region

#### Tons in the Gulf of Mexico—your author

Griles 3 [Lisa, Deputy Secretary—Department of the Interior, “Energy Production on Federal Lands,” Hearing before the Committee on Energy and Natural Resources, United States Senate, 4-30]

Vast resources of oil and natural gas lie, we hope, beneath these sheets of salt in the OCS in the Gulf of Mexico. But it is very difficult to get clear seismic images. We are also working to create a process of reviewing and permitting alternative energy sources on the OCS lands. We have sent legislation to Congress that would give the Minerals Management Service of the Department of the Interior clear authority to lease parts of the OCS for renewable energy. The renewables could be wind, wave, or solar energy, and related projects that are auxiliary to oil and gas development, such as offshore staging facilities and emergency medical facilities. We need this authority in order to be able to truly give the private sector what are the rules to play from and buy, so they can have certainty about where to go.

### 1NC DA

#### Obama’s 5 year lease plan solves the case without opening up the Arctic or the Atlantic seaboard to drilling

Taylor 12—Environmental and Energy Policy reporter [Phil Taylor, “Interior to proceed with 'targeted' Arctic leases,” Greenwire: Tuesday, June 26, 2012, pg. http://www.eenews.net/public/Greenwire/2012/06/26/3

The Obama administration today said it will finalize a plan to offer new leases in the Arctic Ocean but will take precautions to protect sensitive waters, wildlife and Alaskan subsistence hunters.

The announcement by Interior Department officials from Norway signals the administration's commitment to long-term development of the Arctic -- a region believed to be flush with oil, but which environmentalists and some Alaska Natives warn is too fragile, remote and risky to drill.

In addition, Interior Secretary Ken Salazar said he believed it was "probable" that Royal Dutch Shell PLC would be issued final permits to drill in both the Beaufort and Chukchi seas, the strongest indication yet that drilling could commence as early as mid-July.

Salazar said the agency's final leasing plan for the next five years will include potential lease sales in the Chukchi Sea in 2016 and in the Beaufort Sea in 2017. The plan would postpone by two years a sale in the Beaufort that was initially [planned](http://www.boem.gov/uploadedFiles/Proposed_OCS_Oil_Gas_Lease_Program_2012-2017.pdf) for 2015 ([Greenwire](http://www.eenews.net/Greenwire/2011/11/08/archive/3), Nov. 8, 2011).

"We want to make sure we get it right, so we are not going to rush to process," Interior Deputy Secretary David Hayes said.

In contrast to recent Gulf of Mexico leases that included virtually all of the federal planning areas, the size and location of the Arctic sales will be determined by factors including resource potential, subsistence use and environmental conditions, Salazar said.

"We are taking a different approach -- a more strategic approach -- than the past," Salazar said in prepared remarks at a roundtable on Arctic development in Trondheim, Norway. "We intend to gather information from industry, Native Alaskan communities, the scientific community and the public to identify specific high-resource, low-conflict areas that are best suited for exploration and development."

Salazar said the agency will maintain a 25-mile buffer along the Chukchi coast put in place under the George W. Bush administration to protect Native Alaskan communities. He said the new plan would also include an additional area north of Barrow that has attracted minimal industry interest but that has very high subsistence value.

Today's announcement advances a five-year leasing plan first announced last November that also includes a dozen sales in the western, central and eastern Gulf, but excluded the entire Atlantic and Pacific seaboards -- to industry and most Republican lawmakers' chagrin.

Interior officials said that East Coast states lack infrastructure to respond to potential oil spills and that West Coast states do not support offshore development. Federal agencies also lack adequate resource data to proceed with development in either ocean, the agency said.

#### Opening the Arctic leads to Methane hydrate development—they risk seafloor collapse and the release of large volumes of methane.

ORNL Review 2k [Oak Ridge National Laboratory Review, “Methane Hydrates: A Carbon Management Challenge,” Issue 22 Number 2, 2000, pg. http://www.ornl.gov/info/ornlreview/v33\_2\_00/methane.htm]

An enormous natural gas resource locked in ice lies untapped in ocean sediments and the Arctic permafrost. If this resource could be harvested safely and economically by the United States, we could possibly enjoy long-term energy security. Known as methane hydrates, this resource also may have important implications for climate change. When released to the air, methane is a greenhouse gas that traps 20 times more heat than carbon dioxide (another greenhouse gas). When burned, methane releases up to 25% less carbon dioxide than the combustion of the same mass of coal and does not emit the nitrogen and sulfur oxides known to damage the environment.

Methane hydrates contain methane in a highly concentrated form. Hydrates are a type of ice in which water molecules form cages (clathrates) around properly sized guest molecules. Gas hydrates form when water and gas (e.g., methane, ethane, and propane) come together at the right temperatures and pressures.

Thanks to the recent passage of the authorization bill, The Methane Hydrate Research and Development Act of 1999, the Department of Energy's Office of Fossil Energy is planning a national research and development (R&D) program on methane hydrates. ORNL researchers are doing research in this area using internal funding from the Laboratory Directed R&D (LDRD) Program and are proposing projects for DOE funding.

"The driver of DOE's gas hydrates program is the need for a new, abundant source of relatively clean energy, yet concerns about climate change are being addressed, considering that methane is a greenhouse gas," says Lorie Langley, leader of ORNL's Natural Gas Infrastructure, Methane Hydrates, and Carbon Dioxide Sequestration programs. "Methane can be used as an inexpensive source of hydrogen, a carbon-free fuel that could help slow climate change, providing that methods are developed to sequester the carbon dioxide that results from hydrogen production."

Among the questions the DOE program will address are these: How much natural gas actually is present in the world's methane hydrates? (Estimates range as high as 700,000 trillion cubic feet, many times the estimated total of worldwide conventional resources of natural gas and oil.) Are the hydrates stable enough to sequester carbon dioxide injected into them? Which production methods could safely harvest methane from the hydrates?

What are the risks of recovering methane from ocean hydrates? Could the release of methane make the sediments unstable enough to cause the collapse of seafloor foundations for conventional oil and gas drilling rigs? Could the melting, or dissociation, of methane hydrate ice lead to releases of large volumes of methane to the atmosphere, raising greenhouse gas levels and exacerbating global warming?

#### Only a massive expansion of drilling will trigger the impact—Slow releases in the squo will not trigger the impact

Morningstar 11 [Cory Morningstar, “Destination—Hell. Are we there yet?,” Huntington News, Sunday, March 27, 2011—01:09, pg. http://www.huntingtonnews.net/2768

US Department of Energy meeting summary: "Alternatively, an undersea earthquake today, say off the Blake Ridge or the coast of Japan or California might loosen and cause some of the sediment to slide down the ridge or slump, exposing the hydrate layer to the warmer water. That in turn could cause a chain reaction of events, leading to the release of massive quantities of methane. Another possibility is drilling and other activities related to exploration and recovery of methane hydrates as an energy resource. The hydrates tend to occur in the pores of sediment and help to bind it together. Attempting to remove the hydrates may cause the sediment to collapse and release the hydrates. So, it may not take thousands of years to warm the ocean and the sediments enough to cause massive releases, only lots of drilling rigs. Returning to the 4 GtC release scenario, assume such a release occurs over a one-year period sometime in the next 50 years as result of slope failure. According to the Report of the Methane Hydrate Advisory Committee, “Catastrophic slope failure appears to be necessary to release a sufficiently large quantity of methane rapidly enough to be transported to the atmosphere without significant oxidation or dissolution.” In this event, methane will enter the atmosphere as methane gas. It will have a residence time of several decades and a global warming potential of 62 times that of carbon dioxide over a 20-year period. This would be the equivalent of 248 GtC as carbon dioxide or 31 times the annual man-made GHG emissions of today. Put another way, this would have the impact of nearly 30 years worth of GHG warming all at once. The result would almost certainly be a rapid rise in the average air temperature, perhaps as much as 3°F immediately. This might be tolerable if that’s as far as things go. But, just like 15,000 years ago, if the feedback mechanisms kick in, we can expect rapid melting of Greenland and Antarctic ice and an overall temperature increase of 30°F."

#### Extinction—Hydrate extraction is unavoidably dangerous.

Morningstar 11 [Cory Morningstar, “Destination—Hell. Are we there yet?,” Huntington News, Sunday, March 27, 2011—01:09, pg. http://www.huntingtonnews.net/2768]

This is [modeling madness](http://www.climatesoscanada.org/blog/2011/03/11/climate-change-to-continue-to-the-year-3000-even-in-best-case-%E2%80%98zero-emissions%E2%80%99-scenarios/). By doing this the scientists are exposing humanity to a huge risk of global climate catastrophe. This madness is effectively preventing any possibility of an emergency climate response.  Modelling for future catastrophe, is effectively distracting us from the climate emergency we face, dead on, today. Further madness has made its presence known. As methane hydrate melting and venting accelerates—securing our path to extinction—scientists have now begun to do modelling on the hydrates.

Recently, it appears that leading methane scientists, who have been instrumental in sounding the methane alarm (based on their observations that the warming Arctic is driving the thaw and methane venting due to anthropogenic climate change), are being pressured by other scientists to provide "absolute proof" that the thaw and venting have not been occurring for reasons other than human-made warming. If my daughter is pushed off the playground equipment, causing a broken arm—her arm needs a cast. Urgently. It makes no difference who pushed her.

Given the unparalleled enormous risks, the precautionary principle should certainly take precedence. The risk formula can be applied for such a colossal catastrophic impact, even when there is too little data to calculate a reliable probability.

The grim reality coupled with common sense tells us unequivocally that the Arctic temperature is only going one way—upward. Therefore, at some point it will hit the thaw point (if it has not done so already) and no modeling is necessary to understand this simple fact.

"Catastrophic emissions cannot be ruled out." That is a main statement when pouring over scientific papers on methane. It reads like a disclaimer along with the cautious language of possible, could, and other select language that allows us to continue denying our reality. Today, the majority of published climate science is all framed to allow the fossil fuel industry to not only survive, but continue growing and globalizing.

When reviewing scientific papers, one cannot find any references that address the absolute necessity of stopping fossil fuel combustion. The most important component of stabilizing our planet's climate simply is not addressed. It is both revealing and ominous that proponents of the exploitation, which includes scientists, are suggesting that we now have to extract the methane to make the hydrates safe. Extracting the methane is unavoidably dangerous as this would depressurize the local environment. The gas extracted from the methane hydrates will be burned to drive the fossil fuel world economy—emitting huge amounts of CO2 in the process. All of the IPCC scenarios currently used, accept that our world economies are dependent and locked into fossil fuels—thereby legitimizing the fossil fuel industry.

#### AND, drilling in the Atlantic will happen quickly—they risk irreversible damage to the entire marine ecosystem.

NRDC 12 [Natural Resources Defense Council, “Deep Sea Treasures Protecting the Atlantic Coast's Ancient Submarine Canyons and Seamounts,” March 2012

Out at Sea, But Not Out of¶ Harm’s Way

The Atlantic canyons and seamounts remain largely¶ unscathed by humans. Because of their depth and¶ ruggedness, they have been out of reach to destructive¶ bottom trawling, a type of fishing using heavily weighted¶ nets to target bottom-dwelling fish, crushing, ripping, and¶ ultimately destroying fragile bottom habitats in the process.¶ So far the oil and gas industry has not been allowed to¶ commercially develop oil resources on the Eastern seaboard.

But that could quickly change. Elsewhere, so-called¶ “canyon buster” and “rock hopper” trawl gear are opening up challenging seascapes to fishermen seeking out new populations or species to catch. These bottom trawl nets¶ can remove in minutes what took nature centuries to build,¶ leaving barren, scarred clay, mud, and rock where rich gardens of corals, sponges, and anemones once thrived.¶ With the moratoria against oil and gas development in¶ the Atlantic now lifted, full-scale commercial drilling in the canyons is possible. Proposals for oil and gas exploration are already under consideration, threatening the canyons’¶ sensitive resources. Seismic surveys are used to detect the¶ presence of oil and gas and use high-decibel acoustic energy¶ pulses blasted from ships. Surveys can damage or kill fish and fish larvae and have been implicated in whale beaching¶ and stranding incidents.10 The auditory assault disrupts and displaces vital behaviors, leaving marine animals unable to locate prey or mates or communicate with each other, and pushing animals out of critical migratory corridors and their¶ nursery, foraging, and breeding habitat.11

After the Deepwater Horizon and Exxon Valdez disasters,¶ we now all know the widespread ecological devastation that results from a well blow-out or a catastrophic spill. Even small oil spills can kill marine organisms and disrupt marine ecosystems. Marine mammals like dolphins and whales can also inhale oil when they surface to breathe, which causes¶ damage to mucous membranes and airways and can be¶ fatal.12 Aside from posing a spill risk, each drilled well also generates drilling muds and cuttings, and produces water that contains toxic metals, such as lead, chromium, mercury, and carcinogens like toluene and benzene.13

The Atlantic’s Submarine Canyons¶ and Seamounts Need Our Protection

We have a unique opportunity now to protect the rich and¶ vulnerable resources of the Atlantic canyons and seamounts before irreversible harm is done. To date, only four of these¶ canyons have been protected from bottom trawling. None¶ of the canyons or seamounts are protected from oil and gas¶ exploration activities. We need to fully protect these special¶ places for the future before it is too late.

#### Drilling will destroy numerous biological hotspots

Gravitz 9—Oceans Advocate for Environment America [Michael Gravitz, Statement at the Department of Interior Hearing On Offshore Ocean Energy Development in Atlantic City, New Jersey, April 6, 2009, pg. http://tinyurl.com/cxkzanz]

3. When deciding whether to approve seismic testing or exploration and production off the east coast, your department needs to balance the safety of those special areas against the potential for damage from oil drilling. The only way to adequately assess the balance would be for your department (with the participation of NOAA and possibly the National Academy of Science) to do a comprehensive census of those special places and analyze possible impacts on them from drilling.

1. The Ocean: More Like A Diverse Forest Than A Desert

Many people look at the ocean and see it as a pretty, shiny surface. They may imagine a few fish swimming below the surface and a plain featureless bottom. This is not an accurate picture of the ocean in most places. Unless the bottom is sandy and continually disturbed by wind, wave or current the bottom of the ocean is filled with communities of diverse creatures. Depending on depth, penetration of light, type of bottom (i.e., muddy, sandy, pebbles, boulders) and other factors, the ocean’s floor is teaming with diverse communities of plants, invertebrates, shellfish, crustaceans and fish. Numerous kinds of fish live on the bottom. Other fish swim above the bottom in the water column at different levels. Thousands of types of phytoplankton, zooplankton and larvae at the base of most food chains ‘float’ around. Marine mammals, sea turtles and sea birds spend most of their time at or near the surface of the ocean.

