

UNITED STATES DEPARTMENT OF THE INTERIOR

FALL 2020 REGULATORY PLAN

Introduction

The U.S. Department of the Interior ("Interior" or "the Department") serves the American public by managing the Nation's natural resources for the benefit and enjoyment of the American people, and it honors the United States' trust responsibilities or special commitments to Federally recognized tribes, American Indians, Alaska Natives, and affiliated insular areas. This includes managing approximately 500 million surface acres of Federal land or about twenty percent of the Nation's land area, approximately 700 million subsurface acres of Federal mineral estate, and over 2.5 billion acres of submerged lands on the Outer Continental Shelf.

Hundreds of millions of people visit Interior-managed lands each year in order to engage in camping, hiking, hunting, fishing and various other forms of outdoor recreation, and to learn about our Nation's history, all of which support local communities and their economies. Interior provides access to Federal lands and offshore areas for the development of energy, minerals and other natural resources that generate billions of dollars in revenue for the U.S. Treasury, of which \$1.9 billion was reinvested under the Great American Outdoors Act (Pub. L. No. 116-152) to address deferred maintenance needs on our public lands. The Department also supports the Nation's energy and mineral security by promoting the identification and development of domestic sources of energy, minerals and associated infrastructure needs. Interior manages these resources under a legal framework that includes regulations that ultimately affect the lives and livelihoods of many Americans, including many communities in the rural West.

America's public lands and natural resources hold tremendous potential for job opportunities and economic growth. As the steward for a substantial portion of this public trust, Interior manages much of our Nation's public lands and natural resources for multiple uses. Through this balanced stewardship of public resources, which recognizes the value of both conservation and development, Interior helps drive job opportunities and economic growth. In fiscal year 2019, Interior collected approximately \$12 billion in revenues from energy, mineral and other activities on behalf of the American people, and it disbursed \$11.7 billion to states, tribes, local communities, the U.S. Treasury and designated funds. Overall, Interior-managed lands and waters supported approximately \$336 billion in economic activity, and an estimated 1.9 billion jobs in fiscal year 2019. Interior also supports the economy by eliminating unnecessary and burdensome Federal regulatory requirements.

Regulatory Reform

President Trump has made it a priority of his administration to reform regulatory requirements that negatively impact our economy while maintaining environmental standards. Under this administration, the Department of the Interior has been a key leader on regulatory reform. Pursuant to Executive Order (E.O.) 13777, "Enforcing the Regulatory Reform Agenda" (signed Feb. 24, 2017), Interior has established a Regulatory Reform Task Force to help make the Department's regulations work better for the

American people. In accordance with E.O. 13777, as well as E.O. 13771, "Reducing Regulation and Controlling Regulatory Costs" (signed Jan. 30, 2017), Interior will continue its successful efforts to identify and repeal, replace or modify regulations that are unnecessary, ineffective or that impose costs which are not adequately justified by benefits. Interior will also continue to encourage and seek public input on these regulatory reform efforts. *See 82 FR 28429 (June 22, 2017) and <https://www.doi.gov/regulatory-reform>.*

Since the issuance of E.O. 13771 in January 2017, Interior has been a leading cabinet-level agency in reducing unnecessary regulatory burdens imposed upon the American public and economy. Since 2017, the Department has finalized 48 deregulatory actions that have reduced regulatory burdens by an estimated \$5.2 billion. This ongoing effort included the finalization of 12 deregulatory actions in fiscal year 2017, 18 deregulatory actions in fiscal year 2018, and 18 deregulatory actions in fiscal year 2019. In fiscal year 2020, Interior finalized three additional burden-reducing deregulatory actions.

In fiscal year 2021, Interior's regulatory agenda will continue to reflect a strong commitment to a conservation ethic that also recognizes that unnecessary regulations result in harmful economic consequences to the U.S., state and local economies. The Department's regulatory agenda will also continue to include smart regulatory reforms that eliminate outdated or duplicative regulations, allow for job growth, and that do not impose more costs than benefits. In fiscal year 2021, Interior expects to complete deregulatory actions that will provide nearly \$2 billion in additional regulatory cost savings. The Department does not currently expect to finalize any significant regulatory actions during the next year that will be subject to the offset requirements of E.O. 13771.

Regulatory and Deregulatory Priorities

Interior's regulatory and deregulatory priorities focus on:

- Promoting American energy and critical mineral development;
- Improving the effectiveness, transparency and timeliness of environmental review and permitting processes for infrastructure projects;
- Promoting prosperity in rural America;
- Expanding outdoor recreation opportunities for all Americans;
- Enhancing conservation stewardship;
- Improving the management of species and their habitats; and
- Upholding trust responsibilities to Federally recognized American Indian and Alaska Native tribes and addressing the challenges of economic development.

Promoting American Energy and Critical Mineral Development

On March 28, 2017, President Trump signed E.O. 13783, "Promoting Energy Independence and Economic Growth," which states that "[i]t is in the national interest to promote clean and safe development of our Nation's vast energy resources, while at the same time avoiding regulatory burdens that unnecessarily encumber energy production,

constrain economic growth, and prevent job creation." Subsequently, on April 28, 2017, the President signed E.O. 13795, "Implementing an America-First Offshore Energy Strategy," which states, "it shall be the policy of the United States to encourage energy exploration and production, including on the Outer Continental Shelf, in order to maintain the Nation's position as a global energy leader and foster energy security and resilience for the benefit of the American people, while ensuring that any such activity is safe and environmentally responsible." In addition, on April 10, 2019, President Trump signed E.O. 13868, "Promoting Energy Infrastructure and Economic Growth," to promote enhancements in our Nation's energy infrastructure through efficient permitting processes and procedures; regulations that reflect best practices and best-available technologies; increased regulatory certainty; and effective stewardship of America's natural resources.

In accordance with E.O.s 13783, 13795 and 13868, Interior strives to promote the responsible development of Federal and Indian energy resources, while seeking to identify and eliminate regulatory requirements that unnecessarily burden the development or use of domestic sources of energy beyond the degree necessary to protect the public interest or otherwise comply with the law. In addition to reducing unnecessary regulatory burdens, Interior is committed to improving its management of Federal and Indian energy resources by developing more efficient and streamlined permitting and review procedures.

On December 20, 2017, President Trump signed E.O. 13817, "A Federal Strategy to Ensure Secure and Reliable Supplies of Critical Minerals," which prioritizes the need to reduce America's dependence on foreign sources for critical mineral supplies that the U.S. relies upon to manufacture everything from batteries and computer chips to the equipment used by our military. Within this framework, the Department issued Secretary's Order (S.O.) No. 3359, "Critical Mineral Independence and Security" (signed Dec. 21, 2017), which directed Interior bureaus to identify a list of critical minerals and streamline permitting to encourage domestic production of those critical minerals.

On June 4, 2019, the Department of Commerce issued a report entitled, "A Federal Strategy to Ensure Secure and Reliable Supplies of Critical Minerals," which presents recommendations and specific steps that the Federal Government, including the Department of the Interior, will take to achieve the objectives outline in E.O. 13817.

On September 30, 2020, President signed E.O. 13953, "Addressing the Threat to the Domestic Supply Chain from Reliance on Critical Minerals from Foreign Adversaries and Supporting the Domestic Mining and Processing Industries," which amended E.O. 13817 and established additional actions to be undertaken by Interior and other Federal agencies to protect, promote and expand domestic sources for critical and other minerals, and in doing so, reduce our Nation's reliance on foreign sources for minerals that are critical to our National security and economic prosperity.

