# ASPEC

#### Agency discussions are essential to education about energy policy

Valentine 10 Scott Victor Valentine - Lee Kuan Yew School of Public Policy, National University of Singapore, Singapore, “Canada’s constitutional separation of (wind) power” Energy Policy, Volume 38, Issue 4, April 2010,

http://www.sciencedirect.com/science/article/pii/S0301421509009227

Should policymakers facilitate renewable energy capacity development **through distributive policies (i.e. subsidies), regulatory policies** (i.e. CO2 emission caps), redistributive policies (i.e. carbon taxes) or constituent policies (i.e. green energy campaigns) (Lowi, 1972)? A preponderance of research has gone into addressing this question from **various conceptual perspectives**, which include popular themes such as comparing the efficacy of various policy instruments (cf. Blakeway and White, 2005; EWEA, 2005; Menza and Vachona, 2006; cf. Lipp, 2007), championing the efficacy of one specific instrument (cf. Sorrell and Sijm, 2003; cf. Mathews, 2008), assessing the impact that socio-economic dynamics have on the selection or design of policy instruments (cf. Maruyama et al., 2007; cf. Huang and Wu, 2009), investigating policy instrument selection in stakeholder networks (cf. Rowlands, 2007; cf. Mander, 2008), investigating hurdles to effective policy instruments implementation (cf. Alvarez-Farizo and Hanley, 2002), and examining challenges associated with evaluating policy instrument efficacy (cf. Mallon, 2006; cf. Vine, 2008).

**Despite the proliferation of studies on policy instruments in the** renewable **energy policy field**, there are no prominent examples of studies which investigate the impact that the federal form of government has on strategic selection of policy instruments. Federal government systems are characterized by power-sharing between the central authority and the regions comprising the federation. For federal policymakers, the manner in which power is divided can pose significant policy-making problems (Thorlakson, 2003). Specifically, federal attempts to apply coercive policy instruments in policy areas of regional or concurrent (shared) authority can generate political, legal or operational resistance by regional authorities. Even when developing policy for areas under federal jurisdiction, regional authorities have to avail their various “thrust and riposte” tactics to undermine the efficacy of disagreeable federal policies (Braun et al., 2002). Given that there are 24 nations with a federal government structure (including the major economies of the United States, Germany, Canada, Australia, Russia, India, Spain, Brazil and Mexico), a **formal enquiry into the impact that federal structure has on renewable energy policy instrument development is merited.**

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## 1NC

#### Restrictions on production must mandate a decrease in the quantity produced

Anell 89 Lars is the Chairman of the WTO panel adopted at the Forty-Fifth Session of Contracting Parties on December 5, 1989. Other panel members: Mr. Hugh Bartlett and Mrs. Carmen Luz Guarda. “Canada – Import Restrictions on Ice Cream and Yoghurt,” http://www.wto.org/english/tratop\_e/dispu\_e/88icecrm.pdf

The United States argued that Canada had failed to demonstrate that it effectively restricted domestic production of milk. The differentiation between "fluid" and "industrial" milk was an artificial one for administrative purposes; with regard to GATT obligations, the product at issue was raw milk from the cow, regardless of what further use was made of it. The use of the word "permitted" in Article XI:2(c)(i) required that there be a limitation on the total quantity of milk that domestic producers were authorized or allowed to produce or sell. The provincial controls on fluid milk did not restrict the quantities permitted to be produced; rather dairy farmers could produce and market as much milk as could be sold as beverage milk or table cream. There were no penalties for delivering more than a farmer's fluid milk quota, it was only if deliveries exceeded actual fluid milk usage or sales that it counted against his industrial milk quota. At least one province did not participate in this voluntary system, and another province had considered leaving it. Furthermore, Canada did not even prohibit the production or sale of milk that exceeded the Market Share Quota. The method used to calculate direct support payments on within-quota deliveries assured that most dairy farmers would completely recover all of their fixed and variable costs on their within-quota deliveries. The farmer was permitted to produce and market milk in excess of the quota, and perhaps had an economic incentive to do so. 27. The United States noted that in the past six years total industrial milk production had consistently exceeded the established Market Sharing Quota, and concluded that the Canadian system was a regulation of production but not a restriction of production**.** Proposals to amend Article XI:2(c)(i) to replace the word "restrict" with "regulate" had been defeated; what was required was the reduction of production. The results of the econometric analyses cited by Canada provided no indication of what would happen to milk production in the absence not only of the production quotas, but also of the accompanying high price guarantees which operated as incentives to produce. According to the official publication of the Canadian Dairy Commission, a key element of Canada's national dairy policy was to promote self-sufficiency in milk production. The effectiveness of the government supply controls had to be compared to what the situation would be in the absence of all government measures.

#### Vote negative:

#### Including regulations is a limits disaster---undermines preparedness for all debates

Doub 76 William is a principal in the law firm of Doub and Muntzing. Previously he was a partner in LeBoeuf, Lamb, Leiby, and MacRae. He was a member of the U.S. Atomic Energy Commission (1971-1974). He served as a member of the Executive Advisory Committee to the Federal Power Commission (1968-1971) and was appointed by the President to the President’s Air Quality Advisory Board. He is a past chairman of the U.S. National Committee of the World Energy Conference. “Energy Regulation: A Quagmire for Energy Policy,” http://www.annualreviews.org/doi/abs/10.1146/annurev.eg.01.110176.003435

FERS began with the recognition that federal energy policy must result from concerted efforts in all areas dealing with energy, not the least of which was the manner in which energy is regulated by the federal government. Energy self sufficiency is improbable, if not impossible, without sensible regulatory processes, and effective regulation is necessary for public confidence. Thus, the President directed that "a comprehensive study be undertaken, in full consultation with Congress, to determine the best way to organize all energy-related regulatory activities of the government." An interagency task force was formed to study this question. With 19 different federal departments and agencies contributing, the task force spent seven months deciphering the present organizational makeup of the federal energy regulatory system, studying the need for organizational improvement, and evaluating alternatives. **More than 40 agencies were found to be involved** with making regulatory decisions on energy. Although only a few deal exclusively with energy, most of the 40 could **significantly affect** the **availability and/or cost of energy**. For example, in the field of gas transmission, there are five federal agencies that must act on siting and land-use issues, seven on emission and effluent issues, five on public safety issues, and one on worker health and safety issues-all before an onshore gas pipeline can be built. The complexity of energy regulation is also illustrated by the case of Standard Oil Company (Indiana), which reportedly must file about 1000 reports a year with 35 different federal agencies. Unfortunately, this example is the rule rather than the exception.

#### And precision---only direct prohibition is a restriction---key to predictability

Sinha 6 S.B. Sinha is a former judge of the Supreme Court of India. “Union Of India & Ors vs M/S. Asian Food Industries,” Nov 7, http://webcache.googleusercontent.com/search?q=cache:http://www.indiankanoon.org/doc/437310/

We may, however, notice that this Court in State of U.P. and Others v. M/s. Hindustan Aluminium Corpn. and others [AIR 1979 SC 1459] stated the law thus: "It appears that a distinction between regulation and restriction or prohibition has always been drawn, ever since Municipal Corporation of the City of Toronto v. Virgo. Regulation promotes the freedom or the facility which is required to be regulated in the interest of all concerned, whereas prohibition obstructs or shuts off, or denies it to those to whom it is applied. The Oxford English Dictionary does not define regulate to include prohibition so that if it had been the intention to prohibit the supply, distribution, consumption or use of energy, the legislature would not have contented itself with the use of the word regulating without using the word prohibiting or some such word, to bring out that effect."

## 2NC

#### Including energy regulations adds five million research hours

Tugwell 88 Franklin Tugwell joined The Asia Foundation's Board of Trustees in 2010. Dr. Tugwell has served as the President and CEO of Winrock International since 1999. Previously, Dr. Tugwell was the executive director of the Heinz Endowments of Pittsburgh, the founder and president of the Environment Enterprises Assistance Fund, and as a senior consultant for International Projects and Programs at PG&E Enterprises. He served as a deputy assistant administrator at USAID (1980-1981) and as a senior analyst for the energy program at the U.S. Office of Technology Assessment (1979-1980). Dr. Tugwell was also a professor at Pomona College and an adjunct distinguished professor at the Heinz School of Carnegie Mellon University. Additionally, he serves on the Advisory Board and International Committee of the American Council on Renewable Energy and on the Joint Board of Councilors of the China-U.S. Center for Sustainable Development. He also serves on the Board of Eucord (European Cooperative for International Development). Dr. Tugwell received a PhD in political science from Columbia University. “The Energy Crisis and the American Political Economy,” ISBN 0-8047-1500-9

Finally, administering energy regulations proved a costly and cumbersome endeavor, exacting a price all citizens had to pay. As the energy specialist Paul MacAvoy has noted: "More than 300,000 firms were required to respond to controls, ranging from the three dozen major refining companies to a quarter of a million retailers of petroleum products. The respondents had to file more than half a million reports each year, which probably took more than five million man-hours to prepare, at an estimated cost alone of $80 mil- lion."64 To these expenditures must be added the additional costs to the government of collecting and processing these reports, monitor- ing compliance, and managing the complex process associated with setting forth new regulations and adjudicating disputes. All to- gether, it seems likely that the administrative costs, private and public, directly attributable to the regulatory process also exceeded $1 billion a year from 1974 to 1980.^

#### Including energy regs is too big---it’s torture for the neg

Edwards 80 Opinion in BAYOU BOUILLON CORP. v. ATLANTIC RICHFIELD CO. Court of Appeal of Louisiana, First Circuit. May 5

Comprehending the applicability and complexity of federal energy regulation necessitates both a stroll down the tortuous legislative path and a review of legal challenges so numerous as to require the establishment of a Temporary Emergency Court of Appeals.

#### That destroys education---too much to comprehend

Stafford 83 G. William is an Associate at Ross, Marsh and Foster. Review of “Federal Regulation of Energy” by William F. Fox, Jr, http://felj.org/elj/Energy%20Journals/Vol6\_No2\_1985\_Book\_Review2.pdf

It may safely be said that any effort to catalogue "the entire spectrum of federal regulation of energy"' in a single volume certainly requires an enterprising effort on the part of the author. In this regard, Mr. Willam F. Fox, Jr., an Associate Professor of Law at Catholic University of America, has undertaken an examination of a vital aspect of United States policy in Federal Regulation of Energy, published in 1983 with an annual pocket supplement available. Despite the complex nature of the subject of his work, Mr. Fox has prepared a text that provides a significant description of many aspects of federal energy regulatory policy. Initially, the book's title may prove somewhat misleading in that it approaches the subject from an historical perspective focused more on substantive than procedural issues. Although a reader gets the impression that the author at time has tried to do too much -at least from the standpoint of the energy practitioner- the historical and technical insights it offers the student of federal energy relation are valuable. Moreover; its detailed explanations of the methods used to tneet federal energy goals are useful for those in the position of initiating energy policy. This strength notwithstanding, it appears unlikely that an energy law practitioner would benefit significantly from its use, other than from its historical point of view. A general impression is that the author may have been overly ambitious in his effort to undertake the monumental task of evaluating laws, regulations, and significant judicial decisions in a single work.

#### Contextual definitions bad – intent to define outweighs

Kupferbreg 87Eric University of Kentucky, Senior Assistant Dean, Academic & Faculty Affairs at Northeastern University, College of Professional Studies Associate Director, Trust Initiative at Harvard School of Public Health 1987 “Limits - The Essence of Topicality” http://groups.wfu.edu/debate/MiscSites/DRGArticles/Kupferberg1987LatAmer.htm

Often, field contextual definitions are too broad or too narrow for debate purposes. Definitions derived from the agricultural sector necessarily incorporated financial and bureaucratic factors which are less relevant in considering a 'should' proposition. Often subject experts' definitions reflected administrative or political motives to expand or limit the relevant jurisdiction of certain actors. Moreover, field context is an insufficient criteria for choosing between competing definitions. A particularly broad field might have several subsets that invite restrictive and even exclusive definitions. (e.g., What is considered 'long-term' for the swine farmer might be significantly different than for the grain farmer.) Why would debaters accept definitions that are inappropriate for debate? If we admit that debate is a unique context, then additional considerations enter into our definitional analysis.

#### Conditions aren’t restrictions---this distinction matters

Pashman 63 Morris is a justice on the New Jersey Supreme Court. “ISIDORE FELDMAN, PLAINTIFF AND THIRD-PARTY PLAINTIFF, v. URBAN COMMERCIAL, INC., AND OTHERS, DEFENDANT,” 78 N.J. Super. 520; 189 A.2d 467; 1963 N.J. Super. Lexis

HN3A title insurance policy "is subject to the same rules of construction as are other insurance policies." Sandler v. N.J. Realty Title Ins. Co., supra, at [\*\*\*11] p. 479. It is within these rules of construction that this policy must be construed.¶ Defendant contends that plaintiff's loss was occasioned by restrictions excepted from coverage in Schedule B of the title policy. The question is whether the provision in the deed to Developers that redevelopment had to be completed [\*528] within 32 months is a "restriction." Judge HN4 Kilkenny held that this provision was a "condition" and "more than a mere covenant." 64 N.J. Super., at p. 378. The word "restriction" as used in the title policy cannot be said to be synonymous with a "condition." A "restriction" generally refers to "a limitation of the manner in which one may use his own lands, and may or may not involve a grant." Kutschinski v. Thompson, 101 N.J. Eq. 649, 656 (Ch. 1927). See also Bertrand v. Jones, 58 N.J. Super. 273 (App. Div. 1959), certification denied 31 N.J. 553 (1960); Freedman v. Lieberman, 2 N.J. Super. 537 (Ch. Div. 1949); Riverton Country Club v. Thomas, 141 N.J. Eq. 435 (Ch. 1948), affirmed per curiam, 1 N.J. 508 (1948). It would not be inappropriate to say that the word "restrictions," as used [\*\*\*12] by defendant insurers, is ambiguous. The rules of construction heretofore announced must guide us in an interpretation of this policy. I find that the word "restrictions" in Schedule B of defendant's title policy does not encompass the provision in the deed to Developers which refers to the completion [\*\*472] of redevelopment work within 32 months because (1) the word is used ambiguously and must be strictly construed against defendant insurer, and (2) the provision does not refer to the use to which the land may be put. As the court stated in Riverton Country Club v. Thomas, supra, at p. 440, "HN5equity will not aid one man to restrict another in the uses to which he may put his land unless the right to such aid is clear, and that restrictive provisions in a deed are to be construed most strictly against the person or persons seeking to enforce them." (Emphasis added)

#### Prefer our Anell evidence---he defines ‘restriction on production’---they don’t---key to predictability

Haneman 59 J.A.D. is a justice of the Superior Court of New Jersey, Appellate Division. “Russell S. Bertrand et al. v. Donald T. Jones et al.,” 58 NJ Super. 273; 156 A.2d 161; 1959 N.J. Super, Lexis

HN4 In ascertaining the meaning of the word "restrictions" as here employed, it must be considered in context with the entire clause in which it appears. It is to be noted that the exception concerns restrictions "which have been complied with." Plainly, this connotes a representation of compliance by the vendor with any restrictions upon the permitted uses of the subject property. The conclusion that "restrictions" refer solely to a limitation of the manner in which the vendor may [\*\*\*14] use his own lands is strengthened by the further provision found in said clause that the conveyance is "subject to the effect, [\*\*167] if any, of municipal zoning laws." Municipal zoning laws affect the use of property.¶ HN5 A familiar maxim to aid in the construction of contracts is noscitur a sociis. Simply stated, this means that a word is known from its associates. Words of general and specific import take color from each other when associated together, and thus the word of general significance is modified by its associates of restricted sense. 3 Corbin on Contracts, § 552, p. 110; cf. Ford Motor Co. v. New Jersey Department of Labor and Industry, 5 N.J. 494 (1950). The [\*284] word "restrictions," therefore, should be construed as being used in the same limited fashion as "zoning."