All of these creatures are sensitive to the impacts of oil and pollution from oil and gas drilling; some are more sensitive than others. But none are immune to the short or long term effects of oil.

With this as background, it is important to recognize the special places in the ocean that are unique, especially sensitive to pollution or those that are especially productive. These include: submarine canyons cutting across the continental shelf; deep water coral gardens; plateaus where the floor of the ocean rises and becomes unusually productive because deeper nutrient rich waters come closer to the warmer temperatures and light of the surface; migratory pathways for marine mammals and sea turtles; and areas where fish aggregate to spawn or where larval stages of animals are concentrated. Finally, the margins of the ocean: beaches, bays and marshes are often unusually sensitive to oil pollution.

2. Special Places in the Atlantic Ocean Deserving of Protection

Based on the Environmental Sensitivity Index (ESI) and a crude measure of marine productivity that your own department uses, the New England, Mid Atlantic and South Atlantic planning areas are all very environmentally sensitive and highly productive. The South Atlantic planning area and Mid Atlantic have the first and third most environmentally sensitive coastlines, respectively, of all 22 MMS planning areas. New England comes in at #11. The South Atlantic and Mid Atlantic are ranked first and second respectively in terms of primary productivity among all the planning areas with North Atlantic being #12.

There are 14 submarine canyons between Massachusetts and Virginia that slice through the continental shelf (See attached list). Submarine canyons, some with a mouth as wide as eight to ten miles and 30-40 miles long, are important because they shelter unusual species, provide hard bottoms and sidewalls for creatures to attach to or burrow in, provide nursery areas for many commercially important fish and bring nutrients from the deep ocean up to more shallow waters. Sea life in these canyons is unusually diverse which is why drilling in or near submarine canyons with their risk from spills and chronic pollution from production would be a very bad idea.

There are a number of important underwater plateaus and reefs off the eastern seaboard which serve as fish baskets, places of unusual marine productivity where very high populations of fish reproduce and grow. Often these are called ‘banks’ or ‘reefs’ with names like Georges Bank, Stellwagen Bank, Gray’s Reef or Occulina Bank. Some of these areas of the ocean are shallow enough to allow sunlight to penetrate to the seafloor and nutrients from the deeper ocean feed a richer abundance of life. These banks and reefs sometimes offer the only hard substrate for creatures to attach in a wide area. . Drilling in biological hot spots like these and jeopardizing productive commercial and recreational fisheries would make no sense.

Like on land, certain areas of the ocean support migration corridors for fish, marine mammals, sea turtles and sea birds. For much of the Mid Atlantic there is a coastal corridor extending out 20 miles from shore in which endangered marine mammals like the northern right whale, various sea turtles and migratory fish travel. For example, the last 350 northern right whales on earth travel each year from the Georgia-Florida border where they give birth and nurse their calves to an area off Cape Cod where they spend the summer feeding. Loggerheads, leatherback and Kemp’s ridley turtles all use this corridor at various times of the year.

Another corridor, farther offshore at the edge of the continental shelf break and slope provides food for various endangered sea turtles and other kinds of whales and dolphins. Whales and dolphins are typically migratory and each is only seasonally present but taken together the area is important year round to these marine mammals.

There are four more hotspots of marine diversity and unusual productivity off the Mid Atlantic caused by ocean currents, type of bottom, [and] submarine canyons and other special characteristics. These include: the coastal waters off North Carolina near and south of Cape Hatteras, the mouth of the Chesapeake and Delaware Bays and off New York harbor. Coastal waters and sandy bottoms off New Jersey support a large and economically important clam and scallop industry.

#### Human survival is at risk

Nautiyal & Nidamanuri 10—Centre for Ecological Economics and Natural Resources @ Institute for Social and Economic Change & Department of Earth and Space Sciences @ Indian Institute of Space Science and Technology [SUNIL NAUTIYAL1 & RAMA RAO NIDAMANURI “Conserving Biodiversity in Protected Area of Biodiversity Hotspot in India: A Case Study,” International Journal of Ecology and Environmental Sciences 36 (2-3): 195-200, 2010

The hotspots are the world’s most biologically rich areas hence recognized as important ecosystems not important¶ only for the rich biodiversity but equally important for the human survival as these are the homes for more than¶ 20% of the world’s population. India got recognition of one of the mega-diversity countries of world as the country¶ is home of the two important biodiversity hotspots: the Himalaya in north and the Western Ghats in the southern¶ peninsula. Policy makers and decision takers have recognized the importance of biodiversity (flora and fauna) and¶ this has resulted to segregate (in the form of protected areas) the rich and diverse landscape for biodiversity¶ conservation. An approach which leads towards conservation of biological diversity is good efforts but such¶ approaches should deal with humans equally who are residing in biodiversity hotspots since time immemorial. In¶ this endeavor, a study was conducted in Nagarahole National Park of Nilgiri Biosphere Reserve, in Karnataka. Our¶ empirical studies reveal that banning all the human activities in this ecosystem including agriculture, animal¶ husbandry has produced the results opposite to the approach ‘multiple values’ of national park. To monitor the¶ impact, existing policies have been tested from an economic and ecological view-point. Unfortunately, the local¶ livelihoods (most of them belongs to indigenous tribes) in the area have received setbacks due to the¶ implementation of the policies, though unintentionally. However, the ecological perspective is also not showing¶ support for the approach and framework of the current policies in the hotspots. Satellite data showed that the¶ temporal pattern of ecosystem processes has been changing. An integrated approach for ecosystem conservation and¶ strengthening local institutions for sustainable ecosystem management in such areas is therefore supported by this¶ study.

#### AND, the risk of drilling multiplies with each additional drillers—you must account for the systemic risk of ecosystem collapse.

Craig 11—Associate Dean for Environmental Programs @ Florida State University [Robin Kundis Craig, “Legal Remedies for Deep Marine Oil Spills and Long-Term Ecological Resilience: A Match Made in Hell,” Brigham Young University Law Review, 2011, 2011 B.Y.U.L. Rev. 1863

Systemic risk is as important as individual risk. Notwithstanding the National Environmental Policy Act's requirement that federal permitting agencies consider cumulative impacts to the environment, [n188](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1348065909828&returnToKey=20_T15563238106&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.735297.7128077165" \l "n188) we currently evaluate the risks of offshore oil drilling primarily with respect to individual oil drilling operations in connection with individual permits and leases. As the Deepwater Horizon Commission recognized, however, the larger systemic context of such drilling is also important, and perhaps arguably more so. From a resilience perspective, a drilling operation that uses the only oil rig in a pristine marine environment is an inherently different risk problem than the Deepwater Horizon's situation of being one of thousands of similar rigs in a pervasively and multiply stressed Gulf. As Clark, Jones, and Holling have suggested, our trial-and-error experiments with Nature in our first-sense resilience  [\*1895] dependence mode "now threaten errors larger and more costly than society can afford." [n189](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1348065909828&returnToKey=20_T15563238106&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.735297.7128077165" \l "n189) Resilience thinking should more forcibly insist on multilayered systemic awareness, promoting limits on how much exploitation should be occurring simultaneously and encouraging more gradual resource development over longer periods of time.

. Risk to the environment should be presumed, even when all actors follow all best practices. Our current first-sense resilience dependency produces laws that assume that ecosystems can be fixed—and, perhaps more importantly, as embodied in the OPA natural resource damages regulations, that natural processes will often be able to restore themselves without human effort. Resilience thinking, in contrast, effectively assumes that ecosystems could suddenly shift to a new regime at any time for any number of reasons that we do not understand and may not even be able to anticipate—the combined potential of the second and third conceptions of resilience. In the words of Clark, Jones, and Holling, "if a system has multiple regions of stability, then Nature can seem to play the practical joker rather than the forgiving benefactor." [n190](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1348065909828&returnToKey=20_T15563238106&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.735297.7128077165" \l "n190) To exaggerate the differences in outlook just a bit, our current paradigm presumes that most ecosystems can cope with most human activities, while resilience thinking presumes that all changes to an ecosystem are at least potentially completely destabilizing—i.e., inherently risky, with the outer limits of that risk being potentially massive. To translate this change in presumption into legalese, full resilience thinking promotes a policy framework where most human activities in the environment could be—and perhaps should be—considered inherently dangerous activities.

 [\*1896]  As every first-year law student learns, engaging in inherently dangerous activities tends to subject the actor to strict and fairly absolute liability for the kinds of harm that made the activity inherently dangerous. [n191](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1348065909828&returnToKey=20_T15563238106&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.735297.7128077165" \l "n191) Under resilience thinking, those kinds of harm would include all of the unpredictable and unexpected changes to the ecosystem that might occur as a result of a disaster like the Deepwater Horizon oil spill, up to and including a substantial shift in ecosystem regime or ecosystem collapse.

While full implementation of an "inherently dangerous activity" legal regime for all marine activities is unlikely, the case is fairly strong for deep sea oil exploration and drilling. It is at least worth pondering what such a consequence of resilience thinking might mean for risk assessment and behavioral incentives in this context. If nothing else, one would predict under such a new view of potential liability that oil companies' insurers might begin charging premiums that more accurately reflect the potentially catastrophic liability that resilience-minded regulations and policies would make legally cognizant—and might insist on the much more precautionary and safety-minded approach to offshore oil drilling that a multitude of commentators and the Deepwater Horizon Commission have sought in the wake of the Deepwater Horizon disaster.

V. Conclusion
 The second and third senses of resilience, and the socio-ecological risks for humans that they underscore, should not be foreign concepts in the regulation of the marine environment, including (and perhaps especially) when it comes to regulating the offshore oil and gas exploration and drilling taking place at ever-increasing depths. Nor should the possibility that the cumulative stresses to the Gulf of Mexico have pushed its ecosystems to the brink of ecosystem thresholds be ignored in our regulatory regimes.

By acknowledging that ecosystems are dynamic and subject to sudden and fairly catastrophic (at least from a human perspective) changes, full resilience thinking provides a path away from the trap of first-sense resilience dependence. Specifically, full resilience thinking recognizes that exploitative activities that affect the Gulf—not just deep sea oil drilling but also fishing and farming up the Mississippi River—put all of the human beings who depend on the ecosystem services, as well as the ecosystems themselves, at collective risk of catastrophic ecosystem collapse. A liability regime based on these unavoidable and potentially massive environmental risks would likely protect the Gulf of Mexico better than our current regime of natural resource damages, especially when injury occurs in the Gulf's murky depths.

### 1NC Exports

#### US LNG exports destroy the Russian economy.

RT, 10/24/2012. Russia Today. “Russia increasingly worried about US ‘shale revolution’,” http://rt.com/business/news/russia-shale-gas-usa-110/.

Russia’s President Putin urged the country’s gas monopoly Gazprom to revise its export policy, as the “shale revolution” and the development of liquefied natural gas will seriously eat into the country’s export revenues. Experts agree that ‘alternative commodities’ have already started to reshape the market, with the US posing tough competition to Russia. “I ask Gazprom to report on the key principles of its export policy at the next meeting, and the Energy Ministry should present an adjusted general development scheme for the gas industry until 2030, as well as the Eastern Gas Program,” said President Vladimir Putin at a meeting of the presidential commission for the fuel and energy sector on Tuesday. “Such new players [in the gas market] as the United States and Canada have already started to move. In the US, new technologies allow for profitable shale gas production…Politicians, experts and businesses are talking about a real "shale revolution," Putin added. “The US is a serious rival to Russia in a gas market,” as the country’s reserves of shale gas stand at 24trln cubic metres, compared to 30trln cubic metres of traditional gas reserves in Russia. Given that shale commodities are really booming, especially in the north of the US, the country can outpace Russia in the world energy market in another decade, Valery Nesterov, energy analyst at Sberbank Investment Research, told Business RT. For the US economy itself the shale oil and gas industry is a real locomotive, providing an additional 3.5mln jobs, according to Sberbank Investment Research expert. Should “a shale revolution” really take place, it’ll seriously reshape the world energy market, where traditional energy sources could be replaced by cheaper shale commodities. **This will hit Russia’s budget hard, as oil and gas revenues provide for about 80% of the entire Russian budget**. “That’s why it’s very important for Russia now to have official information and up—to—date data about extraction of shale gas in the US, which can be done by getting a report from the US Department of Energy,” RBC daily quotes its sources close to Russia’s Accounts Chamber as saying. Another new trend has also long been underway—the rising trade in liquefied natural gas (LNG), Putin said. "We are simply obligated to take these trends into consideration, to clearly imagine how the situation will develop not just in the next two to three years, but throughout the upcoming decade," Russian President concluded. “Active extraction of shale gas in the US and the analogous intentions in Europe could harm Russian exports because of the high competition from the suppliers of the alternative fuel,” sources from Russia’s Accounts Chamber told RBC daily. Gazprom told RBC it didn’t plan to develop any projects dealing with extraction of shale gas. In the mid-term Russia is due to remain the biggest gas exporter to Europe, with European countries remaining a key consumer of Russian gas, the International Energy Agency (IEA) said in October. The US gas exports will soon equal a third of that from Russia, with the Asian demand growing really fast. By 2035 the US could become the leader in the world gas market, pushing Russia into 2nd place, the IEA said in May this year. According to the Agency’s forecast, Russia could produce about 784bln cubic meters of gas, which will compare to the US figure of 821bln cubic metres. Another Asian giant—China—should come third, where extraction of gas is forecast to skyrocket 5 fold during the next 25 years. Australia, India, Indonesia, as well as Africa and the Middle East are also expected to come to the forefront of the world gas market. However, Europe is set to suffer as growing demand is expected to be coupled by shrinking extraction, the IEA concluded.

