# Affirmative Answers

### Perm Do CP

#### Perm do the counterplan – 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.

#### It’s required

Bush 2002 - Former President (George W., Environmental Stewardship and Transportation Infrastructure Project Reviews, September 18 2002, http://ceq.hss.doe.gov/nepa/regs/eos/eo13274.pdf)

Section 1. Policy. The development and implementation of transportation infrastructure projects in an efficient and environmentally sound manner is essential to the well-being of the American people and a strong American economy. Executive departments and agencies (agencies) shall take appropriate actions, to the extent consistent with applicable law and available resources, to promote environmental stewardship in the Nation’s transportation system and expedite environmental reviews of high-priority transportation infrastructure projects. Sec. 2. Actions. (a) For transportation infrastructure projects, agencies shall, in support of the Department of Transportation, formulate and implement administrative, policy, and procedural mechanisms that enable each agency required by law to conduct environmental reviews (reviews) with respect to such projects to ensure completion of such reviews in a timely and environmentally responsible manner. (b) In furtherance of the policy set forth in section 1 of this order, the Secretary of Transportation, in coordination with agencies as appropriate, shall advance environmental stewardship through cooperative actions with project sponsors to promote protection and enhancement of the natural and human environment in the planning, development, operation, and maintenance of transportation facilities and services. (c) The Secretary of Transportation shall designate for the purposes of this order a list of high-priority transportation infrastructure projects that should receive expedited agency reviews and shall amend such list from time to time as the Secretary deems appropriate. For projects on the Secretary’s list, agencies shall to the maximum extent practicable expedite their reviews for relevant permits or other approvals, and take related actions as necessary, consistent with available resources and applicable laws, including those relating to safety, public health, and environmental protection. Sec. 3. Interagency Task Force. (a) Establishment. There is established, within the Department of Transportation for administrative purposes, the interagency ‘‘Transportation Infrastructure Streamlining Task Force’’ (Task Force) to: (i) monitor and assist agencies in their efforts to expedite a review of transportation infrastructure projects and issue permits or similar actions, as necessary; (ii) review projects, at least quarterly, on the list of priority projects pursuant to section 2(c) of this order; and (iii) identify and promote policies that can effectively streamline the process required to provide approvals for transportation infrastructure projects, in compliance with applicable law, while maintaining safety, public health, and environmental protection. (b) Membership and Operation. The Task Force shall promote interagency cooperation and the establishment of appropriate mechanisms to coordinate Federal, State, tribal, and local agency consultation, review, approval, and permitting of transportation infrastructure projects. The Task Force shall consist exclusively of the following officers of the United States: the Secretary of Agriculture, Secretary of Commerce, Secretary of Transportation (who shall chair the Task Force), Secretary of the Interior, Secretary of Defense, Administrator of the Environmental Protection Agency, Chairman of the Advisory Council on Historic Preservation, and Chairman of the Council on Environmental Quality. A member of the Task Force may designate, to perform the Task Force functions of the member, any person who is part of the member’s department, agency, or office and who is either an officer of the United States appointed by the President with the advice and consent of the Senate or a member of the Senior Executive Service. The Task Force shall report to the President through the Chairman of the Council on Environmental Quality. Sec. 4. Report. At least once each year, the Task Force shall submit to the President a report that: (a) Describes the results of the coordinated and expedited reviews on a project-by-project basis, and identifies those procedures and actions that proved to be most useful and appropriate in coordinating and expediting the review of the projects. (b) Identifies substantive and procedural requirements of Federal, State, tribal, and local laws, regulations, and Executive Orders that are inconsistent with, duplicative of, or are structured so as to restrict their efficient implementation with other applicable requirements. (c) Makes recommendations regarding those additional actions that could be taken to: (i) address the coordination and expediting of reviews of transportation infrastructure projects by simplifying and harmonizing applicable substantive and procedural requirements; and (ii) elevate and resolve controversies among Federal, State, tribal, and local agencies related to the review or impacts of transportation infrastructure projects in a timely manner. (d) Provides any other recommendations that would, in the judgement of the Task Force, advance the policy set forth in section 1 of this order.