#### The best lexicography proves restriction and regulation are distinct by definition

Schackleford 17 J. is a justice of the Supreme Court of Florida. “Atlantic Coast Line Railroad Company, a corporation, et al., Plaintiff in Error, v. The State of Florida, Defendant in Error,” 73 Fla. 609; 74 So. 595; 1917 Fla., Lexis

There would seem to be no occasion to discuss whether or not the Railroad Commissioners had the power and authority to make the order, requiring the three specified railroads running into the City of Tampa to erect a union passenger station in such city, which is set out in the declaration in the instant case and which we have copied above. [\*\*\*29] It is sufficient to say that under the reasoning and the authorities cited in State v. Atlantic Coast Line R. Co., 67 Fla. 441, 458, 63 South. Rep. 729, 65 South. Rep. 654, and State v. Jacksonville Terminal [\*631] Co., supra, it would seem that HN14the Commissioners had power and authority. The point which we are required to determine is whether or not the Commissioners were given the authority to impose the fine or penalty upon the three railroads for the recovery of which this action is brought. In order to decide this question we must examine Section 2908 of the General Statutes of 1906, which we have copied above, in the light of the authorities which we have cited and from some of which we have quoted. It will be observed that the declaration alleges that the penalty imposed upon the three railroads was for the violation of what is designated as "Order No. 282," which is set out and which required such railroads to erect and complete a union depot at Tampa within a certain specified time. If the Commissioners had the authority to make such order, it necessarily follows that they could enforce a compliance with the same by appropriate proceedings in the courts, but [\*\*\*30] it does not necessarily follow that they had the power and authority to penalize the roads for a failure to comply therewith. That is a different matter. HN15Section 2908 of the General Statutes of 1906, which originally formed Section 12 of Chapter 4700 of the Laws of Florida, (Acts of 1899, p. 86), expressly authorizes the imposition of a penalty by the Commissioners upon "any railroad, railroad company or other common carrier doing business in this State," for "a violation or disregard of any rate, schedule, rule or regulation, provided or prescribed by said commission," or for failure "to make any report required to be made under the provisions of this Chapter," or for the violation of "any provision of this Chapter." It will be observed that the word "Order" is not mentioned in such section. Are the other words used therein sufficiently comprehensive to embrace an order made by the Commissioners, such as the one now under consideration? [\*632] It could not successfully be contended, nor is such contention attempted, that this order is covered by or embraced within the words "rate," "schedule" or "any report,' therefore we may dismiss these terms from our consideration and [\*\*\*31] direct our attention to the words "rule or regulation." As is frankly stated in the brief filed by the defendant in error: "It is admitted that an order for the erection of a depot is not a 'rate' or 'schedule' and if it is not a 'rule' or 'regulation' then there is no power in the Commissioners to enforce it by the imposition of a penalty." It is earnestly insisted that the words "rule or regulation" are sufficiently comprehensive to embrace such an order and to authorize the penalty imposed, and in support of this contention the following authorities are cited: Black's Law Dictionary, defining regulation and order; Rapalje & Lawrence's Law Dictionary, defining rule; Abbott's Law Dictionary, defining rule; Bouvier's Law Dictionary, defining order and rule [\*\*602] of court; Webster's New International Dictionary, defining regulation; Curry v. Marvin, 2 Fla. 411, text 515; In re Leasing of State Lands, 18 Colo. 359, 32 Pac. Rep. 986; Betts v. Commissioners of the Land Office, 27 Okl. 64, 110 Pac. Rep. 766; Carter V. Louisiana Purchase Exposition Co., 124 Mo. App. 530, 102 S.W. Rep. 6, text 9; 34 Cyc. 1031. We have examined all of these authorities, as well as those cited by the [\*\*\*32] plaintiffs in error and a number of others, but shall not undertake an analysis and discussion of all of them. While it is undoubtedly true that the words, rule, regulation and order are frequently used as synonyms, as the dictionaries, both English and law, and the dictionaries of synonyms, such as Soule's show, it does not follow that these words always mean the same thing or are interchangeable at will. It is well known that the same word used in different contexts may mean a different thing by virtue of the coloring which the word [\*633] takes on both from what precedes it in the context and what follows after. Thus in discussing the proper constructions to be placed upon the words "restrictions and regulations" as used in the Constitution of this State, then in force, Chap. 4, Sec. 2, No. 1, of Thompson's Digest, page 50, this court in Curry v. Marvin, 2 Fla. 411, text 415, which case is cited to us and relied upon by both the parties litigant, makes the following statement: "The word restriction is defined by the best lexicographers to mean limitation, confinement within bounds, and would seem, as used in the constitution, to apply to the amount and to the time [\*\*\*33] within which an appeal might to be taken, or a writ of error sued out. The word regulation has a different signification -- it means method, and is defined by Webster in his Dictionary, folio 31, page 929, to be 'a rule or order prescribed by a superior for the management of some business, or for the government of a company or society.' This more properly perhaps applies to the mode and form of proceeding in taking and prosecuting appeals and writs of error. By the use of both of those terms, we think that something more was intended than merely regulating the mode and form of proceedings in such cases." Thus, in Carter v. Louisiana Purchase Exposition Co., 124 Mo. App. 530, text 538, 102 S.W. Rep. 6, text 9, it is said, "The definition of a rule or order, which are synonymous terms, include commands to lower courts or court officials to do ministerial acts." In support of this proposition is cited 24 Amer. & Eng. Ency. of Law 1016, which is evidently an erroneous citation, whether the first or second edition is meant. See the definition of regulate and rule, 24 amer. & Eng. Ency. of Law (2nd Ed.) pages 243 to 246 and 1010, and it will be seen that the two words are not always [\*\*\*34] synonymous, much necessarily depending upon the context and the sense in which the words are used. Also see the discussion [\*634] of the word regulation in 34 Cyc. 1031. We would call especial attention to Morris v. Board of Pilot Commissioners, 7 Del. chan. 136, 30 Atl. Rep. 667, text 669, wherein the following statement is made by the court: "These words 'rule' and the 'order,' when used in a statute, have a definite signification. They are different in their nature and extent. A rule, to be valid, must be general in its scope, and undiscriminating in its application; an order is specific and not limited in its application. The function of an order relates more particularly to the execution or enforcement of a rule previously made." Also see 7 Words & Phrases 6271 and 6272, and 4 Words & Phrases (2nd Ser.) 419, 420. As we held in City of Los Angeles v. Gager, 10 Cal. App. 378, 102 Pac. Rep. 17, "The meaning of the word 'rules' is of wide and varied significance, depending upon the context; in a legal sense it is synonymous with 'laws.'" If Section 2908 had contained the word order, or had authorized the Commissioners to impose a penalty for the violation of any order [\*\*\*35] made by them, there would be no room for construction. The Georgia statute, Acts of 1905, p. 120, generally known as the "Steed Bill," entitled "An act to further extend the powers of the Railroad Commission of this State, and to confer upon the commission the power to regulate the time and manner within which the several railroads in this State shall receive, receipt for, forward and deliver to its destination all freight of every character, which may be tendered or received by them for transportation; to provide a penalty for non-compliance with any and all reasonable rules, regulations and orders prescribed by the said commission in the execution of these powers, and for other purposes," expressly authorized the Railroad Commissioners "to provide a penalty for non-compliance with any and all reasonable rules, regulations and orders prescribed by the said Commision." [\*635] See Pennington v. Douglas, A. & G. Ry. Co., 3 Ga. App. 665, 60 S.E. Rep. 485, which we cited with approval in State v. Atlantic Coast Line R. Co., 56 fla. 617, text 651, 47 South. Rep. 969, 32 L.R.A. (N.S.) 639. Under the reasoning in the cited authorities, especially State v. Atlantic Coast Line R. Co., [\*\*\*36] supra, and Morris v. Board of Pilot Commissioners, we are constrained to hold that the fourth and eighth grounds of the demurrer are well founded and that HN16the Railroad Commissioners were not empowered or authorized to impose a penalty upon the three railroads for failure to comply with the order for the erection of a union depot.

#### It’s arbitrary and undermines research

Resnick 1 Evan- assistant professor of political science – Yeshiva University, “Defining Engagement,” Journal of International Affairs, Vol. 54, Iss. 2

In matters of national security, establishing a clear definition of terms is a precondition for effective policymaking. Decisionmakers who invoke critical terms in an erratic, ad hoc fashion risk alienating their constituencies. They also risk exacerbating misperceptions and hostility among those the policies target. Scholars who commit the same error undercut their ability to conduct valuable empirical research. Hence, if scholars and policymakers fail rigorously to define "engagement," they undermine the ability to build an effective foreign policy.

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#### Fiscal cliff will pass but PC’s key

Kimberly Atkins 11-8, Boston Herald columnist, “Prez returns to D.C. with more clout,” 11/8/12, http://bostonherald.com/news/columnists/view/20221108prez\_returns\_to\_dc\_with\_more\_clout

When President Obama returned yesterday to the White House, he brought with him political capital earned in a tough re-election fight as well as a mandate from voters — which means bold changes and bruising fights could lie ahead. ¶ The first agenda item is already waiting for him: reaching an agreement with lawmakers to avert the looming fiscal cliff. GOP lawmakers have previously shot down any plan involving tax increases. Obama’s win — based in part on a message of making the wealthiest Americans pay more — may already be paying dividends.¶ In remarks at the Capitol yesterday, House Speaker John Boehner seemed to acknowledge the GOP has to take a different tack than the obstructionism that has marred progress in the past.¶ “The president has signaled a willingness to do tax reform with lower rates. Republicans have signaled a willingness to accept new revenue if it comes from growth and reform,” Boehner said. “Let’s start the discussion there.” ¶ Obama’s fresh political clout could extend to longer term fiscal policies beyond the fiscal cliff, though don’t expect GOP pushback to vanish. House Republicans still have plenty of fight in them. ¶ Comprehensive immigration reform — designed to smooth the path to citizenship while also strengthening the nation’s borders — also will be high on the president’s priority list. But unlike in his first term, when such a plan got little more than lip service in the face of staunch GOP opposition, Obama’s 3-to-1 support from Latinos on Election Day gives him the incentive to get it done. It also robs Republicans, who learned firsthand that dwindling support from Hispanics and other minority groups is costing them dearly, of any reason to stand in the way. ¶ An influx of new female voices in the Senate could also make Obama’s next four years the “Term of the Woman,” putting a new focus on equal pay and reproductive rights. ¶ U.S. Sen. Patty Murray of Washington state, who chairs the Democratic Senatorial Campaign Committee, told reporters yesterday that having a historically high 20 women in the Senate in January won’t just mean more attention to women’s issues. She said the Senate will function better overall with “great women who have really strong voices” on board, such as U.S. Sen.-elect Elizabeth Warren. “There is no stronger advocate for middle-class Americans,” Murray said of Warren. ¶ None of this, of course, will be a cakewalk, but unlike his first term, Obama will have more power to push back.

#### Plan’s massively unpopular---triggers public and Congressional backlash---tied into the broader green energy debate

Sperry 12 Todd is a writer for CNN. “Wind farm gets US approval despite controversy,” Aug 16, http://www.cnn.com/2012/08/16/us/wind-farm-faa/index.html

Washington (CNN) -- A massive offshore wind farm planned for Cape Cod that **has generated** fierce political and legal controversy has cleared all federal and state regulatory hurdles.¶ The Federal Aviation Administration said Wednesday the Cape Wind project, the first of its kind in the United States, would not interfere with air traffic navigation and could proceed with certain conditions.¶ Previous **agency approvals were challenged** in court, including a ruling last year that forced the latest FAA safety evaluation. A leading opposition group said another legal challenge was possible.¶ The Obama administration first approved the power generating project, which has now been on the books for more than a decade, in April 2010 despite opposition from residents. Opponents over the years have included the late Sen. Edward Kennedy, a Democrat of Massachusetts whose family compound is in Hyannis Port.¶ 125 years of wind power¶ Critics claim the wind farm with its 130 turbines would threaten wildlife and aesthetics of Nantucket Sound. Some local residents also fear it will drive down property values.¶ The administration has pushed a "green energy" agenda nationally as a way to create jobs and lessen U.S. dependence on oil imports. That effort, however, **has been sharply criticized by congressional Republicans** who have said certain high-profile projects are politically driven.¶ They also have skewered certain Energy Department programs that extended millions in taxpayer loans and other aid to alternative energy companies or projects that faltered or did not meet expectations.¶ The Republican-led House Oversight and Government Reform Committee is investigating the political assertions around Cape Wind **as part of a broader review of "green energy" projects** supported by the administration.

#### Going over the fiscal cliff causes a second great depression

Morici 8/7 Peter, PhD, is a "recognized expert on economic policy and international economics." He is a Professor of International Business at the R.H. Smith School of Business at the University of Maryland. "Fix fiscal cliff now or face next Great Depression," 2012, http://www.foxnews.com/opinion/2012/08/07/fix-fiscal-cliff-now-or-face-next-great-depression/

President Obama and Republicans are engaging in dangerous brinksmanship. Putting off a political solution to the looming “fiscal cliff” until after the election **risks a** second Great Depression.¶ Without a compromise by January, $400 billion in mandatory spending cuts and more than $100 billion in tax increases will immediately go into effect. **With our economy only growing by only $300 billion annually, such a shock would thrust it into a prolonged contraction.**

#### Global nuclear war

Harris & Burrows 9 Mathew, PhD European History @ Cambridge, counselor of the U.S. National Intelligence Council (NIC) and Jennifer, member of the NIC’s Long Range Analysis Unit “Revisiting the Future: Geopolitical Effects of the Financial Crisis” http://www.ciaonet.org/journals/twq/v32i2/f\_0016178\_13952.pdf

Of course, the report encompasses more than economics and indeed believes the future is likely to be the result of a number of intersecting and interlocking forces. With so many possible permutations of outcomes, each with ample Revisiting the Future opportunity for unintended consequences, there is a growing sense of insecurity. Even so, history may be more instructive than ever. While we continue to believe that the Great Depression is not likely to be repeated, the lessons to be drawn from that period include the **harmful effects on fledgling democracies** and multiethnic societies (think Central Europe in 1920s and 1930s) and on the sustainability of multilateral institutions (think League of Nations in the same period). There is no reason to think that this would not be true in the twenty-first as much as in the twentieth century. For that reason, the ways in which **the potential for** greater **conflict could grow** would seem to be even more apt in a constantly volatile economic environment as they would be if change would be steadier. In surveying those risks, the report stressed the likelihood that terrorism and nonproliferation will remain priorities even as resource issues move up on the international agenda. **Terrorism**’s appeal will decline if economic growth continues in the Middle East and youth unemployment is reduced. For those terrorist groups that remain active in 2025, however, the diffusion of technologies and scientific knowledge will place some of the world’s most dangerous capabilities within their reach. Terrorist groups in 2025 will likely be a combination of descendants of long established groups\_inheriting organizational structures, command and control processes, and training procedures necessary to conduct sophisticated attacks and newly emergent collections of the angry and disenfranchised that become self-radicalized, particularly in the absence of economic outlets that would become narrower in an economic downturn. The most dangerous casualty of any **economically-induced drawdown** of U.S. military presence would almost certainly be the Middle East. Although Iran’s acquisition of nuclear weapons is not inevitable, worries about a nuclear-armed Iran could lead states in the region to develop new security arrangements with external powers, **acquire additional weapons**, and consider pursuing their own **nuclear ambitions**. It is not clear that the type of stable deterrent relationship that existed between the great powers for most of the Cold War would emerge naturally in the Middle East with a nuclear Iran. Episodes of low intensity conflict and terrorism taking place under a nuclear umbrella could lead to an **unintended escalation** and **broader conflict** if clear red lines between those states involved are not well established. The close proximity of potential **nuclear rivals** combined with underdeveloped surveillance capabilities and mobile dual-capable Iranian missile systems also will produce inherent difficulties in achieving reliable indications and warning of an impending nuclear attack. The lack of strategic depth in neighboring states like Israel, short warning and missile flight times, and uncertainty of Iranian intentions may place more focus on **preemption** rather than defense, potentially leading to **escalating crises**. 36 Types of conflict that the world continues to experience, such as over resources, could reemerge, particularly if protectionism grows and there is a resort to neo-mercantilist practices. Perceptions of renewed energy scarcity will drive countries to take actions to assure their future access to energy supplies. In the worst case, this could result in **interstate conflicts** if government leaders deem assured access to energy resources, for example, to be essential for maintaining domestic stability and the survival of their regime. Even actions short of war, however, will have important geopolitical implications. Maritime security concerns are providing a rationale for naval buildups and modernization efforts, such as China’s and India’s development of blue water naval capabilities. If the fiscal stimulus focus for these countries indeed turns inward, one of the most obvious funding targets may be military. Buildup of regional naval capabilities could lead to increased tensions, rivalries, and counterbalancing moves, but it also will create opportunities for multinational cooperation in protecting critical sea lanes. With water also becoming scarcer in Asia and the Middle East, cooperation to manage changing water resources is likely to be increasingly difficult both within and between states in a more dog-eat-dog world.

# K

#### The aff enframes the world to limit out any ontological questioning and ensures a violent monopoly on truth that results in endless warfare

Burke 7—Associate Professor of Politics and International Relations in the University of New South Wales (Anthony, *Theory & Event*, Volume 10, Issue 2, 2007, “Ontologies of War: Violence, Existence and Reason,” Project MUSE)

This essay develops a theory about the causes of war -- and thus aims to generate lines of action and critique for peace -- that cuts beneath analyses based either on a given sequence of events, threats, insecurities and political manipulation, or the play of institutional, economic or political interests (the 'military-industrial complex'). Such factors are important to be sure, and should not be discounted, but they flow over a deeper **bedrock of modern reason** that has not only come to form a powerful structure of common sense but **the apparently solid ground of the real itself**. In this light, the two 'existential' and 'rationalist' discourses of war-making and justification mobilised in the Lebanon war are more than merely arguments, rhetorics or even discourses. Certainly **they mobilise forms of knowledge and power together; providing political leaderships, media, citizens, bureaucracies and military forces with organising systems of belief, action, analysis and rationale**. But they run deeper than that. They are truth-systems of the most powerful and fundamental kind that we have in modernity: **ontologies, statements about truth and being which claim a rarefied privilege to state what is and how it must be maintained** as it is.

I am thinking of ontology in both its senses: ontology as both a statement about the nature and ideality of being (in this case political being, that of the nation-state), and as a statement of epistemological truth and certainty, of methods and processes of arriving at certainty (in this case, the development and application of strategic knowledge for the use **of armed force**, and the creation and maintenance of geopolitical order, security and national survival). These derive from the classical idea of ontology as a speculative or positivistic inquiry into the fundamental nature of truth, of being, or of some phenomenon; the desire for a solid metaphysical account of things inaugurated by Aristotle, an account of 'being qua being and its essential attributes'.17 In contrast, drawing on Foucauldian theorising about truth and power, I see ontology as a particularly powerful claim to truth itself: a claim to the status of an underlying systemic foundation for truth, identity, existence and action; one that is not essential or timeless, but is thoroughly historical and contingent, that is deployed and mobilised in a fraught and conflictual socio-political context of some kind. In short, ontology is the 'politics of truth'18 in its most sweeping and powerful form.

