#### First, we meet- A restriction is a regulatory constraint

Farlex, ’12 (Farlex collection, Princeton University, 2012, WordNet 3.0, Print)//CC

restriction - an act of limiting or restricting (as by regulation)

#### Second, counter-interp: a “Restriction” is a limitation on the use of property

**Texas** Supreme Court **’10** CAUSE NO. 08-01-18,007-CV-A, Final Judgment, http://www.supreme.courts.state.tx.us/ebriefs/12/12046401.pdf

"Restriction" is defined and commonly used to mean "[a] limitation (esp. in a deed) placed on the use or enjoyment of property." BLACK'S LAW DICTIONARY 1054 (7th ed. 2000).

#### Third, we meet: approval process prohibits development absent Secretary consent

**U.S. Code ‘5** 25 U.S.C. § 3504 : US Code - Section 3504: Leases, business agreements, and rights-of-way involving energy development or transmission, 2005,

An Indian tribe may grant a right-of-way over tribal land for a pipeline or an electric transmission or distribution line without review or approval by the Secretary if - (1) the right-of-way is executed in accordance with a tribal energy resource agreement approved by the Secretary under subsection (e); (2) the term of the right-of-way does not exceed 30 years; (3) the pipeline or electric transmission or distribution line serves - (A) an electric generation, transmission, or distribution facility located on tribal land; or (B) a facility located on tribal land that processes or refines energy resources developed on tribal land; and (4) the Indian tribe has entered into a tribal energy resource agreement with the Secretary, as described in subsection (e), relating to the development of energy resources on tribal land (including the periodic review and evaluation of the activities of the Indian tribe under an agreement described in subparagraphs (D) and (E) of subsection (e)(2)). (c) Renewals A lease or business agreement entered into, or a right-of-way granted, by an Indian tribe under this section may be renewed at the discretion of the Indian tribe in accordance with this section. (d) Validity No lease, business agreement, or right-of-way relating to the development of tribal energy resources under this section shall be valid unless the lease, business agreement, or right-of-way is authorized by a tribal energy resource agreement approved by the Secretary under subsection (e)(2). (e) Tribal energy resource agreements (1) On the date on which regulations are promulgated under paragraph (8), an Indian tribe may submit to the Secretary for approval a tribal energy resource agreement governing leases, business agreements, and rights-of-way under this section. (2)(A) Not later than 270 days after the date on which the Secretary receives a tribal energy resource agreement from an Indian tribe under paragraph (1), or not later than 60 days after the Secretary receives a revised tribal energy resource agreement from an Indian tribe under paragraph (4)(C) (or a later date, as agreed to by the Secretary and the Indian tribe), the Secretary shall approve or disapprove the tribal energy resource agreement. (B) The Secretary shall approve a tribal energy resource agreement submitted under paragraph (1) if - (i) the Secretary determines that the Indian tribe has demonstrated that the Indian tribe has sufficient capacity to regulate the development of energy resources of the Indian tribe; (ii) the tribal energy resource agreement includes provisions required under subparagraph (D); and (iii) the tribal energy resource agreement includes provisions that, with respect to a lease, business agreement, or right-of- way under this section - (I) ensure the acquisition of necessary information from the applicant for the lease, business agreement, or right-of-way; (II) address the term of the lease or business agreement or the term of conveyance of the right-of-way; (III) address amendments and renewals; (IV) address the economic return to the Indian tribe under leases, business agreements, and rights-of-way; (V) address technical or other relevant requirements; (VI) establish requirements for environmental review in accordance with subparagraph (C); (VII) ensure compliance with all applicable environmental laws, including a requirement that each lease, business agreement, and right-of-way state that the lessee, operator, or right-of-way grantee shall comply with all such laws; (VIII) identify final approval authority; (IX) provide for public notification of final approvals; (X) establish a process for consultation with any affected States regarding off-reservation impacts, if any, identified under subparagraph (C)(i); (XI) describe the remedies for breach of the lease, business agreement, or right-of-way; (XII) require each lease, business agreement, and right-of- way to include a statement that, if any of its provisions violates an express term or requirement of the tribal energy resource agreement pursuant to which the lease, business agreement, or right-of-way was executed - (aa) the provision shall be null and void; and (bb) if the Secretary determines the provision to be material, the Secretary may suspend or rescind the lease, business agreement, or right-of-way or take other appropriate action that the Secretary determines to be in the best interest of the Indian tribe;

#### Fourth, Counter-interpretation: restrictions includes statutory requirements that DIRECTLY BLOCK land access for production

DOI, USDA, DOE 2008

[“Inventory of Onshore Federal Oil and Natural Gas Resources and Restrictions to Their Development”, <http://www.blm.gov/pgdata/etc/medialib/blm/wo/MINERALS__REALTY__AND_RESOURCE_PROTECTION_/energy/0.Par.68195.File.dat/EPCA2008lo_1.pdf> //wyo-tjc]

Additional statutory and discretionary requirements beyond lease stipulations impact Federal land access for oil and gas development. Many of these impacts were not quantified because GIS data do not exist, or they are issues that are not amenable to quantitative analysis. Many of these requirements can be considered restrictions on drilling because they have effects similar to stipulations on oil and gas development activities. These issues can directly or indirectly impact Federal land accessibility for oil and gas development. Tables 4-1 through 4-16 present office-specific issues that were recorded from discussions with BLM and FS staff during field visits. Average APD processing time was calculated for each office using input from the offices supplemented by an analysis of BLM’s Automated Fluid Minerals Support System (AFMSS).47