The Department recognizes that the public lands under its stewardship are an important source of the Nation's non-energy mineral resources, some of which are critical and strategic, and it is committed to ensuring appropriate access to public lands for the orderly and efficient development of important mineral resources in accordance with E.O.s 13817 and 13953 and S.O. 3359.

In furtherance of these goals related to American energy and mineral development, Interior has completed the following rulemaking actions:

- The Office of Surface Mining Reclamation and Enforcement (OSMRE) published the final rule entitled, “Congressional Nullification of the Stream Protection Rule Under the Congressional Review Act” (RIN 1029-AC63) (82 FR 54924, Nov. 17, 2017);
- The Bureau of Land Management (BLM) published the final rule entitled, "Oil and Gas: Hydraulic Fracturing on Federal and Indian Lands; Rescission of a 2015 Rule" (RIN 1004-AE52) (82 FR 61924, Dec. 29, 2017);
- BLM published the final rule entitled, "Waste Prevention, Production Subject to Royalties, and Resource Conservation: Rescission or Revision of Certain Requirements" (RIN 1004-AE53) (83 FR 49184, Sept. 28, 2018);
- BLM published the final rule entitled, “Non-Energy Solid Leasable Minerals Royalty Rate Reduction Process” (RIN 1004-AE58) (85 FR 67671, Oct. 26, 2020);
- The Bureau of Safety and Environmental Enforcement (BSEE) published the final rule entitled, "Oil and Gas and Sulphur Operations on the Outer Continental Shelf - Oil and Gas Production Safety Systems" (RIN 1014-AA37) (83 FR 49216, Sept. 28, 2018);
- BSEE published the final rule entitled, “Oil and Gas and Sulfur Operations in the Outer Continental Shelf - Blowout Preventer Systems and Well Control Revisions” (RIN 1014-AA39) (84 FR 21908, May 15, 2019);
- The Bureau of Ocean Energy Management (BOEM) published the final rule entitled, “Air Quality Control, Reporting, and Compliance” (RIN 1010-AE02) (85 FR 34912, June 5, 2020); and
- OSMRE finalized the rule entitled, “Clarification of Provisions Related to the Issuance of Ten-Day Notices to State Regulatory Authorities and Enhancement of Corrective Actions for State Regulatory Program Issues” (RIN 1029-AC77) (85 FR 75150, Nov. 24, 2020).

In fiscal year 2021, Interior will continue to pursue a regulatory agenda that seeks to eliminate or minimize regulatory burdens that unnecessarily encumber energy and mineral development on Interior-administered lands and waters. Some of the regulatory actions that Interior is planning to prioritize in fiscal year 2021 include the following:

- BSEE and BOEM are finalizing a rulemaking action related to the final rule entitled, "Oil and Gas and Sulfur Operations on the Outer Continental Shelf - Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf" (81 FR 46478, Jul. 15, 2016).
- BSEE and BOEM are finalizing a rulemaking action that is intended to improve upon the financial assurance policies expressed in Notice to Lessees No. 2016-N01, “Notice to Lessees and Operators of Federal Oil and Gas, and Sulfur Leases, and Holders of Pipeline Right-of-Way and Right-of Use and Easement Grants in the Outer Continental Shelf,” by reducing or eliminating unnecessary regulatory burdens, while protecting the American taxpayers from shouldering liability for the decommissioning of offshore oil and gas facilities.
- BOEM is developing a rulemaking action that would revise its existing regulations pertaining to unsolicited lease requests for commercial wind energy

activities on the Outer Continental Shelf and multiple-factor bidding from renewable energy auctions.

- BLM is finalizing a rulemaking action related to the final rules entitled, "Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Site Security" (81 FR 81356, Nov. 17, 2016), "Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Measurement of Oil" (81 FR 81462, Nov. 17, 2016), and "Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Measurement of Gas" (81 FR 81516, Nov. 17, 2016).
- BLM is developing a rulemaking action that is intended to improve access to public lands to explore for and develop locatable minerals and streamline the permitting and review processes related to locatable mineral development.
- The Office of Natural Resources and Revenue will finalize a rule, titled, "ONRR 2020 Valuation Reform and Civil Penalty Rule." This final rule will amend portions of ONRR's regulations for (1) valuing oil and gas produced from Federal leases for royalty purposes, (2) valuing coal produced from Federal and Indian leases, and (3) assessing civil penalties for violations of certain statutes, regulations, leases, and orders associated with mineral leases.

Improving the Efficiency, Transparency and Timeliness of Environmental Review and Permitting Processes for Infrastructure Projects

As outlined in E.O. 13807, "Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects" (signed Aug. 15, 2017), inefficiencies in permitting processes, including environmental review processes, can delay or prevent infrastructure investments, increase project costs, and prevent the American people from experiencing infrastructure improvements that would benefit our economy, society and environment. With this in mind, E.O. 13807 directs Federal agencies to undertake actions in order to improve the effectiveness, efficiency, transparency and accountability of their environmental review and permitting processes for infrastructure projects.

The Department is responsible for reviewing and approving permits and other authorizations for various public and private infrastructure projects on and across Interior-managed lands nationwide, including various forms of surface transportation, such as roadways and railroads, pipelines, transmission lines, water resource projects, and energy production and generation. As such, Interior has an important role in the overall objective of improving the Nation's infrastructure.

In recognition of the important role that it plays in the overall efforts to improve and strengthen the Nation's infrastructure, Interior has initiated actions in order to identify and address potential impediments to its efficient and effective review of infrastructure projects. For example, when serving as the Deputy Secretary of the Interior, David Bernhardt, signed S.O. 3355, "Streamlining the National Environmental Policy Act Reviews and Implementation of Executive Order 13807, 'Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects'" (signed Aug. 31, 2017), in order to enhance, modernize and improve the efficiencies of the Department's National Environmental Policy Act (NEPA) review processes.

In the course of carrying out its missions involving the review, approval and permitting of authorizations on and across Interior-managed lands and waters, the Department is often faced with a need to prepare, review and issue reports, studies, analyses, and other similar documents. If the costs of these documents and activities, which can include analyses under the NEPA and other authorities, audits, investigations, scientific and other reports, are not sufficiently tracked, calculated, and available to the public, their true costs and overall fiscal impacts might be concealed or overlooked. In order to improve transparency, accountability and public understanding for the costs associated with the preparation, review, and issuance of these documents by or on behalf of the Department and its bureaus and offices, on March 10, 2020, Secretary David Bernhardt signed S.O. 3380, "Public Notice of the Costs Associated with Developing Department of the Interior Publications and Similar Documents." This Order directs Interior's bureaus and offices to take steps to identify and quantify the costs of preparing, reviewing and issuing documents covered by S.O. 3380, and display the costs on the front-page of covered documents.