I see such a drive for ontological certainty and completion as particularly problematic for a number of reasons. Firstly, when it takes the form of the existential and rationalist ontologies of war, it amounts to a hard and exclusivist claim: **a drive for ideational** hegemony and closure that limits debate and questioning, **that confines it within the boundaries of a particular, closed system of logic, one that is grounded in the truth of being**, in the truth of truth as such. The second is its intimate relation with violence: the dual ontologies represent a simultaneously social and conceptual structure that generates violence. Here **we are witness to an epistemology of violence (strategy) joined to an ontology of violence (the national security state)**. When we consider their relation to war, the two ontologies are especially dangerous because each alone (and doubly in combination) tends both to **quicken the resort to war and to lead to its escalation** either in scale and duration, or in unintended effects. In such a context **violence is not so much a tool that can be picked up and used on occasion**, at limited cost and with limited impact -- **it permeates being.**

This essay describes firstly the ontology of the national security state (by way of the political philosophy of Thomas Hobbes, Carl Schmitt and G. W. F. Hegel) and secondly the rationalist ontology of strategy (by way of the geopolitical thought of Henry Kissinger), showing how they crystallise into a mutually reinforcing system of support and justification, especially in the thought of Clausewitz. This creates both a profound ethical and pragmatic problem. The ethical problem arises because of their militaristic force -- they embody and reinforce a norm of war -- and because they enact what Martin Heidegger calls an 'enframing' image of technology and being in which **humans are merely utilitarian instruments** for use, control and destruction, and force -- in the words of one famous Cold War strategist -- can be thought of as a 'power to hurt'.19 The pragmatic problem arises because force so often produces neither the linear system of effects imagined in strategic theory nor anything we could meaningfully call security, but rather **turns in upon itself in a nihilistic spiral of pain and destruction**. In the era of a 'war on terror' dominantly conceived in Schmittian and Clausewitzian terms,20 the arguments of Hannah Arendt (that violence collapses ends into means) and Emmanuel Levinas (that 'every war employs arms that turn against those that wield them') take on added significance. Neither, however, explored what occurs when war and being are made to coincide, other than Levinas' intriguing comment that in war persons 'play roles in which they no longer recognises themselves, making them betray not only commitments but their own substance'. 21

#### The alt is to engage in meditative reflection and ask the question of Being

Swazo 2 Norman is a Professor of Philosophy at the University of Alaska. “Crisis Theory and World Order: Heideggerian Reflections,” p. 12-14

In line with the above thought, I have noted that world order scholars are genuinely concerned about the manifold dimensions of planetary crisis­: war, both conventional war and the post-Cold War threat of thermonuclear war; social and economic injustice, especially between the industrialized North and the developing South of the globe; conditions of extreme poverty, especially in Africa, the subcontinent of Asia, and Latin America; and esca­lating ecological decay across the face of the planet. I submit that this "prag­matic" concern is really a manifestation of an existential anxiety in the face of a prospect of death through global catastrophe issuing from one or a combi­nation of these global problems. Such anxiety in the face of death is fully con­sonant with Heidegger's concern for the human way to be during the global reign of technology, that way in which modernity in its extreme configura­tion determines human life for better and for worse. With this in mind, it is not sufficient merely to contrapose the logic of world order to the logic of statecraft in the manner of straightforward nor­mative disputation. It is necessary, rather, that this existential anxiety be experienced in an essential way; i.e., such that all ethical and political logic and thinking come into question, and such that we come to see that even the logic of world order can have hidden prejudices that must be put into ques­tion. This "putting into question" is not a nihilistic move, such that we would come away from this questioning justifying anything or nothing at all. Rather, the fragility of our inherited and then transmitted justifications within the Western valuation comes into clear relief against the background of the human way to be that Heidegger seeks to clarify. We must remember, after all, as Charles Scott observes, that ... anything has been justified in our history by appeal to universal values and meanings, including the most severe repressions, torture, violent cru­elty, war, and the morbid enslaving and destructive segregation of vast groups of people. The proliferation of `universal' norms whereby we justify certain values and contend against other values mirrors our fear of what the world would be like if we lacked an adequate basis for justifying our values and realizing the best possibilities of ourselves.... The tension in Heidegger's thought ... puts in question the combina­tion of axioms, authorizing disclosure and judgment, as well as the belief that with a proper normative basis for our values we can hope to overcome the destructive proliferation of violently opposing ways of life."

# Adv CP

## 1NC

#### TEXT: The United States federal government should establish marine reserves including artificial reefs as per their Attril evidence

#### Solves the entire second advantage

## 2NC Cards

#### Idle Iron would be an example of an artificial reef – wouldn’t

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

This year, it’s likely more than 100 offshore structures in the Gulf of Mexico will be removed as part of a Department of the Interior plan. There are 650 nonproducing oil and gas platforms, known in the industry as “idle iron,” listed for removal “as soon as possible”—i.e. within five years of the end of production or a year of losing the lease—under Interior’s directive. Historically, companies seldom removed an idle structure until the lease for the area where it was located expired.¶ Having companies clean up after themselves sounds like a good idea, but many recreational fishermen, scuba divers, scientists, and fishery managers aren’t happy about it. Turns out, some of the 2,500 multileg platforms that pepper the Gulf of Mexico have become [de facto artificial reefs](http://www.psmag.com/environment/after-the-oil-runs-out-rigs-to-reefs-19272/). According to [Bob Shipp](http://www.usouthal.edu/marinesciences/shipp.html), University of South Alabama’s Department of Marine Sciences, the platforms have transformed the entire ecosystem. Some marine species are attracted to platforms for shelter or food, but others—sea fans, sponges, algae, and reef fish—spend their entire life cycle on these structures. What’s more, some species have increased in number because of the platforms.¶ Typically, platform removal involves using explosives on each of the support legs. These blasts kill fish and other marine life, says Clint Moore, a vice president for corporate development at [ION Geophysical Corporation](http://www.iongeo.com/) and former oil and gas representative to the [Flower Garden Banks National Marine Sanctuary Advisory Council](http://flowergarden.noaa.gov/advisorycouncil/memberlist.html). The [federal Bureau of Safety and Environmental Enforcement](http://www.bsee.gov/) estimates that removing a platform kills 800 fish on average. Fishermen put the number in the tens of thousands.

#### CP solves the advantage

CCA 11 [Coastal Conservation Association, Sep 14 2011, “CCA Applauds Louisiana Senator For Effort To Avert Rig Removals,” http://www.joincca.org/articles/144]

Coastal Conservation Association is applauding Sen. David Vitter (R-La) for legislation filed today that will prevent rigs and other structures from being summarily removed from the Gulf of Mexico. In a knee-jerk response to the Gulf oil spill, the U.S. Department of Interior issued a directive in October of 2010 ordering that all non-producing rigs be plugged and any remaining structure removed within five years of the issuance of that directive. Sen. Vitter’s Rigs to Reefs Habitat Protection Act of 2011 seeks to allow those structures to remain in the Gulf as vibrant artificial reefs. “More than ever we need to create habitat for marine life in the Gulf, not dispose of it,” said Sen. Vitter. “These idle rigs are serving a valuable purpose by supporting our fisheries, and it just doesn’t make sense to remove them. I appreciate the Coastal Conservation Association for bringing this issue to my attention so we can reach a reasonable outcome that benefits the fish and the fishermen.” “The structures are generally regarded as the largest man-made artificial reef in the world, providing habitat to dozens of species of fish and marine life, many of which are structure-dependent,” said Chester Brewer, chairman of CCA’s National Government Relations Committee. “Sen. Vitter, like all fishermen, realizes the critical connection between habitat and healthy fisheries, and we are grateful for his efforts to have those structures stay in the water as habitat and as popular fishing destinations for recreational anglers.” There are approximately 3,500 offshore structures in the Gulf of Mexico and the directive, known as the Idle Iron Policy, would impact roughly 650 structures that have not produced oil or gas within five years of the directive issue date of Oct. 15, 2010. “If nothing is done, a tremendous amount of habitat will be lost and the negative impact would be massive,” said Brewer. “In the aftermath of the oil spill disaster, it is understandable that the federal government felt the need to be seen taking action, but this directive could create far more problems than it solves. Sen. Vitter’s legislation serves as a reasonable approach to address the Administration’s concerns while maintaining this vital habitat.”

# NEPA CP+DA

## 1NC

#### Text: The United States Federal Government should interpret the National Environmental Protection Act to limit categorical exclusions and establish a substantive mandate requiring relevant federal agencies that conduct environmental impact statements to choose the most environmentally favorable outcome.

#### CP reinvigorates NEPA---creates perception of strong environmental law in the US---EIS’s are key

Weiland 97 (Paul S. Weiland, Land Use and Natural Resources Practice Group Leader at Nossaman LLP, worked in the Law and Policy Section, Environmental and Natural Resources Division of the U.S. Department of Justice helping agencies formulate policies to comply with the NEPA, JD at Harvard, Ph.D. at Indiana, Spring 97, "AMENDING THE NATIONAL ENVIRONMENTAL POLICY ACT: FEDERAL ENVIRONMENTAL PROTECTION IN THE TWENTY-FIRST CENTURY,"

Journal of Land Use & Environmental Law, 12 J. Land Use & Envtl. Law 275)

[\*292] Third, in light of judicial interpretation of NEPA, it is critical to link substance to procedure explicitly. In its present form, section 102(2)(C) of NEPA requires federal agencies to consider the environmental impacts of a **variety of alternative projects.** 127 Caldwell has suggested that the law as written has contributed to better decisionmaking, but **change is necessary** to realize the substantive goals set forth in section 101. 128 "The EIS **alone** cannot compel adherence to the principles of NEPA. The EIS is necessary but insufficient as an action-forcing procedure . . . ." 129 To further NEPA's substantive goals, the EIS requirement could be **supplemented with a mandate** that agencies adopt the project from among alternatives that "**maximizes environmental protection** and enhances environmental values" while maintaining the economic viability of the project. 130 Fourth, section 102(2)(C) mandates that "**every** recommendation or report on **proposals for legislation" include an EIS**. 131 Generally, this mandate has been ignored by Congress. 132 Grad notes that "there is little evidence that NEPA has had any significant effect on the legislative process . . . . Few impact statements have been filed in the context of legislation that may have substantially adverse effects on the environment . . . ." 133 Subjecting legislation to the procedural requirements that have been enforced by the judiciary up to this point would result in more fully informed, and perhaps better, decisionmaking. If substantive and procedural requirements are jointly implemented, notoriously inefficient and environmentally unsound laws, such as those governing grazing and mining on federal lands, would possibly be reformed. 134 In addition, appropriation bills, in which many decisions [\*293] that lead to the destruction of the environment are successfully hidden, would be subject to review. 135 Fifth, to the fullest extent possible, legislation should include provisions that force the President to fulfill his responsibility to appoint a council on environmental quality and to make that council a high priority. Up to this point, numerous presidents have failed to appoint a council, thus violating the Constitution which states in part that the President "shall take care that the laws be faithfully executed." 136 Though this duty has been repeatedly ignored in the past, it need not be the case in the future. 137 Additionally, a clarification of congressional commitment to the CEQ may increase the likelihood that the President will fulfill the responsibility of chief executive. VI. CONCLUSION The amendment of NEPA is not likely to be an easy task. However, a reinvigorated NEPA may establish environmental protection among the nation's priorities when entering the twenty-first century. The need for an **explicit referent in statutory** or constitutional **law is essential to ensure strong and efficacious environmental law within the U**nited **S**tates.

#### Binding application of NEPA reinvigorates the international model of environmental impact assessment---solves all global environmental impacts---the plan’s exceptions undermine necessary political will

Caldwell 98 (Lynton K. Caldwell, Arthur F. Bentley Professor of Political Science Emeritis and Professor of Public and Environmental Affairs, Indiana University, 98, "BEYOND NEPA: FUTURE SIGNIFICANCE OF THE NATIONAL ENVIRONMENTAL POLICY ACT," The Harvard Environmental Law Review, 22 Harv. Envtl. L. Rev. 203)

[\*205] It is this prospective orientation that extends the relevance of NEPA to a world economy that has been expanding and accelerating beyond any historical precedent. Environmental protection policy has now attained global significance, and NEPA recognizes "the **worldwide** and long-range character of **environmental problems**." 7 In some respects, NEPA has already significantly influenced public policy in the United States and abroad. In particular, the procedural reform required by the EIS has improved the quality of public planning and decisionmaking and has been widely adopted in other countries and by international organizations. 8 **Despite its influence, however, NEPA has not come near to realizing its full potential** either at home or abroad. The international relevance of NEPA has been weakened by ambiguous interpretations in the federal courts and outright denial by some executive agencies. Domestically, NEPA's effectiveness has been hampered by insufficient funding and inconsistent application. The EIS requirement alone is insufficient to achieve the intent declared in NEPA. The research, oversight, and forecasting provisions of NEPA under Title II have yet to be fully implemented. The CEQ has done what it could with unduly limited resources, but has lacked the active presidential and congressional support needed to play its intended role. **Where the federal government has acted, its environmental decisions have often been inconsistent with NEPA's declared principles**. 9 The goals and principles declared in section 101 10 have been treated as noble rhetoric having little practical significance. In the absence of forceful White House action, the courts have been the principal interpreters of NEPA, although the [\*206] Supreme Court has limited their adjudication under the Act to purely procedural matters. 11 The failure of NEPA to fulfill its potential is of particular concern today, as the policy issues addressed in NEPA seem almost certain to reach a point of urgency early in the twenty-first century. Growing economic and social demands indicate environmental troubles ahead too clearly to be dismissed as "alarmist." In America's future, the quality of life will depend upon the extent to which the government and people of the United States make the principles declared in NEPA a practiced reality. Its principles **must be applied in actual public administration.**In order to revitalize NEPA as a true expression of national intent, it is first necessary to understand why it has not become a highly visible centerpiece of American environmental policy. Why has this statute, which has had worldwide influence and has been described as America's environmental Magna Carta, not achieved greater recognition in the United States? NEPA is perhaps no less understood than is any other federal statute--many of which are lengthy, complex, and subject to periodic reinterpretation by the judiciary. In fact, NEPA has the potential to be more easily grasped and readily applied because it is relatively short, straightforward and, as a policy act, neither vague nor ambiguous. There are at least four explanations for the difference between the policy declared by NEPA and what actually happens in government and the economy. The first is official marginalization of NEPA policy in deference to political priorities; the second is judicial misinterpretation; the third is popular indifference to matters of principle when no compelling event arouses concern; and the fourth is the lag between conventional perceptions of the environment and the world dynamics of environmental change. These explanations are generalizations and hence there are exceptions. It is the contention of this Essay that, in order to fulfill NEPA's potential, it may now be necessary to reaffirm the Act's declared congressional intent or to incorporate it into constitutional law. The anticipated challenges of the twenty-first century have enlarged the implications of NEPA for American public policy far beyond those [\*207] anticipated by the authors of the Act and the Congress that adopted it, although, in principle, the international relevance of NEPA was certainly recognized by Senator Henry M. Jackson and his staff. As the nation moves into the twenty-first century, and is confronted by problems now being forecast, the principles and goals declared by NEPA will need reinforcement to work toward the goal of attaining a sustainable future.

#### Expanding the domestic model of NEPA’s critical to US global environmental leadership

Lois **Schiffer 4**, partner at Baach Robinson & Lewis PLLC in Washington, D.C., was Assistant Attorney General for the Environment and Natural Resources Division at the U.S. Department of Justice from 1994-2001, adjunct professor of environmental law at Georgetown University Law Center, and for Spring 2004 was a Lecturer for an environmental policy course at Harvard Law School, 14 Duke Envtl. L. & Pol'y F. 325, Spring, 2004

So what is happening to NEPA as middle age wears on? This article will focus on two conditions of NEPA's advancing middle age. First, efforts by the Bush Administration to limit this important tool through statutory interpretation, litigation, and legislation to the detriment of the statute and to United States global leadership in environmental issues will be discussed. Then, the influence of NEPA beyond U.S. borders will be considered. NEPA's influence beyond U.S. borders, sometimes referred to as "extraterritorial application of NEPA," has long been contentious. It is a helpful case study of NEPA in an increasingly globalized world with growing concern about the United States' environmental leadership.¶ [continues 35 paragraphs later…]¶ IV. Conclusion ¶ So where has NEPA arrived in mature middle age? Inside the United States, it faces new and treacherous an obstacle from the Bush Administration, including **limiting regulations**, lack of funding, **and occasionally being jilted** at the courthouse door. Outside the United States, NEPA has taken on the status of role model to many countries and international organizations but may be shriveling behind this important role-model face. An example of obstacles inside the U.S. that affect its image outside the U.S. is the statute's application to agency decisions that cause impacts outside the U.S. or that cause impacts that flow across U.S. boundaries into other countries. This review reveals NEPA's narrowing over time, becoming particularly thin in the past several years. A better approach, particularly in a world that has globalized over NEPA's lifetime, is to interpret NEPA inside the U.S. so that it can present a proud face, backed by a strong body, as a role model throughout the world.