### Perm Do Both

#### Perm do both

#### Non-binding consultation solves public participation and politics

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

There are two key facets to any process whereby the public participates in the decision making process. First, the procedural element simply allows the public a formal opportunity to voice their concerns and opinions, usually at various stages of decision making. The procedural requirements for public participation are a prerequisite for substantive participation, or participation that entails a real impact and effect on public policy. Secondly, substantive participation implies two-way channels of communication the extent that government officials and the public become mutual partners in the decision making process. Most participation takes place on procedural grounds while creating an illusion that the public can have a substantive impact. As a result, even though a citizen’s advice is rejected, they may feel at least they had their day in court and will probably be more willing to go along with the final decision. Towards the end of this report, we will come back to this issue when we recommend techniques and strategies for Arizona’s Department of Transportation.

### Say No / CP Fails

#### 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.

### Say No

#### Public will oppose new transportation infrastructure

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

In theory, political structures may act in two ways to increase participation. First, by expanding the methods of citizen participation, and second, by making public involvement more 16 meaningful. If you only increase the first, citizens may still not find it worth their while to participate. Furthermore, if citizens do not trust some part of government agencies, their projects may be subject to extra scrutiny by the public. Citizen opposition to transportation projects is often explained as being fueled by a fundamental sense that public managers and bureaucrats are untrustful. Several scholars have suggested that political behavior is directly correlated to political trust and confidence. Joel Aberbach and Jack Walker (1970) state that “if distrustful groups are denied access to decisionmaking, or if institutions are too rigid to change, destructive conflict and a breakdown of the social order are possible.” [18] Richard Cole (1974) arrives at similar conclusions in his book Citizen Participation and the Urban Policy Process. [19]

### EIS Fails

#### 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.

#### High risk of no solvency

Conrad and Sarwal 6 (Memebers of the chamber of commerce. Full Date: December 2006. Accessed: 7/12/12. http://www.scotusblog.com/movabletype/archives/06-466Chamber.pdf)

NEPA’s requirements are essentially procedural: An agency must take a “hard look” at potentially significant environmental effects of its proposed actions, but the Act does not purport to control the agency’s ultimate choices. See, e.g., Vermont Yankee Nuclear Power Corp. v. NRDC, 435 U.S. 519, 558 (1978). That procedural mandate has served an important role in correcting a situation in which agencies did not take sufficient account of environmental concerns. Over time, however, both NEPA’s procedural requirements and, in particular, litigation challenging the adequacy of an agency’s NEPA compliance have also become “notorious for special interest abuse.” Frank B. Cross, The Judiciary and Public Choice, 50 Hastings L. J. 355, 375 (1999). An expansive judicial view of NEPA’s requirements, which first shapes action at the administrative level and then plays out in follow-on litigation, can introduce significant costs and delay in obtaining agency action—costs and delay that are too often the only real ends of those who use NEPA to impose them. One commentator describes the phenomenon as follows: Delay buys time, which opponents can use to build popular and political opposition to the project. New information may develop, partially through the dis-closures of the NEPA statement. Inflationary pressures, and other costs, could economically doom the project during the delay. NEPA thereby became an important means to the end: stopping the project. Denis Binder, NEPA, NIMBYs and New Technology, 25 Land and Water Law Review 11, 17 (1990). See also, e.g., James Dao, Environmental Groups to File Suit over Missile Defense, N.Y. Times, Aug. 28, 2001, at A10 (reporting plaintiff’s statement that “the hope is that [the NEPA-induced] delay will lead to cancellation…. That’s what we always hope for in these suits**.**”); Daniel Ackman, Highway to Nowhere: NEPA, Environmental Review and the Westway Case, 21 Colum. L.J. & Soc. Probs. 325 (1988). In other words, NEPA can easily become a tool of those interested in scuttling a project for any reason.

### Doesn’t Solve Public Participation

#### Doesn’t solve public participation – the EPA won’t make statements available

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

In  contrast  to EAs, EISs are subject to Federal Register notice requirements and available to the public on request. Yet access to the EIS itself is not always easy. An EPA site provides chronological listings of all draft and final impact statements.61 This itself compares favorably to the treatment of environmental assessments, the less detailed preliminary documents used to determine if an EIS is required. But if users want to actually see the environmental impact statements, the site offers very little help. Users of the site are advised: EPA does not have copies of Environmental Impact Statements (EISs) available for public distribution. Instead, we recommend that you request a copy directly from the agency that prepared the EIS. A good place to start is to telephone the agency "contact person" listed in EPA's weekly Notice of Availability of EISs. In addition, several agencies are publishing entire copies of EISs on the internet (check each agency's website to determine online availability).62

