

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT MEMORIAL NO. 15

BY WAYS AND MEANS COMMITTEE

A JOINT MEMORIAL

1
2 TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CON-
3 GRESS ASSEMBLED, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE
4 STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES, TO THE PRESIDENT OF
5 THE UNITED STATES, AND TO THE COUNCIL OF ENVIRONMENTAL QUALITY.

6 We, your Memorialists, the House of Representatives and the Senate of
7 the State of Idaho assembled in the Second Regular Session of the Sixty-fifth
8 Idaho Legislature, do hereby respectfully represent that:

9 WHEREAS, on January 1, 1970, President Richard Nixon signed the Na-
10 tional Environmental Policy Act (NEPA) into law. NEPA created the Council
11 of Environmental Quality (CEQ) within the Executive Office of the President.
12 CEQ oversees implementation of NEPA and recommends policies to the President
13 that promote and improve our nation's goals for environmental quality; and

14 WHEREAS, NEPA regulations apply to a wide range of vital projects for
15 states such as roads, bridges, traditional and renewable energy projects,
16 transmission lines, timber, mining, grazing, and broadband development just
17 to name a few; and

18 WHEREAS, NEPA is a procedural statute that requires federal agencies to
19 analyze the impacts of major federal actions and does not mandate substan-
20 tive outcomes; and

21 WHEREAS, there are different levels of NEPA review depending on the sig-
22 nificance of the project, including a categorical exclusion, environmental
23 assessment (EA), and environmental impact statement (EIS); and

24 WHEREAS, the spirit and intent behind the adoption of NEPA 50 years ago
25 has been eroded. A 2018 report issued by CEQ stated that the average EIS
26 takes nearly 5 years to complete and exceeds 600 pages in length. The average
27 EIS for a transportation project under the Federal Highway Administration
28 takes well over 7 years; and

29 WHEREAS, too often NEPA is used as a tool to slow or halt meaningful
30 projects. Agencies are now preparing NEPA documents in preparation of liti-
31 gation, which increases the time and costs associated with federal projects;
32 and

33 WHEREAS, in 1978, CEQ issued regulations, set forth in 40 CFR 1500-1508,
34 to guide federal implementation of NEPA. These regulations have not been
35 substantively updated in over 40 years; and

36 WHEREAS, on April 10, 2019, President Trump issued the Executive Order
37 on Promoting Energy Infrastructure and Economic Growth, which called for
38 "efficient permitting processes and procedures that employ a single point
39 of accountability, avoid duplicative and redundant studies and reviews, and
40 establish clear and reasonable timetables"; and

41 WHEREAS, on January 10, 2020, the Trump Administration, through CEQ,
42 published a set of proposed reforms aimed at reducing paperwork and ineffi-

1 ciencies related to the NEPA process, while still safeguarding the environ-
2 ment; and

3 WHEREAS, the proposed reforms would enhance coordination with states,
4 localities, and tribes and would better utilize existing studies, data, and
5 analyses prepared by the states; and

6 WHEREAS, the proposed reforms would set presumptive time and page lim-
7 its for NEPA review documents; and

8 WHEREAS, the proposed reforms would cut down on federal red tape helping
9 to deploy critical projects to advance economic development in a timely man-
10 ner; and

11 WHEREAS, NEPA reform has long-standing bipartisan support. The Obama
12 Administration signed into law a reform designating a lead federal agency
13 for certain construction projects that include several different federal
14 decision makers known as the Fixing America's Surface Transportation (FAST)
15 Act; and

16 WHEREAS, the current NEPA process, including project analysis and sub-
17 sequent litigation, has oppressed the State of Idaho and caused severe nega-
18 tive economic impacts on our citizens.

19 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-
20 sion of the Sixty-fifth Idaho Legislature, the House of Representatives and
21 the Senate concurring therein, that we support the effort by the Trump Ad-
22 ministration, through the Executive Office of the President, to modernize
23 and simplify the NEPA regulations in order to streamline the review process
24 without changing environmental standards.

25 BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representa-
26 tives be, and she is hereby authorized and directed to forward a copy of this
27 Memorial to the President of the United States, the Council of Environmen-
28 tal Quality, the President of the Senate and the Speaker of the House of Rep-
29 resentatives of Congress, and to the congressional delegation representing
30 the State of Idaho in the Congress of the United States.