#### Nuclear war

**Filger 9** (Sheldon, Author and Writer @ the Huffington Post, Former VP for Resource Development at New York’s United Way, “Russian Economy Faces Disastrous Free Fall Contraction,” http://www.globaleconomiccrisis.com/blog/archives/356)

In Russia historically, economic health and political stability are intertwined to a degree that is rarely encountered in other major industrialized economies. It was the economic stagnation of the former Soviet Union that led to its political downfall. Similarly, Medvedev and Putin, both intimately acquainted with their nation’s history, are unquestionably alarmed at the prospect that Russia’s economic crisis will endanger the nation’s political stability, achieved at great cost after years of chaos following the demise of the Soviet Union. Already, strikes and protests are occurring among rank and file workers facing unemployment or non-payment of their salaries. Recent polling demonstrates that the once supreme popularity ratings of Putin and Medvedev are eroding rapidly. Beyond the political elites are the financial oligarchs, who have been forced to deleverage, even unloading their yachts and executive jets in a desperate attempt to raise cash. Should the Russian economy deteriorate to the point where economic collapse is not out of the question, the impact will go far beyond the obvious accelerant such an outcome would be for the Global Economic Crisis. There is a geopolitical dimension that is even more relevant then the economic context. Despite its economic vulnerabilities and perceived decline from superpower status, Russia remains one of only two nations on earth with a nuclear arsenal of sufficient scope and capability to destroy the world as we know it. For that reason, it is not only President Medvedev and Prime Minister Putin who will be lying awake at nights over the prospect that a national economic crisis can transform itself into a virulent and destabilizing social and political upheaval. It just may be possible that U.S. President Barack Obama’s national security team has already briefed him about the consequences of a major economic meltdown in Russia for the peace of the world. After all, the most recent national intelligence estimates put out by the U.S. intelligence community have already concluded that the Global Economic Crisis represents the greatest national security threat to the United States, due to its facilitating political instability in the world. During the years Boris Yeltsin ruled Russia, security forces responsible for guarding the nation’s nuclear arsenal went without pay for months at a time, leading to fears that desperate personnel would illicitly sell nuclear weapons to terrorist organizations. If the current economic crisis in Russia were to deteriorate much further, how secure would the Russian nuclear arsenal remain? It may be that the financial impact of the Global Economic Crisis is its least dangerous consequence.

#### Exports are slow and won’t happen—even with more supply

Saunders 12—Executive Director at the Center for National Interest [July 9, 2012, Paul, “The Shale Gas Revolution,” 7-9-12, http://www.tokyofoundation.org/en/topics/washington-update/shale-gas-revolution]

A narrower but still significant question is whether the United States may become a natural gas exporter. The US Energy Information Administration currently projects that the United States will have the capability to export LNG as early as 2016 and to become a net exporter of natural gas soon after 2020, with a surplus reaching 1.36 trillion cubic feet (tcf), or about 38 billion cubic meters (bcm), by 2035. (The surplus could be as high as 7 tcf, or nearly 200 bcm, in the most optimistic scenario.) To provide a sense of perspective, the EIA estimates Japan’s gas consumption at approximately 4 tcf in 2035. Notwithstanding its projections, the EIA’s respected Annual Energy Outlook states in its 2012 edition that LNG exports “depend on a number of factors that are difficult to anticipate and thus are highly uncertain.”

Assuming that the United States produces sufficient gas to export, US law currently requires government permission for exports. Obtaining this authorization is considered a routine process for exports to US free trade agreement partners, who receive national treatment. However, there is a low-level debate over gas exports in the US Congress, where some members would like to limit exports in the hope that this will depress domestic gas prices. Others argue that freer exports would produce only limited price increases while helping to ensure that increased production is sustainable. Few appear to have considered whether export restrictions intended to suppress domestic energy prices could leave Washington open to charges of providing inappropriate subsidies under World Trade Organization rules.

The final hurdle for US gas exports may be price. Though US domestic natural gas prices could remain low by historical standards, exports of liquefied natural gas would require massive infrastructure investment. Whether US prices would be internationally competitive would clearly depend heavily upon market conditions two decades from now. Of course, even if the United States does not export any gas, its declining imports will continue to ease pressure on international LNG markets. LNG from the Middle East originally intended for the United States has already made its way to Europe, where it has aided some of the continent’s major consumers in reducing the price of imports from Russia.

#### No solvency—need to change both DOE and FERC restrictions.

Levi 12—Michael Levi, David M. Rubenstein senior fellow for energy and environment at the Council on Foreign Relations [June 2012, “A Strategy for U.S. Natural Gas Exports,” Brookings Institution, [www.brookings.edu/research/papers/2012/06/13-exports-levi](http://www.brookings.edu/research/papers/2012/06/13-exports-levi)]

In Chapter 4, I laid out a framework for consideration of the wisdom of allowing LNG exports. An examination of these components indicates that the benefits of allowing LNG exports outweigh the risks and costs, so long as downside risks to the local environment are mitigated, as discussed previously. Allowing exports would boost the U.S. economy, create jobs, reduce greenhouse-gas emissions, and create new geopolitical leverage for the United States. In particular, the likely benefits to the U.S. economy outweigh the benefits that would be realized by trapping natural gas in the United States in the hope that it will be used to replace oil. Barring exports would also weaken the U.S. hand in international trade diplomacy, including in the ongoing fight over Chinese restrictions on minerals exports. Strongly constraining U.S. gas exports would also require substantial interference in the currently integrated North American energy market, with the potential for economically and politically damaging fallout. The most acute risks associated with allowing natural gas exports are distributional and environmental; both could also spur a backlash against natural gas production more broadly. Both can and should be mitigated, however, with appropriate policies, as outlined earlier. The details are largely beyond the scope of this paper, but options include the many steps outlined in DOE (2011), severance taxes or impact fees that fund infrastructure and regulatory capacity, and bonding requirements for drillers that help communities recover damages from bankrupt operators (Davis 2012). I thus propose that, to facilitate potential natural gas exports, the DOE should approve applications for LNG exports to non-FTA countries that are pending before it, barring specific concerns about individual applications that are not related to the broader wisdom of allowing LNG exports. In doing so, the DOE is required to find that allowing exports is in the “public interest.” The framework outlined in this paper provides one way of presenting such an assessment. The FERC must also approve modifications to terminals in order for exports to be allowed (Ebinger et al. 2012). I propose that it approve any applications to operate export terminals that have been approved by the DOE, barring problems with individual applications that are unrelated to the broader wisdom of allowing LNG exports. Implementing these steps will not require any new staffing, funding, or action by Congress, which has already put in place the legislative framework needed to approve and monitor LNG exports. Congress need only refrain from placing new statutory restrictions on LNG exports.

#### Expansionism will be contained and non-violent --- Russia won’t use force or go beyond the FSU.

Fyodor Lukyanov, 2/29/2012. Editor in chief of the journal Russia in Global Affairs (published with Foreign Affairs). “Russia’s Changing Political Climate and Its Impact on Foreign Policy,” CSIS Public Lecture, \*\*this is a summary prepared by the Russia & Eurasia Program and edited by Dr. Andrew Kuchins, full audio transcript is available (http://csis.org/event/end-post-soviet-period-russian-foreign-policy-what-next), <http://csis.org/files/attachments/120229_Lukyanov_Lecture_Summary.pdf>.

Putin’s recent article, “Russia and the Changing World,” held few surprises in terms of foreign policy, but offered some insight into Putin’s worldview. Putin describes an international arena that is dangerous and unpredictable and argues that Russia should be concerned with keeping itself safe. Thus, Russia does not have expansionist intentions, but rather is concerned with keeping itself insulated from outside turbulences. Putin also addressed the threat posed to Russia’s stability by what he calls “illegal soft power.” Putin does not oppose the operation of official Western NGOs (such as the National Endowment for Democracy) in Russia, but rather the practice of funneling money into local organizations. Putin believes this will inevitably corrupt those institutions’ agendas and turn them into agents of foreign powers. While Putin used similar anti-American rhetoric in his Munich speech in 2007, the current approach has a different and a more defensive tone. Putin in 2007 was frustrated with the West for failing to build an equal relationship with Russia; in 2012 Putin is frustrated that the West has proved incapable of solving threats to global stability. Putin’s current emphasis is thus on protecting Russia from the resulting global instability. What must Russia do to deal with this changing environment? Putin’s first article, published in January in Izvestiya, laid out one starting point: moving beyond the “post-Soviet agenda.” In the first twenty years of Russia’s post-Soviet existence, its leaders have been preoccupied with returning Russia to the position of global power and influence held by the Soviet Union. It is encouraging that Putin has recognized a need to move beyond these ambitions and to focus instead on how to adapt to a more unpredictable world. There have been major changes in Russian foreign policy since the 2008 war with Georgia, which was a watershed moment and a psychological victory for Russia since it signaled the end of a geopolitical retreat and demonstrated to the U.S. where Russia’s red line really lies. Because of the Georgian war, Russia now sees no major reason to encroach any further upon its near abroad. When President Medvedev referred to the former Soviet space as Russia’s “sphere of privileged interests,” this actually served as an admission that, unlike during Soviet times, Moscow’s interests were now limited to a regional arena, rather than the global one. Even within Russia’s privileged zone, Moscow’s policy has not become more aggressive. Instead, Russia withheld from intervening in the 2010 inter-ethnic clashes in Kyrgyzstan, whereas several years ago it would have felt compelled to act. Moreover, Putin no longer refers to the Cold War with the same frequency as he used to, marking a departure from old perspectives. This has also changed the dynamics of U.S.-Russia relations. Ideological differences can no longer be used as an excuse for non-cooperation. Instead, we are now witnessing a misunderstanding derived from fundamentally different worldviews. Putin expressed a disappointment with the West and particularly with the U.S. in how it has implemented its vision of democratization in countries across the globe; Putin doesn’t believe that intervention to such ends can be successful and does not approve of the West’s efforts to do so. Putin also has a fundamental difference with the West and other countries on purely conceptual terms; Putin believes in classical principles of international relations, with sovereign states as the subjects of international relations and fundamental building blocks of global society. In Putin’s view, the West’s use of normative rhetoric and appeals to values are simply covers for the pursuit of national interests in specific contexts. Furthermore, Putin still believes that Russia should remain a global power, one that does not necessarily need to expand but needs instead to secure its interests in a particular part of the world without engaging or interfering in the affairs of others. Putin is seeking to secure the status quo, and in this way he is making Russia the guarantor of a certain set of the principles of balance of power and strategic independence. In order to defend these principles, Russia can only rely on its own, independent strength. Putin has also tried to identify partners, such as India and China, who share a similar view of international politics.

#### European fracking will reduce Russia’s leverage

Blas 12—Commodities Editor [Javier Blas, “Russia faces challenge to gas supremacy,” Financial Times, Last updated: April 17, 2012 3:25 pm, pg. http://tinyurl.com/97e36nr]

The biggest risk for Russia is not the US shale gas but the potential of the development of similar reserves in neighbouring Bulgaria, Romania, Poland and Ukraine.

Eastern European countries are racing to tap shale deposits using the same technology—hydraulic fracturing, known as fracking, and horizontal drilling—used in the US gas industry.

Gazprom supplies Europe with about 20 per cent of its gas needs, so the development of shale deposits in its backyard is a serious long-term threat.

Until now, European companies have found it difficult to renegotiate their expensive contracts with Gazprom because the lack of alternative suppliers. Over the next decade, the development of the European shale industry could give the Continent’s natural gas consumers a bit more leverage.

#### US-Japan relations high

Asahi Shimbun 11/8/12 (Japan's leading daily newspaper, With Obama's re-election, Japan plans to bolster ties with U.S. <http://ajw.asahi.com/article/behind_news/politics/AJ201211080076>

As friction increases with China, Prime Minister Yoshihiko Noda will seek to quickly confirm the need to strengthen the Japan-U.S. security alliance with re-elected President Barack Obama.

After his return to Japan on Nov. 7 from the Asia-Europe Meeting in Laos, Noda told reporters, "We want to continue to cooperate" with the United States. He said he sent Obama a congratulatory message on his Nov. 6 victory in the U.S. presidential election.

Chief Cabinet Secretary Osamu Fujimura also welcomed Obama's re-election and indicated that Japan will seek to strengthen cooperation in national security.

"The Obama administration has come out with a policy that places emphasis on the Asia-Pacific region," Fujimura said at a Nov. 7 news conference. "As the national security environment in East Asia becomes more critical, we hope to develop and deepen the Japan-U.S. alliance."

Japan and the United States plan to begin discussions in early December for a review of defense cooperation guidelines, which were last revised in 1997. At that time, the main focus of attention was a possible military conflict on the Korean Peninsula.

Sources said the next review will focus on what roles the U.S. military and Self-Defense Forces should play as the two nations strengthen defense capabilities in southwestern Japan to meet China's growing naval presence in the region.

The region has become especially sensitive lately due to the confrontation between Japan and China over the Senkaku Islands after the Japanese central government bought three of the islands in September.

The December discussions will involve working-level bureaucrats in the foreign and defense ministries and their U.S. counterparts. Among issues likely to be discussed are defense cooperation in intelligence-gathering and patrol activities, as well as responding to ballistic missile attacks and cyber-terrorism.

A former Cabinet minister said the Noda administration will seek "to re-start the Japan-U.S. relationship" with Obama's re-election.

### 1NC OCS Dev Advantage

#### Plan doesn’t cause OCS development.

MarEx 11 [Maritime Executive, “Gas-Only Drilling in Offshore Moratorium Areas Suggested,” January 19, http://www.maritime-executive.com/article/2005-10-20gas-only-drilling-in-offshore-moratori]

Oil and gas industry groups are criticizing a provision in House offshore drilling legislation that would allow the government to offer "natural gas-only" leases in areas that are currently off-limits to new production.

The criticism is included in wider comments by petroleum producers to the Minerals Management Service (MMS), which has begun collecting public comments as it begins preparing an outer continental shelf leasing plan for 2007-2012. MMS asked for comment on the gas-only concept.

Gas-only leasing was included in a bill by House Resources Committee Chairman Richard Pombo (R-CA.) that allows states to "opt-out" of offshore leasing bans. States exercising the option could allow gas-only leasing, or oil and gas leasing.

Senate legislation by Senator Lamar Alexander (R-TN.)—and supported by chemical companies and other industries that rely on the costly fuel—also accepts the idea.

However, the American Petroleum Institute (API), in comments this week to MMS, says gas-only and gas-preference leasing would offer the "false promise" of future supplies. The group says the concept would create uncertainties that could dampen investment, since it is impossible to predict with certainty what types of resources will be in an area.

"A company might spend up to $80 million to buy a lease, conduct seismic testing, obtain the necessary permits, and drill a well(s) to determine whether any resources are present in amounts that make the prospect economic," the group says. "A company is unlikely to know if it had met the gas only or gas preference requirement until the capital investment had been made. Companies will be reluctant to spend tens of millions of dollars to explore for and develop a prospect, only to be forced to abandon the resource, stranding substantial investments."