In order to ensure that the objectives of E.O. 13807, S.O. 3355 and S.O. 3380 are effectively implemented, the Department has issued numerous guidance documents, including Environmental Review Memorandum (ERM) No. 10-11, "Determining the Applicable Environmental Review Framework for Infrastructure Projects" (Aug. 9, 2018), ERM No. 10-12, "Reporting Costs Associated with Developing Environmental Impact Statements (EISs) and Environmental Assessments (EAs)" (Apr. 28, 2020), and the following memoranda signed by Secretary Bernhardt:

- "Additional Direction for Implementing Secretary's Order 3355" (Apr. 27, 2018);
- "NEPA Document Clearance Process" (Apr. 27, 2018);
- "Compiling Contemporaneous Decision Files" (Apr. 27, 2018);
- "Standardized Intra-Department Procedures Replacing Individual Memoranda of Understanding for Bureaus Working as Cooperating Agencies" (Jun. 11, 2018);
- "Questions and Answers Related to Deputy Secretary Memorandums (Memos) dated April 27, 2018" (June 22, 2018);
- "Reporting Costs Associated with Developing Environmental Impact Statements" (Jul. 23, 2018); and
- "Additional Direction for Implementing Secretary's Order 3355 Regarding Environmental Assessments" (Aug. 6, 2018).

In fiscal year 2021, Interior will pursue a regulatory agenda that continues its efforts to improve the Department's permitting processes, including interagency coordination and environmental review processes, for various types of infrastructure projects. Regulatory actions planned for 2021 that will help to support those objectives include the following:

- Department-wide proposed rule entitled, "Implementation of the National Environmental Policy Act of 1969" (RIN 1090-AB18);
- U.S. Fish and Wildlife Service (FWS) final rule entitled, "Migratory Bird Permits; Regulations Governing Take of Migratory Birds" (RIN 1018-BD76);
- FWS final rule entitled, "Endangered and Threatened Wildlife and Plants; Regulations for Designating Critical Habitat" (RIN 1018-BD84); and

- FWS final rule entitled, “Endangered and Threatened Wildlife and Plants; Regulations for Listing Endangered and Threatened Species and Designating Critical Habitat” (RIN 1018–BE69).

Promoting Prosperity in Rural America

On April 25, 2017, President Trump signed E.O. 13790, “Promoting Agriculture and Rural Prosperity in America,” which states that “it is in the national interest to ensure that regulatory burdens do not unnecessarily encumber agricultural production, harm rural communities, constrain economic growth, hamper job creation, or increase the cost of food for Americans.” The E.O. also includes directives that are intended to “identify legislative, regulatory, and policy changes to promote in rural America agriculture, economic development, job growth, infrastructure improvements, technological innovation, energy security, and quality of life.”

Consistent with the policies and objectives set forth in E.O. 13790, on January 8, 2018, President Trump signed E.O. 13821, “Streamlining and Expediting Requests to Locate Broadband Facilities in Rural America,” and the related Presidential Memorandum, “Supporting Broadband Tower Facilities in Rural America on Federal Properties Managed by the Department of the Interior,” which direct the Department of the Interior to undertake certain actions to enhance broad access in rural America.

As the steward for approximately one fifth of the surface acreage in the United States, much of which encompasses rural areas, the Department of the Interior has a key role in implementing in the policies and objectives set forth in E.O.s 13790 and 13821. In accordance with that role and to fulfill the requirements in E.O.s 13790 and 13821, Interior plans to prioritize the following BLM regulatory actions in fiscal year 2021:

- BLM rule entitled, “Update of the Communications Uses Program, Cost Recovery Fee Schedules and Section 512 of FLPMA for Rights-of-Way” (RIN 1004-AE60);
- BLM rule entitled, “Livestock Grazing” (RIN 1004-AE63); and
- FWS rule entitled, “Streamlining U.S. Fish and Wildlife Service Permitting of Rights-of-Way” (RIN 1018-BD78).

Increasing Outdoor Recreation for All Americans, Enhancing Conservation Stewardship, and Improving the Management of Species and Their Habitat

Increasing recreational opportunities for more Americans through our public lands and waters, enhancing conservation stewardship, and improving the management of species and their habitat are among Interior’s highest priorities.

Consistent with these goals, the Department is committed to ensuring the timely and effective implementation of the comprehensive public lands legislation referred to as the “John D. Dingell, Jr. Conservation, Management, and Recreation Act” (Pub. L. No. 116-9) (Dingell Act), which President Trump signed into law on March 12, 2019. In commenting on this important legislation, Secretary Bernhardt stated:

“We are taking a concrete step to ensure the Department efficiently and fully

implements the most comprehensive public lands management legislation in a decade. We will continue to work to strike the proper balance for land and resource management, increase access for hunting, fishing, and recreation, and create economic prosperity while protecting and preserving America's treasures."

On March 27, 2019, Secretary Bernhardt signed S.O. 3374, "Implementation of the John D. Dingell, Jr. Conservation, Management, and Recreation Action," which established a task force that will prioritize and ensure the timely implementation of this important public law.

The Department is also committed to maximizing the extraordinary benefits to the American people of the landmark conservation legislation known as the "Great American Outdoors Act" (Pub. L. No. 116-152). This historic law, which Secretary Bernhardt described as, "the most consequential dedicated funding for national parks, wildlife refuges, public recreation facilities and American Indian school infrastructure in U.S. history," was signed into law by President Trump on August 4, 2020.

On August 11, 2020, Secretary Bernhardt signed S.O. 3383, "Great American Outdoors Act Coordination and Implementation Task Force," which established a task force to lead, coordinate and ensure the effective implementation of the Department's portion of the Great American Outdoors Act.

To help achieve the Department's goals of increasing recreational opportunities for all Americans, enhancing conservation stewardship and improving the management of species and their habitat, Interior also issued the following directives:

- S.O. 3347, "Conservation Stewardship and Outdoor Recreation" (signed Mar. 2, 2017), which directs certain Interior components to undertake actions intended to improve conservation stewardship, increase outdoor recreation, and improve the management of game species and their habitat.
- S.O. 3356, "Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories" (signed on Sept. 15, 2017), which directs Departmental bureaus to undertake certain actions in order to increase collaboration with state, tribal, and territorial fish and wildlife management agencies, and assess past and ongoing efforts to implement the recommendations set forth in E.O. 13443, "Facilitation of Hunting Heritage and Wildlife Conservation" (signed Aug. 16, 2007), to inform how best to enhance and expand public access to lands and waters administered by the Department for hunting, fishing, recreational shooting, and other forms of outdoor recreation.
- S.O. 3366, "Increasing Recreational Opportunities on Lands and Waters Managed by the U.S. Department of the Interior" (signed Apr. 18, 2018), which directs certain Interior bureaus to develop recommendations and plans for increasing recreational opportunities, and improving and streamlining permitting and contracting processes for outdoor recreation providers and recreation-specific concessioners.
- S.O. 3370, "Improving Conservation Stewardship of and Increasing Public Access to Urban National Wildlife Refuge" (signed Oct. 19, 2018), which directs the U.S. Fish and Wildlife Service and other Interior bureaus, as appropriate, to undertake certain actions in order to improve conservation stewardship and increase public

access to urban National Wildlife Refuges.