#### Fifth, We meet and have the best interp- plan reduces the NEPA requirement which is the LARGEST AND MOST DIRECT restriction

DOI, USDA, DOE 2008

[“Inventory of Onshore Federal Oil and Natural Gas Resources and Restrictions to Their Development”, <http://www.blm.gov/pgdata/etc/medialib/blm/wo/MINERALS__REALTY__AND_RESOURCE_PROTECTION_/energy/0.Par.68195.File.dat/EPCA2008lo_1.pdf> //wyo-tjc]

4.1 Issues Directly Impacting Access

The National Environmental Policy Act of 1969. The NEPA is the nation’s central environmental statute. It requires Federal agencies to consider environmental impacts before an action is taken. The NEPA process is intended to help public officials make better decisions based on an understanding of their environmental consequences. The NEPA is embedded into the fabric of Federal land management decision-making and has become the most important procedural public land management statute because it requires agencies to comply with its processes in all situations where major actions are contemplated. When an activity or action is proposed on Federal lands, an interdisciplinary review of the environmental effects of the proposal is conducted and made available to citizens and public officials. The review can take one of four forms: • a categorical exclusion (CX) • documentation of NEPA adequacy (DNA) • an environmental assessment (EA) • an environmental impact statement (EIS) The NEPA process can impact oil and gas development in terms of cost and time delays. Typically an EIS or EA is drafted in consultation with the cooperating agencies, presented for public comment, and reviewed by multiple agencies. A simple EIS can take 24 to 36 months to complete, while those with more complex issues may require three to six years to complete. The land use planning process as a whole takes in excess of 36 months, particularly if there is oil and gas involved. The NEPA documents analyze alternatives to the proposed action and must include a “no action” alternative. Impacts are classified as direct, indirect, and cumulative, and include the evaluation of economic impacts to counties and states to be considered, as well as impacts on resources. When considering oil and gas leasing, the BLM has identified the need to obtain additional data on such issues as air quality and clean water as a part of the cumulative impact analysis required by the NEPA and land use planning processes. This has been cited as an overarching issue that affects oil and gas lease parcel nominations. This lack of data can result in leasing delays when existing documents are deemed inadequate. The net result is that potential applicants are often aware of the problem and make decisions not to develop in areas that will be or could be held up by the NEPA process. With respect to the NEPA process itself, concern was expressed by some government officials that individual documents provide “piecemeal” information and that better environmental decisions could be made based on larger scale studies that look at the “bigger picture.” For example, wildlife habitat fragmentation is better characterized when it is examined in the context of larger rather than smaller areas. Delays can increase costs for oil and gas operations because, rather than waiting for the Federal agency to complete the work, operators frequently pay a third-party contractor to perform the necessary work. Section 366 of Energy Policy Act of 2005 (EPAct 2005) sets a deadline for the consideration of applications for permits. The permit must be issued within 30 days (if NEPA and other legal requirements have been met), or defer the decision and provide a notice to the applicant.

#### B- It conflates BANS with RESTRICTIONS-

BLM 2

[Bureau of Land Management, “Energy and Public Lands”, <http://www.blm.gov/wo/st/en/res/Education_in_BLM/Learning_Landscapes/For_Teachers/science_and_children/energy/index/energy2.html> //wyo-tjc]

Alternative energy production from federal lands lags behind conventional energy production, though the amount is still significant. For example, federal geothermal resources produce about 7.5 billion kilowatt-hours of electricity per year, 47 percent of all electricity generated from U.S. geothermal energy. There are 2,960 wind turbines on public lands in California alone, producing electricity for about 300,000 people. Federal hydropower facilities produce about 17 percent of all hydropower produced in the United States.

Most U.S. geothermal resources are in the western states, where most public lands are located. The sunny southwest has the greatest potential for solar energy production. Wind resources are more widespread, and there are federal lands in many of the most favorable areas.

The Secretaries of the Interior, Energy, and Agriculture are in the process of identifying renewable energy siting opportunities and reevaluating access restrictions on federal lands. Development limitations, including environmental considerations, must also be assessed. Federal agencies will also consider development incentives such as reduced site rental fees to encourage industry to more aggressively pursue renewable energy production.

Because of the growing U.S. thirst for energy and increasing public unease with dependence on foreign oil sources, pressure on the public lands to meet U.S. energy demands is intensifying. Public lands are available for energy development only after they have been evaluated through the land use planning process. If development of energy resources conflicts with management or use of other resources, development restrictions or impact mitigation measures may be imposed, or mineral production may be banned altogether.

BLM and other land managers have the delicate task of weighing energy production against competing public land uses, seeking a balance that both best serves the American public and sustains the health of the land. This is often a difficult undertaking, as conflicts over the Arctic National Wildlife Refuge (ANWR) illustrate. This pristine, controversial area—by current law off-limits to energy development—hosts native tribes, a vast wilderness teeming with wildlife, and significant oil and gas reserves. Wildlife and wilderness proponents oppose any development whatsoever; the oil industry and the current administration view ANWR as a step toward energy independence; and the native peoples—some of whom stand to gain, some to lose—are split on the subject. In addition to carefully considering what is fact and what is opinion, everyone involved in making decisions about ANWR and energy in general will need to seek innovative approaches and work collaboratively to find alternatives that can be accepted by all.

