# Generic Counterplans

## CP NEPA

**It’s normal means and doesn’t sever, NEPA assessment is required for all projects**

**Peyser 5** – MS in City Planning @ MIT

Jennifer, “How Does Participation in the Framing, Review, and Incorporation of Scientific Information Affect Stakeholder Perspectives on Resource Management Decisions?,” http://web.mit.edu/dusp/epp/music/pdf/jpeyser.thesis.FINAL.pdf

The National Environmental Policy Act (NEPA), passed in 1969, requires all federal agencies to assess the environmental impacts of major projects or decisions, the expenditure of federal money, or other actions that affect federal lands; to consider environmental impacts in making decisions; and disclose to these impacts to the public. NEPA regulations, published first as guidelines and then formally promulgated by the Council of Environmental Quality (CEQ) in 1978, helped clarify NEPA procedures. These regulations provided minimum requirements for involving the public in NEPA-affected decisions. Beyond simply disclosure, NEPA now opens decision-making to public scrutiny and comment at a number of stages. “The public” can include any individual or group outside the federal government, including citizens, nongovernmental organizations (NGOs), business and industry, academics and state, local, and tribal governments.

**Clarifying the plan mirrors real world policymaking—this is best**

**UN 3** – United Nations Youth and Student Association (Resolution Writing, http://afa.at/vimun/resolution1.doc, AG)

The precise wording of the resolution must be examined carefully when you are debating how to vote. The references in the preamble should be checked. If your country opposed a certain UN resolution or opposes items mentioned in the Preamble, than you should voice your opposition to the working paper. If your country´s policies support the general goal of the resolution, but you have reservations about the wording of certain sections in the resolution, you should attempt to seek changes in the language to make the resolution more acceptable. Rule 6 Amendments An amendment is a clarification or a change in a resolution that incorporates additional interests or concerns after the resolution has been formally submitted to a committee. Basically, an amendment is a proposal that does no more than add to, delete (strike out) or substitute from part or a phrase of the current draft resolution.

**Should is just “used to express probability or expectation,” that’s Webster’s**

WEBSTER'S 84 II, 1984, p. 1078

Should - used to express probability or expectation. They should arrive here soon.

**And it’s not mandatory**

**Taylor and Howard 5** - Resources for the Future, Partnership to Cut Hunger and Poverty in Africa (Michael and Julie, “Investing in Africa's future: U.S. Agricultural development assistance for Sub-Saharan Africa”, 9/12, http://www.sarpn.org.za/documents/d0001784/5-US-agric\_Sept2005\_Chap2.pdf)

Other legislated DA earmarks in the FY2005 appropriations bill are smaller and more targeted: plant biotechnology research and development ($25 million), the American Schools and Hospitals Abroad program ($20 million), women’s leadership capacity ($15 million), the International Fertilizer Development Center ($2.3 million), and clean water treatment ($2 million). Interestingly, in the wording of the bill, Congress uses the term shall in connection with only two of these eight earmarks; the others say that USAID should make the prescribed amount available. The difference between shall and should may have legal significance—one is clearly mandatory while the other is a strong admonition—but it makes little practical difference in USAID’s need to comply with the congressional directive to the best of its ability.

**The introduction of the counterplan just means that the plan is no longer 100% probable because resolved isn’t in the resolution**

**DOD 6** – US Department of Defense (6/28, The Colon, http://64.233.167.104/search?q=cache:CRkgc8Pi1TsJ:www.dod.state.hi.us/HIARNG/298rti/298rti/l230is\_app\_d.pdf, AG)

The colon introduces the following: [continues] g. A formal resolution, after the word "resolved:" Resolved: (colon) That this council petition the mayor.

Delayed response means it can’t solve the aff – ridiculous net benefits mean the judge should vote aff on any risk of a solvency deficit

**The status quo solves the net benefit**

**CEQ 7**

Council of Environmental Quality, “A Citizen’s Guide to the NEPA Having Your Voice Heard,” Dept of Energy, http://ceq.hss.doe.gov/nepa/Citizens\_Guide\_Dec07.pdf

Each year, thousands of Environmental Assessments (EAs) and hundreds of Environmental Impact Statements (EISs) are prepared by Federal agencies. These documents provide citizens and communities an opportunity to learn about and be involved in each of those environmental impact assessments that are part of the Federal agency decisionmaking process. It is important to understand that commenting on a proposal is not a “vote” on whether the proposed action should take place. Nonetheless, the information you provide during the EA and EIS process can influence the decisionmakers and their final decisions because NEPA does require that federal decisionmakers be informed of the environmental consequences of their decisions. This guide will help you better navigate through the NEPA process and better understand the roles of the various other actors. While reading the guide, please refer to the following flowchart, “The NEPA Process,” which details the steps of the NEPA process. For ease of reference, each step of the process is designated with a number which is highlighted in the text discussing that particular step. While agencies may differ slightly in how they comply with NEPA, understanding the basics will give you the information you need to work effectively with any agency’s process.

