

IN THE SENATE

SENATE JOINT MEMORIAL NO. 102

BY STATE AFFAIRS COMMITTEE

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Sixty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Legislature of the State of Idaho recognizes the importance of the domestic mining industry to the nation's manufacturing, technology, agriculture, and food security; and

WHEREAS, Idaho contains a number of critical minerals such as molybdenum, cobalt, antimony, copper, phosphate, rare earths, uranium, gold, and silver. Because these minerals cannot be produced synthetically, they must be mined and processed. Outside of the United States, most of these minerals are produced by countries whose interests are not aligned with the United States and/or do not require minimum environmental standards; and

WHEREAS, Idaho has a number of mines, considerable mineral exploration, and several phosphate processing facilities that are the backbone of state and local economies. These operations provide high-quality products for the United States, such as phosphate fertilizer for national food security, and thousands of high-paying jobs and also support many other vital local community industries and services; and

WHEREAS, over the past decade, Idaho companies have expended millions of dollars to improve the environment and implement best-in-industry practices and innovative solutions to protect Idaho's natural resources. Such efforts have been effective and successful; and

WHEREAS, the Legislature applauds the current administration for its commitment to cut bureaucratic red tape, expedite permitting on federally managed lands, and ensure that domestic companies can continue to operate and mine in a predictable and cost-effective manner, thus benefiting the country's economy; and

WHEREAS, the federal government is vital to the continuation of the mining and mineral industry as most of these critical mineral deposits are located on federally managed lands. Idaho companies need efficient and predictable permitting processes for mines and processing facilities, including mine permits and land exchanges and acquisitions. Unfortunately, well-intended environmental laws have been weaponized by certain groups to delay, thwart, and end domestic mining and mineral processing production. These misguided efforts have caused bureaucratic inaction and overreach resulting in environmental studies and administrative records that can reach upwards of 100,000 pages and take decades to complete; and

1 WHEREAS, after these exhaustive administrative processes are com-
2 pleted, companies still face uncertainty given the prospect of costly
3 litigation, unfavorable court decisions, and presidential administrations
4 that may altogether decline to defend these critical decisions. The tension
5 caused by the byzantine and antiquated administrative process has reached
6 the United States Supreme Court through the Amicus Brief of the State of
7 Idaho, et al., in *State of Utah v. United States of America*, Docket No.
8 220160; and

9 WHEREAS, there are several federal agencies involved in the permitting
10 and oversight of mineral development and processing, including the United
11 States Department of the Interior, the Department of Agriculture, and the
12 Environmental Protection Agency.

13 NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Ses-
14 sion of the Sixty-eighth Idaho Legislature, the Senate and the House of Rep-
15 resentatives concurring therein, that the Idaho Legislature requests that
16 Idaho's Governor, Attorney General, and congressional delegation work co-
17 operatively with incoming cabinet officials to ensure they implement laws
18 and regulations consistent with President Trump's agenda and to facilitate
19 the permitting of critical mineral development and processing production of
20 these minerals.

21 BE IT FURTHER RESOLVED that the Legislature requests that Idaho's Gov-
22 ernor, Attorney General, and congressional delegation work with the current
23 administration to examine the relevant federal statutes, such as the Federal
24 Land Policy and Management Act of 1976, 43 U.S.C. 1701 et seq., and the Na-
25 tional Environmental Policy Act, 42 U.S.C. 4321 et seq., and take any and all
26 legislative, executive, and judicial action necessary to remove roadblocks
27 that impede the production and processing of critical minerals in Idaho.
28 This request also extends to state agencies that are involved in the leasing,
29 permitting, and regulation of the mining and mineral processing industry.

30 BE IT FURTHER RESOLVED that the Idaho Legislature recognizes the crit-
31 ical tipping point in this country's efforts to domestically produce vital
32 goods and services. It appreciates past efforts and requests the continued
33 and focused efforts of Idaho's Governor, Attorney General, and congres-
34 sional delegation to ensure that Idaho's mining and mineral processing
35 industry continues to remain a vital cornerstone of the state's economic
36 makeup.

37 BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is
38 hereby authorized and directed to forward a copy of this Memorial to the
39 President of the United States, the Senate and the House of Representatives
40 of the United States in Congress Assembled, and to the congressional delega-
41 tion representing the State of Idaho in the Congress of the United States.