**No China war**

Goldstein 11 - Professor and Director of the China Maritime Studies Institute @ US Naval War College [Dr. Lyle J. Goldstein, “Resetting the US–China Security Relationship,” Survival | vol. 53 no. 2 | April–May 2011 | pp. 89–116

Weighed in the aggregate, China’s rise remains a peaceful process, and the record to date should engender significant confidence. Beijing has not resorted to a significant use of force against another state in more than three decades. Its deployments of troops as UN peacekeepers to hot spots such as Lebanon and the Democratic Republic of the Congo have played a helpful role, as have the counter-piracy operations of its fleet in the Gulf of Aden. When dealing with weak and occasionally unstable states on its borders, such as Kyrgyzstan or Tajikistan, Beijing has not resorted to military intervention, nor even flexed its military muscles to gain advantage. Chinese maritime claims, whether in the South or the East China seas, are generally being enforced by unarmed patrol cutters, a clear signal that Beijing does not seek escalation to a major crisis on these matters. Contrary to the perception that China’s senior military officers are all irreconcilable hawks, one influential People’s Liberation Army Navy (PLAN) admiral recently said in an interview, with reference to lessons learned from recent border negotiations on China’s periphery: ‘If there are never any concessions or compromises, there is simply no possibility of reaching a breakthrough in border negotiations.’2 pg. 90

#### No naval impact

Daniel 2 [Donald C.F. “The Future of American Naval Power: Propositions and Recommendations,” Globalization and American Power. Chapter 27. Institute for National Strategic Studies National Defense University, http://www.ndu.edu/inss/Books/Books\_2002/Globalization\_and\_Maritime\_Power\_Dec\_02/0 1\_toc.htm]

In sum, there would seem to be a special role for the U.S. Navy in contingency response along littorals, but, outside the context of a specific crisis, constant day-to-day presence does not do much to deter unwanted behavior. Thus, it would seem a raising of false expectations to argue, for example, that the “gapping of aircraft carriers in areas of potential crisis is an invitation to disaster—and therefore represents culpable negligence on the part of America’s defense decision-makers.”33 In the early 1960s, the United States maintained three aircraft carrier battlegroups in the Mediterranean Sea but later gradually found that it needed to scale back. Currently, a single battlegroup operates there for less than 9 months of the year on average. This is a significant reduction, but no one can prove that the Mediterranean region became less stable. Conversely, the Navy began to maintain a regular presence///

 in the Arabian Gulf in 1979, but this did not prevent Iran or Iraq from attacking ships during their war. In the 1980s, attacks generally increased in number over the 8 years of the war. As for deterring the initiation of a crisis in the first place, it is essentially impossible for an outsider to prove that such deterrence was successful except in the rare case in which a deterred party admits that he was deterred and states the reasons. Adam Siegel, John Arquilla, Paul Huth, Paul Davis, and a Rutgers Center for Global Security and Democracy team led by Edward Rhodes have each attempted to study the effects of forward presence and general deterrence. The deficiency of such study is always in making the definitive link between them. The majority of these studies suggest that “[h]istorically seapower has not done well as a deterrent” in preventing the outbreak of conflicts, principally because land-based powers not dependent on overseas trade are relatively “insensitive” to the operations of naval forces.

## \*\*\* 2NC

### AT: Artic

#### Military build-up does not mean conflict is likely --- Arctic countries still pursuing cooperation.

[Will Rogers](http://www.cnas.org/node/943), 4/5/2012. Bacevich Fellow at the Center for a New American Security. “New Study Highlights Military Capabilities in the Arctic,” CNAS, http://www.cnas.org/blogs/naturalsecurity/2012/04/new-study-highlights-military-capabilities-arctic.html.

A [new report](http://books.sipri.org/product_info?c_product_id=442) from the Stockholm International Peace Research Institute (SIPRI) finds that the build-up of Arctic military capabilities is limited, with **few indications that conflict is looming**. According to the study, all five Arctic states – Canada, Denmark, Norway, Russia and the United States – have increased their military capabilities in the Arctic in recent years in response to growing accessibly to the region owed largely to climate change.¶ Some of the increased military activity is likely a response to the changing geostrategic environment that will make military capabilities increasingly important for power projection that states need to maintain in order to secure access to lucrative natural resources and other national interests. According to the SIPRI study, for example, “Russia’s Arctic policy underlines the importance of the Arctic as a principal source of natural resources by 2020,” and “Denmark’s defence policy underlines the changing geostrategic significance of the Arctic.”¶ **Despite** the **increased deployment of military assets**, **Arctic states are continuing to pursue** new avenues of **cooperation**, mollifying concerns – at least for the time being – that tensions will worsen as the region becomes more accessible. Last year, the Arctic Council – an intergovernmental forum for Arctic states to address challenges in the High North – hosted a high-level forum that led to an agreement for countries in the region to increase search-and-rescue cooperation given the growing concerns surrounding increased eco-tourism and commercial shipping that could portend future law enforcement challenges. Some states’ newly deployed military assets are intended for **search-and-rescue purposes**, according to the SIPRI study. Canada, for example, will replace older C-130s and other aging aircraft with 17 new search-and-rescue aircraft in the next several years.

#### Military build-up has been limited to defense of territory --- cooperation is still the norm.

Siemon Wezeman, 3/26/2012. Senior Fellow with the SIPRI Arms Transfers Programme. “Increased military capabilities in the Arctic reflect border demarcations,” Stockholm International Peace Research Institute, http://www.sipri.org/media/pressreleases/26-mar-increased-military-capabilities-in-the-arctic-region-reflect-territorial-consolidation.

The background paper, entitled Military Capabilities in the Arctic, is based on the findings of SIPRI Senior Researcher Siemon Wezeman and shows that while governments of the five Arctic states have made protection of their Arctic territory a priority, the military build-up is limited. ¶ The effects of climate change are making the Arctic more accessible to economic activity—including exploitation of oil, gas and fish—and increased commercial traffic. Arctic governments have responded with increased attention to the region in several fields, including the military. ¶ However, rather than projecting power over the Arctic as a whole, the increased military capabilities described in the background paper are generally **limited to** forces and equipment for **policing and protection of recognized** national **territories** and territorial waters.¶ Military build-up occurring but cooperation remains the goal¶ Military interest in the region does exist. Canada, Denmark and Norway are moving forces into their respective Arctic regions and acquiring weapons and equipment for specific Arctic use. Russia has also started to expand its Arctic military capabilities, while the USA’s Arctic security concerns still play only a minor role in its overall defence policy.¶ Although some tensions have emerged in the region, **cooperation, not conflict, is more visible in the Arctic**. Norway and Russia have settled a 40-year border dispute in the Barents Sea and Arctic states are enjoying stable and peaceful bilateral relations. Meanwhile, the Arctic Council is coming into its own as an important sub-regional organization.¶ **The so-called ‘scramble for the Arctic’**, whereby Arctic states compete for the region's resources, **has not proven to be a military affair**. Rather, the littoral states remain committed to follow existing legal frameworks to settle border issues and claims on Arctic exclusive economic zones (EEZs) and continental shelves.

### 2NC DA Outweighs

#### 2. Your focus must be on addressing systemic risk

Lakoff 10—professor of anthropology, sociology, and communication @ University of Southern California [Andrew Lakoff, “Too Big to Fail: Catastrophic Risk after the Deepwater Horizon Disaster,” Items and Issues, Published: August 23, 2010, pg. http://tinyurl.com/9e3uxfu]

When it comes to energy and environmental legislation, however, the critical problem of systemic risk has not yet been recognized, as we can see in the governmental response to the Gulf oil spill. Even before we know how much oil was spilled and how devastating the environmental consequences will be, attention has focused on fin- ding specific culprits. Questions about blame are asked mainly about proximate causes of the disaster: Did the cementing techniques used by Halliburton lead to the initial explosion? Did Transocean fail to install the necessary blowout prevention equipment? Did government regulators neglect to insist on further backup systems for shutting off the flow of oil? Was BP underprepared for a disaster of this magnitude?

The search for culprits in this environmental catastrophe is necessary insofar as it helps us pinpoint who is responsible for the costs of the immediate cleanup and for remediation of direct damages. However, it should not be the sole object of inquiry as we reflect on what the spill means for the future of energy production in the United States. The danger is that we will focus only on the correction of narrow regulatory lapses and on technological fixes that will allow the expansion of offshore drilling plans to go forward.

Rather, the same broad lessons that were learned from the financial meltdown can be applied to this environmental disaster. This would imply directing new regulatory mechanisms and public investments toward the elimination of systemic risks, that is, forms of energy production that pose the danger of catastrophic failure to the broader ecological—and economic—system.

As the BP disaster has proven to tragic effect, the ecosystems of the Gulf Coast in which oil production takes place are complex, interdependent, and vulnerable to catastrophic shock. Brown pelicans, sea turtles, bluefin tuna, and other endangered species depend on a functioning Gulf. The marshlands, coral reefs, and sea-grass meadows that support coastal life are imperiled by ecological shocks such as major oil spills. And the livelihoods of fishermen and resort operators in turn are threatened by the disaster. Deep-water oil drilling is best understood as a systemic risk to these fragile ecologies and local economies.

Our response to disasters is too often limited in extent and duration. Typically the onset of an emergency situation makes it possible to galvanize resources and provide immediate relief, whereas earlier proposals for preventive measures could not muster support. And then, with time, the sense of urgency to deal with the crisis fades, and it becomes more difficult to implement reforms that would reduce vulnerability to future catastrophe. As we continue to seek out the disaster’s culprits, it is worth attending to the bigger questions the event provokes.

The first decade of the twenty-first century was punctuated by a series of domestic and international emergencies, each of which challenged extant means of governmental intervention. To list a few of the most visible such events: the terrorist attacks of September 11, 2001, and the anthrax letters that followed; the 2004 tsunami that devastated huge areas of South and Southeast Asia; the flooding of New Orleans in the wake of Hurricane Katrina in 2005; the devastation of Port-au-Prince early in 2010; and ongoing calamities, such as the intensifying AIDS pandemic in the Global South, that continue to provoke calls for urgent intervention.

Over the course of the nineteenth and twentieth centuries, governments played an increasing role in the management of collective risks—whether from natural disasters, outbreaks of infectious disease, or economic downturns. However, the increasing complexity and interdependence of systems for sustaining collective well-being have exceeded the capacities of many of the risk management practices initially developed in the industrial era. The challenge to risk management comes both from the difficulty of assessing the probability of unprecedented events within frameworks based on statistical calculation and from the temporal and spatial extent of the consequences of such events. In this context, governments face renewed uncertainty over the appropriate political and technical measures to mitigate the risk of disaster. As the sociologist Ulrich Beck has written, “We live in a world that has to make decisions concerning its future under the conditions of manufactured, self-inflicted insecurity.”[1](http://itemsandissues.ssrc.org/too-big-to-fail/all/1#footnote_0_13) How, then, should governments respond to this new type of insecurity?

Here we can return to the case of the financial meltdown: the deregulation of the financial industry is widely blamed for inciting the spiral of events that threatened the viability of the global financial system. While it remains to be seen precisely what this crisis will mean for the future role of government in managing catastrophic risk, one possibility is that the event will, retrospectively, be seen as the bookend on a period in which the “privatization of risk”—the effort to replace public institutions with market mechanisms, shifting the burden of risk to those without substantial private wealth—was a dominant policy ideal. What norms are now being proposed in the wake of the apparent failure of deregulation? If there is agreement that a lack of regulation was one cause of the crisis, what principles will guide the enactment of new regulatory measures?

As noted above, a prime target of the recent financial reform bill is a focus on systemic risk. The existence of such systemic risks, most experts and authorities now agree, demands measures above and beyond existing forms of regulation. In the vision of reformers, such regulation should provide critical systems with “resilience” against unexpected shocks. The salience of these terms—systemic risk as the target of regulation and resilience as its goal—can potentially be extended beyond the domain of finance into other arenas of risk, including energy production, large-scale natural disasters, pandemic disease, climate change, and humanitarian emergency.

#### 3. OCS drilling demands a worst case analysis

Houck 10—Professor of Law @ Tulane University [Oliver A. Houck, “Worst Case and the Deepwater Horizon Blowout: There Ought to Be a Law,” Environmental Law Reporter, v1, 2010]

On May 18, 2010, the CEQ announced a 30-day review of¶ NEPA policies regarding OCS drilling in the Gulf.99 The¶ public comments were predictable, and, to some extent, a¶ replay of the l986 comments many years earlier. Industry¶ claimed that the Deepwater Horizon blowout was an anomaly,¶ it had the situation in hand, it was already burdened with¶ a plethora of regulations, the only problem was implementation100;¶ environmental groups, of course, urged opposite conclusions.¶ 101 The outcome of this inquiry is pending, but it is¶ also by its very nature quite limited. OCS drilling is the tip¶ of the iceberg, a dangerous tip to be sure, but much the same¶ can be said for coal mining, oil shale, tar sands, natural gas¶ fracturing, renewed nuclear energy development, and similar¶ ventures that ignore worst cases at their (and our) peril.¶ Nor is the worst-case doctrine limited in any logical sense¶ to energy development, with major decisions involving bioengineering,¶ genetically modified crops, endocrine disruptors,¶ and ecosystem modifications ahead. OCS is currently¶ on the table, which is a good start. Worst case belongs back on the table as well.

When it returns, two amendments seem desirable. The first is the removal of the “reasonably foreseeable” threshold for events of catastrophic proportion, which has become an¶ escape valve of choice for the federal family. Standard risk¶ analysis tells us that, the more severe the potential consequences, the more precaution is required. The second is to¶ restore the phrase “worst-case analysis” to its original place,¶ calling the inquiry what it is. Ever since the Supreme Court¶ picayunely seized on its absence to trash a worst-case claim,¶ the federal judiciary has largely abandoned the field, and any¶ rewrite will fare the same unless the labeling is unambiguous.¶ Words matter.

