

FY 2012 House Interior Appropriations bill: provisions to roll back environmental protections  
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 Bill analysis by Defenders of Wildlife  
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Category	Title, Section	What the provision says (in brief)	Why it's bad for wildlife/the environment
ESA	Title I, U.S. Fish & Wildlife Service – Resource Management	Caps FWS spending at \$1,099,055,000 and prevents any of those funds from being spent to implement ESA sections 4(a), (b), (c), and (e), which covers listing petitions, critical habitat designations, listing revisions, and listing species under similarity of appearance, respectively. The only exceptions are for implementing sections 4(c)(2)(A) (covering 5-year status reviews), 4(c)(2)(B)(i) (covering delistings), and 4(c)(2)(B)(ii) (covering downlisting).	Places a complete moratorium on processing any new listing petitions, designating new critical habitat and revising existing critical habitat, and revising the status of a species from threatened to endangered. This means, for example, that FWS will have no money to list any of the over 260 candidate species.
Judicial review of BLM Decisions	Title I, Sec. 118	Requires the public to go through a new step of administrative appeals before judicial review is available for challenges to grazing actions or challenges to amendments of land use plans. Amendments could include actions like the approval of oil and gas drilling projects. In addition, it limits judicial review to issues raised at the administrative review.	Makes it harder for the public to participate in the agency decisionmaking process by adding steps to the process and increasing the burden they must meet to challenge bad decisions.
ESA (Gray Wolves)	Title I, Sec. 119	Exempts from judicial review any final rule that delists gray wolves in Wyoming and any states within the range of the Western Great Lakes Distinct Population Segment of gray wolves (i.e., all of Michigan, Minnesota, and Wisconsin, and portions of North and South Dakota, Iowa, Illinois, Indiana, and Ohio), provided that FWS has entered into an agreement with the state for it to manage wolves.	Undercuts the ESA's public participation process by blocking citizen suits that challenge the final delisting rule(s).
Livestock Trailing	Title I, Sec. 120	Allows all trailing of livestock in 2012-2014 to proceed without any environmental review (no EIS). Trailing specifically refers to the moving of livestock through public land areas.	Prevents the public from being involved in decisionmaking and no longer requires the agency to weigh impacts to public lands, water quality and other resources.

Mountaintop Removal Mining	Title IV, Sec. 432	None of the funds made available by this Act may be used to develop, carry out, implement, or otherwise enforce proposed regulations published June 18, 2010 (75 Fed. Reg. 34,667) by the Office of Surface Mining Reclamation and Enforcement of the Department of the Interior.	Section 432 would prevent the Office of Surface Mining from completing its proposed rulemaking on the impacts of coal strip mining on streams. This section addressed the Office of Surface Mining and Reclamation and Enforcement's efforts to consider a new rule that would replace the "midnight regulation" that was adopted in 2008 by the Bush Administration that removed critical environmental protections for streams.
Mountaintop Removal Mining	Title IV, Sec. 433	None of the funds made available by this Act to the Environmental Protection Agency, the Corps of Engineers, or the Office of Surface Mining Reclamation and Enforcement may be used to carry out, implement, administer, or enforce any policy or procedure set forth in (1) the memorandum issued by the Environmental Protection Agency and Department of the Army entitled "Enhanced Surface Coal Mining Pending Permit Coordination Procedures", dated June 11, 2009; or (2) the guidance (or any revised version thereof) issued by the Environmental Protection Agency entitled "Improving EPA Review of Appalachian Surface Coal Mining Operations under the Clean Water Act, National Environmental Policy Act, and the Environmental Justice Executive Order", dated April 1, 2010.	Section 433 would withhold funding for EPA guidance and permit review processes designed to protect surface waters downstream of mountaintop mining projects in Appalachia.
Oil Drilling\Clean Air Act	Title IV, Sec. 433	Amends the Clean Air Act such that "any air quality impact of any OCS source shall be measured...solely with respect to the impacts in the corresponding onshore area." Further amends the CAA exempting emissions from OCS sources from "any emission control requirement applicable to the source under subpart 1 of part C of title I of [the Clean Air Act]." Requires the EPA to take final action on permits "not later than 6months after the date of filing." Declares that the EPA's Environmental Appeals Board shall have no authority to consider any matter regarding.... [Permits].	This provision weakens air pollution requirements for the Oil and Gas industry. It forces EPA to consider only the pollution that reaches the shore and exempts offshore pollution sources from certain emission control requirements. It limits the time frame and activities for establishing a pollution source. It recklessly fast tracks oil permitting decisions and strips the EPA appeals board of any authority to review and consider air permits. In addition to undermining the very purpose of the Clean Air Act, this provision is likely to expose wildlife to greater offshore emissions and will make it easier for oil and gas companies to pollute.