#### That’s key to heg

David H. **Carstens**, Chief of Operations, Assistant Chief of Staff, G-2, Eighth US Army, Korea, Spring **1** (*Parameters*, http://carlisle-www.army.mil/usawc/Parameters/01spring/carstens.htm)

Dramatic events such as the end of the Cold War, the turn of the century, and now a new presidency offer opportunities for the United States to reconsider its national security policy.[1] The notion that the focus should be limited to defending against an emerging peer competitor or rogue state is flawed, however, and current analyses of emerging threats are generally too narrowly defined. **Internal regional strife,** **not power-projecting challengers to US primacy**, will likely spark the crises of the 21st century for which US strategy must be prepared. ¶ A tidal wave of public outcry over the deteriorating state of regional economies and the global environment is rushing toward the shores of the world's most powerful nations. In an era in which there are few imminent threats to US security, government as well as corporate leaders praise the superpower status of our nation. In such times it is not surprising that labor and **environmental reform issues** are often placed on the back burner. Nevertheless, these are the issues that **will take center stage** in the coming decades. From its current position of vast global power, the United States can either choose to meet this challenge head on, or be overcome by it. ¶ My intent is not to dismiss the current theories of strategy, but rather to add to them. Four such strategies (and many variations on these) compete for relevancy in the current public debate: neo-isolationism, selective engagement, cooperative security, and primacy.[2] The implications of each are normally outlined in a traditional analysis of foreign affairs in which there exists a constant competition for power between states. Although this tradition continues, the real danger the world now faces "stem[s] not from conflicts between countries but from conflicts within them."[3] Such internal strife over distribution of wealth, labor inequality, scarcity of resources, and declining environmental conditions will spill over into neighboring states, creating chaos. The new grand strategy of the United States, therefore, needs to respond to regional internal weaknesses, not to the external strengths of perceived rogue and competitor states. ¶ [continues]¶ With the rising inequality brought on by globalization comes a torrent of economic, labor, and environmental problems which, if left unchallenged, will fuel the fires of regional crisis in the 21st century. For the global market to survive, nations need to collectively establish and maintain economic, labor, and environmental policies that provide for the common good. Such standards also need to be collectively enforced with the same zeal as is currently reserved for defense against armed attack. ¶ In the eyes of the world, American leadership diminishes every time we choose not to act upon a potentially devastating human crisis. To the contrary, successful actions in support of regional economic and environmental well-being bolster confidence in American leadership at home and abroad. Further, immediate action today may prevent the wars of tomorrow, especially in those areas where imminent chaos is most pronounced. ¶ The United States cannot afford to look away from global economic and environmental despair, saving its strength for the "big fight." The future US grand strategy, if not entirely based on environmental and economic internationalism*,* should expand the definition of US interests to include global economic reform and environmental standards enforcement. The **greatest danger America faces is neither China nor Iraq. It is indifference to this emerging crisis.**

#### Heg solves great power war

Khalilzad 11 – Zalmay Khalilzad, the United States ambassador to Afghanistan, Iraq, and the United Nations during the presidency of George W. Bush and the director of policy planning at the Defense Department from 1990 to 1992, February 8, 2011, “The Economy and National Security; If we don’t get our economic house in order, we risk a new era of multi-polarity,” online: <http://www.nationalreview.com/articles/259024/economy-and-national-security-zalmay-khalilzad>

We face this domestic challenge while other major powers are experiencing rapid economic growth. Even though countries such as China, India, and Brazil have profound political, social, demographic, and economic problems, their economies are growing faster than ours, and this could alter the global distribution of power. These trends could in the long term produce a multi-polar world. If U.S. policymakers fail to act and other powers continue to grow, it is not a question of whether but when a new international order will emerge. The closing of the gap between the United States and its rivals could intensify geopolitical competition among major powers, increase incentives for local powers to play major powers against one another, and undercut our will to preclude or respond to international crises because of the **higher risk of escalation.**¶ The stakes are high. In modern history, the longest period of peace among the great powers has been the era of U.S. leadership. By contrast, multi-polar systems have been unstable, with their competitive dynamics resulting in frequent crises and major wars among the great powers. Failures of multi-polar international systems produced both world wars.¶ American retrenchment could have devastating consequences. Without an American security blanket, regional powers could rearm in an attempt to balance against emerging threats. Under this scenario, there would be a heightened possibility of arms races, miscalculation, or other crises spiraling into all-out conflict. Alternatively, in seeking to accommodate the stronger powers, weaker powers may shift their geopolitical posture away from the United States. Either way, hostile states would be emboldened to make aggressive moves in their regions.¶ As rival powers rise, Asia in particular is likely to emerge as a zone of **great-power competition**. Beijing’s economic rise has enabled a dramatic military buildup focused on acquisitions of naval, cruise, and ballistic missiles, long-range stealth aircraft, and anti-satellite capabilities. China’s strategic modernization is aimed, ultimately, at denying the United States access to the seas around China. Even as cooperative economic ties in the region have grown, China’s expansive territorial claims — and provocative statements and actions following crises in Korea and incidents at sea — have roiled its relations with South Korea, Japan, India, and Southeast Asian states. Still, the United States is the most significant barrier facing Chinese hegemony and aggression.

# China DA

## 1NC

#### China’s beating the US in offshore wind development now---it’s key to their overall clean-tech leadership---the plan reverses this

Zoninsein 10 Manuela is a writer for Climatewire, New York Times. “Chinese Offshore Development Blows Past U.S.,” Sept 7, <http://www.nytimes.com/cwire/2010/09/07/07climatewire-chinese-offshore-development-blows-past-us-47150.html?pagewanted=all>

As proposed American offshore wind-farm projects creep forward -- **slowed by** state legislative debates, **due diligence and environmental impact assessments** -- China has leapt past the United States, installing its first offshore wind farm. Several other farms also are already under construction, and even the Chinese government's ambitious targets seem low compared to industry dreaming. "What the U.S. doesn't realize," said Peggy Liu, founder and chairwoman of the Joint U.S.-China Collaboration on Clean Energy, is that China "is going from manufacturing hub to the clean-tech laboratory of the world." The first major offshore wind farm outside of Europe is located in the East China Sea, near Shanghai. The 102-megawatt Donghai Bridge Wind Farm began transmitting power to the national grid in July and signals a new direction for Chinese renewable energy projects and the initiation of a national policy focusing **not just on wind power, but increasingly on the offshore variety**. Moreover, "it serves as a showcase of what the Chinese can do offshore ... and it's quite significant," said Rachel Enslow, a wind consultant and co-author of the report "China, Norway and Offshore Wind Development," published in March by Azure International for the World Wildlife Fund Norway.

#### Chinese clean tech leadership is key to their economy, internal stability, and solves extinction

Paul Denlinger 10, consultant specializing in the China market who is based in Hong Kong, 7/20/10, “Why China Has To Dominate Green Tech,” http://www.forbes.com/sites/china/2010/07/20/why-china-has-to-dominate-green-tech/

On the policy level, the Chinese government has to perform a delicate balancing act, it has to balance the desire of many Chinese to live a Western lifestyle, together with its high energy consumption and waste, with the need to preserve the environment, since China, and the world, would suffer enormous damage if 1.3 billion people got all their energy needs from coal and oil, the two most widely used fossil fuels. China’s political and social stability depends on finding the right balance, since the party has an implicit mandate: it will deliver economic growth to the Chinese people.

This is why the Chinese government has chosen to invest in developing new green energy technology.

The country is very fortunate in that most of the discovered deposits of rare earths used in the development of new technologies are found in China. While these deposits are very valuable, up until recently, the industry has not been regulated much by the Chinese central government. But now that Beijing is aware of their importance and value, it has come under much closer scrutiny. For one, Beijing wants to consolidate the industry and lower energy waste and environmental damage. (Ironically, the rare earth mining business is one of the most energy-wasteful and highly polluting industries around. Think Chinese coal mining with acid.)

At the same time, Beijing wants to cut back rare earth exports to the rest of the world, instead encouraging domestic production into wind and solar products for export around the world. With patents on the new technology used in manufacturing, China would control the intellectual property and licensing on the products that would be used all over the world. If Beijing is able to do this, it would control the next generation of energy products used by the world for the next century.

That is the plan. It would be like if the oil-producing nations in the 1920s and 1930s said that they didn’t need Western oil exploration firms and refineries to distribute oil products; they would do all the processing themselves, and the Western countries would just order the finished oil products from them. This is how China obviously plans to keep most of the value-added profits within China’s borders.

Before any Western readers snap into “evil Chinese conspiracy to take over the world” mode, it’s worth pointing out that Chinese rare earth experts and government officials have repeatedly warned Western visitors that this policy change would be introduced. Unfortunately, these warnings have gone largely unheeded and ignored by the Western media and politicians who, it seems, have been largely preoccupied by multiple financial crises and what to do about the West’s debt load.

The debt crisis in the West means that it is very hard for Western green energy companies to find financing for their technologies, then to market them as finished products. New energy technologies are highly risky, and initial investments are by no means guaranteed. Because they are considered high-risk and require high capital expenditure (unlike Internet technologies which are very cheap and practically commoditized), banks are reluctant to finance them unless they are able to find government-secured financing. Because most U.S. banks are recapitalizing their businesses after the debt bubble burst, there are very few, if any western banks who will finance new green energy technologies.

This has opened a window of opportunity for the Chinese government to finance, and for Chinese technology companies to develop, then manufacture these new green products. But just making these technologies is not enough; they need to be competitive against traditional fossil fuels. When it comes to the amount of energy released when coal or oil is burned, the new green technologies are still way behind. This means that, at least in the early stages of adoption, Chinese businesses will still be reliant on coal and oil to bridge that energy chasm before the new energy technologies become economically competitive. Much depends on how much the Chinese government is willing to spend to promote and incentivize these new technologies, first in China, then overseas.

Because of China’s growing energy demands, we are in a race for survival. The 21st century will be remembered as the resurgent coal and oil century, or as the century humanity transitioned to green technologies for energy consumption. While China is investing heavily now in green tech, it is still consuming ever larger amounts of coal and oil to drive its economic growth. Right now, we all depend on China’s success to make the transition to green energy this century.

For all practical purposes, we’re all in the same boat.

## 1NR

### Overview

#### Chinese growth fueled by clean tech is key to global sustainability---solves resource scarcity, trade, and global growth---it solves the aff by diffusing tech globally

Changhua Wu 12, Greater China Director, The Climate Group, July 2012, “CONSENSUS AND COOPERATION FOR A CLEAN REVOLUTION,” http://thecleanrevolution.org/\_assets/files/TCG\_ChinaCC\_web.pdf

This transformation, together with growth of other emerging economies, is reshaping the world. Along with the likes of India and Brazil, China’s growing economic power has a direct impact on a range of global sustainability issues, from climate change and resource use, to international trade and responsible business investment. With the world’s second largest economy and the largest population, China’s actions now have global repercussions – for good or bad.

Policy and decision makers in China understand this. This is why, after three decades of rapid economic growth, China has started to restructure its economy and transform the way it grows. This means working to decouple energy and resource use from economic growth and reduce greenhouse gas emissions. But this is not being done simply for altruistic reasons. The biggest driver for change is energy and resource security, along with the recognition that global climate change, if left unchecked, has the potential to undermine much of what China has achieved.

Over the next five to ten years, China intends to make green development the engine room of its economy. By doing so, China’s aim is not only to address its energy and resource concerns, but also to develop and lead the clean industries that will be at the heart of low carbon 21st century economies. And as policies and measures laid out in last year’s 12th Five Year Plan demonstrate, China’s plans are more than just rhetoric.

But success is by no means guaranteed. In the absence of a proven road map or uniform template for green economic growth, a learning-by-doing approach is necessary. Because this means mistakes may be made, China is seeking greater consensus and cooperation in finding systemic solutions to the sustainability problems it shares with the rest of the world. These solutions will require that issues of equity and inclusiveness are addressed. They will also depend on the willingness of all parties to move away from fixed positions, as well as display greater reciprocity.

#### China’s economic rise is good --- they’re on the brink of collapse --- causes CCP instability and lashout --- also tubes the global economy, US primacy, and Sino relations

Mead 9 Walter Russell Mead, Henry A. Kissinger Senior Fellow in U.S. Foreign Policy at the Council on Foreign Relations, “Only Makes You Stronger,” The New Republic, 2/4/9, http://www.tnr.com/story\_print.html?id=571cbbb9-2887-4d81-8542-92e83915f5f8

The greatest danger both to U.S.-China relations and to American power itself is probably not that China will rise too far, too fast; it is that the current crisis might end China's growth miracle. In the worst-case scenario, the turmoil in the international economy will plunge China into a major economic downturn. The Chinese financial system will implode as loans to both state and private enterprises go bad. Millions or even tens of millions of Chinese will be unemployed in a country without an effective social safety net. The collapse of asset bubbles in the stock and property markets will wipe out the savings of a generation of the Chinese middle class. The political consequences could include dangerous unrest--and a bitter climate of anti-foreign feeling that blames others for China's woes. (Think of Weimar Germany, when both Nazi and communist politicians blamed the West for Germany's economic travails.) Worse, instability could lead to a vicious cycle, as nervous investors moved their money out of the country, further slowing growth and, in turn, fomenting ever-greater bitterness. Thanks to a generation of rapid economic growth, China has so far been able to manage the stresses and conflicts of modernization and change; nobody knows what will happen if the growth stops.

#### Chinese lashout goes nuclear

The Epoch Times, Renxing San, 8/4/2004, 8/4, http://english.epochtimes.com/news/5-8-4/30931.html

Since the Party’s life is “above all else,” it would not be surprising if the CCP resorts to the use of biological, chemical, and nuclear weapons in its attempt to extend its life. The CCP, which disregards human life, would not hesitate to kill two hundred million Americans, along with seven or eight hundred million Chinese, to achieve its ends. These speeches let the public see the CCP for what it really is. With evil filling its every cell the CCP intends to wage a war against humankind in its desperate attempt to cling to life. That is the main theme of the speeches. This theme is murderous and utterly evil. In China we have seen beggars who coerced people to give them money by threatening to stab themselves with knives or pierce their throats with long nails. But we have never, until now, seen such a gangster who would use biological, chemical, and nuclear weapons to threaten the world, that all will die together with him. This bloody confession has confirmed the CCP’s nature: that of a monstrous murderer who has killed 80 million Chinese people and who now plans to hold one billion people hostage and gamble with their lives.

### 2NC---UQ/Link Card (Read These)

#### China’s leading the race to develop clean technology now---it’s zero-sum and wind is key---the plan reverses this

Harvey 11 Fiona is an environment correspondent at the Guardian. “Developing world ups ante in cleantech 'arms race',” Oct 18, <http://www.guardian.co.uk/sustainable-business/eveloping-world-lead-wind-power-renewable-energy>

Last year was a turning point in the global race to develop clean technology. It marked the first time that more new wind power generating capacity was installed in developing countries than in the rich world. **China led the way,** according to the Global Wind Energy Council (GWEC), **and now has the most wind generating capacity in the world**, thanks to favourable government policies. A record capacity of 19 gigawatts was added in China last year, taking the total to more than 42GW. India also showed strong growth, in line with the government target of adding more than 10GW of new capacity by 2012, and there are industry estimates that 100GW is possible. According to GWEC, the growth illustrates the advantages of investing in green power. "This puts an end to the assertion that wind power is a premium technology only for rich countries which cannot be deployed at scale in other markets," it says in its annual report. "It is also testament to the inherent attractiveness of wind power for countries striving to diversify their energy mix, improve their security of supply in the face of rapidly growing demand and relieve national budgets of the burden of expensive fossil fuel imports at volatile prices." In the developed world, by contrast, growth was inhibited by the financial crisis and recession: while €50bn was invested and about 39GW added around the world, the overall market for wind energy was static compared with 2009. The US market fared particularly badly, with only half as much new wind capacity built as in the previous year. Europe's growth also slowed down, with 7.5% less capacity added than in 2009, according to GWEC. Even an increase in the offshore wind market and growth in eastern Europe was not enough to make up for the slack elsewhere. The rapid growth of wind energy in emerging economies also shows how **power is shifting in the clean technology world.** Three of the world's top 10 wind turbine manufacturers are now Chinese, and the country makes turbines capable of producing 30GW a year, of which an increasing number are now destined for the export market. India also boasts 17 companies making wind power equipment, the biggest and best known being Suzlon. By 2013, according to estimates for the World Institute for Sustainable Energy, Indian companies will be making turbines to produce 17GW a year, many to be exported around the world. Other forms of clean technology are also growing rapidly in the developing world – China, for instance, is also the world's biggest manufacturer of solar power equipment, the vast majority of it exported. European governments facing severe fiscal crises have given less attention to promoting clean technology than in the past, and some have cut back on subsidies to save money. But this neglect carries a potential cost and a risk, as if Europe falls behind it will struggle to make up the lost ground. Connie Hedegaard, climate change commissioner for the EU, warned a European Wind Energy Association event earlier this year that unless governments upped their game, Europe as a whole would lose out. "We should not be losing this race, because these are the growth industries of the future, that will generate wealth and create jobs," she said. In the US, there are similar fears among clean technology advocates. President Obama called in 2009 for a doubling of renewable energy within three years, but this now looks less likely to be achieved. There are doubts over some of the support available for renewables – many of the relevant grants and loans are due to expire this year, and there is hostility towards such mechanisms from some quarters. The American Wind Energy Association (AWEA) has called for support to be stepped up, against attacks from some politicians and sections of the media. Rob Gramlich, senior director of public policy for AWEA, claims that conventional forms of electricity have benefitted from subsidies for years. "Tax incentives have been the most effective means of bringing new energy sources to the market," he says. "Previously they brought us much of our domestic oil and gas supply, including the new shale gas resources. They typically apply in the early and middle stages of development, so it's not surprising that in any given year, new sources receive much more than conventional sources." Steven Lang, clean tech leader for the UK and Ireland at Ernst and Young, says government policies are one of the **key determinants for how fast new clean technologies grow.** "Governments need to send a very clear signal to the market, that they are committed to this. Financial incentives are also very important," he says. Lang points to Alex Salmond, the leader of Scotland's devolved administration, who has put renewable energy firmly at the heart of his economic agenda, and a particular focus on new marine technologies such as wave and tidal power. The first minister told a conference in September: "I'm confident that by 2025 we will produce at least 100 per cent of our electricity needs from renewables alone, and together with other sources it will enable us to become a net exporter of clean, green energy." Salmond even won the praise of Al Gore recently for his "inspiration". The world is engaged in a "clean tech arms race", Lang says, but he argues that all countries have opportunities in different types of clean technology. For instance, in the UK offshore wind is likely to be a winner, and has been championed by the government because it avoids the problems associated with obtaining planning permission for onshore wind farms. Carbon capture and storage is another potential British winner, if government plans for as many as four demonstration projects are successful.