There is today, ever more acutely as we launch more risky ventures with even planetary impacts at stake, a constructive¶ role for explicit worst-case analysis in the NEPA process. My¶ gifted academic colleague Bill Rodgers has called it, in the¶ context of climate change, “the power of negative thinking”102¶ It is the power of environmental groups with technical staffs,¶ academics, self-taught experts, retirees from agencies and industry, international colleagues, and the whole panoply¶ of the “loyal opposition” that keeps majority decisions at¶ least relatively honest, improves even marginal projects, and¶ makes all of us and our surroundings a little more secure.¶ It comes, through NEPA and administrative law, with the¶ concomitant power of enforcement, infusing this thinking,¶ like it or not, into the decisionmaking process, ensuring that¶ activities this big are undertaken with eyes wide open and all¶ due preparation. This is NEPA’s role. The OCS program is¶ not the only one that needs it. All major federal decisions do. Pg. 1039-1040

#### 4. Cost-Benefit Analysis is a political tool and insufficient—it cannot be used to protect the environment.

Kornfeld 11—Faculty of Law @ The Hebrew University of Jerusalem [Itzchak E. Kornfeld, (Visiting Professor @ Widener Law School) “LEARNING FROM DISASTER: LESSONS FOR THE FUTURE FROM THE GULF OF MEXICO: SYMPOSIUM ARTICLE: OF DEAD PELICANS, TURTLES, AND MARSHES: NATURAL RESOURCES DAMAGES IN THE WAKE OF THE BP DEEPWATER HORIZON SPILL,” Boston College Environmental Affairs Law Review, 38 B.C. Envtl. Aff. L. Rev. 317, 2011]

V. COST-BENEFIT ANALYSIS HAS FAILED

Cost-benefit analysis has been the primary means of "assess[ing] the costs and benefits of regulation" for the past twenty years. n153

But its use has come under sharp criticism from those who point out that it has been used as a tool to stymie health, safety and environmental regulation. That was never truer than during the [George W.] Bush years, but in fact cost-benefit was a significant barrier to progress even during the more regulation-friendly Clinton Administration.

The idea of quantifying costs and benefits, and then weighing them against each other sounds logical in theory, but it works terribly in the realm of regulating health and environmental protections. n154

Indeed, a recent study found that the use of CBA would have resulted in the wrong outcome in three environmental regulatory decisions: "the removal of lead from gasoline in the 1970s and 1980s, the decision not to dam the Grand Canyon for hydroelectric power in the 1960s, and the strict regulation of workplace exposure to vinyl chloride in 1974." n155 Thus, from an environmental policy-making perspective, the purpose of an agency's data gathering and application of the scientific method is to "support regulatory and management decisions . . . [which] must  [\*339]  be insulated to the extent feasible against the vagaries of the political world." n156 The CBA process--rooted in economics--is a political tool, not a scientific one. n157

CBA is a methodology that looks solely at costs and benefits. n158 But for whose cost and for whose benefit? Will it be used for the benefit of the wildlife that will need to remake its home in south Louisiana? Will it be for the destroyed marshes or for the Cajun and native tribes of south Louisiana? Alternatively, will the benefit be for that nebulous mass referred to by politicians as the "American People"?

### 2NC Arctic Impact—Extinction

#### Extinction—History is on our side

[Romm](http://thinkprogress.org/author/joe/) 8—[[Joe Romm](http://thinkprogress.org/author/joe/), “[Methane Hydrates: What’s the worst — and best — that could happen?](http://thinkprogress.org/climate/2008/04/16/202543/methane-hydrates-whats-the-worst-and-best-that-could-happen/),” Think Progress, Apr 16, 2008 at 11:23 am, pg. http://tinyurl.com/cakz7bn

The worst that could happen is a climate catastrophe if they were released suddenly, as some people believed happened during the Permian-Triassic extinction event and the Paleocene-Eocene Thermal Maximum. The best that could happen is if they could be recovered at a large scale safely — then they would be an enormous new source of natural gas, the lowest-carbon and most efficient-burning fossil fuel.

A recent workshop was held — “Vulnerability and Opportunity of Methane Hydrates Workshop,” IIASA, 13-14 March 2008. You can find most of the presentations [here](http://www.iiasa.ac.at/Research/TNT/WEB/Workshops/hydrates/Methane_Hydrates_Agenda.html). Science magazine ([here, subs. req’d](http://www.sciencemag.org/cgi/content/full/319/5871/1753)) ran a summary of the meeting recently, which I will reprint below:

Weighing the Climate Risks of an Untapped Fossil Fuel

John Bohannon

As the energy industry hungrily eyes methane hydrates, scientists ponder the fuel’s impact on climate

VIENNA, AUSTRIA–A recent workshop on methane hydrates felt like a powwow of 19th century California gold prospectors, looking ahead to both riches and peril. Sizing up the prize, Arthur Johnson, a veteran geologist of the oil industry who is now an energy consultant based in Kenner, Louisiana, predicted that “within a decade or two, hydrates will grow to 10% to 15% of natural gas production,” becoming a more than $200 billion industry. And the peril? “The worst-case scenario is that global warming triggers a decade-long release of hundreds of gigatons of methane, the equivalent of 10 times the current amount of greenhouse gas in the atmosphere,” said David Archer, a climate modeler at the University of Chicago in Illinois. Although no current model predicts such an event, said Archer, “we’d be talking about mass extinction.”

### AT: We can safely drill

#### 2. Tech failure is inevitable—they will fracture in the Ocean floor.

Pravica 12—Professor of Physics and Astronomy @ [University of Nevada](http://content.usatoday.com/topics/topic/Organizations/Schools/University%2Bof%2BNevada), Las Vegas [Michael Pravica, “Letters: Science, not profit, must lead deep water drilling,” USA Today, Updated 4/24/2012 8:43 PM , pg. http://tinyurl.com/9g8x28q

There are a few critical points not mentioned in the USA TODAY editorial on the BP oil spill that should have been addressed ("[Editorial: 2 years after BP spill, lower risks](http://www.usatoday.com/news/opinion/editorials/story/2012-04-19/BP-Deepwater-oil-spill/54419466/1)"). First of all, deep water drilling represents a "brave new world" of oil exploration and novel technology as humans probe depths of water, oil and rock that sustain thousands of atmospheres of pressure. At these levels, the technology used to drill and extract oil can easily fail as we approach the yield strengths of many of the confining materials subjected to extreme conditions. There is also a high chance of significant fracture of the cean/sea floor in drilling and hole erosion from gushing, hot and high pressure oil (along with particulates and other mineral-rich fluids) that could make repair nearly impossible and could permanently poison our waters.

The greatest lesson from the BP oil spill is that politicians and businessmen cannot solve problems created by our advanced technology. Only scientists and engineers can. We must listen to them and adopt a more rational approach to drilling that places safety above profit.

#### 3. They incentivize mindless all-out exploitation that makes disaster inevitable.

Flournoy 11—Professor and Director of the Environmental and Land Use Law Program @ University of Florida Levin College of Law [Alyson C. Flournoy, “ARTICLE: THREE META-LESSONS GOVERNMENT AND INDUSTRY SHOULD LEARN FROM THE BP DEEPWATER HORIZON DISASTER AND WHY THEY WILL NOT,” Boston College Environmental Affairs Law Review, 2011, 38 B.C. Envtl. Aff. L. Rev. 281

C. How to Learn from the Context of the Disaster: United States' Energy Policy

A third meta-lesson from the BP Deepwater Horizon disaster is that the drilling of that particular offshore well is the result not just of private choice, but of a broader national policy on energy. MMS's oil leasing and permitting decisions reflect executive branch decisions about the disposition of publicly owned oil and gas resources. [n115](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1347732562226&returnToKey=20_T15531026576&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.633384.4211442095" \l "n115) BP's decisions about exploration in that area were not made in a vacuum, but in the context of a set of laws and appropriations that create a variety of incentives that affect industry's behavior. Thus, to understand why the disaster occurred, it would be wise to look at the policy context that has produced the increasing rush to develop oil resources in deepwater, and increasingly in ultra-deepwater--areas that increase the complexity, risks, and uncertainty of drilling operations and potential accidents. [n116](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1347732562226&returnToKey=20_T15531026576&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.633384.4211442095" \l "n116) The most visible leadership on this issue comes from statements of the Oil Spill Commission and its Co-Chair Bob Graham, who has repeatedly noted that the lack of an energy policy is an important issue related to the work of the Oil Spill Commission and one that must be addressed by the legislative and executive branches. [n117](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1347732562226&returnToKey=20_T15531026576&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.633384.4211442095" \l "n117)

 [\*301]  The current energy policy provides hefty subsidies for the highly profitable oil and gas industries to continue with their unwavering focus on producing more oil and gas. [n118](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1347732562226&returnToKey=20_T15531026576&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.633384.4211442095" \l "n118) Although some say that the United States lacks an energy policy, it is more accurate to say that our leaders don't clearly articulate the operative energy policy. Perhaps this is because it is not a coherent one or because on close inspection it is difficult to justify in light of other stated priorities.

A primary and often overlooked component of energy policy is the national policy on the privatization of public natural resources. U.S. policy is to give away its natural resources at bargain prices presumably to promote exploitation and development. [n119](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1347732562226&returnToKey=20_T15531026576&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.633384.4211442095" \l "n119) A 2008 report by the Government Accountability Office compared U.S. royalty rates to those of 103 other jurisdictions, and only eleven had royalty rates lower than those of the United States. [n120](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1347732562226&returnToKey=20_T15531026576&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.633384.4211442095" \l "n120) Moreover, the Government Accountability Office has made repeated reports of problems with uncollected royalties and with MMS's royalty-in-kind program that has led to underestimation of the royalties owed. [n121](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1347732562226&returnToKey=20_T15531026576&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.633384.4211442095" \l "n121)

Another significant component of the national energy policy is tax policy that directly affects investment in oil extraction. A 2005 Congressional Budget Office Report showed that many capital investments for oil extraction are taxed at a rate of nine percent, which ranks among  [\*302]  the lowest rates for any industry. [n122](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1347732562226&returnToKey=20_T15531026576&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.633384.4211442095" \l "n122) Tax deductions and credits for the oil extraction industry amount to roughly $ 4 billion per year. [n123](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1347732562226&returnToKey=20_T15531026576&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.633384.4211442095" \l "n123)

Looked at as a whole, the current energy policy strongly encourages all-out exploitation of remaining domestic fossil fuel resources, and deepwater oil reserves in particular. If the public and elected officials believe that the risks that produced the Macondo Well blowout are unacceptable, an energy policy that will move us towards a clean energy path is a logical response. This could include increased government support for lower carbon, lower-risk energy paths.

Despite the clear political opportunity provided by the Deepwater Horizon disaster for the President and Congress to focus attention on a broad clean energy policy, there have been few signs of any significant movement in that direction. [n124](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1347732562226&returnToKey=20_T15531026576&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.633384.4211442095" \l "n124) The CLEAR Act included provisions that would eliminate some of the royalty relief for deepwater drilling, eliminate the disastrous royalty-in-kind program, and require BOEMRE to study global royalty payments to inform U.S. royalty policy. [n125](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1347732562226&returnToKey=20_T15531026576&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.633384.4211442095" \l "n125) These are very positive steps that would reduce the mindless incentives for deepwater drilling and the unintended windfalls to oil companies. However, that Act has languished in the Senate. Moreover, even those proposed changes fail to address the broader question of whether policy should create incentives towards a cleaner energy path. In the wake of the November 2010 election, it seems highly unlikely that the Administration or Congress will have interest in this topic. [n126](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1347732562226&returnToKey=20_T15531026576&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.633384.4211442095" \l "n126)

CONCLUSION

There is much that can be learned from the BP Deepwater Horizon disaster. Unfortunately, even learning the most specific lessons has proved a contentious and uncertain process. This Article suggests first that both industry and government must fundamentally rethink their approaches to safety and develop a culture that encourages and facilitates learning from mistakes. Second, it identifies the phenomenon of  [\*303] hollow government, characterized by government lacking the resources and authority to protect the public interest and a policy process dominated by powerful economic interests, as a root cause of the BP disaster and a contributing factor to other recent national disasters, including the financial crisis. Hollow government also makes it unlikely that we will learn the third meta-lesson and address the longstanding need for a coherent energy policy. These lessons could help to avert future disasters and better enable government to protect public health, safety, and the environment. However, absent changes to address the underlying obstacles to learning, there seems little likelihood that the lessons will be learned.

#### 4. They weaken safety and environmental review—it green lights to the drillers to throw caution to the wind.

Goldstein 11—Director of Government Affairs @ Natural Resources Defense Council [Dr. David Goldstein (Former project director for the Bipartisan Policy Center), “Casting Oil Upon the Waters: The House Drilling Bills,” Switchboard, Posted May 2, 2011, pg. http://tinyurl.com/3syxpcl

This week, the House could vote on three bills to expand offshore oil and gas drilling.  It is remarkable enough that the House would take up such measures before Congress has done a thing to make drilling safer.  But what is truly astounding about these bills is that they would actually make the system that governs offshore drilling weaker than it was before the disaster in the Gulf of Mexico.  This is legislation that should give pause even to the most ardent proponents of offshore drilling.

These bills are more than a Big Oil wish list; they are a sort of oil utopia—and they could make sense only in a utopian world in which oil spills could never ever happen, in which there are never conflicts between the oil industry and other economic interests like fishing and tourism, and in which oil companies always take environmental and safety concerns fully into account.  It’s as if Rep. Doc Hastings (R-WA), the bills’ sponsor, set out to prove how apt it is to talk about the U.S. “addiction” to oil.  Under these bills, the U.S. would truly be acting like an addict, willing to sell out any principle, dispense with any caution, endanger any asset to get its next fix.  Again, these bills ought to be seen as irresponsible even by supporters of increased drilling.

So what would the bills actually do?  Let’s start with the most egregious one of all, H.R. 1231.  The bill is designed to ensure that oil drilling occurs off the East Coast from Maine to North Carolina, off the coast of Southern California and in the Arctic Ocean and Bristol Bay.  That sweeping decision alone is breathtaking.  But the bill does this by mandating that at least half the unleased area in each of those regions be put up for lease sales each and every time the government puts outer continental shelf territory up for lease.  (Offshore territory available for lease is identified in five-year plans; the next one will cover 2012-2017.)

Now think about that.  The bill doesn’t simply reiterate that the government could make these areas available for oil drilling.  It doesn’t just say that the government has to figure out which parts of those coastal waters would be appropriate for oil drilling and open those.  It doesn’t even say that this administration has to open up a set amount of acreage for oil drilling, regardless of the specific concerns in any region.   It says that, in perpetuity, each time waters are opened to drilling, at least half of the available acreage in each area needs to be opened up to drilling—until, presumably, every bit of acreage is being drilled.

This is replacing oil policy with a kind of oil mania.  Under this bill, neither this administration nor any future one could ever decide to limit drilling off the coast of New England, the Mid-Atlantic states, Southern California or Alaska because of economic or environmental concerns.  No administration could decide to “take a breather” before opening up more leases to see how previously permitted activities were working out, or because there had been a spill, or because there was unexpected damage to the ecology or tourism, or because a state objected, or because there was no additional capacity to respond to an emergency, or because the agency overseeing drilling was too overwhelmed to properly review proposals.   At least half the remaining unleased territory would have to be put up for leasing each and every time no matter what had happened, no matter what could happen, no matter what concerns states or scientists or fishermen or federal officials might have.

