

## **Legislative Riders and Funding Limitations in H.R. 2584 Interior, Environment, and Related Agencies Appropriations, FY12**

*“A Wish List for Special Interests”* – Rep. Jim Moran, Ranking Member

*\*In order as they appear in the bill, with section numbers cited.*

**Blocks Endangered Species Act Designations** [Language on page 8]: Prohibits funding for Endangered Species Act listings or critical habitat designations.

**Blocks NPS Boat Checks on Yukon River** [Section 116]: Prohibits the National Park Service from carrying out boat inspection or safety checks on the Yukon River within the Yukon-Charley National Preserve in Alaska.

**Blocks Agency Appeal of Grazing on Public Lands** [Section 118]: Amends administrative appeal procedures for grazing on public lands to require parties to exhaust all administrative appeals before they may file suit in Federal Court.

**Blocks Judicial Review of De-listing Wolves in Wyoming/Great Lakes** [Section 119]: Protects from judicial review any decision of the Secretary of the Interior to de-list wolves in Wyoming or the Great Lakes region.

**Blocks NEPA Review of Livestock Movement across Public Lands** [Section 120]: Provides that for FY 2012 through FY 2014 the movement of livestock across public lands shall not be subject to NEPA review.

**Requires BOEMRE Oil & Gas Permit Reporting** [Section 121]: Requires Bureau of Ocean Energy Management, Regulation, and Enforcement to keep detailed records and provide quarterly reports on any oil and gas permit or plan that was not approved by the agency.

**Blocks Wild Lands Secretarial Order** [Section 124]: Prohibits funding for the Wild Lands Secretarial Order announced by Interior Secretary Salazar last December. Proponents of the Secretarial Order argue that the Order is a reiteration of the Federal Land Policy and Management Act of 1976 requirements for BLM management of federal lands with wilderness characteristics.

**Allows for Export of Alaskan Western Cedar** [Section 414]: Allows Alaskan western red cedar and yellow cedar to be sold for export. Current law requires such cedar to be used domestically.

**Blocks NEPA Review of Extended Grazing Permits** [Section 415]: Allows grazing permits to be extended without the required NEPA review in FY 2012 through FY 2016. In prior year's appropriations, the extension of grazing permits was only for one year.

**Extension of Forest Service Stewardship Program** [Section 427]: Allows the Forest Service stewardship contracting program which under current law does not expire until September 30, 2013 to be extended through September 30, 2023.

**Blocks Livestock Emissions Regulation** [Section 428]: Prohibits funds for the promulgation or implementation of any regulation requiring a permit for emissions resulting from the biological processes of livestock production.

**Blocks Greenhouse Gas Rule on Manure Management** [Section 429]: Prohibits EPA from implementing a rule requiring reporting of greenhouse gases from manure management systems.

**Blocks Greenhouse Gas Rule on Stationary Sources** [Section 431]: Severely limits EPA's ability to regulate greenhouse gases. For a one-year period EPA is prohibited from proposing or promulgating regulations to reduce greenhouse gas (GHG) emissions from stationary sources. The language also prevents civil tort or common law lawsuits during this one-year period. Furthermore the language states that any permit applied for during the one-year period shall not be federally enforceable.

**Blocks Update to Mountaintop Removal Mining Rule** [Section 432]: Prohibits the Office of Surface Mining (OSM) from updating the Stream Buffer Rule. This is for the benefit of companies engaged in Mountaintop Removal Mining.

**Blocks Mountaintop Removal Mining Policy at Multiple Agencies** [Sec. 433]: Prohibits EPA, the Corps of Engineers, and OSM from implementing or enforcing any policy or procedure contained in two specified documents on Mountaintop Removal Mining.

**Blocks Coal Ash Regulation** [Section 434]: Prohibits EPA from regulating Fossil Fuel Combustion Waste (coal ash) under the Solid Waste Disposal Act.

**Blocks Modification of Clean Water Act** [Sec. 435]: Prohibits EPA from changing or supplementing guidance or rules related to the scope of the Clean Water Act.

**Blocks Clean Water Act Regulations on Cooling Water Intake Structures** [Section 436]: Prohibits EPA from developing, finalizing, implementing, or enforcing rules for facilities with cooling water intake structures.

**Limiting Public Appeals** [Section 437]: Changes the general administrative appeal process for the Forest Service to the less rigorous one contained in the Healthy Forests Restoration Act of 2003.

**Blocks Storm Water Discharge Regulations** [Section 439]: Prohibits regulations or guidance that would expand the storm water discharge program under the Clean Water Act to post-construction commercial or residential properties until after the EPA administrator submits a study to the Appropriations and authorizing Committees. The study must include overall cost as well as a cost-benefit analysis for various options.

**Financial Break for Big Mining Companies** [Section 440]: Amends the 1993 law establishing the Hardrock Mining Claim Maintenance Fee to provide a financial break for placer claims held by an association of two or more persons.