- S.O. 3373, “Evaluating Public Access in Bureau of Land Management Public Land Disposals” (signed Mar. 21, 2019), which is intended to ensure that impacts to public access, including access for hunting and fishing, are considered when BLM-managed public lands are being evaluated for disposal, exchange or acquisition.
- S.O. 3376, “Increasing Recreational Opportunities through the Use of Electronic Bikes” (signed Aug. 29, 2019), which directs the Bureau of Land Management, the National Park Service, the U.S. Fish and Wildlife Service, and the Bureau of Reclamation to undertake certain actions including rulemaking to simplify and unify the use of electric bikes on Federal lands managed by the Department.
- S.O. 3386, “Free Access to National Parks and Other Federal Lands Managed by the Department of the Interior for U.S. 5th Grade Students During the 2020-2021 Academic Year” (signed Oct. 28, 2020), which is intended to ensure that U.S. 5th grade students who may not have been able to make full use of the Every Kid Outdoors Annual 4th Grade Pass during the 2019-2020 academic year due to the COVID-19 pandemic, will have free access to national parks and other Federal lands managed by the Department during the 2020- 2021 academic year.
- S.O. 3387, “Free Access to National Parks and Other Federal Lands Managed by the Department of the Interior for Veterans of the United States Armed Forces and Gold Star Families” (signed Oct. 28, 2020), which is intended to ensure that veterans of the United States Armed Forces and Gold Star Families have free access to national parks and other Federal lands managed by the Department.

To help achieve the Department’s goals of increasing recreational opportunities for all Americans, enhancing conservation stewardship and improving the management of species and their habitat, the Department finalized the following rules:

- FWS finalized a rule that opens or expands opportunities for hunting or sport fishing on over 1.4 million acres within 89 National Wildlife Refuges (NWRs), which includes opening eight NWRs to hunting and sport fishing for the first time. The FWS is also opening nine National Fish Hatcheries to hunting and sport fishing (RIN 1018-BE50) (85 FR 54076, Aug. 31, 2020);
- FWS proposed to amend its refuge-specific regulations on Kenai NWR to allow for the hunting of brown bears over bait, the discharge of firearms along the Kenai and Russian Rivers during certain times of the year, increased access by bicycles and game carts, and the use of snowmobiles, all-terrain vehicles, and utility task vehicles on certain lakes when there is adequate snow and ice cover (RIN 1018-BC74) (85 FR 35628, Jun. 11, 2020);
- FWS finalized a rule removing the gray wolf from the List of Threatened and Endangered species under the Endangered Species Act, which reflects, after more than 45 years since it was listed, the successful recovery of the species and allows for state and tribal wildlife management agency professionals to resume overseeing the sustainable management of the species (RIN 1018-BD60 (85 FR 69778, Nov. 3, 2020); and

- BOR (RIN 1006-AA57) (85 FR 67294, Oct. 22, 2020), NPS (RIN 1024-AE61) (85 FR 69175, Nov. 2, 2020), BLM (RIN 1004-AE72) (85 FR 69206, Nov. 2, 2020), and FWS (RIN 1018-BE68) (85 FR 69223, Nov. 2, 2020) finalized electric bicycle (or e-bike) regulations that pave the way for land managers to allow more people, especially older Americans and those with physical limitations, to experience bicycling on Interior-managed public lands.

The Department is committed to the Endangered Species Act's (ESA) conservation goal and to improving the implementation of the ESA so that it is clearly and consistently applied, helps recover listed species, and provides the maximum degree of certainty possible to all parties. The Department is also committed to reducing the regulatory burden on citizens, and increasing transparency and the public's knowledge regarding the impacts of the ESA, all without sacrificing environmental stewardship. In support of the above described objectives, the Department proposed the following rulemaking actions in fiscal year 2021:

- FWS proposed rule entitled, "Endangered and Threatened Wildlife and Plants; Revision of the Regulations for Designating Critical Habitat" (RIN 1018- BD84) (85 FR 55398, Sep. 8, 2020); and
- FWS proposed rule entitled, "Endangered and Threatened Wildlife and Plants; Revision of Regulations for Interagency Cooperation" (RIN 1018- BE69) (85 FR 47333, Aug. 27, 2019).

In fiscal year 2021, Interior will finalize the ESA rules discussed above to continue improving the implementation of the ESA so that it is clearly and consistently applied, helps recover listed species, and provides the maximum degree of certainty possible to all parties.

In fiscal year 2021, Interior will pursue a regulatory agenda that will continue to help achieve its goals of expanding opportunities for outdoor recreation, including hunting and fishing, for all Americans; enhancing conservation stewardship; and improving the management of species and their habitat. The regulatory actions that Interior is planning to pursue in accordance with these goals include the following:

- NPS is developing regulatory actions that would authorize certain recreational activities, such as off-road vehicle use, snowmobiling and bicycling, within designated areas of certain National Park System units.
- FWS will finalize a rulemaking action that will revise the regulations for determining when lands should be excluded from critical habitat under section 4(b)(2) of the ESA because the benefits of exclusion outweigh the benefits of inclusion. The revisions will clarify how the Services consider economic impacts, impacts to national security, and any other relevant impact, when specifying any particular area as critical habitat.

Upholding Trust Responsibilities to the Federally Recognized American Indian and Alaska Native Tribes and Addressing the Challenges of Economic Development

The Department of the Interior and the Bureau of Indian Affairs (BIA) are committed to identifying opportunities to promote economic growth and the welfare of the people BIA serves by removing barriers to the development of energy and other resources in Indian

country. In fiscal year 2021, Interior will continue to pursue a regulatory agenda that supports this commitment. In accordance with this, the BLM is developing a rulemaking action that will implement section 1119 of the Dingell Act and allow Alaskan Native Vietnam-era veterans to apply for and receive title to up to 160 acres of land in areas identified as available for selection.

Bureaus and Offices within the Department of the Interior

The following sections give an overview of some of the major deregulatory and regulatory priorities of Interior bureaus and offices.

Bureau of Indian Affairs

The Bureau of Indian Affairs (BIA) enhances the quality of life, promotes economic opportunity, and protects and improves the trust assets of approximately 1.9 million American Indians, Indian tribes, and Alaska Natives. The BIA maintains a government-to-government relationship with the 574 federally recognized Indian tribes. The Bureau also administers and manages 55 million acres of surface land and 57 million acres of subsurface minerals held in trust by the United States for American Indians and Indian tribes.

Deregulatory and Regulatory Actions

In the coming year, BIA's regulatory agenda will continue to focus on priorities that ease regulatory burdens on tribes, American Indians and Alaska Natives, and others subject to BIA regulations, in accordance with E.O. 13771, "Reducing Regulation and Controlling Regulatory Costs," and E.O. 13777, "Enforcing the Regulatory Reform Agenda." In accordance with this focus, BIA removed a provision in the Tribal Transportation Program regulations that imposed unnecessary data collection and reporting requirements. The BIA also finalized a regulation that would streamline the right-of-way process for governmental entities seeking a waiver of the requirement to obtain a bond in certain cases. To reduce documentary burden, BIA also finalized a rule that removed several required items from Tribal Energy Resource Agreement (TERA) applications and offers a new economic development option for Tribal Energy Development Organizations (TEDOs).

Because many of its existing regulations require compliance with the NEPA, BIA is also continuing its work on parallel efforts to streamline NEPA implementation, in accordance with E.O. 13807, "Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects," and S.O. 3355, "Streamlining National Environmental Policy Act Reviews and Implementation of Executive Order 13807."

In the coming year, BIA plans to issue revisions to regulations that modernize the manner in which the BIA Land Title and Records Office (LTRO) maintains title to Indian trust land and revisions that streamline the process for adjudicating probates of estates containing trust property to reduce delays. BIA will be removing unnecessary and outdated regulations and, in one instance, will be proposing to delete all but one section of an entire CFR Part (Part 90 – Elections of Osage Minerals Council). BIA is also looking at regulatory options to provide guidelines for Tribes seeking to enter into a "105(l) lease" that allows Tribes to obtain funding for use of tribally owned or leased facilities in carrying out self-governance and self-

determination contracts and compacts.