#### Wind is the key determinate of clean tech leadership---market share is key

NAW 6/8 North American Wind Power. “U.S. Ranks Fourth In Wind Energy Manufacturing As China Maintains Cleantech Lead,” 2012, <http://www.nawindpower.com/e107_plugins/content/content.php?content.9971>

China continues to lead the global clean energy technology manufacturing race, with the U.S. lagging in **critical market-share areas, including** in **wind** power technology, according to a new report commissioned by the World Wildlife Fund (WWF).¶ The report ranks 25 countries based on the 2011 sales of the clean energy technology products they manufacture, such as wind turbines and solar panels.¶ Although the U.S. has a strong market share in wind technology, **it is still in fourth place**, with an 11% market share (a slight increase over last year's 9%), behind China, Germany and Denmark, who together represent more than 60% of the global market. Despite a growth of 30% in U.S. demand for wind turbines, wind turbine manufacturing in the U.S. grew by only 17% in 2011.¶ In terms of total sales value of clean energy technology, China had the largest market, followed by the U.S. and Germany, according to the report. Although the U.S. ranks second to China in total sales, relative to the size of its economy, the U.S. is well behind countries such as Denmark, China, Germany and Brazil.

### AT: Wind Now

#### The link is unique but large---there are a huge number of OSW projects planned now---the aff causes them to be built---massively increases clean energy generation

NREL 10 National Renewable Energy Laboratory. “Large-Scale Offshore Wind Power in the United States,” http://www.nrel.gov/wind/pdfs/40745.pdf

Although the United States has built no offshore wind projects so far, about 20 projects representing more than 2,000 MW of capacity are in the planning and permitting process. Most of these activities are in the Northeast and Mid-Atlantic regions, although projects are being considered along the Great Lakes, the Gulf of Mexico, and the Pacific Coast. The deep waters off the West Coast, however, pose a technology challenge for the near term. Untested regulatory and permitting requirements in federal waters (outside the three-nauticalmile state boundary) have posed major hurdles to development, but recent progress is clarifying these processes. Most notably, after 9 years in the permitting process, the Cape Wind project off of Massachusetts was offered the first commercial lease by the Department of Interior in April 2010.The U.S. Department of the Interior bears responsibility for reducing the uncertainties and potential risks to the marine environment and making the federal permitting process more predictable under the Bureau of Ocean Energy Management (In June 2010, the Minerals and Management Service [MMS] was reorganized and renamed Bureau of Ocean Energy Management, Regulation and Enforcement [BOEM]). Some states have been proactive in promoting offshore wind demonstration projects in their own waters close to shore, which may provide a more efficient regulatory path to meet their renewable energy obligations, while jumpstarting a new locally grown industry. 1.3 A Powerful U.S. Resource Offshore winds tend to blow harder and more uniformly than on land, providing the potential for increased electricity generation and smoother, steadier operation than land-based wind power systems. The availability of these high offshore winds close to major U.S. coastal cities significantly reduces power transmission issues. The offshore wind resource in the United States has been sufficiently documented at a gross level to suggest **an** **abundance of potential offshore wind** **sites** as shown in Figure 1-2. The gross resource has been quantified by state, water depth, distance from shore, and wind class throughout a band extending out to 50 nautical miles from the U.S. coastline. This total gross wind resource is estimated at more than 4,000 GW, or roughly four times the generating capacity currently carried on the U.S. electric grid. This estimate assumes that one 5-MW wind turbine could be placed on every square kilometer of water with an annual average wind speed above 7.0 meters per second (m/s). As shown in Figure 1-2, this gross resource is distributed across three main depth categories, increasing from 1,071 GW over shallow water (30 meters), to 628 GW over transitional waters (between 30 and 60 meters in depth), and to 2,451 GW over deep water (deeper than 60 meters). However, this wind mapping effort does not currently account for a range of siting restrictions and public concerns. These gross resource values will likely shrink by 60% or more after all environmental and socioeconomic constraints have been taken into account. Further study is also required to determine optimal spacing of turbines based on array effects, which could reduce the density of the potential offshore wind development.

#### China’s on track for an offshore wind boom now

Xinhua 12 “Project paves way for offshore wind power boom,” 1/3, <http://www.chinadaily.com.cn/bizchina/2012-01/03/content_14373319.htm>

BEIJING -- China has made **substantial progress** in boosting its burgeoning offshore wind power by launching its largest intertidal wind farm at the end of 2011. On December 28, Longyuan Power, China' s largest wind power developer, connected 99.3 megawatts (MW) of wind turbines to the grid in a pilot intertidal wind farm in Rudong county in eastern province of Jiangsu. Taking into account the existing 32MW turbines, which went into operation in September 2010, Longyuan has 131.3MW turbines integrated to the grid in the pilot wind farm in Rudong. This has made the Rudong intertidal project China's largest offshore wind farm. Intertidal wind farms are a unique form to tap offshore wind power. Intertidal areas cover vast sea regions that are submerged in rising tide and heaved out in ebb tide. According to China's Wind Power Development Roadmap 2050, recently issued by the energy research institute of National Development and Reform Commission, until 2021, China will focus on onshore wind development. Overall, China plans to have 1,000 gigawatts (GW) of installed wind capacity by 2050, making up 17 percent of the country's electricity consumption. So far, wind power generation accounts for 1.5 percent of national power generation. China's only offshore wind farm in commercial operation is the Shanghai East Sea Bridge Offshore Wind Farm, totaling 102 MW. It went into operation in June 2010, using 34 Sinovel 3MW turbines. Longyuan started to construct the Rudong intertidal wind farm in June 2009. The first stage of the pilot project, set to be 150 MW in installation, involves an investment of 2.5 billion yuan ($397 million). It will be fully completed in March 2012, said Zhang Gang, general manager of Longyuan Jiangsu Offshore Wind Power. Zhang said the wind farm will annually generate 330 million kWh of electric power for the grid, saving 97,000 tonnes of standard coal. It can reduce emissions of 267,000 tonnes of carbon dioxide and 1,940 tonnes of sulfur dioxide. Xie Changjun, general manager of Longyuan, said "Our construction of the Rudong pilot intertidal wind farm will lead the way for China to develop offshore wind power, particularly in site selection, planning and design, installation and maintenance." "We will supply a test platform for Chinese offshore wind turbines to go mature. In brief, we will accumulate valuable experiences for China to develop offshore wind power on a large scale," Xie said. INSTALLATION COSTS DROP High installation cost is a major factor restricting the boom of China' s offshore wind power. Industry officials say that offshore wind farm construction costs are mainly wind farm facilities and installations. Wind farm facilities, such as wind turbines, foundations and electric cables, make up 79 percent of the total wind farm construction costs. Installation constitutes 15 percent of total costs. Among the installation costs, installation of turbines and foundations makes up 9 percent and submarine cable pavement 6 percent. Zhang said Longyuan has overcome problems in offshore wind farm construction. It has reached the European advanced level in technology for offshore wind farm construction, while also lowering offshore wind installation costs to 16,000 yuan/kw, about 60 percent of the European level. Zhang said the secret for lower installation costs include improved technology for single pile foundation forms, which Longyuan applied to install 17 turbines, and multi-pile jacket foundation forms, applied to install 21 turbines. "According to the current installation costs and interest rates on loans, we may keep the production costs of offshore wind power to about 0.8 yuan/kwh. We may profit this way," Zhang said.

### AT: Not Zero Sum

#### China’s ahead in clean tech development now and it’s zero sum---key to their economic growth

Bennhold 10 Katrin is a writer for the New York Times. “Race Is on to Develop Green, Clean Technology,” Jan 29, http://www.nytimes.com/2010/01/30/business/global/30davos.html?dbk&\_r=0

DAVOS, SWITZERLAND — It is shaping up to be **the Great Game of the 21st century**. To top officials and business executives here at the World Economic Forum, Topic A this year was the race to develop greener, cleaner technology, which is emerging as one of the critical factors in reshaping the world economy as emerging powers snap at the heels of battered Western economies. With the United States and China sizing each other up across the Pacific and Europe seeking to maintain its economic stature, it is a battle for potentially millions of jobs and trillions of dollars in export revenues. The outcome — which pits a venture capital-driven market approach relying on government subsides against a top-down system of state capitalism — has the potential to influence how economic and political systems evolve. Concern that China may be edging ahead in potentially lucrative growth sectors like renewable energy was palpable here, where senior officials from the United States and Europe warned that the West could not afford to be complacent. “Six months ago my biggest worry was that an emissions deal would make American business less competitive compared to China,” said Senator Lindsay Graham, a Republican from South Carolina who has been deeply involved in climate change issues in Congress. “Now my concern is that every day that we delay trying to find a price for carbon is a day that China uses to dominate the green economy.” He added: “China has made a long-term strategic decision and **they are going gang-busters**.” Christine Lagarde, the French finance minister, agreed. “**It’s a race and whoever wins that race will dominate economic development**,” she said. “The emerging markets are well-placed.”

### 2NC---AT: Plan is Coop

#### Their author concludes that Chinese wind cooperation is impossible

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

The evolution of China’s wind energy market is neither a success story for foreign business interests **nor for** efforts to establish mutually beneficial structures of **cooperation between** Chinese and **international players**. Initially, the dynamic development of China’s wind sector seemed to offer ample incentives for both sides, favoring significant involvement of foreign companies. However, the sharp drop in foreign companies’ market share after 2000 and the insignificance of international joint ventures due to further development of China’s wind market painted a very different picture. Evidently, the **incentives for** the establishment of sustainable **collaborative structures were superseded by interfering considerations that** effectively **prevented** the creation of a mutually beneficial model of **international cooperation.** The potential deal, offering quick technological advancement in return for market access, did not materialize.

#### Here’s the paragraph *right after* their Conrad card---he says companies in both countries say no and recommends something that’s not the plan

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

Seizing the opportunity to change the logic of international cooperation in China’s wind energy sector does not come without risk. Business actors on both sides will be reluctant to enter into comprehensive partnerships fearing that their engagement will follow the familiar unsustainable pattern of cooperation. Foreign companies will be concerned about sharing technological expertise without getting significant market entry in return. At the same time, skepticism about foreign companies’ willingness to share the latest technology and cooperate on an equal footing will result in Chinese companies being reluctant to provide entry points into the domestic market. Newly emerging incentive structures are currently opening a window of opportunity for breaking this vicious cycle, but **change will not occur without** decisive action. Both sides will have to credibly signal **a fundamental change in approach** in order to prepare the ground for new models of cooperation. In addition, governmental actors on both sides will have to play an active role in facilitating this development by providing additional incentives and minimizing possible risks for those companies willing to take the cooperative logic to the next level.

#### Even if joint ventures are successfully set up, they won’t last because of disappointment---their author

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

Technology transfer¶ The approach to international cooperation by Chinese wind power equipment companies has been narrowly focused on the acquisition of advanced technology. Therein, China’s business actors have been as thoroughly disappointed as foreign companies with regards to gaining sustained access to China’s domestic wind power market. Due to the IPR concerns described above, international companies have been avoiding the setup of joint ventures with Chinese partners and the few attempts at joint ventures between Chinese and foreign wind turbine manufacturers have been unsuccessful. Even the original advantages of joint ventures formed under the “Riding the Wind Program” **were not enough to bring about effective partnerships**. The inability to establish a sustained market presence pointed to the ultimately disappointing yield of such partnerships for both sides.¶ In absence of alternatives, licensing agreements became the only viable and legal way for Chinese firms to attain technology from foreign companies. In the earlier stages of their development, Chinese companies such as Sinovel and Goldwind based their success on a combination of licensed foreign technology and an ability to produce at low manufacturing costs. However, foreign companies have been extremely careful not to provide cutting-edge technology to Chinese counterparts, protecting their innovation advantage at all times. Furthermore, China’s capabilities in onshore wind technology are rapidly catching up with those in Europe -- capabilities supported by public investments in technology development and R&D. This trend renders traditional licensing agreements increasingly obsolete as a form of international cooperation in China’s wind sector.¶ China’s disappointment with the quality of transferred technology is one of the central reasons for its lack of enthusiasm in facilitating international cooperation. China’s disdains also reflected in lackluster wind-related efforts under the Kyoto Protocol’s Clean Development Mechanism (CDM). While over 250 CDM wind energy projects have been conducted in China between 2006 and 2010 31 , these projects failed to meet Chinese stakeholders’ expectations regarding the introduction of advanced technologies to the Chinese market. As Gao Guangsheng, director general of climate change at Beijing’s National Development and Reform Commission explained, “CDM was making only a small difference to the attractiveness of wind power in China” 32 . The perceived low transfer rate of high-end technology through the CDM framework added to China’s tendency towards innovative self-reliance. Chinese officials are now expecting to fund 90% of the necessary investment to allow self-achievement of renewable energy targets.

#### By the way, Conrad’s about China and the EU, not the US

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

Based on the analysis of past mistakes as well as present opportunities, this paper outlines ways in which the emergence of a new model of international cooperation in China’s wind power sector can be facilitated by all parties involved. The recommendations specifically address four groups of actors: China’s political leadership, Chinese companies active in the wind sector, the European Union (EU) as a political actor 1 and European companies involved in the development, manufacturing and trade of wind energy equipment. The required change in the logic of international technology cooperation can only be achieved if all of these groups alter their current behavior with regards to three interlinked dimensions:

# SEP CP

### 1NC --- Text --- Policy

#### The United States Federal Government should establish that the penalty for [violating National Environmental Protection Act review restrictions on offshore wind] may include entry into a Supplemental Environmental Project.

#### Implementation of the Supplemental Environmental Projects should follow the 1991 *Policy on the Use of Supplemental Environmental Projects in EPA Settlements*, and any conflicting federal laws and regulations should be modified to provide a narrow exemption for the above penalty.

### 1NC --- Solvency

#### Penalties determine regulatory compliance—restrictions are irrelevant if penalties are marginal

CPR 8 – The Center for Progressive Reform, a nonprofit research and educational organization with a network of Member Scholars working to protect health, safety, and the environment through analysis and commentary, 2008, “Environmental Enforcement,” <http://progressiveregulation.org/perspectives/environEnforce.html>

Effective enforcement is key to ensuring that the ambitious goals of our environmental statutes are realized. Enforcement refers to the set of actions that the government can take to promote compliance with environmental law. . Currently, rates of noncompliance with environmental laws remain disturbingly high; experts believe that as many as twenty to forty percent of firms regulated by federal environmental statutes regularly violate the law. Tens of millions of citizens live in areas out of compliance with the health based standards of the Clean Air Act, and close to half of the water bodies in the country fail to meet water quality standards set by the Clean Water Act. In communities burdened by multiple sources of pollution, noncompliance has particularly serious health consequences for affected residents.

As in virtually every other area of government regulation, environmental enforcement traditionally has been based on the theory of deterrence. This theory assumes that persons and businesses act rationally to maximize profits, and will comply with the law where the costs of noncompliance outweigh the benefits of noncompliance. The job of enforcement agencies is to make both penalties and the probability of detection high enough that it becomes irrational– unprofitable-- for regulated firms to violate the law.

EPA’s enforcement policies traditionally have reflected these principles. EPA has emphasized the importance of regular inspections and monitoring activity to detect noncompliance, and has responded to violations with swift and appropriate sanctions. EPA’s policies also mandate that the agency recover the economic benefit firms realize through noncompliance, since **if a firm is able to profit from illegal activity, it has little incentive to comply in the first place.**

State environmental agencies actually carry out the majority of enforcement activity in this country because most states have received authority from EPA to administer federal environmental laws under EPA oversight (see CPR Perspective on Devolution) States also administer and enforce their own state laws. As in other areas of environmental regulation, the quality of state enforcement programs vary considerably. Some states carefully follow EPA mandates and vigorously enforce environmental requirements. In other states, enforcement is relatively lax, and agencies rarely respond to violations with penalties.

Citizen enforcement also is a feature of most federal environmental statutes. The statutes allow citizens to sue companies for violations when the government fails to do so and various, often strict, procedural conditions are met. Traditionally, Congress has viewed citizen enforcement as an important supplement to agency enforcement and an important prod to agency regulators.

What People are Fighting About

In recent years there has been a sharp debate over the future direction of environmental enforcement. Many states and regulated entities advocate a more business-friendly, conciliatory enforcement strategy, one that does not emphasize enforcement actions and penalties as the keys to securing compliance. In their view, businesses are likely to comply without resort to sanctions because of adherence to social and political norms, market forces, and other factors.

Thus, many states have reduced funding for inspections. enforcement cases and similar activities, and shifted resources toward compliance assistance programs. Some have created “customer service centers” for regulated entities. Many states do not follow EPA guidance for responding to violations with “timely and appropriate” enforcement actions. Many impose only limited penalties on violators, penalties that typically are far lower than those assessed by EPA in similar circumstances. Many states fail to recover economic benefit when assessing penalties--a core element of deterrence theory. In the past decade, almost one-half of the states have enacted environmental audit privilege or immunity laws that preclude penalties for violations voluntarily disclosed and corrected by regulated entities as a result of environmental audits. These laws also keep materials contained in environmental audits secret and exempt from public disclosure.

At the same time, EPA has to some degree deemphasized traditional enforcement and used its limited resources to provide more compliance assistance to small businesses and other regulated sectors. It has also searched for positive incentives for companies that carry out self-policing efforts. Until very recently, however, EPA has continued to demand that the states impose sanctions, conduct inspections, and bring enforcement actions as the main tools for deterring firms from violating the law. EPA also resisted the most far-reaching efforts of states to weaken enforcement of environmental laws. Funding shortfalls and emerging policy changes in such areas as whether new sources must obtain new permits have taken their toll and EPA’s commitment to deterrence-based enforcement appears to be weakening.

