

Opinion | EDITORIAL

The Dirty Little Deals That Would Foul the Environment

By THE EDITORIAL BOARD FEB. 19, 2018

Here's a warning to the Senate minority leader, Chuck Schumer, and other environmentally inclined Senate Democrats, like Sheldon Whitehouse and Ed Markey: A legislative minefield lies dead ahead, pocked with destructive amendments of Republican origin hostile to clean air, clean water, endangered species and fragile landscapes. And here's a plea: Stop these measures from becoming law.

Following its approval of the big budget deal on Feb. 9, Congress began writing the dozen appropriations bills that direct federal dollars to specific agencies. These bills are likely to be incorporated in one giant omnibus spending measure to be negotiated over the next few weeks by House and Senate leaders in advance of the March 23 expiration of the continuing budget resolution that has kept the government going.

Given its urgency, the bill is fertile ground for the kind of mischief the Republicans in particular have been notorious for over the years — loading up must-pass bills like this one with provisions, known as riders, that in most cases could not survive on their own and thus need protective cover. In years past, such riders were usually inserted at the last minute on the House or Senate floor. Here they are in plain sight, having been approved in earlier votes or endorsed by powerful committee chairmen or chairwomen who will do their level best to make sure they are included in the final bill. Mr. Schumer can prevent that from happening. The

Democrats are effectively 49 in number, the Republicans 51. By holding his party together, he can deny the Republicans the 60 votes they need to overcome a filibuster — ensuring a clean bill, and a cleaner environment.

Public interest groups have counted nearly 90 of these riders, but here are several of the worst:

Clean water In 2015, the Obama administration adopted a landmark rule intended to clarify and broaden protections for smaller streams and wetlands vital to the country's drinking water and wildlife. Although the bill simply reaffirmed the reach of the original 1972 Clean Water Act, developers and big farmers complained to Scott Pruitt, the industry-friendly head of the Environmental Protection Agency, who has begun the lengthy process of replacing the rule with something more favorable to commercial interests. That's not fast enough for the leaders of three separate appropriations panels — in the House, the interior and environment subcommittee and the energy and water development subcommittee; and in the Senate, the interior and environment subcommittee — who are pushing nearly identical riders that would kill the rule right away, without consulting the public or

1

conducting the scientific analysis required by law.

[Subscriber login](#)

ARTICLE REMAINING

Methane emissions As part of its larger strategy to combat climate change, the Obama administration approved two rules to minimize emissions of methane, a potent greenhouse gas. The E.P.A. would regulate emissions from new oil and gas wells; the Interior Department would require oil and gas companies to control venting and flaring from existing wells on public lands. Efforts to delay (and ultimately rewrite) both rules have been thwarted by the courts. Here again, Congress comes to the rescue with two riders (both approved in earlier House floor votes) that would kill both rules, at great cost to the climate and to clean air.

Sage grouse Of a handful of riders aimed at removing safeguards for endangered species, the most infuriating are roughly identical riders in the House and the Senate that would deny endangered species protections to a Western bird called the sage grouse, whose numbers are declining. The Obama administration worked long and hard with various stakeholders — state governments, ranchers, even the oil and gas companies — to give the bird a chance, and keep it off the

endangered species list, by banning commercial activities on hundreds of thousands of acres of prime sage grouse habitat; it was a remarkable achievement in the annals of conservation. Interior Secretary Ryan Zinke thinks the plan is much too nice to the bird and much too mean to the oil and gas companies, and he wants to roll it back. If he does, the bird's last line of defense would be the Endangered Species Act, whose protections would, under this rider, no longer be available to it.

Alaska wild lands Lisa Murkowski, Republican of Alaska and chairwoman of the Senate interior and environment appropriations subcommittee, managed to sneak a hugely controversial amendment into last year's big tax bill opening up the Arctic National Wildlife Refuge for oil drilling. Her amendment would never have passed as a stand-alone measure. Now she wants more. One amendment she seeks would weaken protections against the clear-cutting of old growth trees in the Tongass National Forest. Another would exempt forests throughout Alaska from one of the most significant forest conservation measures of the last century, the Clinton-era "roadless rule" forbidding road building and, by extension, logging, mining and other commercial activity on roughly 50 million acres of wild national forests. The idea was to preserve undeveloped public lands and protect water supplies, wildlife and other natural values. Mr. Schumer should draw a firm line against both her amendments.

Anything President Barack Obama did to preserve natural resources is fair game for this administration, as well as among the administration's allies in Congress. In the wheeling and dealing now underway, Mr. Schumer and his fellow Democrats cannot bargain away the environment.

A version of this editorial appears in print on February 20, 2018, on Page A18 of the New York edition with the headline: Dirty Little Deals on the Environment.