Bureau of Indian Education

The Bureau of Indian Education (BIE) mission is to provide quality education opportunities from early childhood through life in accordance with a tribe's needs for cultural and economic well-being, in keeping with the wide diversity of Indian tribes and Alaska Native villages as distinct cultural and governmental entities. The BIE school system employs thousands of teachers, administrators, and support personnel, while many more work in Tribal school systems which are funded by the BIE. Currently, the BIE oversees a total of 183 elementary, secondary, residential, and peripheral dormitories across 23 states. One hundred thirty (130) schools are tribally controlled under P.L. 93-638 self-governance and self-determination contracts and compacts or P.L. 100-297 Tribally Controlled School Grants. Fifty three (53) schools are operated by the BIE. The BIE also oversees two (2) post-secondary schools: Haskell Indian Nations University and Southwestern Indian Polytechnic Institute.

Deregulatory and Regulatory Actions

As BIE continues its work to fulfill its mission while keeping students and school staff safe and healthy, BIE will also be finalizing a new regulation that will allow individual BIE-operated schools to retain the funding received through leasing their lands and facilities to third-parties, and direct that funding back into the school. The new regulation will also allow individual BIE-operated schools to retain fundraising proceeds and use those proceeds for the benefit of the school.

Bureau of Land Management

The Bureau of Land Management (BLM) manages more than 245 million acres of public land, known as the National System of Public Lands, primarily located in 12 Western states, including Alaska. The Bureau also administers 700 million acres of sub-surface mineral estate throughout the nation. As stewards, the BLM pursues its multiple-use mission, providing opportunities for economic growth through uses such as energy development, ranching, mining and logging, as well as outdoor recreation activities such as camping, hiking, hunting and fishing, while also supporting conservation efforts. Public lands provide valuable, tangible goods and materials that we use every day to heat our homes, build our roads, and feed our families. The BLM strives to be a good neighbor in the communities it serves, and is committed to keeping public landscapes healthy and productive.

Deregulatory and Regulatory Actions

The BLM has identified the following priority rulemaking actions for fiscal year 2021:

- Livestock Grazing (RIN 1004-AE63);
- Revisions to Oil and Gas Site Security, Oil Measurement, and Gas Measurement Regulations (RIN 1004- AE59);
- Update of the Communications Uses Program, Right-of-Way Cost Recovery Fee Schedules and Section 512 of FLPMA for Rights-of-Way (RIN 1004-AE60);

- Revisions to the Administrative Remedies for Forest Management Decisions and Timber Sale Regulations (RIN 1004-AE61);
- Protection, Management, and Control of Wild Horses and Burros (1004-AE65);
- Promulgation of Rules for Implementing the Alaska Native Vietnam Era Veterans Land Allotment Section of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (1004-AE66);
- Locatable Minerals (RIN 1004-AE71); and
- Repeal of BLM Resource Advisory Committee Regulations (RIN 1004-AE73).

The BLM does not currently expect to finalize any significant regulatory actions during the next year that will be subject to the offset requirements of E.O. 13771.

Livestock Grazing (RIN 1004-AE63)

This proposed rule would revise the BLM's grazing regulations to improve resource management and increase efficiency by streamlining and clarifying grazing processes and improving coordination among Federal, State, and local government entities. The proposed rule would revise the regulations at 43 CFR parts 4100, 1600, and 1500. These revisions and additions will help to provide the public and land managers with accurate and reliable information regarding grazing administration on public lands.

Revisions to Oil and Gas Site Security, Oil Measurement, and Gas Measurement Regulations (RIN 1004-AE59)

On November 17, 2016, the BLM issued three final rules that updated and replaced the BLM's existing Onshore Oil and Gas Orders (Onshore Orders) for site security (Onshore Order 3), measurement of oil (Onshore Order 4), and measurement of gas (Onshore Order 5). The three rules were codified in Title 43 of the Code of Federal Regulations at subparts 3170 (Onshore Oil and Gas Production: General), 3173 (Requirements for Site Security and Production Handling), 3174 (Measurement of Oil), and 3175 (Measurement of Gas). These rules were prompted by external and internal oversight reviews, which found that many of the BLM's production measurement and accountability policies were outdated and inconsistently applied. The rules addressed some of the Government Accountability Office's concerns for areas of high risk with regard to the Department's production accountability. The rulemakings also provide a process for approving new measurement technology that meets defined performance goals.

In accordance with E.O. 13783, "Promoting Energy Independence and Economic Growth," and S.O. 3349, "American Energy Independence," the BLM undertook a review of the rules to determine if certain provisions may have added regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation. As a result of this review, the BLM proposed a rulemaking action (85 FR 55940, Sep. 10, 2020) that would modify certain provisions of 43 CFR subparts 3170, 3173, 3174, and 3175 in order to reduce unnecessary and overly burdensome regulatory requirements.

Update of the Communications Uses Program, Right-of-Way Cost Recovery Fee Schedules and Section 512 of FLPMA for Rights-of-Way (RIN 1004-AE60)

The BLM is proposing amendments to its existing right-of-way regulations to streamline and improve efficiencies in the communications uses program, update the methodology for obtaining fair market value for rentals charged; update the cost recovery fee schedules for right-of-way work activities; and include provisions governing the development and approval of operating plans and agreements for rights-of-way for electric transmission and distribution facilities. Communications uses are a subset of right-of-way activities authorized under the Federal Land Policy and Management Act of 1976 (FLPMA), as amended. The cost recovery fees apply to most right-of-way activities authorized under either FLPMA or the Mineral Leasing Act of 1920, as amended. This proposed rulemaking action will also implement requirements included in the Consolidated Appropriations Act, 2018 (codified at 43 USC 1772) to address fire risk from and to power-line rights-of-way on public lands and national forests. The regulatory amendments will also codify legislated agency requirements regarding review and approval of a utilities maintenance plans, liability limitations, and definitions of hazard trees and emergency conditions.

Revisions to the Administrative Remedies for Forest Management Decisions and Timber Sale Regulations (RIN 1004-AE61)

This proposed rulemaking action is intended to reduce the time it takes the BLM to resolve protests of forest management decisions, specifically decisions to implement timber sales. The proposed rule is also intended to clarify certain aspects of the administration of timber sales, as well as respond to certain statutory changes. Overall, this proposal is intended to increase efficiencies in the timber sale administration processes.

Protection, Management and Control of Wild Horses and Burros (RIN 1004-AE65)

This proposed rule would update the regulations at 43 CFR part 4700 to reflect amendments to the Wild Free-Roaming Horses and Burros Act of 1971. The existing regulations largely have not been updated since 1986. This proposed rule would help address challenges associated with wild horse and burro management by adding regulatory tools that better reflect the BLM's current statutory authorities. Updating the regulations would also facilitate management strategies and priorities that were not utilized when the existing regulations were originally promulgated, such as the application of fertility control vaccines, managing for non-reproducing herds, and feeding and caring for unsold and un-adopted animals at off-range corrals and pastures.