#### D- No aff meets-

Hagerty ‘11 - Specialist in Energy and Natural Resources Policy for the Congressional Research Service

Curry L. Hagerty is, May 6, 2011, “Outer Continental Shelf Moratoria on Oil and Gas Development”, http://www.fas.org/sgp/crs/misc/R41132.pdf

Bureau of Ocean Energy Management, Regulation and Enforcement

(BOEMRE)32

Footnote 32 Begins…

32 BOEMRE is a bureau in the U.S. Department of the Interior that manages the nation’s oil, gas, renewable, and other¶ mineral resources on the outer continental shelf (OCS). Secretarial Order 3299, “Establishment of the Bureau of Ocean¶ Energy Management, the Bureau of Safety and Environmental Enforcement, and the Office of Natural Resources¶ Revenue,” issued May 19, 2010, renamed the Minerals Management Service (MMS) as BOEMRE. This order was¶ amended on June 18, 2010, to extend the deadline for development of a schedule for implementing agency¶ reorganization from “within thirty (30) days,” or by June 19, 2010, to “by July 9, 2010.”

Footnote 32 End…

As mentioned above, regulated oil and gas activities on the OCS are administered pursuant to the¶ Outer Continental Shelf Lands Act (OCSLA). The chief agency for administering the oil and gas¶ leasing program is the Bureau of Ocean Energy Management, Regulation and Enforcement¶ (BOEMRE) in the Department of the Interior.¶ To clarify, BOEMRE is authorized to administer the leasing program, but it is not required to¶ lease specific areas. BOEMRE can opt to defer oil and gas development in any OCS area, even¶ when such action may appear to be inconsistent with other federal policies. BOEMRE has¶ deferred offering OCS areas numerous times over the years in response to recommendations from¶ state governors, stakeholders, and others.33¶ In rare cases, BOEMRE has designated OCS leasing in moratorium areas. In the current Five-¶ Year Plan, which took effect on July 1, 2007, BOEMRE (then the Minerals Management Service,¶ or MMS) proposed a lease sale in an area under moratorium offshore of the commonwealth of¶ Virginia.34 Sale 220 was proposed while the area was under a moratorium prohibiting leasing¶ activities; by 2009, however, the area was no longer under moratorium, and was eligible for¶ leasing consideration. Since that time Sale 220 has been removed from the lease sale schedule.

#### No- sovereignty=political struggle

Steinman 12

(Erich, Pitzer College Chicago Journals, “Settler Colonial Power and the American Indian Sovereignty Movement: Forms of Domination, Strategies of Transformation,” January 2012, JSTOR)

While there was no shared understanding of exactly what sovereignty entailed, over time “the concept of sovereignty … crystallized political struggle” in South Dakota, Arizona, and elsewhere around the country (Biolsi 2001, p. 178). As noted in a study of federal Indian policy conducted in the 1980s, “questions of political status are at the heart of policy debates on Indian affairs,” reflected in “the preoccupation of Indian policy analysts with the concept of sovereignty” (Gross 1989, pp. 4, 7) and the many tribal signs erected by the early 1980s “proclaiming their nationhood” (Deloria and Lytle 1984, p. 7). The distinctive goals and strategies of this movement developed and took identifiable shape between 1970 and the mid-1980s; the data presented focus on this period.

#### Alt can’t solve- Eliminating divisions between human and animal causes the conscious destruction of indigenous cultures, means case is a disad

Staudenmaier ‘4

(Peter, Ambiguities of Animal Rights, Institute for Social Ecology, http://www.social-ecology.org/article.php?story=20040611140817458)

The unexamined cultural prejudices embedded deep within animal rights thinking carry political implications that are unavoidably elitist. A consistent animal rights stance, after all, would require many aboriginal peoples to abandon their sustainable livelihoods and lifeways completely. Animal rights has no reasonable alternative to offer to communities like the Inuit, whose very existence in their ecological niche is predicated on hunting animals. An animal rights viewpoint can only look down disdainfully on those peasant societies in Latin America and elsewhere that depend on small-scale animal husbandry as an integral part of their diet, as well as pastoralists in Africa and Asia who rely centrally upon animals to maintain traditional subsistence economies that long predate the colonial imposition of capitalism. These are not matters of “taste” but of sustainability and survival. Forsaking such practices makes no ecological or social sense, and would be tantamount to eliminating these distinctive societies themselves, all for the sake of assimilation to standards of morality and nutrition propounded by middle-class westerners convinced of their own rectitude. Too many animal rights proponents forget that their belief system is essentially a European-derived construct, and neglect the practical repercussions of universalizing it into an unqualified principle of human moral conduct as such.13 Nowhere is this combination of parochialism and condescension more apparent than in the animus against hunting. Many animal rights enthusiasts cannot conceive of hunting as anything other than a brutal and senseless activity undertaken for contemptible reasons. Heedless of their own prejudices, they take hunting for an expression of speciesist prejudice. What animal rights theorists malign as ‘sport hunting’ often provides a significant seasonal supplement to the diets of rural populations who lack the luxuries of tempeh and seitan. Even indigenous communities engaged in conspicuously low-impact traditional hunting have been harassed and vilified by animal rights activists. The campaign against seal hunting in the 1980’s, for example, prominently targeted Inuit practices.14 In the late 1990’s, the Makah people of Neah Bay in the northwestern United States tried to re-establish their communal whale hunt, harvesting exactly one gray whale in 1999. The Makah hunt was non-commercial, for subsistence purposes, and fastidiously humane; they chose a whale species that is not endangered and went to considerable lengths to accommodate anti-whaling sentiment. Nevertheless, when the Makah attempted to embark on their first expedition in 1998, they were physically confronted by the Sea Shepherd Society and other animal protection organizations, who occupied Neah Bay for several months. For these groups, animal rights took precedence over human rights. Many of these animal advocates embellished their pro-whale rhetoric with hoary racist stereotypes about native people and allied themselves with unreconstructed apologists for colonial domination and dispossession.15 Such examples are far from rare. In fact, animal rights sentiment has frequently served as an entry point for rightwing positions into left movements. Because much of the left has generally been reluctant to think clearly and critically about nature, about biological politics, and about ethical complexity, this unsettling affinity between animal rights and rightwing politics — an affinity which has a lengthy historical pedigree — remains a serious concern.

