

# UNITED STATES DEPARTMENT OF THE INTERIOR

## FALL 2023 REGULATORY PLAN

### **Introduction**

The U.S. Department of the Interior (Department) is the principal steward of our Nation's public lands and resources, including many of our cultural treasures. The Department serves as trustee to Native Americans, Alaska Natives, and Federally Recognized Tribes and is responsible for our ongoing relationships with the Island Territories under U.S. jurisdiction and the freely associated States. Among the Department's many responsibilities is managing more than 500 million surface acres of Federal land, which constitutes approximately 20 percent of the Nation's land area, as well as approximately 700 million subsurface acres of Federal mineral estate, and more than 2.5 billion acres of submerged lands on the Outer Continental Shelf (OCS).

In addition, the Department protects and recovers endangered species; protects natural, historic, and cultural resources; provides scientific and other information about those resources; and manages water projects that are an essential lifeline and economic engine for many communities.

Hundreds of millions of people visit Department-managed lands each year to take advantage of a wide range of recreational pursuits—including camping, hiking, hunting, fishing, and various other forms of outdoor recreation—and to learn about our Nation's history. Each of these activities supports local communities and their economies. The Department also 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.

In short, the Department plays a central role in how the United States stewards its public lands, ensures environmental protections, pursues environmental justice, honors the nation-to-nation relationship with

Tribes and the special relationships with other Indigenous people and the insular areas.

## **Regulatory and Deregulatory Priorities**

To help advance the Secretary of the Interior's (Secretary) commitment to honoring the Nation's trust responsibilities and to conserve and manage the Nation's natural resources and cultural heritage, the Department's regulatory and deregulatory priorities in the coming year will focus on:

- Tackling the Climate Crisis, Strengthening Climate Resiliency, and Facilitating the Transition to Renewable Energy;
- Upholding Trust Responsibilities to Federally Recognized American Indian and Alaska Native Tribes, Restoring Tribal Lands, and Protecting Natural and Cultural Resources, Advancing Equity and Supporting Underserved Communities; and
- Investing in Healthy Lands, Waters, and Local Economies and Strengthening Conservation of the Nation's Lands, Waters, and Wildlife.
- Promoting Equitable and Meaningful Participation in the Regulatory Process

### ***Tackling the Climate Crisis, Strengthening Climate Resiliency, and Facilitating the Transition to Renewable Energy***

The Biden-Harris administration remains committed to combatting climate change and reducing greenhouse gas emissions while improving public health, protecting the environment, and ensuring access to clean air and water. Under this administration, the Department has been a key leader in tackling the climate crises. Pursuant to Executive Order (E.O.) 13990 "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis," (signed on Jan. 20, 2021) and E.O. 14008, "Tackling the Climate Crisis at Home and Abroad," (signed January 27, 2021), the Department has advanced multiple policy and regulatory efforts to reduce climate pollution; improve and increase adaptation and resilience to the impacts of drought, wildfire, and extreme weather; address current and

historic environmental injustice; protect public health; and conserve Department-managed lands and waters.

The historic Infrastructure Investment and Jobs Act of 2021 (BIL) and the Inflation Reduction Act (IRA), which President Biden signed respectively on November 15, 2021, and August 16, 2022, will enable transformational outcomes on these clean energy and resilience priorities while driving the creation of good-paying union jobs. In referring to the BIL, Secretary Haaland said, “The Interior Department is hard at work to deliver these critical investments from the President’s Investing in America agenda into the hands of American communities as quick as we can, and we’re making tremendous progress.”

In accordance with E.O.s 13990 and 14008, as well as E.O. 14052, “Implementation of the Infrastructure Investment and Jobs Act,” (signed on Nov. 15, 2021), several bureaus within the Department are pursuing regulatory actions to implement these administration priorities, including steps to increase renewable energy production by improving siting and permitting processes on public lands and in offshore waters.

The Department is committed to fully facilitating the development of renewable energy on public lands and waters, as well as supporting tribal and territorial efforts to develop renewable energy, including deploying 30 gigawatts (GW) of offshore wind by 2030 and 25GW of onshore renewable energy by 2025. The Department will meet these ambitious goals while also ensuring appropriate protection of public lands, waters, and biodiversity and creating good jobs. As Secretary Haaland has stated, “The Department of the Interior continues to make significant progress in our efforts to spur a clean energy revolution, strengthen and decarbonize the nation’s economy, and help communities transition to a clean energy future.”