#### EIS’s won’t be publicly accessible

Flournoy 8 – Professor @ UF

Alyson, Harnessing the Power of Information to Protect Our Public Natural Resource Legacy, Texas Law Review, Vol. 86, p. 1575, 2008

However, the absence of a substantive standard for environmental protection is not the only criticism of NEPA’s design. There are a number of other significant critiques of NEPA that should be considered in assessing its capacity to define and protect a public natural resource legacy. In particular, commentators have focused attention on various shortcomings in how information is deployed under NEPA. A frequent criticism centers on NEPA’s central focus on the preparation of a document—an environmental impact statement (EIS) or an environmental assessment (EA)—and the resulting emphasis on the quantity of information collected.27 Many critics concur that “[t]he means have become ends in themselves.”28 The statute enshrines adequate documentation as the primary enforceable obligation of the agency and therefore, the agency focuses primarily on assembling enough documentation. Challenges to agency compliance with NEPA also typically focus on adequacy of the relevant documents, and judicial decisions in successful challenges to agency NEPA compliance frequently turn on gaps in these documents—information not included, analysis not provided, alternatives not developed.29 As several commentators have observed, the result is to encourage agencies to gold-plate their EISs by including every conceivably relevant piece of information to avoid reversal.30 The result is overly lengthy documents that are less valuable than more concise, focused documents would be. Another consequence of the emphasis on comprehensiveness is that it delays completion of EISs, therefore delaying the agency’s consideration of the information in the document as part of its underlying decision-making process. It is widely agreed that consideration of impacts and alternatives must occur early in the decision-making process to be effective.31 Delays increase the risk that a particular project alternative and design may become entrenched in decision makers’ and proponents’ minds before the EIS or EA is complete, and thus before the complete range of alternatives and impacts are fully developed. This undermines a central goal of NEPA compliance— to inform agency decision making. Overly lengthy documents also create barriers to public participation for those who seek to review an EIS and participate in the comment process. Wading through unnecessarily lengthy documents demands additional time by the interested public and may increase the cost of obtaining needed technical expertise. Excessive length can also work against transparency. Key information is harder to find when it is buried within five volumes, each several hundred pages in length.

### Consensus Building Fails

#### Consensus-building fails

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

In studying consensus-based approaches, scholars and past participants have also noted potential problems or reasons to be wary of the stakeholder group approach to federal decisionmaking. Wondolleck and Yaffee observed three basic challenges to collaboration, from the perspective of process management: 29 • Unfamiliarity with the process: The process can overwhelm the substance of the policy decision if agency staff underestimate resources, timing, and other needs of a collaborative process. • Lack of process skills: Though not typically trained as mediators, agency staff may need to mediate contentious issues between stakeholder groups while simultaneously facilitating the process within their agency – from resource managers with implementation concerns to high-level decision makers with political concerns. • Managing the tension between the process and the world around it: Despite best efforts at the table, there are many external forces that can complicate a consensusbased process. For example, a stakeholder’s constituency may not agree to sign on; the lead agency may be pressured by elected officials; stakeholders or nonparticipants may exert political influence in other arenas; stakeholder groups may be involved in an ongoing conflict about another issue, thus straining their working relationship. Mike McCloskey, Chairman of the Sierra Club, also expressed concerns about consensus-based approaches, from the stakeholder perspective, in a letter to his board of directors. 30 Several of his comments underscored the tension between local and national interests, noting that many collaborative processes do not provide an effective mechanism for the involvement of “distant stakeholders.” In addition, he observed that stakeholders who refuse to negotiate in good faith or move from their positions may exert undue influence, “paralyz[ing] the process and defy[ing] the popular will.”

### Links to Politics

#### Links to politics

Dreher 5 - Deputy Executive Director of the Georgetown Environmental Law & Policy Institute. He served as Deputy General Counsel of the U.S. Environmental Protection Agency

Robert, “The Political Assault on the National Environmental Policy Act,” http://www.law.georgetown.edu/gelpi/research\_archive/nepa/NEPAUnderSiegeFinal.pdf

NEPA is justly regarded as the foundation for U.S. environmental protections. In addition to establishing our nation’s basic commitment to a policy of environmental protection, NEPA creates a framework for informed and responsive government decision-making based on extensive public input. The assault on the Act that is taking place on Capitol Hill and within some federal agencies threatens to destroy this basic environmental framework. After 35 years, it is worthwhile to consider how NEPA should be improved. Thoughtful improvements in agency practices and renewed commitments of federal resources can make the Act more effective. The goal should be to improve and strengthen this bedrock environmental law, not to undermine and weaken it