In reaction to these changes, environmental groups, contend that government enforcement is too lax, that too often fines for violating environmental requirements have become no more than a routine cost of doing business for regulated entities, and that the government lacks the resources to pursue most violations. They would like to more vigorously enforce environmental violations. During the past decade or so, however, the Supreme Court has erected a series of hurdles to citizen enforcement of environmental laws. The Court has imposed restrictions on who has standing to bring suit, what type of illegal conduct can be challenged, when a decision is “ripe” for suit, when government agencies can be sued, and when attorneys fees can be awarded to successful plaintiffs’ attorneys. These court-imposed obstacles have significantly undermined the role envisioned by Congress for citizen enforcers.

#### The SEP penalty causes industry noncompliance --- triggers the same industry response as the aff, while preserving the restriction

David Dana, Professor of Law, Boston University School of Law, 1998, ARTICLE: THE UNCERTAIN MERITS OF ENVIRONMENTAL ENFORCEMENT REFORM: THE CASE OF SUPPLEMENTAL ENVIRONMENTAL PROJECTS, 1998 Wis. L. Rev. 1181, Lexis

The previous analysis illustrates that the inclusion of SEPs in an enforcement regime may lead to negotiated settlements that cost violators substantially less than the standard monetary penalty. The particular implications of this insight for a deterrence analysis depend on whether the standard monetary penalty represents "an optimal penalty" or instead a sub- or super-optimal penalty. As a preliminary matter, a brief discussion of the concept of optimal penalty (PEN<opt>) thus may be in order. Economists typically regard the goal of an enforcement regime as the achievement of "optimal deterrence." The phrase optimal deterrence, of course, implies that absolute or complete deterrence of regulatory violations should not be the goal of an enforcement regime. Rather, the regime should act to prevent violations which will generate social costs in excess of social benefits. Conversely, of course, the regime should not discourage violations that produce net social benefits. In settings involving perfect detection and prosecution of regulatory violations by government agencies, a penalty equalling the social harm of a violation will produce optimal deterrence. Where detection and prosecution are imperfect, a penalty equalling the harm of a violation will result in underdeterrence because potential violators will discount the nominal penalty to take account of the probability that they will evade detection and/or prosecution. To achieve optimal deterrence, therefore, [\*1206] nominal penalties must equal the social harm divided by the probability of detection and prosecution. The standard monetary penalty for any particular regulatory violation - the penalty that would be imposed in the absence of any SEP settlement options - logically can have only one of three relations to the optimal penalty: The standard monetary penalty can be less than the optimal penalty, equal to the optimal penalty, or greater than the optimal penalty. In all three of these cases, the introduction of SEP settlement options into an enforcement regime is troublesome from an optimal deterrence perspective. Each case will be taken in turn. 1. pen[in'mon.std'] < pen<opt> Where the standard monetary penalty is less than the optimal penalty, regulators' exclusive reliance on monetary penalties will produce underdeterrence. n77 That is, some violations will occur even though the social costs of the violations exceed the social benefits. The introduction of SEPs into such regimes will only make matters worse: SEPs will lower regulated entities' expected penalties for regulatory violations n78 and [\*1207] hence produce more underdeterrence and more socially costly violations. For example, imagine that the harm from a particular regulatory violation has a dollar equivalent value of $ 400, and the perceived probability of detection is 0.1. The optimal penalty thus would be $ 400/0.1 or $ 4000. Assume, however, that the standard monetary penalty is only $ 3000 and regulated entities' expected penalty for violating the regulation is thus only $ 300. Profit-maximizing regulated entities will take the risk of violating the regulation if they expect to gain more than $ 300 by doing so. Now assume that a regulatory agency adds SEP settlements to the enforcement regime. The regulated entity in question now believes that there is a fifty percent probability that it could successfully negotiate a SEP in the event government regulators detect its regulatory noncompliance. n79 Assume also that the regulated entity estimates that the SEP discount or savings off the standard monetary penalty would be thirty-three percent, so that the expected cost of a SEP would be $ 2000. The total expected penalty thus would be 0.1[(0.5)($ 3000) + (0.5)(0.66)($ 3000)], or approximately $ 250. This reduction in the expected penalty from $ 300 to $ 250 could translate into real differences in regulated entities' behavior. Under the pre-SEP regime, regulated entities at least would avoid socially undesirable violations offering them less than $ 300 in savings. The addition of SEPs to the regime eliminates deterrence for violations offering between $ 250 and $ 300 in savings. 2. pen[in'mon.std'] = pen<opt> Where the standard monetary penalty equals the optimal penalty, the enforcement regime will achieve optimal deterrence. Regulated entities will be deterred from committing all of the potential violations that result in greater social loss than social gain, but they will not be deterred from [\*1208] committing any potential violations that are, on net, socially beneficial. The introduction of SEPs into the penalty regime will lower expected penalties and thus produce a shift from this state of optimal deterrence to one of underdeterrence.

#### Establishing SEP penalties solves inevitable environmental crisis

Jeff Ganguly, Executive Editor, BOSTON COLLEGE ENVIRONMENTAL AFFAIRS LAW REVIEW, Fall 1998, COMMENT: ENVIRONMENTAL REMEDIATION THROUGH SUPPLEMENTAL ENVIRONMENTAL PROJECTS AND CREATIVE NEGOTIATION: RENEWED COMMUNITY INVOLVEMENT IN FEDERAL ENFORCEMENT, 26 B.C. Envtl. Aff. L. Rev. 189, Lexis

Such a dynamic has been developing through EPA's employment of SEPs as well. While oversight is critical to ensure the SEP program continues to attain breakthrough achievements in creative and effective settlement agreements, the unique ability of SEPs to respond to the individual circumstances of environmental problems must be maintained. Thus, while litigation remains an effective tool to apply pressure and force action in some cases, dispute resolution and creative settlements should become the goal in the new generation of environmental enforcement. The use of SEPs is only one advantage to dispute resolution, as SEP provisions could be written into federal statutes and become an everyday part of adjudicated relief. Dispute resolution also saves time and money. n303 All of these qualities, as evidenced by the MHD settlement, are the most effective means of responding to environmental crises. Apart from outright prevention, dispute negotiation and community remediation through creative settlements and SEPs continue to be one of the most effective means of preserving and protecting human health and the environment.

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# AT: LOST Add On

#### LOST will never pass---election increased opposition

Tennant 11/9 Michael, New American, "More LOST Opponents Coming to Senate — but Will They Be Too Late?", 2012, www.thenewamerican.com/usnews/congress/item/13584-more-lost-opponents-coming-to-senate-—-but-will-they-be-too-late

Opponents of the Law of the Sea Treaty (LOST) — officially, the United Nations Convention on the Law of the Sea (UNCLOS) — should be encouraged by the outcome of Tuesday’s Senate elections, according to Patrick Goodenough of CNSNews.com.¶ As of last summer, 34 Republican senators, led by Sen. Jim DeMint (S.C.), had gone on the record opposing ratification of the treaty. Although Democrats gained two seats in the election, giving them an eight-seat edge over Republicans (10 if one includes the two seats that will be held by independents caucusing with Democrats), the number of LOST opponents has probably increased by two, Goodenough calculates.¶ LOST opponent Sen. Jon Kyl (R-Ariz.), who is retiring, will be succeeded by Rep. Jeff Flake (R-Ariz.), who as a congressman “led an effort to urge senators not to ratify” the treaty, Goodenough writes. Kyl is the only LOST opponent leaving the Senate, but his replacement with Flake will not alter the balance of votes for or against the treaty.¶ Four Republicans who favor LOST ratification — Sens. Richard Lugar (Ind.), Scott Brown (Mass.), Olympia Snowe (Maine), and Kay Bailey Hutchison (Texas) — are departing. “Three of their replacements — Joe Donnelly (D) in Indiana, Elizabeth Warren (D) in Massachusetts and independent [Angus] King in Maine — will likely support ratification,” says Goodenough.¶ Meanwhile, Hutchison’s replacement, Ted Cruz (R), has declared LOST “ill-conceived, unworkable, and naïve.” “It must be defeated,” he added emphatically.¶ In addition, Sen. Ben Nelson (D-Neb.), a LOST supporter, is retiring and being succeeded by Republican Deb Fischer. Goodenough could not get Fischer’s office to comment on her position on LOST by his deadline, but he stated that “the Tea Party-backed Fischer touts a conservative voting record in the Nebraska state senate” and therefore will “likely” be a LOST opponent in the U.S. Senate.¶ Goodenough concludes: “If Cruz and Fischer do both join the anti-treaty group, and no current members change their position, the list [of opponents] grows to 36,” making the treaty’s passage increasingly doubtful after this year.

#### Our fleet can take anyone’s—no challengers

Robert O. Work 12, United States Under Secretary of the Navy and VP of Strategic Studies @ Center for Strategic and Budgetary Assessments, "The Coming Naval Century," May, Proceedings Magazine - Vol. 138/5/1311, US Naval Institute, www.usni.org/magazines/proceedings/2012-05/coming-naval-century

For those in the military concerned about the impact of such cuts, I would simply say four things:¶ • Any grand strategy starts with an assumption that all resources are scarce, requiring a balancing of commitments and resources. As political commentator Walter Lippmann wrote: “The nation must maintain its objectives and its power in equilibrium, its purposes within its means, and its means equal to its purposes.”¶ • The upcoming defense drawdown will be less severe than past post–World War II drawdowns. Accommodating cuts will be hard, but manageable.¶ • At the end of the drawdown, the United States will still have the best and most capable armed forces in the world. The President well appreciates the importance of a world-class military. “The United States remains the only nation able to project and sustain large-scale military operations over extended distances,” he said. “We maintain superior capabilities to deter and defeat adaptive enemies and to ensure the credibility of security partnerships that are fundamental to regional and global security. In this way our military continues to underpin our national security and global leadership, and when we use it appropriately, our security and leadership is reinforced.”¶ • Most important, as the nation prioritizes what is most essential and brings into better balance its commitments and its elements of national power, we will see the beginning of a Naval Century—**a new golden age of American sea power**.¶ The Navy Is More Than Ships¶ Those who judge U.S. naval power solely by the number of vessels in the Navy’s battle force are not seeing the bigger picture. Our battle force is just one component—albeit an essential one—of a powerful National Fleet that includes the broad range of capabilities, capacities, and enablers resident in the Navy, Marine Corps, and Coast Guard. It encompasses our special-mission, prepositioning, and surge-sealift fleets; the ready reserve force; naval aviation, including the maritime-patrol and reconnaissance force; Navy and Marine special operations and cyber forces; and the U.S. Merchant Marine. Moreover, it is crewed and operated by the finest sailors, Marines, Coast Guardsmen, civilian mariners, and government civilians in our history, and supported by a talented and innovative national industrial base.¶ If this were not enough, the heart of the National Fleet is a Navy–Marine Corps team that is transforming itself from an organization focused on platforms to a total-force battle network that interconnects sensors, manned and unmanned platforms with modular payloads, combat systems, and network-enabled weapons, as well as tech-savvy, combat-tested people into a cohesive fighting force. This Fleet and its network would make short work of any past U.S. Fleet—and of any potential contemporary naval adversary.

#### Plan can’t solve size and overstretch—kills naval heg now

Tom Mahnken 9/13/12, "Avoiding sea blindness: The decline of American naval power," Foreign Policy, shadow.foreignpolicy.com/posts/2012/09/13/avoiding\_sea\_blindness

The current crisis in North Africa has cast into sharp relief the decline of American sea power. According to press reports, the Pentagon has dispatched two destroyers (actual American destroyers, not the Russian warships displayed during the tribute to American veterans at last week's Democratic National Convention), to waters off Libya. Such a response is prudent. Indeed, it would scarcely be remarkable except for the fact that, according to press reports, those two destroyers constitute fully half of the U.S. naval presence in the Mediterranean. That is, **with a civil war raging in Syria and unrest in Egypt and Libya, the United States has maintained only four destroyers near these hot spots**.¶ Not too many years ago, the United States would have routinely deployed a much more powerful force in the Mediterranean, including a carrier strike group. Not too long ago, the Marines who have reportedly been dispatched to protect U.S. diplomatic missions in Libya would have deployed from nearby amphibious ships, not from places far away.¶ It is at times like this that the erosion of American sea power is most apparent. Today, the U.S. Navy is the smallest it has been since 1916 and is stretched thin beyond prudence and good operational sense. We should all hope that the United States will not need to evacuate American citizens or use force to defend them, for if we do, we may very well regret the neglect of sea power.

# Europe Advantage

## 1NC

#### NG means Russia maintains dominance over Europe

Ryan 12 (Margaret Ryan - Vice President, Double Forte’, Management Consulting Services, "Oil-linked Natural Gas Pricing Under Continued Pressure in Europe," August 28, 2012, energy.aol.com/2012/08/28/oil-linked-natural-gas-pricing-under-continued-pressure-in-europ/?icid=related2#?icid=apb2#page2)

Europe is supplied by a combination of North Sea gas, where fields are in decline; pipeline gas from Russia; and LNG from Africa and the Middle East. **Natural gas has long been priced on a basket of refined products, which usually rise or fall with the price of crude oil.**¶Customers Call for Greater Hub Indexation¶ Recent high crude prices have pushed natural gas prices unusually high, and major distributors who can't pass on the prices are losing significant money, said Howard **Rogers, Senior Research Fellow, Oxford Institute for Energy Studies**.¶ **That's led to customer rebellion, just as the recession has sapped gas and electricity demand.**¶"Germany is the combat zone,"said James Jensen of Jensen Associates, with powerful utilities E.On and RWE wrestling down gas contracts with Russia's Gazprom. "**Russia is trying to hold the line on the oil linkage," Jensen said**, but is having to accept some concessions, as is Norway's Statoil which markets North Sea gas.¶ Jensen said **northern Europe is moving to competitive hub pricing, and southern Europe may follow.**¶Bros said 58% of natural gas was still oil-indexed in OECD Europe in 2011, but he expects that by 2014, less than 50% will be, **increasing pressure to shift all trading to indexation on hub market prices.**¶"Confidence in the hubs is improving," said Rogers, pointing to growing liquidity at the UK's National Balancing Point and the Dutch TTF hubs.¶ **A major unknown for potential US LNG exports is Russia's response,** said Rogers. Even with a change in pricing basis, Russia will remain dominant, supplying a quarter of Europe's gas.¶ Russia could choose to dump gas in Europe and undercut the LNG market, depressing prices when US supplies arrive, said Rogers, or it could cut back deliveries and try to prop up its price.¶ Bros warned that gas consumption in the last couple of years has been consistently below previous usage, **with Gazprom holding 11 billion cubic meters of gas** that customers contracted for but on which they couldn't take delivery.¶ Bros said demand looks likely to stay low, since the big growth in natural gas use in the past decade, and the biggest contractions now, are in Greece, Portugal, Spain and Italy, the nations worst hit by the ongoing economic crisis.

#### Russia has abandoned aggression in favor of cooperation

Sawczak 11 [Dr. Peter Sawczak, Adjunct Research Fellow at Monash University, “Obama’s Russia Policy: The Wages and Pitfalls of the Reset,” peer reviewed paper presented at the 10th Biennial Conference of the Australasian Association for Communist and Post-Communist Studies, Feb 3-4 2011, <http://cais.anu.edu.au/sites/default/files/Sawczak_Obama.pdf>]

As a measure of their optimism, US officials like to point – cautiously – to a discernible shift in Russian foreign policy towards a more pragmatic, cooperative approach. Whether or not the Obama administration can claim credit for this, the United States has at least shown Russia the dividends which could flow from enhanced cooperation. This is most palpably reflected in the Russian foreign policy paper leaked in May 2010, which identifies a “need to strengthen relations of mutual interdependence with the leading world powers, such as the European Union and the US,” 5 as well as, more indirectly, in Medvedev’s modernisation agenda. The fact that Russia has sought, in the tragic circumstances attending commemoration ceremonies at Katyn, rapprochement with Poland and moved to demarcate its border with Norway, in addition to partnering with the US on arms control, Iran and Afghanistan, suggests to US policy-makers that a rethink, however tenuous, is underway. Noteworthy also is the fact that Russia, gladdened by the emergence of more compliant leaders in Ukraine and Kyrgyzstan, has been remarkably restrained of late in its dealings closer to home, not having waged any major gas wars, threatened leaders, or incited civil war.

#### Alliance doesn’t solve foreign policy challenges

Techau10/6/11Jan**,** director of Carnegie Europe, the European centre of the Carnegie Endowment for International Peace, “The Dirty Secret of US European relations” http://carnegieendowment.org/2011/10/06/dirty-secret-of-u-s-european-relations/8l1h

For the internal psychology of the transatlantic relationship, this is undoubtedly good news. The more interesting question, however, seems to be whether all this new love translates into a more meaningful partnership on shared foreign-policy challenges. Here the answer is less clear. While cooperation on issues such as the Middle East, Iran and terrorism was and is constructive, one of the most crucial items on the Euro-American agenda remains untouched by the improved atmosphere: transatlantic burden sharing in the field of security and defense. Here, Europeans have for the last sixty years been in a position of utter dependence on the Washington’s willingness and ability to guarantee their security. And even though the global strategic framework has drastically changed since the beginning of this transatlantic bargain in the 1950s, Europeans still conduct their defense planning as if American generosity were the most naturally abundant and easily accessible political commodity. By doing so, they increase their reliance on U.S. guarantees, and they become less and less interesting as an ally for their American counterparts. All attempts to wake Europeans up and make them rethink their priorities have died away without much impact.¶ It would be easy to blame President Obama for not using his popularity with allies intelligently enough to induce them to get their act together. But the European passivity on security and defense issues goes far beyond the reach of even the most popular American president. By and large, Europeans are unaware of their utter dependency; they don’t feel particularly threatened, they hold a deep mistrust in all things military, and they have learned to look at the world without regard to strategic considerations. Despite Libya, their willingness for an active approach to the world around them and for intervention on behalf of values and interests is small. Their political leaders—to the extent that they are aware of today’s realities—shy away from the enormous budgetary and political costs that a realistic security and defense posture would create.The dirty little secret of transatlantic relations is that, under these circumstances, they will undoubtedly become a whole lot less boring very soon. Both America and Europe are broke. Their ability to shape the world around them is getting weaker. The global center of gravity is shifting towards the Pacific. Americans are ultimately better suited to master this process of relative decline. But it is in Washington’s fundamental interest to keep Europe safe and stable, to keep its best allies strong and to defend the enormous economic investments it has placed in the old world. Obsessing about perceptions and sympathy ratings will soon look like frivolous luxury. The ball is in the European court. For Americans, a Europe with a grown-up strategic culture will be more important than one that produces high approval ratings for the United States. For Europeans, investing in a relevant and workable transatlantic future will be more important than an American president they find easy to like.