**Allows for Texas' Cap-and-Trade System** [Section 441]: Provides that the EPA shall take no action to disapprove or prevent implementation of any flexible air permitting program. This provision was for the benefit of the State of Texas.

**Blocks Grazing Management of Bighorn Sheep** [Section 442]: Provides that through FY 2016 no action can be taken to manage Bighorn Sheep if such action would result in a reduction in the number of livestock allowed to graze upon a parcel.

**Waives Clean Air Act Requirements for Big Oil Companies** [Section 443]: Amends the Clean Air Act to (1) preclude EPA from requiring offshore sources to demonstrate compliance with health-based air quality standards anywhere but in a single onshore area; (2) reduce the length of time during which exploration platforms and drill ships are considered emission sources under the CAA, thereby limiting the time when emissions would be controlled; (3) make it impossible to use the permitting program to set emission control requirements for service vessels associated with offshore sources; and (4) replace a relatively fast, inexpensive process for citizens to challenge government action with a longer, more expensive review process in the Court of Appeals for the D.C. Circuit. This legislation passed the House on June 22, 2011 by a vote of 253-166.

**Blocks Arsenic Cancer Study & Formaldehyde Risk Assessments** [Section 444]: New authorization language requiring EPA to improve its Integrated Risk Information System (IRIS) seeking to draw doubt to the program that highlights health implications from environmental contaminants. The language stops the release of draft or final risk assessments that are not based on improvements in IRIS based on a National Research Council assessment of formaldehyde. Further requires the National Academy of Science to review EPA's changes to IRIS and review risk assessments undertaken by EPA. The language goes on to limit funds for any action that would lower exposure levels below or within background concentration levels in ambient air, drinking water, soil, or sediment. Report language directs EPA to take no further action to post its draft cancer assessment of inorganic arsenic until the completion of the NAS study.

**Removes Protection of Grand Canyon from Uranium Mining Claims** [Section 445]: Prohibits the Secretary of the Interior from implementing a land withdrawal to protect the Grand Canyon from new uranium mining claims.

**Blocks Forest Service Travel Management:** [Section 446]: Prohibits the Forest Service from implementing Travel Management Plans in California until completion of an assessment of unauthorized routes. It further limits the classification of certain forest roads.

**Blocks EPA Opinions on Pesticides** [Section 447]: Prevents the EPA from using biological opinions related to pesticides and the Endangered Species Act, with a focus on ESA-listed salmon.

**Blocks Clean Air Act Regulations of Cement Industry** [Section 448]: Prohibits funding for the EPA to implement Clean Air Act regulations on the manufacture of Portland cement.

**Blocks EPA Enforcement of Florida Water Quality Standards** [Section 452]: Prohibits funding for the EPA to implement or enforce numeric Florida Water Quality Standards even though the state receives millions in federal funds for water projects.

**Blocks EPA Greenhouse Gas Standard for Automobiles** [Section 453]: Prohibits funding for the EPA to develop or finalize a new greenhouse gas standard for automobiles after model year 2016.

**Blocks Clean Air Act Regulations of Fine Particles/Soot** [Section 454]: Prohibits funding for the EPA to regulate certain levels of particulate matter in the air under the Clean Air Act.

**Blocks EPA Regulation of Hard Rock Mining Operations** [Section 455]: Prohibits funding for the EPA to develop additional financial assurance requirements for hard rock mining operations.

**Requires BLM Notification of Land Exchanges** [Section 458]: Amends the Federal Land Policy and Management Act of 1976 to require BLM and the Forest Service to provide written notification of land exchanges to adjacent landowners.

**Blocks EPA Funds to Great Lake States due to Ballast Water Requirements** [Section 459]: Prohibits certain Great Lakes states from receiving any EPA funding if they have adopted ballast water requirements that are more stringent than Coast Guard requirements. The Coast Guard believes this will block at least four Great Lake States from receiving any EPA funds.

**Blocks EPA Guidelines on Misleading Pesticide Labels** [Section 460]: Prohibits funding for the EPA to finalize guidelines on misleading information provided on pesticide labels.

**Blocks Fictitious EPA Action on Ammonia Emissions**[Section 461]: Prohibits funding for the EPA to develop or implement regulations related to ammonia emissions under the secondary standard for NOx and SOx. EPA has already stated that it has no intention of doing so.

**Blocks Clean Air Rules for Power Plants and Requires a Study That Ignores Public Health Benefit of the Clean Air Act** [Section 462]: Directs the EPA to do a cumulative assessment of the impacts of EPA regulations, and prohibits funding for the "Utility MACT" and "Transport" rules.

**Blocks Permit Requirements for Pesticide Discharge in Waterways** [Title V]: Amends the Federal Insecticide, Fungicide, and Rodenticide Act and the Clean Water Act to eliminate requirements for chemical companies and agriculture to obtain permits for pesticides entering waterways.

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