### Delay

#### Delay – takes years

-several independent studies prove

Dill 5 – PhD in Urban Studies

Jennifer, “What Influences the Length of Time to Complete NEPA Reviews? An Examination of Highway Projects in Oregon and the Potential for Streamlining,” http://dot.alaska.gov/stwddes/desenviron/assets/pdf/resources/nepareviewtime.pdf

How long does the environmental review process take? The Louis Berger Group sampled 100 EISs from the 1970s, 1980s, and 1990s, to help FHWA obtain a baseline for measuring performance (2). They estimated the length of time taken to complete the NEPA process based on the information in the EIS. The end date was the date on the final EIS. The start date varied. In Phase II of the project, the Louis Berger Group collected data on 244 projects from 1995 to 2001 and calculated the length of the NEPA process using the Notice of Intent (NOI) as the start date and the Record of Decision (ROD) as the end date. In addition, for the past five years, FHWA has tracked the length of time to complete the NEPA process, also using the NOI and ROD dates (7). The data from these three sources is shown in FIGURE 1. The two studies by the Louis Berger Group noted that the time to complete NEPA was not normally distributed, and that a handful of very lengthy projects often skewed the data. In such cases, the median may be a better indication of central tendency. For example, the median time to complete NEPA for the projects from the 1970s through 1990s was 3.0 years, compared to a mean of 3.6 years for all three decades. FIGURE 2 shows the medians from the same three data sources. In addition, in 1994 the General Accounting Office (GAO) reviewed 76 projects with EISs completed between 1988 and 1993 (5). The average time from NOI to ROD was about 4.5 years. This figure is consistent with the Berger Group data. At the request of the American Association of State Highway and Transportation Officials (AASHTO), in 2003 TransTech Management, Inc. surveyed 31 state departments of transportation about their most recent final EIS document (8). They found a median time taken from NOI to ROD of 3.7 years, ranging from just over two years to almost 12 years. The difference from the FHWA/Berger Group data was not explained

#### Streamlining fails

Dill 5 – PhD in Urban Studies

Jennifer, “What Influences the Length of Time to Complete NEPA Reviews? An Examination of Highway Projects in Oregon and the Potential for Streamlining,” http://dot.alaska.gov/stwddes/desenviron/assets/pdf/resources/nepareviewtime.pdf

The primary sources of delay identified by our examination of the project files and interviews were design changes and concerns raised by citizens and property owners. These sources can be related to natural environmental concerns, but are not solely environmental issues. The data analysis confirmed these findings. The environmental review for projects with more design changes and more business relocations took longer to complete. Factors relating solely to natural environmental issues (e.g. endangered species listings, wetlands mitigation, etc.) were identified as a source of delay in one-third or fewer of the projects examined, based on either the files or interviews. Moreover, the data analysis did not show that any of the environmental process variables were related to longer review periods. In fact, some of the environmental process variables were associated with shorter review periods. Efforts to streamline the process may **not alter** overall timelines significantly simply because deadlines are set. Instead, the most significant improvements to the process are likely to come from better communication and information, along with earlier involvement. If a streamlining effort can succeed in these areas, the formal review process may be shorter. Perhaps more importantly, the process could result in better projects and better environmental outcomes.

#### Takes a year or longer

Geneslaw 95

Gene. “CLEANUP OF NATIONAL PRIORITIES LIST SITES, FUNCTIONAL EQUIVALENCE, AND THE NEPA ENVIRONMENTAL IMPACT STATEMENT,” Journal of Land Use and Environmental Law, http://www.law.fsu.edu/journals/landuse/vol101/geneslaw.html