Promulgation of Rules for Implementing the Alaska Native Vietnam Era Veterans Land Allotment Section of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (RIN 1004-AE66)

This rulemaking action would implement section 1119 (Sec. 1119) of the Dingell Act, as enacted in Public Law No. 116-9 (March 12, 2019), which directs the Department of the Interior, through the BLM, to promulgate rules allowing Alaskan Native Vietnam-era veterans to apply for and receive title to up to 160 acres of land in areas identified as available for selection. Under Sec. 1119 of the Dingell Act, eligible individuals can obtain title to lands selected by either an Alaska Native Claim Settlement Act (ANCSA) corporation or the State of Alaska, if the ANCSA corporation or the State voluntarily relinquishes their selection. The Dingell Act directs the Secretary of the Interior to

promulgate regulations to carry out Sec. 1119 not later than 18 months after the passage of the Act.

Locatable Minerals (RIN 1004-AE71)

In accordance with E.O. 13817, “A Federal Strategy to Ensure Secure and Reliable Supplies of Critical Minerals,” and S.O. 3359, “Critical Mineral Independence and Security,” the Department has developed a critical mineral strategy. The Department’s strategy includes recommendations that the BLM revise its locatable mineral regulations in order to improve access to lands to explore for and develop minerals and streamline permitting and review processes related to mineral development.

This proposed rulemaking action would generally streamline authorizations under the general mining laws, reduce or eliminate cost recovery associated with mineral examination reports, and improve security of tenure for mining claimants.

Repeal of BLM Resource Advisory Committees Regulations (RIN 1004-AE73)

The BLM is proposing to remove 43 CFR part 1784, which contains standards and procedures for the creation, operation, and termination of advisory committees to advise the Secretary of the Interior and Bureau of Land Management on matters relating to public lands and resources under the administrative jurisdiction of the Bureau of Land Management. These regulations duplicate the Interior Department’s regulations and the Federal Advisory Committee Act.

Bureau of Ocean Energy Management

The Bureau of Ocean Energy Management (BOEM) is committed to the Administration’s proposition that a brighter future depends on energy policies that stimulate our economy, ensure our security, and protect our health. In accordance with E.O. 13783, “Promoting Energy Independence and Economic Growth,” BOEM is committed to the safe and orderly development of our offshore energy and mineral resources, with the goal of avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation.

During the coming year, BOEM will continue to be committed to identifying regulatory and deregulatory opportunities and policies that lower costs and stimulate development. In doing so, BOEM will continue to strengthen U.S. energy security and independence, create jobs, provide benefits to local communities, and strengthen the U.S. economy by offering opportunities to develop the conventional and renewable energy and mineral resources of the Outer Continental Shelf (OCS).

E.O. 13795, “Implementing an America-First Offshore Energy Strategy,” specifically addressed certain Interior rules related to offshore energy. To implement E.O.13795, Interior issued S.O. 3350, “America-First Offshore Energy Strategy,” which enhances opportunities for energy exploration, leasing, and development on the OCS; establishes regulatory certainty for OCS activities; and enhances conservation stewardship, thereby providing jobs, energy security, and revenue for the American people.

The BOEM successfully completed a major initiative when it promulgated the final rule, “Air Quality Control, Reporting, and Compliance” (RIN 1010-AE02) (85 FR 34912), on June 5, 2020, consistent with the policy set forth in E.O. 13795 and S.O. 3350. The final rule updates the regulations implementing section 5(a)(8) of Outer Continental Shelf Lands Act (OCSLA) (43 U.S.C. 1334(a)(8)), which requires BOEM (on behalf of the Secretary of the Interior) to promulgate regulations “for compliance with the National Ambient Air Quality Standards pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.), to the extent that activities authorized under [OCSLA] significantly affect the air quality of any State.”

Deregulatory and Regulatory Actions

In the coming year, BOEM plans to prioritize the following rulemaking actions:

Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf (RIN 1082-AA01)

The BOEM reviewed, in consultation with the BSEE, the final rule entitled, “Oil and Gas and Sulfur Operations on the Outer Continental Shelf - Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf,” which was published on July 15, 2016 (81 FR 46478), for consistency with the policy set forth in section 2 of E.O. 13795. In coordination with BSEE, BOEM is proceeding with a deregulatory option that allows operators to continue operating later into the drilling season and reduces overall compliance costs. This is expected to provide additional jobs, strengthen the economy, and support the development of America's expanded energy reserves, while ensuring safety and environmental responsibility.

Risk Management, Financial Assurance and Loss Prevention (RIN 1082-AA02)

The BOEM has reconsidered the financial assurance policies expressed in Notice to Lessees No. 2016-N01, “Notice to Lessees and Operators of Federal Oil and Gas, and Sulfur Leases, and Holders of Pipeline Right-of-Way and Right-of Use and Easement Grants in the Outer Continental Shelf,” and is now coordinating with the Bureau of Safety and Environmental Enforcement (BSEE) to finalize a rule that will reduce or eliminate unnecessary regulatory burdens, while still protecting the American taxpayers from shouldering liability for the decommissioning of offshore oil and gas facilities.

Deregulating and Streamlining Renewable Energy Regulations (RIN 1010-AE04)

The BOEM is developing a rulemaking action that will reduce, eliminate or streamline unnecessary and burdensome regulations and help to facilitate the timely and responsible development of renewable energy resources on the OCS and promote U.S. energy independence. This proposed rulemaking contains reforms identified by BOEM and industry, and advances the Administration’s deregulatory and energy policies in a safe and environmentally sound manner that provides a fair return to the American taxpayers.

Rescission of Certain Unsolicited Lease Requests and Multi-Factor Bidding from Renewable Energy Regulations (RIN 1010-AE07)

The BOEM is developing a rule that would revise its existing regulations by rescinding

the provisions pertaining to unsolicited lease requests for commercial wind energy activities on the Outer Continental Shelf and multiple-factor bidding from renewable energy auctions. The BOEM believes that these provisions may no longer be required given the maturity of the commercial offshore wind energy industry and its evolution into a highly competitive industry comprising well capitalized and sophisticated international energy companies. With this rulemaking action, BOEM is also considering revisions to its existing regulatory framework for allowing the noncompetitive award of commercial wind energy leases in certain situations.

The BOEM does not currently expect to finalize any significant regulatory actions during the next year that will be subject to the offset requirements of E.O. 13771.

Bureau of Safety and Environmental Enforcement

The Bureau of Safety and Environmental Enforcement's (BSEE) mission is to promote offshore conservation, development and production of offshore energy resources while ensuring that offshore operations are safe and environmentally responsible. The BSEE's priorities in fulfillment of its mission are to: (1) promote and regulate offshore energy development using the full range of authorities, policies, and tools to ensure safety and environmental responsibility; and (2) build and sustain the organizational, technical, and intellectual capacity within and across BSEE's key functions in order to keep pace with offshore industry technology improvements, innovate in economically sound regulation and enforcement, and reduce risk through appropriate risk assessment and regulatory and enforcement actions.

Consistent with the direction in E.O. 13783, "Promoting Energy Independence and Economic Growth," E.O. 13795, "Implementing an America-First Offshore Energy Strategy," as well as E.O. 13771, "Reducing Regulation and Controlling Regulatory Costs," BSEE has reviewed and will continue to review its existing regulations to determine whether they may unnecessarily burden the development or use of domestically produced energy resources, constrain economic growth, or prevent job creation. The BSEE is a well-positioned partner ready to help all stakeholders maintain the Nation's position as a global energy leader and foster energy independence for the benefit of the American people, while ensuring that offshore oil and gas activity on the OCS is performed in a safe and environmentally responsible manner.