As part of these ongoing efforts, the Bureau of Ocean Energy Management’s (BOEM) most important regulatory initiative is focused on expanding offshore wind energy’s role in strengthening U.S. energy security and independence, creating jobs, providing benefits to local communities, and further developing

the U.S. economy. The BOEM's renewable energy program has matured over the past 10 years, a time in which BOEM has conducted numerous auctions, and issued and managed multiple commercial leases. Based on this experience, BOEM has identified multiple opportunities to update its regulations to better facilitate the development of renewable energy resources and to promote U.S. energy independence. On January 30, 2023 (88 FR 5968), BOEM proposed a rule, the "Renewable Energy Modernization Rule" (1010-AE04). As proposed, the rule facilitates development of offshore renewable energy and promotes U.S. energy independence in a safe and environmentally sound manner that provides a fair return to U.S. taxpayers.

Similarly, the Bureau of Land Management (BLM) plans to update its regulations for onshore rights-of-way, leasing, and operations related to all activities associated with renewable energy. On June 16, 2023 (88 FR 39726), the BLM proposed the rule, "Rights-of-way, Leasing, and Operations for Renewable Energy" (1004-AE78). This rule aims to improve permitting activities and processes to facilitate increased renewable energy production on public lands.

To advance the deployment of clean energy infrastructure while also meeting obligations to conserve habitats and wildlife, the Department will improve permitting frameworks for bird conservation. On September 30, 2022 (87 FR 59598), the U.S. Fish and Wildlife Service (FWS) proposed the "Eagle Permits; Incidental Take" rule (1018-BE70) to revise the regulations authorizing eagle incidental take and eagle nest take permits to increase the efficiency and effectiveness of permitting, facilitate and improve compliance, and increase the conservation benefit for eagles. The FWS plans to finalize this rule in December 2023.

The FWS will also propose the "Migratory Bird Permits; Authorizing the Incidental Take of Migratory Birds" rule (1018-BF71), to clarify the MBTA's prohibitions on taking and killing migratory birds and consider establishing a straightforward process to secure authorizations for otherwise prohibited take of migratory birds.

The BIL enables the Department to establish important regulations governing carbon transportation and storage on the OCS. The orderly implementation of negative emissions technologies, such as carbon capture, utilization, and storage, is necessary to reduce hard-to-abate emissions from the industrial sector, which emits nearly 25 percent of all carbon dioxide released into the atmosphere in the United States. In accordance with the BIL, the Bureau of Safety and Environmental Enforcement (BSEE) and BOEM are drafting a joint proposed rule that would address the transportation and geologic sequestration aspects of carbon storage development on the OCS, including leasing, geological, and geophysical exploration for appropriate storage reservoirs; environmental plans and mitigations; facility and infrastructure design and installation; injection operations; long-term site stewardship (i.e., monitoring and response); financial assurance; and safety. BSEE and BOEM plan to publish this proposed rule in December 2023.

The Department is also committed to modernizing its oversight of oil and gas leasing and development to help address the climate and biodiversity crises and to advance environmental justice. In November 2021, the Department released its report on Federal oil and gas leasing and permitting practices, following a review of onshore and offshore oil and gas programs called for in E.O. 14008. The report identified significant reforms needed to ensure the programs provide a fair return to taxpayers, discourage speculation, hold operators responsible for remediation, and create a more inclusive and just approach to managing public lands and waters. The Department's "Report on the Federal Oil and Gas Leasing Program" makes a number of specific recommendations to restore balance to these programs, including adjusting royalty rates, pursuing adequate financial assurance for decommissioning liabilities, and prioritizing leasing in areas with known resource potential while avoiding conflicts with other uses.

This past year, the Department proposed regulations to implement important reforms, including the report's recommendations and reforms included in the IRA regarding oil and gas resources on public lands. On Nov. 30, 2022 (87 FR 73588), the BLM published the proposed rule "Waste Prevention, Production Subject to Royalties, and Resource Conservation 43 CFR Parts 3160 and 3170" (1004-AE79),