## 2NC

#### Zero risk of war

David E. Hoffman 10/22/12, contributing editor to Foreign Policy and the author of The Dead Hand: The Untold Story of the Cold War Arms Race and Its Dangerous Legacy, which won the 2010 Pulitzer Prize for general non-fiction, "Hey, Big Spender," Foreign Policy, www.foreignpolicy.com/articles/2012/10/22/hey\_big\_spender?page=full

Despite tensions that flare up, the United States and Russia are no longer enemies; **the chance of nuclear war or surprise attack is nearly zero**. We trade in each other's equity markets. Russia has the largest audience of Facebook users in Europe, and is open to the world in a way the Soviet Union never was.

#### Russia is the opposite of aggressive – they’ve stood by despite Western provocations

Ottens 11 [Nick Ottens, editor of the transatlantic news and commentary site the Atlantic Sentinel and contributing analyst for the geostrategic consultancy Wikistrat, “The Myth of Russia’s Resurgence,” August 20 2011, http://atlanticsentinel.com/2011/08/the-myth-of-russias-resurgence/]

Wikistrat‘s Thomas Barnett reminds readers of Russian fears of encirclement in his latest World Politics Review column. After shrugging off its empire in 1991, Russia was denied a “sense of belonging,” Barnett notes, when Europe and the United States refused to consider Russia’s entry to NATO. Instead, America moved in militarily from the south as part of its global War on Terror while China progressively encroached, in an economic sense, on Russia’s “near abroad” in Central Asia and the Far East.

Russia has been remarkably reluctant to counter these infringements. Although nearly all former Warsaw Pact members belong to the European Union now, it has made only halfhearted attempts to regain a semblance of hegemony on its western border. Old Eastern Bloc nations may still worry about Russian antagonism, especially if Germany, which is so dependent on Russian gas imports, won’t truly protect them in the EU (which is why they expect security from the United States in NATO)—the likelihood of Moscow deploying force against Poland, Lithuania or even the Ukraine is close to zero.

In other parts of its former empire, too, Russia is far from belligerent. Although vying for influence there with nearby greater powers, Russia has refrained from policing Central Asia in Soviet style despite the alluring natural resources that the region possesses. When Kyrgyzstan asked for a Russian troop presence last year to quell political unrest, the Kremlin balked at the request. It had no desire to become entangled in the internal power struggles of its former client state.

Russian cultural and political influence pervades especially in the northernmost of former socialist republics in Central Asia but Chinese, Iranian and Turkish attempts at fostering stable relations in the area could set the stage for a greater power confrontation, one from which Moscow stands nothing to gain.

Russian governors in the Far East occasionally raise the specter of the “yellow menace” and talk of the danger posed to their underpopulated provinces by unregulated Chinese labor migrants but as Dmitry Gorenburg pointed out here last year, “this kind of talk rarely emanates from Moscow and certainly does not affect troop positioning.”

Indeed, “it is stunning how little trouble Moscow has fomented” since the demise of the Soviet Union, writes Barnett, “all while engineering arguably the greatest military demobilization in human history, going from more than two hundred army divisions to less than one hundred brigades.”

#### Relations are high – shared interests make future cooperation inevitable

Hormats10/1/10 Robert, Under Secretary for Economic, Energy, and Agricultural Affairs “The US European Relationship: Past Perspectives and Future Prospects” http://www.state.gov/e/rls/rmk/2010/150032.htm

The United States seek to build a network of alliances and partnerships, regional organizations and global institutions that is durable and dynamic enough to help us meet today’s challenges. We worked after the Second World War to construct the pillars of US-European cooperation that rebuilt destroyed lands and lifted millions of people out of poverty, and worked with Europe to build the GATT, IMF, World Bank. Now we must work together to build a global architecture that reflects and harnesses the realities of the 21st century, including helping to integrate emerging powers into an international community with clear obligations and expectations. Both Europe and the United States recognize this priority. We have consistently turned to our closest allies in Europe, the nations that share our fundamental values and interests: democracy, pluralism, respect for different opinions, religious tolerance, a free press, a concern for those less fortunate than ourselves, and our commitment to solving common problems. We need to renew and deepen these alliances that are the cornerstone of global security and prosperity. As Secretary Clinton recently affirmed, “The bonds between Europe and America were forged through war and watchful peace, but they are rooted in our shared commitment to freedom, democracy and human dignity. Today, we are working with our allies to deal with all these issues and global challenges.”

#### Alliance collapse inevitable – conflicting interests

Yegin10/31/11Mehmet, a Turkish researcher studying on American Politics, US Foreign Policy and Turkish-American Relations and vice chairman of USAK Center for American Studies, “US EU relations – A dim future” http://www.usak.org.tr/EN/makale.asp?id=2419

Although the U.S. and EU have a cluster of common values, the framework where the alliance will operate has seen quite significant changes recently. We have seen the decline of both sides in the global power equation. Interests in transatlantic relations are no longer overlapping and easily defined as in the Cold War period. Europe does not want to carry the burden of following the U.S. anymore. On the other hand, the U.S. does not consider the system to be in such danger that it requires devoting itself to the protection of Europe. Furthermore, the number of areas of tension between the U.S. and EU in foreign policy tools, on using military force, and in the philosophy of designing a global economic system tends to increase rapidly. So it’s not impossible but very difficult to ensure coordination in security and economics, and to maintain perfect relations in the alliance as in the Cold War era without determining a common vision.NATO’s dim future NATO is still an important defense institution for both sides of the Atlantic, both leaders and the public assure that. In transatlantic trends, there is no serious difference of opinion about NATO becoming a global organization. The EU is not as willing as the U.S. but at least does not oppose NATO playing bigger roles. There are even disputes about EU countries suggesting NATO expansion to countries similar in values like Australia, New Zealand, and Japan. But we see serious differences of opinion about the tools NATO will use and about Europe’s contributions. The EU side doesn’t want NATO to be a combatant power in accordance with their own foreign-policy approaches. If we look at tables of transatlantic trends, we see that the U.S. and EU do not share common grounds about the use of military force in Afghanistan and Iran. So EU countries do not seem to approve of offensive operations in Asia and using NATO in the containment policy toward China, even if NATO is reconfigured as a global power. On the other hand, contrary to the EU, the U.S. does not want NATO to just be a soft power conducting peace operations, but rather be a military power. That is why the U.S. seriously criticizes European countries about their lack of military power with the capacity to conduct global operations, because this situation also limits NATO’s capabilities. Moreover, the U.S. is uncomfortable with the shares European countries allocated for their defense, which do not exceed 2% of their respective GDP, except for Britain and France. Under the effect of the global crisis, European countries began cutting defense budgets and transferring sources to the areas that they consider more important. In consequence, the U.S. complains that members of the EU take advantage of NATO security without contributing, so all the defense burden rests on the U.S. Former U.S. Defense Secretary Robert Gates’ criticism of the transatlantic alliance that presupposes a dim future is admonitory. In this framework, the U.S. may prefer an alternative defense structuring with Britain and France independent of the EU, if it fails to achieve the goals expected from NATO. Will the alliance continue in Asia? In the transatlantic alliance there are also disputes over major power politics in the future. For EU countries, a security threat that may arise from Asia is not as scary and critical as it was in the Cold War era. The EU is more concerned about economic issues rather than security. Besides, the EU is more focused on “soft power” as an instrument in solving crises in that region. So it seems that the EU will try to solve crises of the region with tools other than military intervention, just like in the Iran and Afghanistan issues. At this point, European countries’ expectation from the rise of China is an alliance between the U.S. and China that won’t exclude them. Not opposing the idea of a “Second Bretton Woods System” that will be formed by the U.S. together with China, Brussels wants to be included in that system. In a multilateral alliance with China, the EU will not feel excluded; and will also have an impact on China. In a similar way, the U.S. will increase its impact on China, too. That is why the EU strongly opposes a G-2 style alliance between the U.S. and China. For the U.S., on the other hand, the security problem is an important issue that requires an urgent solution. Asia is a region that could not achieve stability like Europe. That’s why the Pacific holds the risk of major conflicts. Accordingly, the U.S. needs a security institution that will create security and stability for the region and have the ability to conduct offensive operations. At this point, the U.S. does not exclude the probability of having to pursue containment policies toward China. Being aware of the extreme interdependence with China, the U.S. questions how much it needs the EU in an alliance if formed. Because what the EU can contribute to the Asian equation and its capacity to transform the region is limited. As a consequence, despite the common political culture of the U.S. and EU, both parties of the transatlantic relations are changing, as is the world. Diverging especially with respect to the use of military force, both parties give negative signals about the future of NATO. If the two cannot develop a mutual approach toward Asia, the focus may slip from the Atlantic to the Pacific.

# Bio-D Advantage

## 1NC

#### Climate change proves Oceans and marine bioD are resilient – alarmist predictions empirically denied

Taylor 10 [James M. Taylor is a senior fellow of The Heartland Institute and managing editor of Environment & Climate News., “Ocean Acidification Scare Pushed at Copenhagen,” Feb 10 http://www.heartland.org/publications/environment%20climate/article/26815/Ocean\_Acidification\_Scare\_Pushed\_at\_Copenhagen.html]

With global temperatures continuing their decade-long decline and United Nations-sponsored global warming talks falling apart in Copenhagen, alarmists at the U.N. talks spent considerable time claiming carbon dioxide emissions will cause catastrophic ocean acidification, regardless of whether temperatures rise. The latest scientific data, however, show no such catastrophe is likely to occur. Food Supply Risk Claimed The United Kingdom’s environment secretary, Hilary Benn, initiated the Copenhagen ocean scare with a high-profile speech and numerous media interviews claiming ocean acidification threatens the world’s food supply. “The fact is our seas absorb CO2. They absorb about a quarter of the total that we produce, but it is making our seas more acidic,” said Benn in his speech. “If this continues as a problem, then it can affect the one billion people who depend on fish as their principle source of protein, and we have to feed another 2½ to 3 billion people over the next 40 to 50 years.” Benn’s claim of oceans becoming “more acidic” is misleading, however. Water with a pH of 7.0 is considered neutral. pH values lower than 7.0 are considered acidic, while those higher than 7.0 are considered alkaline. The world’s oceans have a pH of 8.1, making them alkaline, not acidic. Increasing carbon dioxide concentrations would make the oceans less alkaline but not acidic. Since human industrial activity first began emitting carbon dioxide into the atmosphere a little more than 200 years ago, the pH of the oceans has fallen merely 0.1, from 8.2 to 8.1. Following Benn’s December 14 speech and public relations efforts, most of the world’s major media outlets produced stories claiming ocean acidification is threatening the world’s marine life. An Associated Press headline, for example, went so far as to call ocean acidification the “evil twin” of climate change. Studies Show CO2 Benefits Numerous recent scientific studies show higher carbon dioxide levels in the world’s oceans have the same beneficial effect on marine life as higher levels of atmospheric carbon dioxide have on terrestrial plant life. In a 2005 study published in the Journal of Geophysical Research, scientists examined trends in chlorophyll concentrations, critical building blocks in the oceanic food chain. The French and American scientists reported “an overall increase of the world ocean average chlorophyll concentration by about 22 percent” during the prior two decades of increasing carbon dioxide concentrations. In a 2006 study published in Global Change Biology, scientists observed higher CO2 levels are correlated with better growth conditions for oceanic life. The highest CO2 concentrations produced “higher growth rates and biomass yields” than the lower CO2 conditions. Higher CO2 levels may well fuel “subsequent primary production, phytoplankton blooms, and sustaining oceanic food-webs,” the study concluded. Ocean Life ‘Surprisingly Resilient’ In a 2008 study published in Biogeosciences, scientists subjected marine organisms to varying concentrations of CO2, including abrupt changes of CO2 concentration. The ecosystems were “surprisingly resilient” to changes in atmospheric CO2, and “the ecosystem composition, bacterial and phytoplankton abundances and productivity, grazing rates and total grazer abundance and reproduction were not significantly affected by CO2-induced effects.” In a 2009 study published in Proceedings of the National Academy of Sciences, scientists reported, “Sea star growth and feeding rates increased with water temperature from 5ºC to 21ºC. A doubling of current [CO2] also increased growth rates both with and without a concurrent temperature increase from 12ºC to 15ºC.” Another False CO2 Scare “Far too many predictions of CO2-induced catastrophes are treated by alarmists as sure to occur, when real-world observations show these doomsday scenarios to be highly unlikely or even virtual impossibilities,” said Craig Idso, Ph.D., author of the 2009 book CO2, Global Warming and Coral Reefs. “The phenomenon of CO2-induced ocean acidification appears to be no different.

#### Tons of alt causes

Edmonton Journal 8 (Elaine O’Connor, “World's oceans at risk of becoming soupy swill; Rising temperatures, runoff toxins creating 'dead zones'” 9/15/2008, www.canada.com/edmontonjournal/news/story.html?id=3c40fbee-40e4-443a-b736-c70c6072649e)

VANCOUVER - Sally Cole came home from a sailing trip in August looking forward to a hot shower. But when she turned on her tap, all she got was slime. "I turned on the tap and it just flooped. Just a bit of viscous gloop came out. It was really horrible," said the resident of B.C's Saltspring Island between the mainland and Vancouver Island. The culprit was an algae bloom on the nearby lake that had choked the water pipes of hundreds of the area's residents. It took three days to clear. The incident is one example of how seas and lakes are suffocating in slime. That toxic slime -- algae feasting on pollutants and fertilizers, and starving the ocean of oxygen -- is killing off sea life at an alarming rate. A new study published in August reveals the world's "dead zones" have doubled in size every decade since 1960. Coastal waters with once rich marine life -- Chesapeake Bay, the Baltic Sea, the Black Sea and off Peru, Chile and Namibia -- are rapidly losing species. According to the report by two U.S. scientists, there are 405 asphyxiating dead zones in our oceans. The cause, predictably, is pollution. The culprits are fertilizer runoff in estuaries, sewage, global warming, overfishing and industrial waste. Millions of tonnes of "nutrient pollution" -- chemical fertilizer that adds phosphates and nitrogen to the water -- feed algae blooms. Some zones are vast -- the Baltic Sea's 70,000-square-kilometre aquatic graveyard is the largest. The Gulf of Mexico harbours North America's giant dead zone: A 22,000-square-km sea morgue, or something roughly the size of New Jersey. Other dead zones have been discovered off California, in Lake Erie, around the Florida Keys, in North and South Carolina creeks and in Washington's Puget Sound. Together, they have turned 246,048 square kilometres of the seas -- an area the equivalent of all five of the Great Lakes -- into marine wastelands. Robert Diaz, a Virginia Institute of Marine Science professor and co-author of the study, says the problem is already evident in Canadian waters. In B.C., a dead zone was first spotted in the Saanich Inlet in 1960. Dead zones have been recorded in P.E.I. fish-farming bays since 2000. If fish swim into a dead zone, they often become unconscious and cannot escape. Shellfish and bottom-dwellers move too slowly, so a stew of rotting marine life is left behind. Even when fish survive in low-oxygen water, research shows their reproduction suffers, which could jeopardize wild fish stocks. Diaz says this could be catastrophic for our local marine life and aquaculture. He says zones are likely to intensify as their contributing factors of algal blooms and intensive fish-farming are "problems that will continue into the future." Already, the impact of ocean deterioration is being felt all along the Pacific coast. Fishermen are bringing up cages of dead Dungeness crabs and salmon researchers have found low oxygen from the Columbia River on Oregon border's to northern Washington. As fish stocks fall, seabird populations are dying of starvation. Deadly algae are also becoming common on the Pacific West Coast. They have been blamed for the erratic behaviour and mass die-offs of sea mammals since some algae act as neurotoxins and impair brain function. Some 14,000 seals, sea lions and dolphins have washed up sick or dead in California in the last 10 years, and 650 grey whales have beached. Deadly algae have been a problem in the region since the 1980s, but scientists say they're increasingly frequent and intense. Algae is also storming international seas and claiming human victims. Near Sweden, cyanobacteria blooms at times turn the Baltic Sea into a brown slush that makes residents' eyes burn. On Florida's Gulf Coast, toxic tides have killed hundreds of manatees and caused breathing problems for area residents. Algae has smothered 80 per cent of coral reefs in the Caribbean and ruined 75 per cent of California's fish-rich kelp forests. Poison day-glo-green caulerpa algae is killing fish off the coasts of 11 countries. What will become of our oceans? One U.S. oceanographer has a succinct answer: slime. Jeremy Jackson, a Scripps Institution of Oceanography professor, released a report in August warning of "mass extinction" in oceans due to dead zones, global warming, overfishing, pollution, ocean acidification, ecosystem destruction and invasive species.