#### They disavows its own anthropocentric reference—this replicates value systems that reproduce primacy of the human

Hayward 97

[PhD, Department of Politics at Edinburgh University, “Anthropocentrism: a Misunderstood Problem”, Environmental Values, p. asp//wyo-tjc]

A basic reason why criticisms of anthropocentrism are equivocal is that it is not self-evident what exactly it means to be human-centred: where or what is the ‘centre’? The idea of anthropocentrism is typically understood as analogous to egocentrism (Goodpaster, 1979): but just as the latter is anything but unproblematic, if it implies a simple, unitary, centred ego, so too is anthropocentrism – for the human species is all too at odds with itself. If the project of bringing humanity to peace with itself, of constituting itself as a body which is sufficiently unified to be considered ‘centred’ is anthropocentric, though, it is anthropocentric in a sense I have suggested should be applauded rather than condemned. To be sure, what attitude such a body has towards non humans cannot be predicted before the event, but there is good reason to think that such a unified and peaceful body is more likely to be considerate – or at least guided by a far-sighted and ecologically enlightened conception of its selfinterest – than one which is riven by internal strife. Posing the question of ‘where and what is the centre’ not only allows this constructive perspective on anthropocentrism, it also reveals the indeterminacy of alleged alternatives to it. One alternative often referred to in the literature is ‘biocentrism’.6 However, if biocentrism means giving moral consideration to all living beings, it is quite consistent with giving moral consideration to humans; biocentrism in this sense is actually presupposed by my own rejection of human chauvinism and speciesism, and thus appears to be a complement of rather than alternative to anthropocentrism. Another perspective, however, which purports to offer an alternative to either anthropocentrism or biocentrism, is ecocentrism.7 For ecocentrism, not only living beings, but whole ecosystems, including the abiotic parts of nature, are deemed worthy of moral consideration too. The ecocentric claim is particularly significant in the present context in that it purports to stake out a role for the continued use of anthropocentrism as a term of criticism. From the perspective of ecocentrism, the critique of speciesism would not be adequate to capture all aspects of environmental concern, for while it serves to counter the arbitrary treatment of species and their members, ecocentrists would nevertheless argue that other sorts of entity, including abiotic parts of nature, are also worthy of concern. It is here, they claim, that a distinction between human-centredness and eco-centredness reveals its force: for in disregarding ecosystemic relations humans may not be disregarding the interests of any particular species, but they are nevertheless doing ecological harm. In reply to this claim I would argue that no harms can actually be identified without reference to species-interests of one sort or another. This is to return to the question of the lack of any determinate ‘eco-centre’, that is to say, to the problem of identifying the loci of ecological harms. One ecocentric response might be that whole ecosystemic balances, which can be upset by human interventions, should be preserved. But this response gives rise to a host of further questions, concerning, for instance: which balances should be preserved and why; whether unaided nature never ‘upsets’ ecological balances, and some human activities do not sometimes ‘improve’ them; whether humans should, per impossibile, seek simply not to influence ecosystems at all. In short, it leaves open the question of what criteria there are, for telling whether one balance is preferable to another, which do not refer back to anthropocentric or biocentric considerations. In fact, to my knowledge, the best, if not only, reason for preserving ecosystemic relations is precisely that they constitute the ‘life-support system’ for humans and other living species. Still, another ecocentric response might be to claim there is independent reason to take as morally considerable abiotic parts of nature – such as rocks, rivers, and mountains, for instance. But while one clear reason to value these is that they provide habitats for various living species, it is not so clear what reason there is to insist on their continued undisturbed existence for its own sake.8 In fact, arguments in favour of these parts of the natural world almost invariably appeal to spiritual or aesthetic reasons, and while these may be good reasons, they cannot, it seems to me, be disentangled from specifically human-centred concerns – namely, those of spirituality or beauty. In short, it seems to me that the attempt to pursue a radically ecocentric line is more likely to reintroduce objectionably anthropocentric considerations – such as unrecognised prejudices about what is beautiful or spiritual – than a position that recognizes, on the one hand, that aspects of anthropocentrism are unavoidable, but, on the other, that speciesism is not. My claim, then, is that ecocentrism is radically indeterminate and therefore provides no basis from which to launch an all-encompassing critique of anthropocentrism.