**NEPA’s predictions are haphazard and inaccurate – makes mitigation measures useless**

**Farber 9** – Professor of Law @ UC-Berkeley

Daniel, “ADAPTATION PLANNING AND CLIMATE IMPACT ASSESSMENTS: LEARNING FROM NEPA’S FLAWS,” http://www.law.berkeley.edu/files/NEPA\_Adaptation.pdf

One of NEPA’s major flaws, which climate assessment needs to avoid at all costs, is the absence of dynamic learning. NEPA does not require agencies to perform later checks on their EIS predictions, and agencies do not generally do so.45 Evidence on predictive accuracy that does exist is not reassuring. Studies find that the predictions are often too vague to be tested at all. Among those that can be verified, the results are no more reassuring, with fewer than one out of three being substantially accurate.46 This is not a peculiarly American problem – studies from the United Kingdom and Canada produce similar results.47 In contrast, however, the Netherlands does require systematic monitoring of project impacts, though compliance may be spotty.48 Case studies indicate that “better prediction products arise more from the feedback between predictions and experience than from the introduction of more sophisticated predictive methodologies.”49 Without the check provided by such feedback, overly optimistic predictions can result from the “economic and political pressures placed on the technical consultants and the government managers, which lead them to use inadequate models and to misuse their predictive results.”50 As one study puts it, In the absence of any inducements linked to actual performance, a decisionmaker is likely to be averse to the substantial risk that an audit will prove embarrassing by documenting a project’s shortcomings. Thus, with few positive incentives to self‐evaluation and substantial risks, agency managers seem to live by the maxim that ignorance is bliss.51 The same study found that only a third of predictions in EISs were “particularly accurate,” most of the remainder being “either accurate solely by virtue of the vagueness of the forecast or somewhat inaccurate in various complicated ways.”52 It should be noted that the unreliability of the predictions makes the use of mitigated FONSIs [check to make sure you have defined FONSI]a bit suspect, since we cannot have any real confidence that the mitigation measures will actually reduce the impacts below the “significance” level.

**Say no – public won’t participate, undermines expert planning**

**Lindstrom and Nie 97** – Research Consultants for the Arizona Department of Transportation

Matthew and Martin, “HOW DO YOU COLLECT AND USE PUBLIC INFORMATION IN THE DEVELOPMENT OF TRANSPORTATION PLANS AND PROGRAMS?,” ADOT, REPORT NUMBER: FHWA-AZ97-452, http://www.azdot.gov/TPD/ATRC/publications/project\_reports/PDF/AZ452.pdf

Daniel Barber (1981) classifies the case against citizen participation in four main points. First, participation may mobilize negative sentiment. Participation is viewed as a self-defeating measure for transportation planners. Citizen participation is an open invitation for criticism. Due to the “sound-bite” nature of current political discourse, more participation is based on shallow emotion and short-sightedness. Furthermore, the idealistic image of participatory democracy propagated by its advocates suggests that evenings devoted to neighborhood politics at community meetings are broadly appealing events. In the real world, even the most open and democratic meetings can be perceived as intimidating. Also, people can be decidedly uninterested in local politics not because they are alienated or apathetic, but because they find other pursuits more compelling and worth their while. Second, public participation interferes with professionals. Here, the role of “experts” is viewed as thwarted by citizens who usually lack the technical capabilities to understand the complexities involved with transportation issues. Daniel Barber claims that the central problem for public participation is balancing the desire to maximize participation and democratic control with the need for efficiency and stability in government (Barber 1981). Proponents of this sentiment maintain that it makes little sense to reduce the role of competent, nonpartisan experts so that a modest number of highly vocal people can participate in policy making. If citizens want to influence political outcomes it is believed that elections are appropriate arena for political activity. The idea of having the public influence policies such as budgetary priorities and research design is often considered to be unacceptable to public managers. To some extent, there is a built-in conflict between public participation and the traditional principles of hierarchy and professionalism found in the tradition of Progressive political theory. [16] Third, it is argued that public participation is not representative. Citizen participation is perceived as merely lobbying for locally based vested interests or special privileges -- at the expense of other localities or the total community. Consequently, if lobbying efforts are successful, a disproportionate allocation of total community resources is given to the interests which have exerted the most influence.