The bill goes beyond earlier proposals to open up drilling, many of which had at least limited provisions for states to opt out of drilling off their states and which were not as prescriptive.

The bill is titled “Reversing President Obama’s Offshore Moratorium Act,” demonstrating that partisan animus is behind this bill as much as any interest in energy.  But the title is a misnomer in any event.  The bill ought to be called “A bill to prevent any president or other official or the public from ever deciding not to drill for oil everywhere, no matter what the facts on the ground are.”  Not so pithy, perhaps, but it’s what the bill actually does.

The other two bills, while less sweeping—it would be just about impossible to be more sweeping—are based on the same compulsion to remove any judgment, discretion and balance from drilling decisions.

H.R. 1230 mandates that the government conduct three lease sales in the next year—for oil and gas drilling in the central and western Gulf of Mexico and off the coast of Virginia.  These are areas the administration decided not to lease after the Deepwater Horizon disaster.  But as with H.R. 1231, the problem is not just opening up areas to oil and gas drilling.  The bill short-circuits the environmental review for these sales.

Specifically, the bill blocks court review of the Environmental Impact Statements (EIS) prepared for the lease sales in the Gulf of Mexico.  It does this by having Congress deem that the EISs have met the requirements of the National Environmental Policy Act.  This deeming, of course, is simply a political judgment, based on nothing more than the wish that it be so.  (The Virginia lease is treated differently, apparently because the military may have concerns with it.  For the sponsors, court reviews are only legitimate when someone they like is bringing a lawsuit.)

Shutting down the courts is particularly wrongheaded in this instance for two reasons.  First, the environmental review for these leases was done by the pre-Gulf disaster Minerals Management Service, an agency notorious for its close relationship to the oil industry.  Second, these environmental reviews did not take into account the damage caused by the Deepwater Horizon blowout (and therefore what could happen under these leases) because such a disaster was thought of as impossible at the time.

So under H.R. 1230, what is Congress’ reaction to the Gulf disaster?  It is mandating that the administration and the courts act as if it had never happened.  This ought to be a dictionary definition of irresponsibility.

H.R. 1229 is another effort to make the review of oil and gas drilling weaker than it was before the Gulf disaster.  The bill sets an arbitrary time limit of 30 days for reviewing drilling permit applications and grants automatic approvals if no action has been taken within 60 days.  Was the message of the Gulf spill to ensure that safety reviews be shorter and conducted “under the gun”?  In fact, the National Oil Spill Commission recommended that Congress extend another 30-day review limit—and that one didn’t even have an automatic approval provision.

H.R. 1229 also tries to make it harder to challenge any oil drilling decision related to the Gulf of Mexico by eliminating the ability of those who challenge the federal government successfully from having their legal fees reimbursed.  Current law does not encourage frivolous suits—the fees are only paid if the suit is successful—but it does enable citizen groups to challenge bad decisions.  And H.R. 1229 also has provisions to stack the decks against any plaintiff who still manages to sue.

So the first bills on drilling to come before the Republican-controlled House since the Gulf disaster try to wish away that catastrophic event.  They would open almost all the waters of the U.S. to oil drilling; prevent any judgments from being made about where and when and how to drill; tie the hands of this and future administrations and the courts; and weaken the system of safety and environmental review.  Quite a legacy.

As my colleagues have noted, additional drilling will have no impact on gasoline prices.  This is not a solution to our problems, it is a way to create new ones.  This is a bill written by people who are so hell-bent on drilling that they can’t even admit that there are consequences to be considered.  This is not policymaking; it’s a new kind of magical thinking.

#### 5. It will not be safe.

[**Beinecke**](http://switchboard.nrdc.org/blogs/fbeinecke/) 11—President of NRDC [[Frances Beinecke](http://switchboard.nrdc.org/blogs/fbeinecke/) “House Committee Promotes More Offshore Drilling with Less Oversight,” Switchboard, Posted April 14, 2011, pg. http://tinyurl.com/6jvt3j7

Despite the enormous toll that can come from drilling, Representative Doc Hasting (R-WA) and his colleagues want to make it easier for companies to drill more with less oversight.

I served on the National Commission on the Deepwater Horizon Oil Spill and Offshore Drilling. After an exhaustive review of the evidence, we concluded that the root cause of the spill was systemic failure in industry management and government oversight.

Quick fixes in one company or one agency would not be enough to make offshore drilling safe. Instead, we laid out the comprehensive steps the oil industry, the government, and Congress would need to take to prevent another massive spill.

The three bills voted on yesterday disregard the commission’s safety recommendations. They would take us backward—making offshore drilling even more risky than it was before the Deepwater Horizon blowout.

Turning back the clock on offshore drilling will do little to relieve America’s oil addiction.

According to the Department of Energy’s Energy Information Administration, drilling in America’s previously closed ocean areas “would not have a significant impact on domestic crude oil and natural gas production…before 2030.” Even then, “because oil prices are determined on the international market …any impact on average wellhead prices is expected to be insignificant.”

#### 6. Interior lacks the capacity to identify or respond to risks.

Geman 8/29/12 [Ben Geman, “Report: Interior has ‘limited’ ability to gauge offshore drilling risks,” The Hill, 08/29/12 05:37 PM ET, pg. http://tinyurl.com/cmkjo9r

A [new report](http://gao.gov/products/GAO-12-423) by congressional auditors finds that the Interior Department still has “limited” ability to identify and evaluate risks from offshore drilling projects, despite overhauling and toughening oversight after the 2010 BP oil spill.
“Interior continues to face challenges following its reorganization that may affect its ability to oversee oil and gas activities in the Gulf of Mexico. Specifically, Interior’s capacity to identify and evaluate risk remains limited, raising questions about the effectiveness with which it allocates its oversight resources,” the Government Accountability Office report states.
The July 30 report made public Wednesday arrives as Republicans, at their national convention in Tampa, Fla., are [vowing to greatly expand](http://thehill.com/blogs/e2-wire/e2-wire/245863-gop-platform-block-carbon-regs-expand-drilling) offshore access for oil-and-gas companies if Mitt Romney wins the White House.

Interior, after the April 2010 spill began, announced it was dismantling its troubled Minerals Management Service and created what last year became separate agencies: The Bureau of Ocean Energy Management and the Bureau of Safety and Environmental Enforcement.
The GAO report credits Interior with safety reforms but concludes, “the ultimate effectiveness of Interior’s reorganization and recent policy changes remains uncertain.”
The report lists a number of areas of concern. For instance it alleges that environmental analyses of companies’ exploration and development plans have occurred “without the most current, potentially relevant information.”
The report also lays out concerns with offshore regulators’ information management system and inspections program.
“Interior’s inspections routinely identify violations, but Interior’s [Technical Information Management System] IT system is missing some data, such as the date that violations were found or corrected. As a result, Interior does not know on a real-time basis whether or when all violations were identified and corrected, potentially allowing unsafe conditions to continue for extended periods,” the report states.

#### 7. Weak regulatory regime will encourage the industry to take unnecessary risks.

Flournoy 11—Professor and Director of the Environmental and Land Use Law Program @ University of Florida Levin College of Law [Alyson C. Flournoy, “ARTICLE: THREE META-LESSONS GOVERNMENT AND INDUSTRY SHOULD LEARN FROM THE BP DEEPWATER HORIZON DISASTER AND WHY THEY WILL NOT,” Boston College Environmental Affairs Law Review, 2011, 38 B.C. Envtl. Aff. L. Rev. 281

Although this Article's primary focus is on law and policy lessons, it is important to note that these highly visible and concrete failures will likely lead industry to respond voluntarily by adopting some practices and procedures to avoid similar failures. [n27](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1347732562226&returnToKey=20_T15531026576&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.633384.4211442095" \l "n27) From a law and governance perspective, however, simply allowing industry to learn voluntarily and police itself is widely viewed as inadequate for several reasons. [n28](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1347732562226&returnToKey=20_T15531026576&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.633384.4211442095" \l "n28) Indeed, the regulatory environment that existed at the time of the blowout relied  [\*286]  heavily on industry self-regulation. [n29](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1347732562226&returnToKey=20_T15531026576&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.633384.4211442095" \l "n29) Investigation in the wake of the blowout has revealed that the Outer Continental Shelf Lands Act (OCSLA)--the law governing development of federally owned oil and gas resources on the Outer Continental Shelf--included few standards to assure protection of health, safety, and the environment. [n30](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1347732562226&returnToKey=20_T15531026576&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.633384.4211442095#n30) Additionally, the Minerals Management Service's (MMS) approach to regulation under the OCSLA relied heavily on standards developed by and voluntarily agreed to by industry. [n31](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1347732562226&returnToKey=20_T15531026576&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.633384.4211442095#n31) Of course, even with this weak regulatory regime, the threat of tort liability should have provided industry with an incentive to take steps to avoid catastrophic risk. [n32](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1347732562226&returnToKey=20_T15531026576&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.633384.4211442095#n32) However, it seems clear from most accounts that BP and its contractors failed to accurately assess the severity of the risks they faced. [n33](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1347732562226&returnToKey=20_T15531026576&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.633384.4211442095#n33) Thus, relying on industry, market forces, and the tort liability system to deter similar conduct seems unwarranted and an abdication of government's role in protecting health, safety, and the environment.

### 2NC Atlantic Overview—Hotspots

#### 2. We will control the impact framing debate—You must focus on preserving biological hotspots

Kunich 1—Professor of Law @ Roger Williams University School of Law [John Charles Kunich, “ARTICLE: Fiddling Around While the Hotspots Burn Out,” Georgetown International Environmental Law Review Winter, 2001 14 Geo. Int'l Envtl. L. Rev. 179]

Thus, this author has called the hotspots the "womb of the unknown species." [n15](http://www.lexisnexis.com.proxy.library.emory.edu/lnacui2api/frame.do?reloadEntirePage=true&rand=1348161499045&returnToKey=20_T15575614965&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.693104.9208654866" \l "n15) The intention is to draw a parallel between the phrase "womb of the unknown species" and the well-known "Tomb of the Unknown Soldier." Just as the Tomb of the Unknown Soldier contains the remains of unidentified American soldiers who died in various wars, the hotspots and the unidentified species they harbor are both the womb and, potentially, the tomb for species we cannot call by name. And if the hotspots are home to millions of unknown species, with potentially immense utilitarian worth for humankind, it is of the utmost importance that effective conservation measures be implemented to prevent their degradation and destruction. It makes sense, from an efficiency standpoint, to focus the effort to preserve biodiversity on the hotspots, at least initially. The number of different species, and the number of individuals from each species, would be much higher than in most other eco-regions. Given limited conservation resources, both financial and political, it is prudent and rational to devote these resources to the places where they will do the greatest good for the greatest number.

#### 3. Preserving US marine ecosystems is key to human survival

Craig 03—Associate Dean for Environmental Programs @ Florida State University [Robin Kundis Craig, “ARTICLE: Taking Steps Toward Marine Wilderness Protection? Fishing and Coral Reef Marine Reserves in Florida and Hawaii,” McGeorge Law Review, Winter 2003, 34 McGeorge L. Rev. 155

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

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

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

### AT: Methane Inevitable

#### 2. Climate change is too slow—current seepage is not a threat.

Ruppel 11—Research Geophysicist @ U.S. Geological Survey [Dr. Carolyn Ruppel (Chief of the USGS Gas Hydrates Project and PhD in Solid Earth geophysics from MIT), “Methane Hydrates and Contemporary Climate Change,” Nature Education Knowledge 2(12):12, 2011, pg. http://tinyurl.com/9yaaokr]

Conclusions

Catastrophic, widespread dissociation of methane gas hydrates will not be triggered by continued climate warming at contemporary rates (0.2ºC per decade; IPCC 2007) over timescales of a few hundred years. Most of Earth's gas hydrates occur at low saturations and in sediments at such great depths below the seafloor or onshore permafrost that they will barely be affected by warming over even 103 yr. Even when CH4 is liberated from gas hydrates, oxidative and physical processes may greatly reduce the amount that reaches the atmosphere as CH4. The CO2 produced by oxidation of CH4 released from dissociating gas hydrates will likely have a greater impact on the Earth system (e.g., on ocean chemistry and atmospheric CO2 concentrations; Archer et al. 2009) than will the CH4 that remains after passing through various sinks.

Contemporary and future gas hydrate degradation will occur primarily on the circum-Arctic Ocean continental shelves (Sector 2; Macdonald 1990, Lachenbruch et al. 1994, Maslin 2010), where subsea permafrost thawing and methane hydrate dissociation have been triggered by warming and inundation since Late Pleistocene time, and at the feather edge of the GHSZ on upper continental slopes (Sector 3), where the zone's full thickness can dissociate rapidly due to modest warming of intermediate waters. More CH4 may be sequestered in upper continental slope gas hydrates than in those associated with subsea permafrost; however, CH4 that reaches the seafloor from dissociating Arctic Ocean shelf gas hydrates is much more likely to enter the atmosphere rapidly and as CH4, not CO2. Proof is still lacking that gas hydrate dissociation currently contributes to seepage from upper continental slopes or to elevated seawater CH4 concentrations on circum-Arctic Ocean shelves. An even greater challenge for the future is determining the contribution of global gas hydrate dissociation to contemporary and future atmospheric CH4 concentrations.

## \*\*\* 1NR

### 2NC Exports Slow

#### Exporting will take decades

CNBC 12 [Constance Gustke, "Domestic Critics Slow Potential LNG Export Boom," 20 Jun 2012, www.cnbc.com/id/47279981]

Some experts say the regulatory slowdown is almost certain to dampen pricing.

“It isn’t feasible for eight projects to hit the market fast,” says Charles Ebinger, director of the Brookings Institution Energy Security Initiative. “So there is less market impact.”

Guy Caruso, a senior adviser in energy and national security at the nonpartisan Center for Strategic and International Studies, estimates it could take five to 10 more years to achieve even modest amounts of natural gas exports.