#### Their ethical strategy destroys ambiguity while polarizing values towards the ecosystem—this dogmatic ethic not only incorrect, but impedes the creation of coalitions which are capable of creating a new ethic—turns their arg by reinforcing speciesism

Hayward 97

[PhD, Department of Politics at Edinburgh University, “Anthropocentrism: a Misunderstood Problem”, Environmental Values, p. asp//wyo-tjc]

The argument so far would suggest that the aim of completely overcoming anthropocentrism in ethics is at best of rhetorical value, since all it does is draw attention to problems which are in fact better conceptualised in narrower and more precise terms. I shall now argue, though, that even as rhetoric the critical employment of the term can be unhelpful, and even positively counterproductive. Proposals for the ‘rejection’ of anthropocentrism are unhelpful because they cloud the real problem they think to address. The problem has to do with a lack of concern with nonhumans but the term anthropocentrism can all too plausibly be understood as meaning an excessive concern with humans.4 The latter, however, is not the problem at all. On the contrary, a cursory glance around the world would confirm that humans show a lamentable lack of interest in the wellbeing of other humans. Moreover, even when it is not other humans whose interests are being harmed, but other species or the environment, it would generally be implausible to suggest that those doing the harm are being ‘humancentred’. To see this, one only has to consider some typical practices which are appropriately criticised. Some examples would be: hunting a species to extinction; destroying a forest to build a road and factories; animal experimentation. In the case of hunting a species to extinction, this is not helpfully or appropriately seen as ‘anthropocentrism’ since it typically involves one group of humans who are actually condemned by (probably a majority of) other humans who see the practice not as serving human interests in general, but the interests of one quite narrowly-defined group, such as poachers or whalers. A similar point can be made regarding the destruction of the forest – for those who derive economic benefit from the destruction oppose not only the human interests of indigenous peoples whose environment is thereby destroyed, but also the interests of all humans who depend on the oxygen such forests produce. The case of animal experimentation, however, brings to the fore a feature which looks as if it could more plausibly be said to be anthropocentric: for if we suppose that the benefits of the experimentation are intended to accrue to any and all humans who might need the medicine or technique experimented, then there would seem to be a clear case of humans benefiting as a species from the use and abuse of other species. But the ‘if’ is important here. A reason why I am inclined to resist calling this anthropocentrism is that the benefits may in fact not be intended or destined for humans generally, but only for those who can afford to pay to keep the drug company in profit. As in the other two cases, it is unhelpful to cover over this fundamental point and criticise humanity in general for practices carried out by a limited number of humans when many others may in fact oppose them. There is in any case no need to describe the practice as anthropocentric when it is quite clearly speciesist – it is not the concern with human welfare per se that is the problem here, but the arbitrary privileging of that welfare over the welfare of members of other species. So a reason why critiques of anthropocentrism are unhelpful is that the problems the term is used to highlight do not arise out of a concern of humans with humans, but from a lack of concern for non-humans. I earlier explained why this lack of concern is not appropriately termed anthropocentrism; I now add the further consideration that practices manifesting a lack of concern for nonhumans very often go hand in hand with a lack of concern for other humans too. Taking this line of argument a step further it becomes evident that anti-anthropocentric rhetoric is not only unhelpful, but positively counterproductive. It is not only conceptually mistaken, but also a practical and strategic mistake, to criticise humanity in general for practices of specific groups of humans. If the point of anti-anthropocentric rhetoric is to highlight problems, to make them vivid in order to get action, then misrepresenting the problem is liable to make solutions all the harder. Something particularly to emphasise is that when radical critics of anthropocentrism see themselves as opposed to defenders of human interests they are seriously in error. From what has just been said about the specificity of environmental, ecological or animal harms merely being disguised by putting the blame on humans in general, it should be evident that those who are concerned about such harms in fact make common cause with those concerned with issues of social justice. The real opponents of both sorts of concern are the ideologists who, in defending harmful practices in the name of ‘humans in general’, obscure the real causes of the harms as much as the real incidence of benefits: the harms seldom affect all and only nonhumans; the benefits seldom accrue to all humans.5 Yet by appearing to accept the ideologists’ own premises, anti-anthropocentric rhetoric plays right into their hands: by appearing to endorse the ideological view that ‘humans in general’ benefit from the exploitative activities of some, the anti-anthropocentrists are left vulnerable to ideological rejoinders to the effect that challenging those activities is merely misanthropic. The opposite is in fact nearer the truth, I believe, because it will more often be the case that challenging such practices is in the interests of humans more generally.

#### Advocating for renewable energy development is necessary to create epistemological fissures that can begin to rectify historical traumas of energy exploitation

Powell and Curley 9

(Dana and Andrew, Assistant Professor of Anthropology, Appalachian State—AND—Researcher, Diné Policy Institute, Navajo Nation K’e, Hozhó, and Non-governmental Politics on the Navajo Nation: Ontologies of Difference Manifest in Environmental Activism, http://www.ram-wan.net/documents/05\_e\_Journal/journal-4/5-powell.pdf)FLD=Fundamental Laws of the Dine