Clean Water	Title IV, Sec. 435	None of the funds made available by this Act or any subsequent Act making appropriations for the Environmental Protection Agency may be used by the Environmental Protection Agency to develop, adopt, implement, administer, or enforce a change or supplement to the rule dated November 13, 1986, or guidance documents dated January 15, 2003, and December 2, 2008, pertaining to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C.7 1251 et seq.).	Section 435 prevents EPA from clarifying which waters are protected under the Clean Water Act. This provision is designed to retain weaker standards for what waters are protected under the CWA, and will leave millions of acres of wetlands and thousands of miles of streams without clear Clean Water Act protections
Judicial review of Forest Service Decisions	Title IV, Sec. 437	For all forest service projects, restricts the public to a pre-decisional appeals process instead of allowing appeals after a decision has been finalized. This prevents the public from objecting to a Forest Service project unless THEY appeal prior to the finalization of the project and they commented during the environmental review. It also takes away opportunities for the public and agency officials to work together to find a solution to objections. Finally, it allows the Chief of the Forest Service to exempt a project entirely from pre-decisional appeal (and therefore, all appeals) in the event of an undefined "emergency."	Restricts public access to appeal Forest Service actions and gives the Forest Service discretion to exempt a project entirely from public appeals.
National Forests and Water	Title IV, Sec. 438	Exempts all timber harvesting activities, including road building, from the Clean Water Act permitting process.	Threatens water quality on our national forests, which provide drinking water to millions of Americans.
Bighorn Sheep on Federal Lands	Title IV, Sec. 442	Forbids any action to protect bighorn sheep that will reduce the number of grazing permits on the parcel in question.	Prevents management actions to protect bighorn sheep throughout the west. Because some bighorn sheep are listed, there are ESA implications. For example, if a section 7 consultation results in restrictions (i.e., reasonable and prudent alternatives and reasonable and prudent measures) on livestock grazing, then agencies may not be allowed to use funds to implement those restrictions.
Public Lands	Title IV, Sec. 445	Disallows Salazar's recent proposal to withdraw of 1 million acres of National Forest land adjacent to the Grand Canyon from uranium mining for 20 years.	Thousands of mining claims will lead to widespread toxic pollution and habitat destruction adjacent to the Grand Canyon.
Travel Management on CA National Forests	Title IV, Sec. 446	Requires the Forest Service to stop development of the Travel Management Plans in California until it considers opening up trails that are currently unauthorized for off road vehicle use. Changes the classification of some Forest Service roads to allow off road vehicles to use them.	Halts smart travel management currently moving forward in California's national forests, which is vital to protecting water and wildlife resources.

Clean Water, FIFRA	Title V, Sec. 501, 502 and 503	Inserts the house version of the bill (HR 872)	Will allow continued pollution of our rivers and streams from certain pesticide applications. Pesticide contamination of water damages causes reproductive and developmental problems in frogs, fish and other wildlife, which in turn disrupts the food chain, and can result in broad negative effects on aquatic ecosystems.
Clean Water Act, Federal Insecticide, Fungicide and Rodenticide Act	Title V, Sec. 501, 502 and 503 (Reducing Regulatory Burdens Act of 2011)	Amends FIFRA and the Clean Water Act from preventing the Administrator of EPA and the states from requiring a permit under any law for a discharge from a point source into navigable waters of a pesticide or residues of a pesticide from the application of the pesticide.	Stops implementation of a court order requiring EPA to create a new general permit for pesticide applications over water. Will prevent EPA from addressing an important source of pesticide contamination of our nation's water and streams.