known as the Waste Prevention Rule. On July 24, 2023 (88 FR 47562), the BLM published the proposed rule “Fluid Mineral Leases and Leasing Process” (1004-AE80), known as the Fluid Minerals Rule. The Waste Prevention Rule would prevent waste of Federal resources with an additional benefit of reducing methane emissions in the oil and gas sector. The Fluid Minerals Rule would incorporate many urgent fiscal and programmatic reforms included in the report and IRA, such as updating BLM’s process for leasing to ensure the protection and proper stewardship of the public lands, including potential climate and other impacts associated with oil and gas leasing activities. BLM will finalize these rules to ensure the responsible development of oil and gas on public lands. The BLM also plans to finalize a rule (1004-AE95) to govern the management of surface resources and Special Areas in the National Petroleum Reserve in Alaska. On September 8, 2023, the BLM published the proposed rule “Management and Protection of the National Petroleum Reserve in Alaska” (88 FR 62025), which would improve upon the existing regulations’ procedures to balance oil and gas activities with the protection of surface resources in the NPR–A; assure maximum protection of Special Areas; and protect longstanding subsistence activities.

On June 29, 2023, the BOEM published the proposed rule (1010-AE14) “Risk Management and Financial Assurance for OCS Lease and Grant Obligations” (88 FR 42136), which would better protect the American taxpayers from shouldering liability for the decommissioning of offshore oil and gas facilities.

BSEE is furthering its mission to promote safety, protect the environment, and conserve resources offshore through vigorous regulatory oversight and enforcement in several rulemaking efforts. Among others, BSEE is working to update its regulations governing oil spills (1014-AA44), offshore pipelines (1014-AA45), and decommissioning requirements on the OCS (1014-AA53).

***Upholding Trust Responsibilities to Federally Recognized American Indian and Alaska Native Tribes Restoring Tribal Lands, and Protecting Natural and Cultural Resources***

Among the Department’s most important responsibilities is its commitment to honor the nation-to-nation

relationship between the Federal Government and Tribes. Secretary Haaland is strongly committed to strengthening how the Department carries out its trust responsibilities and to increasing economic development opportunities for Tribes and other historically underserved communities.

To advance the Department's trust responsibilities, the Bureau of Indian Affairs (BIA) has identified opportunities, following consultation and in close collaboration with Tribal governments, to promote Tribal economic growth and development, and provide clearer and more efficient processes for Tribes that are applying to place land into trust or enter into gaming compacts. For example, BIA is working to remove barriers to the development of renewable energy and other resources in Indian country.

Deb Haaland stated, "Through President Biden's Investing in America agenda, we're launching a new program to electrify Indian Country to provide reliable, resilient energy that Tribes can rely on, and advance our work to tackle the climate crisis and build a clean energy future."

In consultation with Tribes, BIA engaged in efforts to update and improve its regulations governing how it manages land held in trust or in restricted status for Tribes and individual Indians. These efforts included improving the consultation process, identifying best practices, and strengthening relationships with Tribal governments. The BIA also launched a broader review to determine whether any regulatory reforms are needed to facilitate restoration of Tribal lands and safeguard natural and cultural resources. As a result of these consultations and this review, BIA is preparing a proposed rule, "Agricultural Leasing of Indian Land," which would revise the regulations governing leases of Indian land for agricultural purposes found at 25 CFR part 162 (1076-AF66). This proposed rule would streamline how leases are obtained and increase the agricultural usage of Indian land.

In December of 2022, BIA published two proposed rules, one regarding the fee-to-trust process and one regarding Class III gaming compacts (87 FR 74334, 87 FR 74916). The updated regulations will provide clearer and more efficient processes for Tribes that are applying to place land into trust or enter into gaming compacts. The land acquisitions rule (1076-AF71) will lead to a more efficient, less cumbersome, and less expensive fee-to-trust process by clarifying the Secretary of the Interior's authority to take land in

trust for Tribes, reducing processing time, and establishing clear decision-making criteria. The rule also places an express focus on taking land into trust for conservation purposes. The Class III gaming rule (1076-AF68) will provide clarity on the criteria the Department would consider when deciding whether to approve these compacts by clarifying boundaries as to allowable topics of negotiation, better defining key terms, and clearly outlining when the Department must review a gaming compact. BIA plans to finalize these rules in February 2024.