#### Most qualified assessments.

Romm 12—Climate Progress editor, Ph.D. in physics from MIT [Joe, American Progress fellow, former acting assistant secretary of energy for energy efficiency and renewable energy, "Exporting Liquefied Natural Gas (LNG) Is Still Bad For The Climate — And A Very Poor Long-Term Investment," Think Progress, 8-16-12, thinkprogress.org/climate/2012/08/16/699601/exporting-liquefied-natural-gas-lng-bad-for-climate-poor-long-term-investment/?mobile=nc]

The NY Times piece actually makes this odd argument on behalf of LNG exports: “It will take years before any export terminals are up and running — in the meantime, producers and regulators should strengthen safeguards so that gas is extracted safely.” But this is yet another reason why LNG exports make no sense. Why would we want to start massive exports of natural gas around the end of this decade, with costly new infrastructure that until mid-century?

### 2NC No Exports

#### Resource nationalism

Reuters 12—[June 8, 2012, “U.S. likely to cap gas exports—analysts,” http://www.reuters.com/article/2012/06/08/usa-lng-exports-idUSL5E8H678C20120608]

Industrial lobbying in the United States is likely to put a cap on potentially huge natural gas exports, benefiting domestic industries such as petrochemicals and refining, but limiting export profits from gas-hungry Asia and Europe. The U.S. has experienced a boom in shale gas exploration, which will potentially turn it from a net importer of natural gas into a gas exporter. Several companies have applied for licences to export excess domestic reserves to Europe and Asia. Baringa, a London-based consultancy with a focus on energy, said that between 40 and 80 billion cubic metres (bcm) of liquefied natural gas (LNG) will be exported each year, starting from 2015. These figures are below some estimates that expect U.S. LNG exports to rise above 110 bcm by 2020, but Baringa's Jayesh Parmar and other analysts have said that political pressure could limit export capacities. "There is a lot of lobbying in the U.S. to limit LNG exports and to instead use the gas to allow the domestic industry to benefit from low energy prices," Parmar told Reuters. "Petrochemicals and refined products, as well transportation industries that use natural gas, stand to gain from such a policy, and this could change the entire oil balance in the U.S. economy." A report this week by Eurasia Group, the New York-based political risk consultancy, said: "Resource nationalism is the biggest political risk to U.S. LNG (exports), with many opponents to exports concerned about the impact on domestic natural gas prices."

#### They are not profitable

Ebinger et al. 12 (Charles, Senior Fellow and Director of the Energy Security Initiative—Brookings, Kevin Massy, Assistant Director of the Energy Security Initiative—Brookings, and Govinda Avasarala, Senior Research Assistant in the Energy Security Initiative—Brookings, “Liquid Markets: Assessing the Case for U.S. Exports of Liquefied Natural Gas,” Brookings Institution, Policy Brief 12-01, http://www.brookings.edu/~/media/research/files/reports/2012/5/02%20lng%20exports%20ebinger/0502\_lng\_exports\_ebinger.pdf).

LNG exports will help to sustain market liquidity in what looks to be an increasingly tight LNG market beyond 2015 (see Figure 10). Should LNG exports from the United States continue to be permitted, they will add to roughly 10 bcf/day of LNG that is expected to emerge from Australia between 2015 and 2020. Nevertheless, given the projected growth in demand for natural gas in China and India and assuming that some of Japan’s nuclear capacity remains offline, demand for natural gas will outpace the incremental supply. This makes U.S. LNG even more valuable on the international market. Although it will be important to global LNG markets, it is unlikely that the emergence of the United States as an exporter of LNG will change the existing pricing structure overnight. Not only is the market still largely dependent on long-term contracts, the overwhelming majority of new liquefaction capacity emerging in the next decade (largely from Australia) has already been contracted for at oil-indexed rates.108 The incremental LNG volumes supplied by the United States at floating Henry Hub rates will be small in comparison. But while U.S. LNG will not have a transformational impact, by establishing an alternate lower price for LNG derived through a different market mechanism, U.S. exports may be central in catalyzing future changes in LNG contract structure. As previously mentioned, this impact is already being felt in Europe. A number of German utilities have either renegotiated contracts or are seeking arbitration with natural gas suppliers in Norway and Russia. The Atlantic Basin will be a more immediate beneficiary of U.S. LNG exports than the Pacific Basin as many European contracts allow for periodic revisions to the oil-price linkage.109 In the Pacific Basin this contractual arrangement is not as common and most consumers are tied to their respective oil-linkage formulae for the duration of the contract.110 Despite the increasing demand following the Fukushima nuclear accident, however, Japanese LNG consumers are actively pursuing new arrangements for LNG contracts.111 There are other limits to the extent of the impact that U.S. LNG will have on global markets. It is unlikely that many of the LNG export facilities under consideration will reach final investment decision. Instead, it is more probable that U.S. natural gas prices will have rebounded sufficiently to the point that exports are not commercially viable beyond a certain threshold. (Figure 11 illustrates the estimated costs of delivering LNG to Japan in 2020.) This threshold, expected by many experts to be roughly 6 bcf/day by 2025, is modest in comparison to the roughly 11 bcf/day of Australian LNG export projects that have reached final investment decision and are expected to be online by 2020.

#### Infrastructure, equipment, and human capital issues.

Ebinger, Massy, and Avasarala 12—Charles Ebinger, Kevin Massy, and Govinda Avasarala, January 2012. Director and Senior Fellow [Foreign Policy](http://www.brookings.edu/about/programs/foreign-policy), [Energy Security Initiative](http://www.brookings.edu/about/projects/energy-security) @ Brookings, served as an energy policy advisor to over 50 governments, adjunct professor of electricity economics at Johns Hopkins Nitze School; Assistant Director of the Energy Security Initiative at the Brookings Institution; and Research Assistant, Energy Security Initiative @ Brookings [“Evaluating the Prospects for Increased Exports of Liquefied Natural Gas from the United States,” Report of the Energy Security Initiative, <http://www.bespacific.com/mt/archives/029324.html>]

The feasibility of U.S. LNG exports depends upon the ability of the country’s natural gas infrastruc—ture to support the production, transportation, storage, and shipment of natural gas. Pipeline and Storage Capacity The development of shale gas plays is likely to have a profound effect on the regional dynamics of the U.S. natural gas market. Increased production from the Marcellus Shale is likely to displace some supplies from the Gulf Coast and other re—gions that currently serve the Northeast.27 More—over, if significantly increased LNG exports from the Gulf Coast go ahead, there may be a need to reverse the pipelines to allow gas to flow toward the Gulf Coast. To maximize the economic potential of the U.S. shale gas endowment, whether for exports or for domestic use, there will be a requirement for significant expansion in the nation’s continental natural gas pipeline network, particularly in the vicinity of the Marcellus Shale. In 2010, Mar—cellus producers predicted that fewer than half of the 1,100 wells drilled had pipeline access.28 ICF International, a consultancy, estimates that 3,300 additional miles of pipeline will be built in the Northeast between 2009 and 2035.29 There is currently 6 bcf/day of FERC-approved proposed pipeline capacity that will deliver gas from the Marcellus to demand centers. More than 2 bcf/ day of this capacity is scheduled to be complet—ed by the summer of 2012.30 Another concern is whether a gas pipeline infrastructure network will be developed quickly enough in liquid-rich plays, such as the Eagle Ford and Utica Shales, to fully capture the natural gas being produced. As outlined above, vast quantities of natural gas are currently being flared at some shale sites in the U.S. mid-continent. One way to reduce such flar—ing is being considered by Wyoming’s Office of State Lands and Investments, which has proposed a policy through which royalties payments would be required from operators of wells on state lands that continue to be flared for more than 15 days after completion. Absent strong state action on flaring, it is possible that the federal government will seek to regulate flaring at oil and natural gas wells. In addition to constraints on pipeline capacity, there are also concerns about the adequacy of natural gas storage infrastructure, particularly in the Northeast, although the investments in pipe—line capacity should prompt similar investments in increased storage capacity.32 Drilling and Production Infrastructure Even if there is sufficient transportation infra—structure to handle increased volumes and new regional bases for natural gas production, there may be limits on the amount of available equipment and qualified petroleum engineers to develop the gas. To date, concerns about a shortage of drilling rig availability in the U.S. natural gas sector have not materialized. Horizontal drilling (for both oil and gas) increased 27 percent in the year to Octo—ber 2011 and the number of rigs allocated to un—conventional oil and gas production is at record levels.33 The increased productivity of new drilling rigs has also served to ensure that supply has kept pace with demand. In the Haynesville Shale play in Louisiana, for example, the rig count fell from 181 rigs in July 2010 to 110 rigs in October 2011, yet production increased from 4.65 bcf/day to 7.58 bcf/day during the same period.34 A similar trend is occurring in the Barnett Shale in Texas, where production has remained flat despite a declining rig count.35 However, while the supply of drilling rigs remains adequate, the market for other equipment and services used for fracking—particularly high-pressure pumping equipment—is tight and likely to remain so for the near term, according to industry analysts.36 Human Capacity Human capital in the unconventional oil and gas development sectors is also in short supply. According to the National Petroleum Council (NPC), there has been a 75 percent decrease in petrochemical-related course enrollment since 1982 in the United States.37 Moreover, within the next ten years, about 50 percent of the workforce in this industry will be eligible for retirement. The high demand for petroleum engineers, reflected in the high salaries of recent graduates in the field, is set to continue, with the NPC warning of a “considerable human resource challenge” in the oil and gas industry.38 Faculty at leading universities with petroleum—engineering departments point to a lack of re—search and development (R&D) funding, which they say is negatively affecting their capacity to adequately train people for jobs in the hydrocar—bons sector. While some of the shortfall in public R&D funding has been made up by private-sector support, academics note the frequent mismatch between the specific needs of individual compa—nies and the long-term needs of the sector. More—over, even if sufficient funding for R&D and training is now provided, there may also be a time lag before there is an adequate supply of petroleum engineers in the market.

#### Fees and price adjustments

Denning 12—Wall Street Journal staff [Liam, "Gas export profits might leak away," 8-12-12, www.theaustralian.com.au/business/wall-street-journal/gas-export-profits-might-leak-away/story-fnay3x58-1226449122081]

THE latest free lunch being peddled involves exporting US natural gas. Don't be surprised if it evaporates. Headline US gas futures bounce around $3 per million British thermal units. Meanwhile, Japan imports liquefied natural gas, or LNG, for about $17. That spread is why companies such as Cheniere Energy are racing to build plants to export US gas. But if "$3 in, $17 out" sounds too good to be true, that is because it is. While the economics of exports can make sense, they are no slam-dunk. First, the actual cost of delivering US gas overseas would be much higher than $3. According to consultancy PFC Energy, a number of upward adjustments must be made. As the contract that Spain's Gas Natural Fenosa signed last year with Cheniere indicates, the buyer typically pays a premium over the market price of gas. This amount, say 15 per cent, covers the cost to the facility operator of gas lost during liquefaction. That takes the price to $3.45. Then you need to add on the fee for liquefaction, roughly $2.50 to $3. Shipping fees, meanwhile, range anywhere from about 85c to almost $2.80 depending on whether you're going to Europe or Asia and the route you take. Finally, in Europe the main competition is pipeline gas from places like Russia. So to be truly comparable, you must add in the cost of converting the LNG back to gas, perhaps another 40c. All in, therefore, at a $3 gas price, US LNG costs about $7.25 in Europe and $9.20 in Japan, using PFC's assumptions. Based on current prices, that still leaves a nice margin of about $5 in Europe and almost $8 in Japan. If that still looks like a no-brainer, you are forgetting one thing: time. The earliest the US is likely to start gas exports is in 2015. Moreover, contracts for capacity at LNG plants typically span 20 years. Long-term expectations are critical, therefore. US gas prices are expected to rise —in part because exports should help relieve the current supply glut. Futures for 2016 to 2020 average about $5 and analysts and producers assume long-term prices of $6 or more. Meanwhile, European and Asian gas prices are linked to that of oil. As a rule of thumb, oil-linked gas in Europe commands about 12 per cent of the quoted price of Brent crude; in Asia the ratio is about 15 per cent. Assuming $100 a barrel Brent crude long-term, this implies prices of $12 and $15 respectively. Suddenly, the margins drop to $1.30 and $2.34 for Europe and Japan, respectively. This is still positive, but much thinner. As Nikos Tsafos, gas specialist at PFC, puts it: "I don't need to mess with the model so much to make it not work." Push gas to $7 and Brent to $90 —more in line with historical price ratios —and both margins go negative. Indeed, Deutsche Bank sees no arbitrage opportunity for US LNG targeting the UK after 2016 based on current futures prices. Shipping and processing costs could rise. Oil and gas prices bounce around. And political opposition to gas exports, on the premise that they raise domestic energy prices, is a wild card. This won't prevent exports. But it limits the likely buyers of liquefaction capacity. Integrated global gas companies seeking to capitalise on short-term arbitrage opportunities, such as BG, are one small set. Utilities in uncompetitive markets where costs can more easily be passed on to consumers, such as in Asia, are another. Less than a decade ago, the energy world was abuzz with plans to dot the US coastline with gas import terminals in anticipation of steep declines in domestic output and rising prices. Today's excitable export enthusiasts would do well to recall how that one turned out.

#### Even if they did occur --- the first wave would collapse the price differential and make it uneconomical

Levi 12—CFR energy senior fellow [Michael, PhD in war studies from the University of London, Council on Foreign Relations Energy and the Environment senior fellow, Program on Energy Security and Climate Change director, “A Strategy for U.S. Natural Gas Exports,” June, www.brookings.edu/~/media/research/files/papers/2012/6/13%20exports%20levi/06\_exports\_levi.pdf]

The first way that prices could converge is through U.S. LNG exports, which could ultimately bring the various prices together, net of transport costs (including an indeterminate risk premium paid to investors in risky LNG projects). Indeed initial natural gas exports themselves will tend to shrink opportunities for subsequent exports. A recent DOE study projects that with moderate U.S. gas resources and twelve billion cubic feet a day of exports, U.S. benchmark prices would rise to more than $8 per thousand cubic feet by the middle of the next decade (EIA 2012c). When combined with the cost of moving natural gas from the United States to overseas markets, there is a strong chance that some exports would be unprofitable at that price. The same analysis found that if U.S. resources were lower than anticipated, prices could reach $14 per thousand cubic feet by 2020, making exports undoubtedly uneconomic at the margin. All that said, assuming U.S. LNG exports at the outset of this analysis would make no sense, since their very existence depends on the particular export policy that is adopted.