In this paper, we explore how non-governmental political action on the Navajo Nation, and environmental activism, in particular, is organized around the perennial question of development, and the ontological frictions that produce and continue to shape these debates. At the same time, we suggest that these ontological differences are never complete or total, but in fact are the result of historical processes of lived experience, as much dependent upon the circulations of “outside” forces such as popular culture, higher education, global pan-Indigenous movements, and the traveling discourses of environmentalism, climate change, and environmental justice, as upon anything inherently Diné. The effects of such global forces work to produce political actors who very often move and operate across the boundaries of well-worn categories such as “tradition” and “modernity,” “grassroots” and “governmental.” The experience of indigeneity itself is forged in and through encounters, always a relational, unpredictable, and “open-ended process,” as others have shown (see de la Cadena and Starn 2007). The result is a process of frictions, fractures, and flows of political action, in which differing senses of what the world is and should be (what we herein call “ontologies”) generate an opening for exploring how a sense of unique identity (what it means to be specifically Diné) is being worked out through environmental activism and contested interpretations of ethics, “nature” and “culture.” In this sense, social movement actors are contributing in an active and meaningful way to local, regional, and national debates on the future of particular extractive industries (in this case, mining) on indigenous territories. The knowledge they bring forth and mobilize is, we will show, integral to the Nation-wide debates on the future of energy for the tribe and the region. Through this paper, we aim to contribute to the interdisciplinary fields of social movements studies and development studies, which have largely overlooked, as Bebbington points out, “the roles of rural social movements in mediating the effects of large scale capital investment on rural livelihoods and territorial change” (Bebbington et al 2008: 4). Like others (see Escobar 1998 and Hess 2005), we view the work of social movements to be crucial in shaping the discourse, knowledge, and future of not only how development technologies are implemented (or not) in particular places, but how the very conceptual framework of “development” itself is thought, spoken, and transformed. 3¶ [Continues]¶ In conjunction with the FLD, tribal members have used other Diné ethical principles such as dóó nal yee dah to support their call for the prohibition on uranium mining and milling on and around Diné territory. Dóó nal yee dah, which roughly translates to “certain substances within the Earth that are harmful to the People should not be disturbed,” was derived from consultations by environmental groups with medicine people and other tribal elders with traditional/historical knowledge. Once introduced, use of similar customary principles and concepts have taken hold and proliferated in other struggles. More recently, the group Diné CARE (Diné Citizens Against Ruining our Environment) issued a report on economic and energy alternatives to a proposed 1500-megawatt coal-fired power plant on the Navajo Nation known as the Desert Rock Energy Project, using FLD and other related Diné ethical principles as the basis of their argument in a 200-page report laying out economic and energy alternatives to the proposed coal plant. 10 The report’s Introduction cites the 2005 Diné Natural Resources Protection Act (DNRPA) and its use of FLD as an authoritative basis and point of departure for their own argument:¶ “DNRPA and its incorporation of Diné Fundamental Laws to ban uranium activities make evident the need for Navajo energy development and economy to be “rebalanced” through the traditional concept of Alch’i Silá (“they face/relate each other”), rectifying the historical trauma of energy development and mining with sustainable renewable technology in accordance with foundational principles” (Diné CARE 2008).¶ Building on this call for “rebalancing” through new and different technologies, the report continues to draw upon Diné worldview and values to argue for investment in solar and wind power on the Navajo Nation, instead of coal-fired power. Stressing core Diné ethics of hozhó (“beauty, or balance”), k’e (“relations”), and áná’áál’ii’ nitl’iiz niná’nil (“atonement by putting things in place”) and also explicating the technicalities of concentrated solar power technology, the report stands out in its unique usage of Diné ontology and epistemology combined with technical knowledge and renewable energy expertise. 11¶ Also drawing on Diné Natural Law and ontological difference, other non-governmental Navajo groups have sustained long term public campaigns challenging development projects in areas outside of reservation geopolitical boundaries, but in places that are considered part of their historic territory and sacred to the Diné (as well as other Native peoples of the region). In several recent cases, activists have mounted challenges to development activity on what are considered to be holy mountains that play an important role in Navajo cosmology, as sites of the birth and resting places of specific and central deities such as Changing Woman, and her twin sons, Monster Slayer and Born-for-Water. These mountains are sacred in Navajo belief and are the geographic, historical boundaries for Dinétah, the Navajo territory. An example of one such struggle is the “Save The Peaks” movement, centered in Flagstaff, Arizona, one of the larger Navajo and nonNative “border towns” of the reservation. The Flagstaff-based Black Mesa Water Coalition (BMWC), a coalition of Navajo and Hopi organizers, along with non-Native allies opposed the city’s plan to use recycled effluent, or city wastewater to create “snow” for the Arizona Snowbowl Ski Area. This ski area was slated as a tourist attraction on the mountain known, in English, as the San Francisco Peaks. This mountain, known as Dook’sliid by the Diné, is the westernmost of their four sacred mountains. In their campaigns, BMWC and the affiliated organizations used the FLD and other traditional/historical principles as a central organizing ethic for their “environmental justice” work. Interestingly, in this particular campaign – as in the campaign that culminated in the moratorium on uranium mining – the Navajo Nation Council has aligned with non-governmental actors against the developers, also deploying FLD and invoking cultural preservation as the basis for protecting these landscapes. ¶ Admittedly, use of customary principles serves as a pragmatic legal strategy, but there remains strong use of these concepts within the meaning-making work that goes on within Diné non-governmental politics. In fact, it is precisely the contested meanings of FLD that fuel the debates over various development technologies, as evidenced in all ten of the public hearings for the Draft Environmental Impact Statement on the Desert Rock Energy Project (coal fired power plant) during the Summer of 2007. The meaning-making work of these social movement actors is crucial to their political subjectivities and epistemologies, which are significant products of the cultural politics they are engaged in. In other words, their efficacy and agency cannot be measured only in terms of “political opportunities” or directly causal factors, but operates as well at the level of knowledge production and resignification. 12 What’s more, many of Navajo non-governmental actors express extreme dissatisfaction with the decision-making processes currently operating in the Navajo Nation government, while at the same time stressing the central importance of tribal sovereignty, self-determination, and good governance. ¶ Significantly, leaders within environmental justice organizations critique the structure of the tribal government as a systemic cause for dissonance between industrial/extractive development and traditional notions of environment. These organizations argue (as do many scholars, see Iverson) that because the Navajo Nation government was created by the federal Bureau of Indian Affairs in 1923 as an instrument of extended colonial rule and relations between the U.S. federal government and the Navajo people in the interests of extractive industry, the current government is both non-traditional, colonial, and structured to act more in the interests of large corporations than in the interests of the Navajo people. In other words, grassroots organizations question the legitimacy of formal political institutions on the Navajo Nation, now in existence for only 80 years, while using historical Diné knowledge, which, although it has evolved over time, has a much longer history. As such, the politics of authenticity and heritage is forged where ethical teachings engage modern institutions, implicating and generating a diverse array of Diné identities. This sort of contentious social practice yields shifting personal and collective identifications, often through these contested ontologies and epistemologies. Following Holland and Lave (2001), relationships between enduring struggles (such as contested modes of governance) and historical subjectivities (the activists, the council members, and others) are mediated through local, situated practice, such as the debate over existing and proposed development projects. And the sides of the debate on which specific actors will fall is never fully foreseeable.