Deregulatory and Regulatory Actions

The BSEE has identified the following rulemaking priorities for fiscal year 2021:

Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf (RIN 1082-AA01)

The BSEE reviewed, in consultation with BOEM, the final rule entitled, "Oil and Gas and Sulfur Operations on the Outer Continental Shelf - Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf," which was published on July 15, 2016 (81 FR 46478), for consistency with the policy set forth in section 2 of E.O. 13795. In coordination with BOEM, BSEE is proceeding with a deregulatory option that allows operators to continue operating later into the drilling season and reduces overall compliance costs. This is expected to provide additional jobs, strengthen the economy, and support the

development of America's expanded energy reserves, while ensuring safety and environmental responsibility.

Update to the Standard Editions Related to the Manual of Petroleum Measurement Standards Final Rule (RIN 1014-AA46)

This rulemaking action would update a portion of the industry standards related to the Manual of Petroleum Measurement Standards, which are currently incorporated by reference in the Code of Federal Regulations. Specifically, it would clarify which standard editions must be used to calculate the flow rates, density, and other custody transfer characteristics when measuring oil and gas production on the OCS.

Oil-Spill Response Requirements for Facilities Located Seaward of the Coast Line Proposed Rule (RIN 1014-AA44)

The Oil Spill Response Requirements regulations in 30 CFR part 254 were last updated over 20 years ago (62 FR 13996, Mar. 25, 1997). The BSEE plans to develop a rulemaking action that will update the existing regulations in order to address the latest advancements in spill response and preparedness policies and technologies, and lessons learned and recommendations from reports related to the Deepwater Horizon (DWH) incident.

Revisions to Subpart J--Pipelines and Pipeline Rights-of-Way Proposed Rule (RIN 1014-AA45)

This proposed rulemaking action would revise specific provisions of the current Pipelines and Pipeline Rights-of-Way regulations under 30 CFR 250 subpart J in order to bring those regulations up-to-date with current technology and state-of-the-art safety equipment and procedures, primarily through the incorporation of industry standards.

Outer Continental Shelf Lands Act; Operating in High-Pressure and/or High-Temperature (HPHT) Environments (RIN 1014-AA49)

This BSEE is developing this rulemaking to formally codify its existing processes for reviewing and approving projects in HPHT environments.

Update of Regulations on Relief or Reduction in Royalty Rates Updates to Royalty Relief (1014-AA50)

The Outer Continental Shelf (OCS) Lands Act, 43 U.S.C. 1337, as amended, authorizes the Bureau of Safety and Environmental Enforcement (BSEE) to grant royalty relief. Under 43 U.S.C. 1337(a)(3)(A), BSEE may reduce or eliminate any royalty or a net profit share specified for an OCS lease to promote increased production. Also, under 43 U.S.C. 1337(a)(3)(B), BSEE may reduce, modify, or eliminate any royalty or net profit share to promote development, increase production, or encourage production of marginal resources on certain leases or categories of leases. This proposed rule would make changes and additions to streamline and improve regulations related to the end-of-life and “special case” royalty relief provisions. This rulemaking would provide more transparency, efficiency, and clarity to the end-of-life and special case provisions. This could result in more applications for royalty relief which would promote development, increase

production, and increase royalty collection when leases or projects become economic with royalty relief.

The BSEE does not currently expect to finalize any significant regulatory actions during the next year that will be subject to the offset requirements of E.O. 13771.

Office of Natural Resources Revenue

The Office of Natural Resources Revenue (ONRR) collects, accounts for, and disburses revenues from Federal offshore energy and mineral leases and from onshore mineral leases on Federal and Indian lands. The program operates nationwide and is primarily responsible for timely and accurate collection, distribution, and accounting for revenues associated with mineral and energy production.

Deregulatory and Regulatory Actions

The ONRR's rulemaking priorities for fiscal year 2021 include a rulemaking action to amend its mailing address listed in the Code of Federal Regulations due to ONRR's main building renovation, and a rulemaking action to amend the existing regulations for valuing minerals produced from Federally-administered leases for royalty purposes and for issuing notices of non-compliance and assessing civil penalties.

During fiscal year 2021, ONRR expects to finalize a rule amending portions of its regulations for (1) valuing oil and gas produced from Federal leases, (2) valuing coal produced from Federal and Indian leases, and (3) assessing civil penalties for violations of certain statutes, regulations, leases, and orders associated with mineral leases.

Office of Surface Mining Reclamation and Enforcement

The Office of Surface Mining Reclamation and Enforcement (OSMRE) was created by the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Under SMCRA, OSMRE has two principal functions - the regulation of surface coal mining and reclamation operations, and the reclamation and restoration of abandoned coal mine lands. In enacting SMCRA, Congress directed OSMRE to "strike a balance between protection of the environment and agricultural productivity and the Nation's need for coal as an essential source of energy." OSMRE seeks to develop and maintain a regulatory program that provides a safe, cost-effective, and environmentally sound supply of coal to help support the Nation's economy and local communities.

Deregulatory and Regulatory Actions

Ten Day Notices (RIN 1029-AC77)

During fiscal year 2021, OSMRE finalized a rulemaking action that clarifies its regulations pertaining to "Ten Day Notices" (TDNs), which are set forth at 30 CFR 842.11 and 843.12. Section 521 of SMCRA establishes an enforcement mechanism by which OSMRE issues TDNs to State and Tribal regulatory authorities (RAs) when it has reason to believe or determines that a violation of SMCRA, the Federal regulations implementing SMCRA, a regulatory program authorized under SMCRA, or a permit condition required by such authorities exists. Along with the notice of the potential violation, the TDNs also provides RAs

with ten days, “to take appropriate action to cause said violation to be corrected or to show good cause for such failure.” (30 U.S.C. 1271) The rule finalized in fiscal year 2021 alleviates unnecessary regulatory burdens and clarifies the regulatory provisions pertaining to the issuance of TDNs to RAs, the evaluation of RA responses to TDNs by OSMRE, and informal reviews by OSMRE.

The OSMRE does not currently expect to finalize any significant regulatory actions during the next year that will be subject to the offset requirements of E.O. 13771.

U.S. Fish and Wildlife Service

The mission of the U.S. Fish and Wildlife Service (FWS) is to work with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people. The FWS also provides opportunities for Americans to enjoy the outdoors and our shared natural heritage. The FWS also promotes and encourages the pursuit of recreational activities such as hunting and fishing and wildlife observation.

The FWS manages the more than 150 million acres of land and water, from the Caribbean to the remote Pacific, in the National Wildlife Refuge System, which protects and conserves fish and wildlife and their habitats and allows the public to engage in outdoor recreational activities.

The FWS fulfills its responsibilities through a diverse array of programs that:

- Reduce regulatory burden to streamline mission delivery;
- Improve access for hunting and fishing;
- Protect and recover endangered and threatened species;
- Monitor and manage migratory birds;
- Enforce Federal wildlife laws and regulate international trade;
- Conserve and restore wildlife habitat such as wetlands;
- Help foreign governments conserve wildlife through international conservation efforts; and
- Administer Federal funds for fish and wildlife conservation in partnership with states, territories, and tribes.