The Department is also committed to improving regulations meant to protect sacred and cultural resources. To this end, the Assistant Secretary for Indian Affairs and the Assistant Secretary for Fish and Wildlife and Parks are working with the National Park Service (NPS) to incorporate recommendations from consultation with Tribes on updates to regulations implementing the Native American Graves and Repatriation Act (NAGPRA), 43 CFR part 10 (1024-AE19). This proposed rule, the “Native American Graves Protection and Repatriation Act Systematic Process for Disposition and Repatriation of Native American Human Remains, Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony,” which published on October 18, 2022 (87 FR 63202), would provide for the disposition and repatriation of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony. The updates are intended to simplify and improve the regulatory process for repatriation, rectify provisions in the current regulations that inhibit and effectively prevent respectful repatriation, and remove the burden on Indian Tribes and Native Hawaiian organizations to initiate the process and add a requirement for museums and Federal agencies to complete the process. The Department expects to publish a final rule titled “Native American Graves Protection and Repatriation Act Systematic Process for Disposition and Repatriation of Native American Human Remains, Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony,” by the end of 2023.

### ***Advancing Equity and Supporting Underserved Communities***

The Biden-Harris administration and Secretary Haaland recognize and support the goals of advancing



equity and addressing the needs of underserved communities. In January 2021, the President signed E.O. 13985, “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.” Additionally, On February 17, 2022, Secretary Haaland issued S.O. 3406, “Establishment of a Diversity, Equity, Inclusion and Accessibility Council.” In response to E.O. 13985 and the S.O. 3406, the Department issued its Equity Action Plan on April 14, 2022. The Equity Action Plan is a key part of the Department’s efforts to implement E.O. 13985, which calls on Federal agencies to advance equity by identifying and addressing barriers to equal opportunity that underserved communities may face as a result of Government policies and programs.

On February 16, 2023, the President signed E.O. 14091, “Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.” This order builds upon the previous equity-related Executive orders by extending and strengthening equity-advancing requirements for agencies, and it positions agencies to deliver better outcomes for the American people.

On April 6, 2023, the President signed E.O. 14094, “Modernizing Regulatory Reform.” Section 2 of this E.O. directs agencies to promote equitable and meaningful opportunities for public participation in the rulemaking process by a range of interested or affected parties, including underserved communities.

In Fiscal Year (FY) 2024, the Department will undertake a number of regulatory actions that will assist people who are members of underserved communities by removing barriers, and strengthening equity-advancing requirements.

The BLM (1004-AE60), FWS (1018-BD78), and NPS (1024-AE75) are working on right-of-way (ROW) rules that would streamline and improve efficiencies in the permitting process for electric transmission, distribution facilities, and broadband facilities. The BLM published their proposed rule “Update of the Communications Uses Program, Cost Recovery Fee Schedules, and Section 512 of FLPMA for Rights-of-Way,” on November 7, 2022 (87 FR 67306). The FWS published their revised proposed rule

“Streamlining U.S. Fish and Wildlife Service Permitting of Rights-of-Way Across National Wildlife Refuges and Other U.S. Fish and Wildlife Service-Administered Lands” on July 24, 2023 (88 FR 47442). These rules should result in increased services such as broadband connectivity with resulting benefits to underserved communities and visitors to Departmental lands and promote good governance. These proposed rules are expected to implement several provisions of the BIL.

***Investing in Healthy Lands, Waters, and Local Economies and Strengthening Conservation of the Nation’s Lands, Waters, and Wildlife***

The Department’s regulatory agenda will continue to advance the goals of investing in healthy lands, waters, and local economies across the country. These regulatory efforts, which are consistent with the Biden-Harris administration’s America the Beautiful initiative as well as the BIL and IRA which provide the Department with historic resilience and restoration investments, include expanding opportunities for outdoor recreation, such as hunting and fishing, for all Americans; enhancing conservation stewardship; and improving the management of species and their habitat. In a priority effort to advance these goals, the BLM published a proposed rule on April 3, 2023 (88 FR 19583), “Conservation and Landscape Health (1004-AE92),” to advance the bureau’s mission to manage the public lands for multiple use and sustained yield by prioritizing the health and resilience of ecosystems across those lands. To ensure that health and resilience, the proposed rule provides that the BLM will protect intact landscapes, restore degraded habitat, and make informed management decisions based on science and data.

Through this regulatory plan, the Department affirms the importance of the ESA on the 50<sup>th</sup> anniversary of its passage in providing a broad and flexible framework to facilitate conservation with a variety of stakeholders. The Department, through FWS, is committed to working with diverse Federal, Tribal, State, and industry partners not only to protect and recover America’s imperiled wildlife, but to ensure the ESA is helping meet 21st century challenges.

In FY 2023, FWS published numerous proposed and final rules to continue improving 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.

