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ACTION ALERT

The National Environmental Policy Act is under attack once more.

Two bills have passed the House of Representatives and are now in the Senate which will do lasting damage to the Act.

Both bills must be defeated.

Your help is URGENTLY needed. Telegram or write your Senators and tell them to vote against these bills.

H.R. 3130 is a broad amendment to NEPA which when stripped of its foggy language would pass the responsibility for writing environmental impact statements to the states when they receive federal funds or apply for a federal license.

H.R. 3787 would allow the states of New York, Connecticut and Vermont to have the primary responsibility for writing environmental impact statements for highway projects in those states.

The facts are set out on the accompanying sheets.

Both bills are bad. Both bills must be defeated in the Senate.

Telegram or write your Senators now and urge them to vote against H.R. 3130 and H.R. 3787.

A C T N O W - S A V E N E P A

Threats to NEPA

NEPA is under serious attack in the U. S. Congress. In one of its fastest moves this Session, the House passed on April 21st two bills, H.R. 3787 and H.R. 3130, which undercut the effectiveness of NEPA in highway projects and set a precedent for the limiting of NEPA in other areas. The Senate is now taking up the proposed legislation and is expected to act very quickly. The tremendous pressure for passage has come from the highway lobby and follows President Ford's release of \$2 Billion in Highway Trust funds and a key decision -- Conservation Society of Southern Vermont v. Secretary of Transportation (U. S. Court of Appeals for the Second Circuit, Dec. 11, 1974). This decision requires the Federal Highway Administration (FHWA) to prepare its own Environmental Impact Statements rather than to delegate responsibility for preparation to the states.

H.R. 3787 is intended to provide specific relief to the three states affected by the court decision (New York, Connecticut and Vermont) by allowing the Secretary of Transportation to adopt a state-prepared EIS. H.R. 3130 is a broad amendment to NEPA applicable nationwide that allows state preparation of impact statements so long as the federal agency responsible "participates" in such preparation. Thus H.R. 3130 affects not only NEPA's applicability to highway programs, but affects all programs where a state agency is an applicant for funds or a license, etc.

The arguments against passage of either bill are numerous:

1. Both bills constitute major amendments to NEPA. (H.R. 3787 is in form an amendment to the Federal-aid Highway Act.) NEPA stands unamended and should remain so. Any conflict in courts' interpretations of NEPA should be resolved by the U. S. Supreme Court.
2. A state agency is as self-interested as any private applicant where it is seeking federal funds, approvals, licenses; therefore, its impact statement is likely to be full of "self-serving assumptions" and it should be given no more responsibility over impact statement preparation than a private applicant.
3. Only the federal agency is in a position to look beyond a particular state's interests in a particular program to assess compliance with other federal laws, regional or interstate impacts and alternatives, energy and land use implications and other issues of national importance.
4. There is no evidence that either bill would produce a significant number of construction jobs in the near future since there has been no showing that a significant number of projects planned for construction in 1975 have been slowed down just because of the Conservation Society decision. Even were such a showing made, it would provide an insufficient basis for major amendments of NEPA.
5. The problem of a backlog of state-prepared EIS' in the three states affected by the Conservation Society decision, can be dealt with administratively by FHWA. Indeed, FHWA has already begun to do so.
6. Money to new construction does not produce as many jobs as funding of maintenance work or safety improvements. Congress should enact legislation which loosens the guidelines for federal funding in these areas and states should use their money for these projects, in lieu of new construction.

The costs of allowing this legislation to pass are great and the benefits elusive. Unless environmentalists start pressing, however, the pressure being brought by FHWA and the construction industry will carry the day.

What You Can Do

Write your Senator to protest passage of these or any other amendments to NEPA. It is particularly important to contact the six Senators from New York, Connecticut and Vermont (Javits, Buckley from New York; Weicker, Ribicoff from Connecticut; Stafford and Leahy from Vermont), especially the two who are on the Senate Public Works Committee (Buckley and Stafford). Act fast since joint hearings were held before the Senate Public Works and Interior Committees on May 5 and speedy passage is likely to follow.

H.R. 3130 -- Amendment to Section 102 of NEPA

(b) A statement prepared after January 1, 1970, shall not be deemed to be legally insufficient solely by reason of having been prepared by a state agency or official if the responsible Federal official furnishes guidance and participates in such preparation and independently evaluates such statement prior to its approval and adoption. This procedure shall not relieve the Federal official of his responsibilities for the scope, objectivity, and content of the statement, nor of any other responsibilities under this Act.

H.R. 3787 -- Amendment to Federal-Aid Highway Act

That subsection (h) of section 109 of title 23, United States Code, is amended by adding at the end thereof the following: "Any detailed statement required by section 102(2)(C) of the National Environmental Policy Act of 1969 for any Federal-aid highway project in the States of New York, Vermont, and Connecticut which was prepared by the State on or after January 1, 1970 and which after analysis and evaluation has been adopted or is hereafter adopted by the Secretary of Transportation shall be deemed a statement prepared by the Secretary of Transportation for the purposes of the National Environmental Policy Act of 1969."

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