Deregulatory and Regulatory Actions

During fiscal year 2021, FWS’s regulatory priorities will include rules intended to carry out its various statutory responsibilities, as described in the following paragraphs:

Regulations under the Endangered Species Act (ESA):

The FWS will promulgate multiple regulatory actions under the ESA to prevent the extinction of and facilitate the recovery of both domestic and foreign animal and plant species. Accordingly, FWS will add species to, remove species from, and reclassify species on the Lists of Endangered and Threatened Wildlife and Plants and designate

critical habitat for certain listed species, in accordance with the National Listing Workplan. The Workplan enables FWS to prioritize workloads based on the needs of candidate and petitioned species, while providing greater clarity and predictability about the timing of listing determinations to State wildlife agencies, nonprofit organizations, and other stakeholders and partners. The Workplan represents the conservation priorities of FWS based on its review of scientific information. The goal is to encourage proactive conservation so that Federal protections are not needed in the first place.

In addition, FWS, jointly with the National Marine Fisheries Service (NMFS), will continue its efforts to improve the administration of the ESA, while also reducing unnecessary regulatory burdens. Through several rulemaking actions, FWS will create efficiencies and streamline the processes for interagency consultation, permit issuance, listing and delisting, and the designation of critical habitat. The FWS also plans to promulgate several species-specific rules to protect threatened species under section 4(d) of the ESA.

Regulations under the Migratory Bird Treaty Act (MBTA):

In carrying out its responsibility to manage migratory bird populations, FWS plans to issue annual migratory bird hunting regulations, which establish the frameworks (outside limits) for states to create season lengths, bag limits, and areas for migratory game bird hunting. The FWS also expects to finalize a rulemaking action that codifies the Department of the Interior's legal opinion related to incidental take that results from an otherwise lawful activity. This rule will reduce regulatory burdens and uncertainty for the public with regard to compliance with take prohibitions of migratory birds under the MBTA.

Regulations to Administer the National Wildlife Refuge System (NWRS):

In carrying out its statutory responsibility to provide wildlife-dependent recreational opportunities on NWRS lands, FWS issues an annual rule to update the hunting and fishing regulations on specific refuges. In FY 2020, FWS undertook an extensive revision of these regulations to update every entry in its refuge-specific regulations, reorganize the general public use regulations, standardize and clarify the language, and remove redundancy. These changes will ensure more consistent administration of the NWRS in FY 2021 and will simplify the process for making updates to the refuge-specific regulations in future years.

The FWS is also planning to propose amendments to its refuge-specific regulations for the Kenai National Wildlife Refuge (NWR) to allow for the hunting of brown bears over bait, the discharge of firearms along the Kenai and Russian Rivers during certain times of the year, increased access by bicycles and game carts, and the use of snowmobiles, all-terrain vehicles, and utility task vehicles on certain lakes when there is adequate snow and ice cover. The purpose of this proposed rule is to align public use regulations on Kenai NWR with State of Alaska regulations, enhance consistency with harvest regulations on surrounding non-Federal lands and waters, and increase access to Federal lands in furtherance of Secretary's Orders 3347 and 3356.

Regulations to carry out the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Lacey Act:

In accordance with section 3(a) of E.O. 13609, “Promoting International Regulatory Cooperation,” FWS plans to update its CITES regulations to incorporate provisions resulting from the 16th through the 18th Conference of the Parties (CoP) to CITES. The revisions will help FWS more effectively promote species conservation and will help U.S. importers and exporters of wildlife products better understand how to conduct lawful international trade. In addition, FWS is developing a rulemaking action that will further assist these businesses by expanding the list of designated ports authorized for the importation and exportation of wildlife in order to obtain FWS inspection and clearance of wildlife.

National Park Service

The National Park Service (NPS) preserves the natural and cultural resources and values within 419 units of the National Park System encompassing more than 85 million acres of lands and waters for the enjoyment, education, and inspiration of this and future generations. The NPS also cooperates with partners to extend the benefits of resource conservation and outdoor recreation throughout the United States and the world.

Deregulatory and Regulatory Actions

During the coming year, the NPS plans to undertake 12 deregulatory actions under E.O. 13771, “Reducing Regulation and Controlling Regulatory Costs,” that will reduce regulatory costs. Three of these actions comply with section 6 of E.O. 13563, “Improving Regulation and Regulatory Review,” because they will remove or modify outdated, unnecessarily complicated and burdensome regulations. The rulemaking priorities for the NPS during the upcoming year include the following:

- A rule that will define and allow superintendents to exercise clear management authority over the use of electric bicycles within the National Park System.
- A rule that will revise NPS regulations to comply with the decision of the U.S. Supreme Court in Sturgeon v. Frost. The rule will clarify NPS jurisdiction to regulate lands and waters in Alaska, including navigable waters and other inholdings within units of the National Park System in Alaska.
- A rule that will update the regulations governing the solicitation, award, and administration of concessions contracts under “The National Park Service Concessions Management Improvement Act of 1998” (Pub. L. No. 105-391) in order to reduce administrative burdens and expand sustainable, high quality, and contemporary concessioner-provided visitor services in national parks.

NPS Response to Secretary’s Order No. 3366: Increasing Recreational Opportunities on Lands and Waters Managed by the U.S. Department of the Interior

In the coming year, NPS is planning to undertake several enabling regulatory actions, which will provide new opportunities for the public to enjoy and experience certain areas within the National Park System. These include regulations authorizing:

- Off-road vehicle use at Cape Lookout National Seashore (final rule), Glen Canyon National Recreation Area (final rule), and Big Cypress National Preserve (proposed rule);

- Bicycling at Whiskeytown National Recreation Area, Saint Croix National Scenic Riverway, and Great Smoky Mountains National Park (proposed rules);
- Snowmobiles within Pictured Rocks National Lakeshore (proposed rule); and
- Personal watercraft within Gulf Islands National Seashore (proposed rule).

These actions will allow the public to access and enjoy NPS-administered lands and waters in a manner that protects the resources and values of the National Park System.

Other Priority Rulemakings of Particular Interest to Small Business

The NPS intends to issue a rulemaking action to implement the Visitor Experience Improvements Authority (VEIA) given to the NPS by Congress in Title VII of the “National Park Service Centennial Act” (Pub. L. No. 114-289). This authority allows the NPS to award and administer commercial services contracts (and related professional services contracts) for the operation and expansion of commercial visitor facilities and visitor services programs in units of the National Park System.

Bureau of Reclamation

The Bureau of Reclamation's (BOR) mission is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public. To accomplish this mission, BOR employs management, engineering, and science to achieve effective and environmentally sensitive solutions. Reclamation projects provide: irrigation water service; municipal and industrial water supply; hydroelectric power generation; water quality improvement; groundwater management; fish and wildlife enhancement; outdoor recreation; flood control; navigation; river regulation and control; system optimization; and related uses. In addition, BOR continues to provide increased security at its facilities.

Deregulatory and Regulatory Actions

The BOR does not currently expect to finalize any significant regulatory actions during the next year that will be subject to the offset requirements of E.O. 13771.

Other Regulatory Actions of the Department of the Interior

Implementation of the National Environmental Policy Act of 1969 (RIN: 1090-AB18)

The Department is developing regulations to streamline its National Environmental Policy Act (NEPA) process by increasing the number of categorical exclusions and updating its NEPA regulations