### Japan Scenario

#### Alliance is massively resilient

Bisley 8 [Nick, Associate Prof. IR @ La Trobe U., Contemporary Southeast Asia, “Securing the "anchor of regional stability"? The transformation of the US-Japan alliance and East Asian security; Report”, 4-1, 30:1, L/N]

The US-Japan relationship stands on robust political foundations and has overcome many of the strategic and operational problems which had bedevilled it in the 1990s and it is one of the key pieces of America's global strategy. It rests on a number of pillars which include a shared set of interests, shared threat perceptions and policy responses, and is underpinned by a set of common values that are overtly expressed as vital to the relationship. In the words of a senior Japanese policy-maker, the US-Japan relationship is in a "mature phase". (41) The quality of the relationship was personified by the concord which existed between President Bush and Prime Minister Koizumi. Koizumi's final trip to the United States included not only a summit putting the rhetorical stamp on alliance transformation, it included an unprecedented presidential tour of Elvis Presley's home, Graceland. As a metaphor for the alliance more generally, the visit could hardly bemore fitting. Although the personal relationship between the two wasvery important to the political and operational process of alliance enhancement, the strategic interests it advances and the extent of the consensus about these among policy-makers is such that, providing alliance managers exercise due care, the basic tenor of the current relationship will last long after these two political leaders have leftthe stage. (42) Some have seen the November 2007 cessation of the Maritime SDF deployment to support the Afghanistan campaign as marking either an end to this process or a deeper rupture in the relationship. However, this overlooks the deeply-rooted character of the alliance-binding process. Rather than representing a breakdown of the US-Japan relationship, the move was primarily a function of domestic politics. Indeed, once Bush has departed office, and is presumably replaced with an administration with a little more diplomatic finesse, managing the domesticpolitics of the alliance will become noticeably easier. To be clear,Fukuda is not Abe, and he will focus more directly on Japan's regional interests. But his inability to gain Diet approval of a further extension of the laws in November 2007 was a function of the LDP's disarray in the wake of Abe's collapse in popular support. However, Fukuda did manage to assuage concerns and secured re-approval of the law in early 2008. While some feel his voicing of a more Asian-centric foreign policy is a concern, it does not reveal a significant fracturingof the alliance or the process of its strategic change. One must recognize that an Asia-focused Japan that is firmly ensconced in Asian institutions is not at all contrary to America's interests and the functional imperatives of the alliance. Indeed with some creative policy-making it may give the alliance greater regional weight. Although that will not mean that such moves will not cause short term diplomaticdifficulties for alliance managers. The United States and Japan now have a genuine alliance, although one distinguished by an unusual and clearly delineated division of labour, which is intended to be the foundation of Japanese defence and security, a mechanism to stabilize a strategically complex region anda vital piece of America's global strategy. In both states there is a strong consensus as to its long-term value. Although, the US-Japan alliance is still quite different from those which America has with other states, it is testimony to the scope of changes wrought in the past five years or so that it is now not impossible to imagine that, over the longer term, Japan could become an ally which carries a strategic weight similar to that born by the United Kingdom.

#### Council meeting proves relations high

Seattle Times 10/19/12 (U.S.–Japan relations reinforced at U.S.–Japan Council conference held in Seattle Vol 31 No 43 | October 20 —October 26 <http://www.nwasianweekly.com/2012/10/u-s-japan-relations-reinforced-at-u-s-japan-council-conference-held-in-seattle/>

The U.S.–Japan Council hosted their annual conference at the Fairmont Olympic Hotel in Seattle on Oct. 5, bringing together economic leaders from the United States and Japan. Speakers at the event included Acting Secretary of Commerce Rebecca M. Black, President and CEO of Boeing Raymond Connor, CEO of Lawson Inc. Takeshi Niinami, and Chairman of the Pacific Northwest Division of JP Morgan Chase & Co. Phyllis Campbell. Also in attendance were Senator Daniel Inouye, Japanese Director General of North American Affairs Junichi Ihara, and Port of Seattle CEO Tay Yoshitani.

The event focused on the importance of bilateral economic policy and people-to-people connections. Cooperation between the United States and Japan on the recent economic downturn, marine debris clean up, and earthquake relief were highlighted.

“I don’t know if you’ve heard this story,” said Acting Commerce Secretary Black, “but a soccer ball turned up 3,000 miles away [from Japan] in Alaska in April, more than a year after the tsunami. On it were the words “Good luck, Murakami” written in Japanese. With some effort, David and Yumi Baxter of Alaska found the ball’s 16-year-old owner, Misaka Murakami. They sent it back to the boy, who said he was excited because he lost everything else in the tsunami. This story shows how strong the ties between our people have become.” (end)

### Development Adv

#### Empirical studies prove the navy is not capable of deterring threats

**Daniel 2** [Donald C.F. “The Future of American Naval Power: Propositions and Recommendations,” Globalization and American Power. Chapter 27. Institute for National Strategic Studies National Defense University, http://www.ndu.edu/inss/Books/Books\_2002/Globalization\_and\_Maritime\_Power\_Dec\_02/0 1\_toc.htm]

In sum, there would seem to be a special role for the U.S. Navy in contingency response along littorals, but, outside the context of a specific crisis, constant day-to-day presence does not do much to deter unwanted behavior. Thus, it would seem a raising of false expectations to argue, for example, that the “gapping of aircraft carriers in areas of potential crisis is an invitation to disaster—and therefore represents culpable negligence on the part of America’s defense decision-makers.”33 In the early 1960s, the United States maintained three aircraft carrier battlegroups in the Mediterranean Sea but later gradually found that it needed to scale back. Currently, a single battlegroup operates there for less than 9 months of the year on average. This is a significant reduction, but no one can prove that the Mediterranean region became less stable. Conversely, the Navy began to maintain a regular presence in the Arabian Gulf in 1979, but this did not prevent Iran or Iraq from attacking ships during their war. In the 1980s, attacks generally increased in number over the 8 years of the war. As for deterring the initiation of a crisis in the first place, it is essentially impossible for an outsider to prove that such deterrence was successful except in the rare case in which a deterred party admits that he was deterred and states the reasons. Adam Siegel, John Arquilla, Paul Huth, Paul Davis, and a Rutgers Center for Global Security and Democracy team led by Edward Rhodes have each attempted to study the effects of forward presence and general deterrence. The deficiency of such study is always in making the definitive link between them. The majority of these studies suggest that “[h]istorically seapower has not done well as a deterrent” in preventing the outbreak of conflicts, principally because land-based powers not dependent on overseas trade are relatively “insensitive” to the operations of naval forces.

#### And, continuous navy presence is unnecessary – the navy is only effective after a crisis has already occurred

**Daniel 2** [Donald C.F. “The Future of American Naval Power: Propositions and Recommendations,” Globalization and American Power. Chapter 27. Institute for National Strategic Studies National Defense University, http://www.ndu.edu/inss/Books/Books\_2002/Globalization\_and\_Maritime\_Power\_Dec\_02/0 1\_toc.htm]

In short, then, to say that “balanced forward naval presence will be increasingly vital in shaping the peace”41 seems true only vis-à-vis friends but not potential adversaries or third parties. It would not seem to have much direct impact on the shape of a friend’s domestic politics but could affect its economy (and thus indirectly the domestic political scene) and its willingness to support U.S. foreign policy. There is no evidence, however, that presence need be continuous to achieve these effects. The Mediterranean analysis suggests that, at the end of the day, what is vital instead is that U.S. naval forces show up when needed—that is, during the run-up to and the onset of a contingency—and because of prior operations with regional friends, that it immediately act effectively in concert with them.

#### And, the United States navy cannot prevent inevitable conflict through deterrence

**Daniel 2** [Donald C.F. “The Future of American Naval Power: Propositions and Recommendations,” Globalization and American Power. Chapter 27. Institute for National Strategic Studies National Defense University, http://www.ndu.edu/inss/Books/Books\_2002/Globalization\_and\_Maritime\_Power\_Dec\_02/0 1\_toc.htm]

force should be employed to ensure that its comparative advantages are maximized with full recognition of where limits exist. The point of the above recommendations is to emphasis that naval forces possess unique flexibility as politico-military instruments, but there are also limitations to what they can achieve as elements of conventional deterrence to regional crises. Naval forces can be effective instruments in training toward interoperability with friends, allies, and potential coalition members and do appear to have a reassuring effect on treaty allies. But this does not necessarily require the current rigorous force deployment schedule. In the globalizing world, naval forces will be critical elements in responding to crises and will have a modest role in shaping the environment, but it is not certain that they can have considerable direct effect in deterring the inevitable politico-military crises that will occur in less stable regions buffeted by the effects of globalization. U.S. Navy force structure should be optimized for what it can do, not for tasks that cannot be proven effective.

**1. Naval upgrades are slow and moderate**

**Goldstein 11**—Professor and Director of the China Maritime Studies Institute @ US Naval War College [Dr. Lyle J. Goldstein, “Resetting the US–China Security Relationship,” Survival | vol. 53 no. 2 | April–May 2011 | pp. 89–116

To be sure, Beijing has made some progress in key areas of military technology, but its naval building programme is moderate, not radical. China will not have a strategically significant aircraft-carrier force for at least another decade, and has taken a measured and rather unhurried approach to upgrading both its fleet of surface combatants and its amphibious attack ships. Significantly, China is still far from wielding a strong nuclear-submarine force. Instead, its major focus has been on building conventional submarines that are more oriented toward defensive operations in the Chinese littorals than on power-projection missions in blue water. Of course, the recent unveiling of the fifth-generation J-20 fighter, alongside many other advanced systems, adds additional evidence to an already long list of new capabilities that illustrate that China is quite capable of building sophisticated weaponry. Taking the long historical view, this should not be shocking, nor should Beijing’s determination to build armed forces commensurate with its new status. What has been truly shocking, again taking the long view, is how weak China has been for so long in the modern era – a major historical anomaly. Pg. 90-91

**2. Potential economic destruction deters war**

**Creehan 12** – Senior Editor of the SAIS Review of International Affairs [Sean Creehan, “Assessing the Risks of Conflict in the South China Sea,” SAIS Review, Volume 32, Number 1, Winter-Spring 2012, pp. 125-128

Regarding Secretary Clinton’s first requirement, the risk of actual closure of the South China Sea remains remote, as instability in the region would affect the entire global economy, raising the price of various goods and commodities. According to some estimates, for example, as much as 50 percent of global oil tanker shipments pass through the South China Sea— that represents more than three times the tanker traffic through the Suez Canal and over five times the tanker traffic through the Panama Canal.4 It is in no country’s interest to see instability there, least of all China’s, given the central economic importance of Chinese exports originating from the country’s major southern ports and energy imports coming through the South China Sea (annual U.S. trade passing through the Sea amounts to $1.2 trillion).5 Invoking the language of nuclear deterrence theory, disruption in these sea lanes implies mutually assured economic destruction, and that possibility should moderate the behavior of all participants. Furthermore, with the United States continuing to operate from a position of naval strength (or at least managing a broader alliance that collectively balances China’s naval presence in the future), the sea lanes will remain open. While small military disputes within such a balance of power are, of course, possible, the economic risks of extended conflict are so great that significant changes to the status quo are unlikely. Pg. 126

**3. No China war**

**Goldstein 11** - Professor and Director of the China Maritime Studies Institute @ US Naval War College [Dr. Lyle J. Goldstein, “Resetting the US–China Security Relationship,” Survival | vol. 53 no. 2 | April–May 2011 | pp. 89–116

Weighed in the aggregate, China’s rise remains a peaceful process, and the record to date should engender significant confidence. Beijing has not resorted to a significant use of force against another state in more than three decades. Its deployments of troops as UN peacekeepers to hot spots such as Lebanon and the Democratic Republic of the Congo have played a helpful role, as have the counter-piracy operations of its fleet in the Gulf of Aden. When dealing with weak and occasionally unstable states on its borders, such as Kyrgyzstan or Tajikistan, Beijing has not resorted to military intervention, nor even flexed its military muscles to gain advantage. Chinese maritime claims, whether in the South or the East China seas, are generally being enforced by unarmed patrol cutters, a clear signal that Beijing does not seek escalation to a major crisis on these matters. Contrary to the perception that China’s senior military officers are all irreconcilable hawks, one influential People’s Liberation Army Navy (PLAN) admiral recently said in an interview, with reference to lessons learned from recent border negotiations on China’s periphery: ‘If there are never any concessions or compromises, there is simply no possibility of reaching a breakthrough in border negotiations.’2 pg. 90

**4. No escalation—EP-3 and Impeccable proves**.

**Womack 11** – Professor of Foreign Affairs @ University of Virginia [Dr. Brantly Womack (PhD in Poli Sci from University of Chicago), “The Spratlys: From Dangerous Ground to Apple of Discord,” Contemporary Southeast Asia: A Journal of International and Strategic Affairs, Volume 33, Number 3, December 2011, pp. 370-387

It is difficult to imagine a Spratly scenario in which a crisis would go beyond a specific incident and threaten the current overall pattern of mixed occupation. Accidents happen, so incidents cannot be ruled out, though the sustained confrontation of two or more militaries are increasingly unlikely. Accidental incidents are likely to lead to a blamestorm, but not to prolonged conflict or to escalation. A premeditated fait accompli against other claimants, as argued earlier, would not accomplish much. The victor (let us assume China) would have alienated the entire region and it would have alarmed the rest of its neighbours and international partners. International cooperation in resource development would be unlikely, and the logistics of transportation, supply and defence would be formidable. If China’s overall foreign policy made a radical change towards aggressive regional hegemony perhaps the Spratlys could become a battleground. But the ramp-up in aggressiveness would take time to develop, Spratly controversies would be derivative rather than the leading element, and there would no longer be a need for a synecdoche of anxiety. The currently foreseeable future is based on a quarter century of broad and peaceful development///

 in which the Spratlys have been a grain of sand.

A militarized incident in the South China Sea between China and the United States is more likely, but it is not likely to originate in the Spratlys nor is it likely to escalate. The direct confrontation has been over the definition of innocent passage in the context of freedom of navigation in EEZs, and an incident in the Spratlys is unlikely to generate a restriction of general freedom of navigation since traffic goes around the islands rather than through them. Incidents such as those involving the EP-3 surveillance aircraft incident of April 2001 or the USNS Impeccable hydrographic ship in March 2009 are possible, but these do not relate specifically to the Spratlys and are only indirectly related to Southeast Asia. It would be surprising if Southeast Asian states would be happy with an American solution that would consider intelligence operations (by China as well as by the United States) legitimate up to a twelve mile limit. The reverberations from such incidents are likely to be restricted to tit-for-tat responses rather than general escalation. The days of the War of Jenkins’s Ear are long past.35 pg. 381-383