#### No impact to biodiversity

Sagoff 97  Mark, Senior Research Scholar – Institute for Philosophy and Public policy in School of Public Affairs – U. Maryland, William and Mary Law Review, “INSTITUTE OF BILL OF RIGHTS LAW SYMPOSIUM DEFINING TAKINGS: PRIVATE PROPERTY AND THE FUTURE OF GOVERNMENT REGULATION: MUDDLE OR MUDDLE THROUGH? TAKINGS JURISPRUDENCE MEETS THE ENDANGERED SPECIES ACT”, 38 Wm and Mary L. Rev. 825, March, L/N

Note – Colin Tudge - Research Fellow at the Centre for Philosophy at the London School of Economics. Frmr Zoological Society of London: Scientific Fellow and tons of other positions. PhD. Read zoology at Cambridge.

Simon Levin = Moffet Professor of Biology, Princeton. 2007 American Institute of Biological Sciences Distinguished Scientist Award 2008 Istituto Veneto di Scienze Lettere ed Arti 2009 Honorary Doctorate of Science, Michigan State University 2010 Eminent Ecologist Award, Ecological Society of America 2010 Margalef Prize in Ecology, etc… PhD

Although one may agree with ecologists such as Ehrlich and Raven that the earth stands on **the brink of** an episode of **massive extinction, it may not follow** from this grim fact **that human** being**s will suffer** as a result. On the contrary, skeptics such as science writer Colin Tudge have challenged biologists to explain **why we need more than a tenth of the 10 to 100 million species that grace the earth**. Noting that "cultivated systems often out-produce wild systems by 100-fold or more," Tudge declared that "the argument that humans need the variety of other species is, when you think about it, a theological one." n343 Tudge observed that "the elimination of all but a tiny minority **of our fellow creatures does not affect the material well-being of humans** one iota."n344 This skeptic challenged ecologists to list more than 10,000 species (other than unthreatened microbes) that are essential to ecosystem productivity or functioning. n345 "**The human species could survive just as well** if 99.9% of our fellow creatures went extinct, provided only that we retained the appropriate 0.1% that we need." n346   [\*906]   The monumental Global Biodiversity Assessment ("the Assessment") identified two positions with respect to redundancy of species. "At one extreme is the idea that each species is unique and important, such that its removal or loss will have demonstrable consequences to the functioning of the community or ecosystem." n347 The authors of the Assessment, a panel of eminent ecologists, endorsed this position, saying it is "unlikely that there is much, if any, ecological redundancy in communities over time scales of decades to centuries, the time period over which environmental policy should operate." n348 These eminent ecologists rejected the opposing view, "the notion that species overlap in function to a sufficient degree that removal or loss of a species will be compensated by others, with negligible overall consequences to the community or ecosystem." n349  Other biologists believe, however, that species are so fabulously redundant in the ecological functions they perform that the life-support systems and processes of the planet and ecological processes in general will function perfectly well with fewer of them, certainly fewer than the millions and millions we can expect to remain **even if** **every threatened organism becomes extinct**. n350 Even the kind of sparse and miserable world depicted in the movie Blade Runner could provide a "sustainable" context for the human economy as long as people forgot their aesthetic and moral commitment to the glory and beauty of the natural world. n351 The Assessment makes this point. "Although any ecosystem contains hundreds to thousands of species interacting among themselves and their physical environment, the emerging consensus is that the system is driven by a small number of . . . biotic variables on whose interactions the balance of species are, in a sense, carried along." n352   [\*907]   To make up your mind on the question of the functional redundancy of species, consider an endangered species of bird, plant, or insect and ask how the ecosystem would fare in its absence. The fact that the creature is endangered suggests an answer: it is already in limbo as far as ecosystem processes are concerned. What crucial ecological services does the black-capped vireo, for example, serve? Are any of the species threatened with extinction necessary to the provision of any ecosystem service on which humans depend? If so, which ones are they?  Ecosystems and the species that compose them have changed, dramatically, continually, and totally in virtually every part of the United States. There is little ecological similarity, for example, between New England today and the land where the Pilgrims died. n353 In view of the constant reconfiguration of the biota, **one may wonder why Americans have not suffered more as a result of ecological catastrophes**. The cast of species in nearly every environment changes constantly-local extinction is commonplace in nature-but the crops still grow. Somehow, it seems, property values keep going up on Martha's Vineyard in spite of the tragic disappearance of the heath hen.  One might argue that the sheer number and variety of creatures available to any ecosystem buffers that system against stress. Accordingly, we should be concerned if the "library" of creatures ready, willing, and able to colonize ecosystems gets too small. (Advances in genetic engineering may well permit us to write a large number of additions to that "library.") In the United States as in many other parts of the world, however, the number of species has been increasing dramatically, not decreasing, as a result of human activity. This is because the hordes of exotic species coming into ecosystems in the United States far exceed the number of species that are becoming extinct. Indeed, introductions may outnumber extinctions by more than ten to one, so that the United States is becoming more and more species-rich all the time largely as a result of human action. n354 [\*908] Peter Vitousek and colleagues estimate that over 1000 non-native plants grow in California alone; in Hawaii there are 861; in Florida, 1210. n355 In Florida more than 1000 non-native insects, 23 species of mammals, and about 11 exotic birds have established themselves. n356 Anyone who waters a lawn or hoes a garden knows how many weeds desire to grow there, how many birds and bugs visit the yard, and how many fungi, creepy-crawlies, and other odd life forms show forth when it rains. All belong to nature, from wherever they might hail, but not many homeowners would claim that there are too few of them. Now, not all exotic species provide ecosystem services; indeed, some may be disruptive or have no instrumental value. n357 This also may be true, of course, of native species as well, especially because all exotics are native somewhere. Certain exotic species, however, such as Kentucky blue grass, establish an area's sense of identity and place; others, such as the green crabs showing up around Martha's Vineyard, are nuisances. n358 Consider an analogy [\*909] with human migration. Everyone knows that after a generation or two, immigrants to this country are hard to distinguish from everyone else. The vast majority of Americans did not evolve here, as it were, from hominids; most of us "came over" at one time or another. This is true of many of our fellow species as well, and they may fit in here just as well as we do. It is possible to distinguish exotic species from native ones for a period of time, just as we can distinguish immigrants from native-born Americans, but as the centuries roll by, species, like people, fit into the landscape or the society, changing and often enriching it. Shall we have a rule that a species had to come over on the Mayflower, as so many did, to count as "truly" American? Plainly not. When, then, is the cutoff date? Insofar as we are concerned with the absolute numbers of "rivets" holding ecosystems together, extinction seems not to pose a general problem because a far greater number of kinds of mammals, insects, fish, plants, and other creatures thrive on land and in water in America today than in prelapsarian times. n359 The Ecological Society of America has urged managers to maintain biological diversity as a critical component in strengthening ecosystems against disturbance. n360 Yet as Simon Levin observed, "much of the detail about species composition will be irrelevant in terms of influences on ecosystem properties." n361 [\*910] He added: "For net primary productivity, as is likely to be the case for any system property, **biodiversity matters only up to a point**; above a certain level, increasing biodiversity is likely to make **little difference**." n362 What about the use of plants and animals in agriculture? There is no scarcity foreseeable. "Of an estimated 80,000 types of plants [we] know to be edible," a U.S. Department of the Interior document says, "only about 150 are extensively cultivated." n363 About twenty species, not one of which is endangered, provide ninety percent of the food the world takes from plants. n364 Any new food has to take "shelf space" or "market share" from one that is now produced. Corporations also find it difficult to create demand for a new product; for example, people are not inclined to eat paw-paws, even though they are delicious. It is hard enough to get people to eat their broccoli and lima beans. It is harder still to develop consumer demand for new foods. This may be the reason the Kraft Corporation does not prospect in remote places for rare and unusual plants and animals to add to the world's diet. Of the roughly 235,000 flowering plants and 325,000 nonflowering plants (including mosses, lichens, and seaweeds) available, farmers ignore virtually all of them in favor of a very few that are profitable. n365 To be sure, any of the more than 600,000 species of plants could have an application in agriculture, but would they be preferable to the species that are now dominant? Has anyone found any consumer demand for any of these half-million or more plants to replace rice or wheat in the human diet? There are reasons that farmers cultivate rice, wheat, and corn rather than, say, Furbish's lousewort. There are many kinds of louseworts, so named because these weeds were thought to cause lice in sheep. How many does agriculture really require? [\*911] The species on which agriculture relies are domesticated, not naturally occurring; they are developed by artificial not natural selection; they might not be able to survive in the wild. n366 This argument is not intended to deny the religious, aesthetic, cultural, and moral reasons that command us to respect and protect the natural world. These spiritual and ethical values should evoke action, of course, but we should also recognize that they are spiritual and ethical values. We should recognize that ecosystems and all that dwell therein compel our moral respect, our aesthetic appreciation, and our spiritual veneration; we should clearly seek to achieve the goals of the ESA. There is no reason to assume, however, that these goals have anything to do with human well-being or welfare as economists understand that term. These are ethical goals, in other words, not economic ones. Protecting the marsh may be the right thing to do for moral, cultural, and spiritual reasons. We should do it-but someone will have to pay the costs. In the narrow sense of promoting human welfare, protecting nature often represents a net "cost," not a net "benefit." It is largely for moral, not economic, reasons-ethical, not prudential, reasons- that we care about all our fellow creatures. They are valuable as objects of love not as objects of use. What is good for   [\*912]  the marsh may be good in itself even if it is not, in the economic sense, good for mankind. The most valuable things are quite useless.

#### New tech and adaption solve food shortages

Michaels 11 Patrick Michaels is senior fellow in environmental studies at the CATO Institute. " Global Warming and Global Food Security," June 30, CATO, http://www.cato.org/publications/commentary/global-warming-global-food-security

While doing my dissertation I learned a few things about world crops. Serial adoption of new technologies produces a nearly constant increase in yields. Greater fertilizer application, improved response to fertilizer, better tractor technology, better tillage practices, old-fashioned genetic selection, and new-fashioned genetic engineering all conspire to raise yields, year after year.¶ Weather and climate have something to do with yields, too. Seasonal rainfall can vary a lot from year-to-year. That's "weather." If dry years become dry decades (that's "climate") farmers will switch from corn to grain sorghum, or, where possible, wheat. Breeders and scientists will continue to develop more water-efficient plants and agricultural technologies, such as no-till production.¶ Adaptation even applies to the home garden. The tomato variety "heat wave" sets fruit at higher temperatures than traditional cultivars.¶ However, Gillis claims that "[t]he rapid growth in farm output that defined the late 20th century has slowed" because of global warming.¶ His own figures show this is wrong. The increasing trend in world crop yields from 1960 to 1980 is exactly the same as from 1980 to 2010. And per capita grain production is rising, not falling.

## 2NC

#### Oceans resilient

Kennedy 2 - Environmental science prof, Maryland. Former Director, Cooperative Oxford Laboratory. PhD. (Victor, Coastal and Marine Ecosystems and Global Climate Change, http://www.pewclimate.org/projects/marine.cfm)

There is evidence that marine organisms and ecosystems are resilient to environmental change. Steele (1991) hypothesized that the biological components of marine systems are tightly coupled to physical factors, allowing them to respond quickly to rapid environmental change and thus rendering them ecologically adaptable. Some species also have wide genetic variability throughout their range, which may allow for adaptation to climate change.

#### Their author says ocean biodiversity collapse is inevitable

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

A mass extinction now threatens much of life on Earth. We are currently in the midst of at least the sixth mass extinction in this [\*2] planet's history-catastrophic death spasms in which vast numbers of species and higher taxa swiftly disappear. n1 In this Article, I will examine the appalling extent to which **the Sixth Extinction has reached into the world's oceans,** and I will demonstrate that stacks of international and domestic laws have done nothing more to prevent this devastation than to act as a dangerous placebo. My conclusion will provide an antidote to this syndrome of law as the new opiate of the masses.

#### And he says that habitat destruction *unrelated to the aff* is the cause

-this article is written in 2005, far before the “idle iron” policy was ever invented

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

There is evidence that human activities adversely affect the sea in a variety of ways, some more readily apparent than others. Ocean dumping, introduction of invasive species, development of coastal areas and the attendant discharge of materials into the waters, sedimentation and eutrophication from agriculture and silviculture, and over-harvesting in a particular area may well have severe impacts on life in that immediate region and often beyond. n61 Within a given marine locality, in terms of depth, proximity to major currents, ambient temperature, and the like, living things are interdependent in much the same way as are the denizens of any terrestrial ecosystem. When there is a major perturbation of that ecosystem, whether by chemical pollution (organic or inorganic), noise pollution, underwater detonation of explosives, over-harvesting, n62 introduction of exotic species, trawling, dredging, sedimentation from run-off, climate change, or any other stressor, a significant decimation of one species will affect other species with a nexus to it in the food web and in the broader array of ecological relationships. n63 In the marine realm, the term "ripple effect" thus has special relevance.

#### Aquaculture consumes over 150 times the amount of fish it produces

Craig Emerson, Ph.D. in Oceanography from Dalhousie University, Canada, December 1999, Aquaculture Impacts on the Environment, http://www.csa.com/hottopics/aquacult/overview.html, accessed 6/30/03

Ironically, fish culture is dependent on a diet of wild fish because fish meal and fish oils from natural stocks are the primary components of artificial compounded feed (aquafeed). It can be argued, therefore, that aquaculture cannot provide an alternative to fishing unless only herbivorous fish and shellfish are farmed. However, the source of the fish meal is pelagic fish such as menhaden and mackerel, species not normally consumed by humans. Additional fish meal comes from [bycatch](http://www.csa.com/hottopics/aquacult/glossary/by.html) which would otherwise be discarded as waste. Nonetheless, it is not clear that the conversion of "trash fish" into human food via aquaculture is preferential to using fish meal in swine and poultry feed. As farms intensify, there is a growing trend toward the increased use of aquafeed. Almost 31,000,000 megatonnes (MT) of the world's total wild fisheries production is used for animal feed each year, 15% of which is used in fish feed. Feed is specially formulated to ensure high conversion efficiencies, (amount of feed needed to produced one pound of animal), and in general, aquatic animals are far more efficient at feed conversion than terrestrial animals. Given these facts, the strategy of feeding fish to fish seems logical, however it should be noted that only a few percent of feed for swine and poultry is composed of fish meal, compared with 70% for finfish and shellfish, and inefficient practices can lead to a great deal of waste. Growing a pound of salmon may require 3-5 pounds of wild fish, and between 1985 and 1995 the world's shrimp farmers used 36 million tons of wild fish to produced just 7.2 million tons of shrimp. In general, the quantity of input of natural fish stocks exceeds outputs in terms of farmed fishery products by a factor of 2 to 3[14](http://www.csa.com/hottopics/aquacult/glossary/n14.html).

# Solvency

## 1NC

#### The status quo solves---the EIS process has been streamlined---vote neg on presumption because they can’t isolate a meaningful differential between the aff and the squo

-doesn’t take out the NEPA DA because EIS is still required, it’s just streamlined now

Donnelly-Shores 12 Patrick is a writer at the Berkeley Energy and Resource Collaborative. “OFFSHORE WIND FARMS MAKE POLITICAL HEADWAY IN U.S.,” Feb 16, http://berc.berkeley.edu/offshore-wind-makes-political-headway-in-us/

First, in the most dramatic new renewable energy policy announcement of the year, the Bureau of Ocean Energy Management (BOEM) announced that it had certified an Environmental Impact Statement (EIS) as revealing “no significant environmental or socioeconomic impacts” associated with developing offshore wind farms, **paving the way for a set of Wind Energy Areas (WEAs)** off of the mid-Atlantic Coast. The WEAs (a map of which can be seen here, courtesy of the Christian Science Monitor) are located off the shores of southern New Jersey, Delaware, Maryland, and Virginia, and would be over a half million acres in total size.¶ The BOEM’s announcement means that **future leasing of wind power sites** in the area **will be informed and streamlined by the existing EIS**. While any specific developments within the area will require their own environmental assessments, the process will move along much quicker as a result of this decision. They hope to have wind farm development commencing in the area as soon as the end of 2012.

#### No ships for installation

**Hopkins 12** – Partner @ Duane Morris LLP w/ with a concentration on transportation, [products liability](http://www.duanemorris.com/practices/productsliabilityandtoxictorts.html) and [commercial](http://www.duanemorris.com/practices/commerciallitigation.html) litigation [[Robert B. Hopkins, Duane Morris LLP](http://www.renewableenergyworld.com/rea/u/robert-hopkins), “Offshore Wind Farms in US Waters Would Generate Both US and Foreign Maritime Jobs,” Renewable Energy World, July 12, 2012, pg. http://tinyurl.com/9sbj8k6

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

#### Offshore wind’s not cost competitive---their projections are wrong

Howland 12 Caitlin holds an honors degree in economics from the University of Maine. Advisors for this thesis include Gary Hunt, PhD in Economics, Jeff Thaler, J.D. Yale, Andrew Goupee, PhD in Mechanical Engineering, Sharon Tisher, J.D. Harvard, Sharon Wagner, PhD in Engineering and Public Policy. “The Economics of Offshore Wind Energy,” May, <http://digitalcommons.library.umaine.edu/cgi/viewcontent.cgi?article=1060&context=honors>

**Offshore wind will not be viable** in the coming years **without a carbon tax and** a potential government **subsidy.** If no developers invest in a farm, learning curve effects will be stunted and not be able to take the course of action predicted. The effect of learning-by-doing over time is crucial to decreasing costs. If an aggressive pricing scheme on carbon is adopted, it is possible deepwater offshore wind energy could become competitive in less than two decades.