#### Anti-anthropocentric rhetoric reinforces a more dominant frame of human value because they reify ideological opposition to respect for non-human life

Hayward 97

[PhD, Department of Politics at Edinburgh University, “Anthropocentrism: a Misunderstood Problem”, Environmental Values, p. asp//wyo-tjc]

Anthropocentrism, widely used as a term of criticism in environmental ethics and politics, is something of a misnomer: for while anthropocentrism can intelligibly be criticised as an ontological error, attempts to conceive of it as an ethical error often involve conceptual confusion. I point out that there is no need for this confusion because a more appropriate vocabulary to refer to the defects the ethical ‘anti-anthropocentrists’ have in mind already exists. My argument is not just about semantics, though, but engages directly with the politics of environmental concern: blanket condemnations of ‘anthropocentrism’ not only condemn some legitimate human concerns, they also allow ideological retorts to the effect that criticisms of anthropocentrism amount to misanthropy. My argument, therefore, is that a more nuanced understanding of the problem of anthropocentrism allows not only a more coherent conceptualisation of environmental ethics but also a more effective politics. The article has five main sections. The first notes the paradox that the clearest instances of overcoming anthropocentrism involve precisely the sort of objectivating knowledge which many ecological critics see as itself archetypically anthropocentric. The second section then notes some ways in which anthropocentrism is not objectionable. In the third section, the defects associated with anthropocentrism in ethics are then examined: I argue, though, that these are better understood as instances of speciesism and human chauvinism. In order to explain why it is unhelpful to call these defects anthropocentrism, I note in section four that there is an ineliminable element of anthropocentrism in any ethic at all, and in the fifth section that the defects do not typically involve a concern with human interests as such anyway. Because of this last point, I also argue, the rhetoric of anti-anthropocentrism is not only conceptually unsatisfactory, it is counterproductive in practice.

#### Method doesn’t come first

Friedrich **Kratochwil**, Professor of International Relations, European University Institute, “Ten points to ponder about pragmatism: some critical reflections to knowledge generation in the social sciences,” PRAGMATISM IN INTERNATIONAL RELATIONS, eds. Harry Bauer and Elisabetta Brighi, 20**09**, p. 12-13.

To that extent, the argument for a pluralism of methods and approaches follows from the fact that all knowledge is always part of a certain perspective, and that direct tests against 'reality' are not available. Consequently, the orthodox notion that scientific 'progress\* consists in coming nearer and nearer to the truth shows its ideological character. For one, it is on all fours with the empirical evidence of how the scientific enterprise developed. Thus the notion of a simple accumulation was not only debunked by Kuhn and the general criticisms developed by the history of science (Kuhn 1970) but, more importantly, involves us in a logically untenable contradiction. **Without knowing 'reality' independently of our specific theoretical inquiries, we can never know whether we are 'nearer\* to the "truth\* (rather than** being simply **'somewhere else'**). Otherwise we would need to argue that we can determine that we are nearer to the 'goal', even if we have no goal line against which we can make that assessment.2 **This recognition puts a premium on 'dialogue\* among practitioners utilizing competing theories rather than on the idea of 'demonstration\* that speaks for itself. Analytical and methodological eclecticism recommends itself precisely because in practical contexts we cannot wait until we know 'the truth**', whatever it might be. To that extent, **insisting on methodological purity seems a problematic regulative idea**. Instead, what **we need** is **a self-conscious 'trespassing'**, a la Hirschman, of various research traditions, **and a flexible utilization of their contribution to the problem at hand** (Hirschman 1981). Trusting 'paradigms' might hinder rather than help with diagnosing the problem. Similarly, a blind reliance on methods in the sense "one size fits all' is unlikely to deliver the desired 'data\* (King el al. 1994). What is needed is a careful combination of methods and approaches that understands and respects the strengths and limitations of different research traditions and methods, and that combines and adapts (through 'translation' and other techniques) the different parts, while being fully attentive lo their moorings in different descriptions of the world.