**Environment resilient—adaptation checks**

**Doremus 2k** – Law Professor, California (Holly, 57 Wash & Lee L. Rev. 11, AG)

Reluctant to concede such losses, tellers of the ecological horror story highlight how close a catastrophe might be, and how little we know about what actions might trigger one. But the apocalyptic vision is less credible today than it seemed in the 1970s. Nor is human extinction probable any time soon. Homo sapiens is adaptable to nearly any environment. Even if the world of the future includes far fewer species, it likely will hold people. n215 [\*47] One response to this credibility problem tones the story down a bit, arguing not that humans will go extinct but that ecological disruption will bring economies, and consequently civilizations, to their knees. n216 But this too may be overstating the case. Most ecosystem functions are performed by multiple species. This functional redundancy means that a high proportion of species can be lost without precipitating a collapse. n217

**No impact to biodiversity**

**Washington Post 97** (8/29, Three Studies Show Diversity Can't Guarantee Ecosystem Strength, http://www-tech.mit.edu/V117/N38/shorts2.38w.html, AG)

Ecologists have long maintained that diversity is one of nature's greatest strengths, but new research suggests that diversity alone does not guarantee strong ecosystems. In findings that could intensify the national debate over endangered species and habitat conservation, three new studies suggest a greater abundance of plant and animal varieties doesn't always translate to better ecological health. At least equally important, the research found, are the types of species and how they interact. Separate experiments in California, Minnesota and Sweden, found that diversity often had little bearing on the performance of ecosystems - at least as measured by the growth and health of native plants. In fact, the communities with the greatest biological richness were often the poorest in terms of productivity and nutrient cycling. One study compared plant life on 50 remote islands in northern Sweden that are prone to frequent wildfires from lightning strikes. Scientist David Wardle of Landcare Research in Lincoln, New Zealand, and colleagues at the Swedish University of Agricultural Sciences found that islands dominated by few species of plants recovered more quickly than nearby islands with more biological diversity. Similar findings were reported by University of Minnesota researchers who studied savannah grasses, and by Stanford's Vitousek and colleague David Hooper, who concluded that functional characteristics of plant species were more important than the number of varieties in determining how ecosystems performed.

## CP States

**Counterplan is unconstitutional**

**Hartzler 6/22** (Vicky, US representative for the 4th district of Missouri, June 22, 2012, “National defense – the federal government’s top priority,” http://thehill.com/blogs/congress-blog/economy-a-budget/234371-national-defense-the-federal-governments-top-priority, alp)

The first responsibility of the United States government is to provide for the common defense. Without further action by the Senate and the Obama Administration, significant across the board cuts to defense will take place in January of next year as part of the sequestration process resulting from the failure of legislators to reach an agreement on how to reduce the deficit. This sequestration process came about as a result of the Budget Control Act that raised the debt ceiling – legislation I opposed and voted against. Military funding is unlike any other U.S. government spending as the United States Constitution clearly states that the primary obligation of Congress is to defend our country – to protect American citizens from threats in the United States and abroad. There is no doubt the U.S. must get spending under control, but the military, which has already experienced deep cuts to its budget, cannot be expected to carry out its assigned missions with new reductions. New hardships will only make it more difficult for our men and women in uniform to protect our homeland. The impact to our national security should be reason enough to stop us from going down this dangerous road, but America’s economy will be devastated, as well, and thousands of workers could start receiving layoff notices this fall in anticipation of the cuts.

**Decision rule – reject all violations of the constitution**

**Carter, 87** (Stephen Carter, Brigham Young University Law Review, No. 3, 1987 p. 751-752)

The constitution, which is after all a species of law, is thus quite naturally viewed as a potential impediment to policy, a barrier that must be adjusted, through interpretation or amendment, more often than preservation of government under that constitution is viewed as a desirable policy in itself. In this modern student of policy is like the modern moral philosopher-and like a good number of constitutional theorists as well-in denigrating the value of preserving any particular process and exalting the desirable result. But constitutionalism assigns enormous importance to process, and consequently assigns costs, albeit perhaps intangible ones, to violating the constitutional process. For the constitutionalist, as for classical liberal democratic theory, the autonomy of the people themselves, not the achievement of some well-intentioned government policy, is the ultimate end for which the government exists. As a consequence, no violation of the means the people have approved for pursuit of policy--here, the means embodied in the structural provisions of the Constitution--can be justified through reference to the policy itself as the end. Somewhere between the totalitarian horror of a society driven entirely by its zeal to achieve stated ends, and Grant Kilmore's Kafkaesque evocation of a society so bound up in the forms of law that it becomes a living hell, drifts the moderately progressive American constitutional ideal. I am not at all sure that we best pursue it by freeing our legislature entirely from the bonds of constitutionalism, trusting to nothing but the independent and largely unguided judgement of the courts to decide when the legislature goes too far.