The National Environmental Policy Act of 1969 (NEPA)[1] was enacted by Congress to establish a framework for environmental review of actions carried out by the federal government.[2] NEPA imposes certain responsibilities on the federal government including an obligation to assure a safe and healthful environment free from degradation and to achieve a wide range of beneficial uses without risk to health or safety.[3] NEPA mandates that all agencies of the federal government prepare an environmental impact statement (EIS) when they undertake or fund "major Federal actions significantly affecting the quality of the human environment."[4] At the time NEPA was enacted, the Environmental Protection Agency (EPA) did not yet exist.[5] NEPA's reach extended to all agencies of the federal government,[6] including those which were ultimately consolidated into what is now EPA.[7] No blanket exemption was granted in NEPA to EPA's predecessor agencies.[8] Following the creation of EPA in 1970, there has been continuing uncertainty with respect to whether EPA must prepare an EIS when it proposes or undertakes a major action significantly affecting the quality of the human environment. In the last two decades, the federal courts have created a doctrine of functional equivalence which permits EPA to bypass NEPA's environmental impact process, provided that its consideration of a proposed action is responsive to the policies underlying NEPA. Congress has also expressly exempted EPA from compliance with NEPA in several environmental statutes that themselves contemplate a review process much like that mandated by NEPA. Where emergency circumstances exist, the EIS requirement may be waived. The question remains, however, whether Congress in fact intended for EPA to be exempt from NEPA's requirements and whether functional equivalence adequately addresses the policies that underlie NEPA. Functional equivalence has not yet been applied to EPA's cleanup of hazardous waste sites under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA),[9] or "Superfund." Enacted in 1980, CERCLA authorizes and provides funding for cleaning up abandoned hazardous waste sites from which (a) a release of hazardous waste into the environment is threatened, or (b) a release of hazardous waste into the environment has occurred or is occurring.[10] Sites which pose an imminent threat or which require prompt cleanup are accorded priority by placement on the National Priorities List (NPL). Since preparation of an EIS in accordance with NEPA may take a year or longer, there is a continuing concern that rather than protecting the environment, preparation of an EIS in compliance with NEPA could actually result in substantial injury through hazardous substance release.

### Doesn’t Solve Stimulus

#### Doesn’t solve stimulus

Eisenberg 9

Ross, “Shovel This: Senate Acknowledges NEPA is a Problem for Infrastructure,” http://www.freeenterprise.com/2009/02/shovel-this-senate-acknowledges-nepa-is-a-problem-for-infrastructure/

If your business has gone through the environmental permitting and review process for any of its projects or operations, you know it takes time…a lot of time. Permits can tack on years, or even decades, to the delivery time of an infrastructure project. Frequently, the longest and most significant environmental roadblock to a project comes courtesy of the National Environmental Policy Act, or NEPA. NEPA is an umbrella statute of sorts; it requires federal agencies to consider the environmental impact of every major federal action. An August 2007 report by the American Association of State Highway and Transportation Officials (AASHTO)--read the PDF of the report here--estimates that the current average time to complete a NEPA review for a major transportation project is 60 months, or 5 years. In fact, NEPA continues to make it nearly impossible to get money into the economy quickly. The 2008 auto industry bailout is a good example.

### Non-Unique

#### Impact statements are high now

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.

### Uncertainty

#### EIS leads to uncertainty

FAO 95

“Chapter 3: EIA process,” “Environmental impact assessment of irrigation and drainage projects,” http://www.fao.org/docrep/V8350E/v8350e00.htm#Contents

An EIA involves prediction and thus uncertainty is an integral part. There are two types of uncertainty associated with environmental impact assessments: that associated with the process and, that associated with predictions. With the former the uncertainty is whether the most important impacts have been identified or whether recommendations will be acted upon or ignored. For the latter the uncertainty is in the accuracy of the findings. The main types of uncertainty and the ways in which they can be minimized are discussed by de Jongh in Wathern (1988). They can be summarized as follows: • uncertainty of prediction: this is important at the data collection stage and the final certainty will only be resolved once implementation commences. Research can reduce the uncertainty; • uncertainty of values: this reflects the approach taken in the EIA process. Final certainty will be determined at the time decisions are made. Improved communications and extensive negotiations should reduce this uncertainty; • uncertainty of related decision: this affects the decision making element of the EIA process and final certainty will be determined by post evaluation. Improved coordination will reduce uncertainty.

#### Even a small risk of uncertainty is magnified

Beder 90 – Professor of Social Sciences

Sharon, “Environmental Impact Statements: The Ethical Dilemma for Engineers,” http://herinst.org/sbeder/engineers/dilemma.html

Naturally, they will want that document to emphasise the advantages of the project to the community and to downplay the disadvantages. To a large extent that environmental impact statement becomes a sales document for the project. Any expression of possible adverse environmental effect or even any mention of uncertainty will certainly be grabbed by opponents of the project, magnified and used against them.