#### Issues of Native American sovereignty must come prior to deconstruction of truth- their alt is a privileged way of insulatating racialized academia from minority critical perspectives

Gorelova, 2009 (Olena, “Postmodernism, native American literature, and Issues of sovereignty.” http://etd.lib.montana.edu/etd/2009/gorelova/GorelovaO0509.pdf, online, MB)

According to Womack, Abenaki poet Cheryl Savageau, while in college, was labeled an essentialist by one of her professors because she published an article in a newspaper on Native writers and land issues. She wrote in correspondence to Womack: “The same professor who labeled me ‘essentialist’, said there was no truth, no history, just lots of people’s viewpoints. I argued that some things actually did happen. That some versions of history are not just a point view, but actual distortions and lies” (qtd. in Womack 3). Savageau goes on to say that it is curious that exactly then, when Native Americans are finally starting to tell their story from their perspective, all of a sudden there is no truth, but only points of view. She states that it is a political move by the Euro- American academia to safeguard itself from having to deal with all the minority stories, whether they are African-America, American Indian, or gay and lesbian. She points out that this “equality” of everybody’s stories frees the mainstream from accountability since there is then “no need to change anything, no need for reparations, no arguments for sovereign nation status, and their [mainstream] positions of power are maintained” (Womack 4). Therefore, Womack underlines the importance of discovering and re- discovering what has been made implicit and making it explicit: “at least until we get our stories told, especially in terms of establishing a body of Native criticism in relation to nineteenth-century writings, postmodernism may have some limitations in regards to its applicability to Native scholarship” (Womack 4). Womack remarks the vital part that nineteenth-century Indian literature of resistance played in the establishment of Native American literatures. Indian people produced works that argued for the rights of the indigenous nations and criticized land theft.

#### Postmodern apathy prevents successful First American resistance movements

Gorelova, 2009 (Olena, “Postmodernism, native American literature, and Issues of sovereignty.” http://etd.lib.montana.edu/etd/2009/gorelova/GorelovaO0509.pdf, online, MB)

This is basically what we know today as the postmodern condition, but as Owens states, it reduces difference to indifference (Owens 58). Therefore, this might bring about the undesired effect into interpretation of Native American literature. Can it be that instead of stressing the value of Native literary difference, the indifference to the Native viewpoint can be brought about by postmodern interpretations? The purpose, however, is quite the opposite; it is to prove the independence and value of indigenous literary traditions, as well as put it on an equal level with Western literature. Therefore, it is important for Native American literature to make a difference, not to create indifference originated by postmodern apathy. Thus, Womack stresses the need for a literary criticism that emphasizes Native resistance movements against colonialism, confronts racism, discusses sovereignty and Native nationalism, seeks connection between literature and liberation struggles, and, finally, roots literature in land and culture. This criticism emphasizes unique Native worldviews and political realities, searches for differences as often as similarities, and attempts to find Native literature’s place in Indian country. (Womack 11) Therefore, Native American literary criticism has to be with regard to culture, community, and its current issues, and its purpose is to support the continuity of this specific culture instead deconstructing it and turning it into a mere tourist attraction.

#### Postmodern strategies fail in the context of Indigenous movements

Smith, 2010 (Andrea, “Queer Theory and Native Studies: The heteronormativity of settler colonialism.” GLQ Vol 16, # 1-2, project muse, MB)

This valorization of mixedness then affects Muñoz’s analysis of political engagement. He equates disidentification with a Gramscian politics of maneuver in opposition to a war of position. Antonio Gramsci did not disarticulate the two; both a war of position and a war of maneuver are mutually interdependent. A war of position is required to develop an ideological base that can enable a war of maneuver to build political power. But at the same time, a war of position is also insufficient in and of itself; oppressed groups must seize state and capitalist appa- ratuses or re-create alternative models. “The decisive element in every situation is the permanently organized and long-prepared force which can be put into the field when it is judged that a situation is favourable. . . . Therefore the essential task is that of systematically and patiently ensuring that force is formed, developed, and rendered ever more homogeneous, compact, and self aware.” 64 Muñoz, by contrast, dismisses the relevance or importance of a war of position, arguing that it has been temporally displaced by a war of maneuver. “Whereas the war of [position] was a necessary modality of resistance at a moment when minoritarian groups were directly subjugated within hegemony, the more multilayered and tactical war of [maneuv er] represents better possibilities of resistance today, when discrimina- tory ideologies are less naked and more intricate.”65 This temporal supersession implies that the time of direct colonization and subjugation has passed, thus eras- ing the current colonization of indigenous peoples globally. Since not all peoples are in a postcolonial relationship vis-à-vis the state, a binary analysis of the colo- nizer and colonized can sometimes be helpful in highlighting the current condi- tions of settler colonialism that continue to exist today both in the United States and in the rest of the world.

### AT Link/Impact- Identity Appropriation

#### Identifying locations key to Native identity- identifying locations allows geographic connection to history, experience and relationships

Kovach 09

(Margaret, Indigenous Methodologies, Ch. 3: “Epistemology and Research: Centring Tribal Knowledge,” Pg. 61//wyo-mm)

Blackfoor scholar Narcisse Blood once spoke about places as being alive, that they are imbued with spirit and are our teachers. Daniel Wildcat considers how place informs: ‘You see and hear things by being in a forest, on a river, or at an ocean coastline; you can gain real experiential knowledge that you cannot see by looking at the beings that live in those environments under a microscope or in a laboratory experiment’ (in Deloria and Wildcat, 2001: 36). As tribal peoples, there is an understanding of how to proceed based upon a long history of interrelationship with a particular territory. Place is what differentiates us from other tribal peoples, and what differentiates us from settler societies (including both privileged and marginalized groups). Place gives us identity. A Saskatchewan Cree poet and scholar, Neal McLeod, writes about place and how it allows us to transverse time, giving us an immediate connection to the ancestors and reminding us who we are: ‘to the circle of old men speaking ‘ echo of generations /gave form to the moment of my birth’ (2005: 23). Place links present with past and our personal self with kinship groups. What we know flows through us from the ‘echo of generations,’ and our knowledges cannot be universalized because they arise from our experience with our places. This is why name-place stories matter: they are repositories of science, they tell of relationships, they reveal history, and they hold our identity.