Consistent with the steadfast commitment to allowing access to our National Wildlife Refuges (NWRs) and continued efforts to provide hunting and fishing opportunities, the FWS opened, for the first time, two NWRs that had been closed to hunting and sport fishing. In addition, FWS opened or expanded hunting or sport fishing at 16 NWRs and added pertinent station-specific regulations for other NWRs that pertain to migratory game bird hunting, upland game hunting, big game hunting, or sport fishing for the 2022–2023 season. The FWS also changed existing station-specific regulations to reduce regulatory burden on the public and increase access for hunters and anglers on FWS lands and waters. FWS published a proposed rule on June 23, 2023 (88 FR 41058), “National Wildlife Refuge System; 2023–2024 Station-Specific Hunting and Sport Fishing Regulations,” that would expand hunting opportunities on three NWRs.

Per section 2 of E.O. 13990 and the “Fact Sheet: List of Agency Actions for Review,” the Departments of Commerce and the Interior (Departments) initiated a review of the August 27, 2019, final rules, “Endangered and Threatened Wildlife and Plants; Regulations for Listing Endangered and Threatened Species and Designating Critical Habitat,” (1018–BF95) (84 FR 45020) that revised the regulations for adding and removing species from the Lists of Endangered and Threatened Wildlife and Plants and the procedures for designating critical habitat as well as “Endangered and Threatened Wildlife and Plants; Regulations for Interagency Cooperation,” (1018–BC87) (84 FR 44976) that revised portions of the regulations that implement section 7 of the ESA, as amended. In addition, the U.S. Fish and Wildlife Service initiated a review of the August 27, 2019, final rule “Endangered and Threatened Wildlife and Plants; Regulations for Prohibition to Threatened Wildlife and Plants,” (1018-BC97) (84 FR 44753) that removed default protections for threatened species under section 4 of the ESA. On July 5, 2022, the 2019 rules were vacated and remanded by the U.S. District Court for the Northern District of California.

In response to the court order, the Departments proposed a new rulemaking for FY 2023, “Endangered

and Threatened Wildlife and Plants; Listing and Designating Critical Habitat,” which published on June 22, 2023 (88 FR, 40764); “Endangered and Threatened Wildlife and Plants; Revision of Regulations for Interagency Cooperation” (1018-BF96), which published on June 22, 2023 (88 FR 40753); and “Endangered and Threatened Wildlife and Plants; Regulations Pertaining to Endangered and Threatened Wildlife and Plants” (1018-BF88), which published on June 22, 2023 (88 FR 40753). The Departments will work to finalize these rules in 2024.

Under section 4(d) of the Endangered Species Act (ESA), FWS plans to promulgate several species-specific rules to protect threatened species. Of particular note, the FWS issued a proposed rule on November 17, 2022, (87 FR 68975) that would revise the rule for the African elephant (*Loxodonta africana*) promulgated under section 4(d) of the ESA (1018-BG66). The proposed rule intends to increase domestic protection for African elephants in light of the recent rise in global trade of live African elephants from range countries by establishing ESA permit requirements and enhancement standards for trade in live African elephants. This rulemaking action would also clarify the existing enhancement requirement during our evaluation of the application for a permit to import African elephant sport-hunted trophies and incorporate a Party’s designation under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) National Legislation Project into the decision-making process for the import of live African elephants, African elephant sport-hunted trophies, and African elephant parts and products other than ivory. The Department expects to publish a final rule titled “Revision to the Section 4(d) Rule for the African Elephant” in January 2024.

The NPS is also pursuing several regulatory actions under the Department’s direction and in accordance with these goals. These regulatory actions would authorize recreational activities, such as off-road vehicle use, motorized vessels, and bicycling, within appropriate, designated areas of certain National Park System units. These regulations would promote appropriate visitor use while supporting long-term preservation of park resources and quality visitor experiences.

***Promoting Equitable and Meaningful Participation in the Regulatory Process***

In accordance with E.O. 14094, “Modernizing Regulatory Review,” and the OMB Memorandum “Broadening Public Participation and Community Engagement in the Regulatory Process” (July 19, 2023), the Department is committed to informing their regulatory actions through meaningful and equitable opportunities for public input by a range of interested or affected parties, including underserved communities.

For example, to inform the development of and increase awareness of the proposed rulemaking for Carbon Sequestration on the OCS (RIN 1082-AA04), BOEM and BSEE coordinated an extensive outreach strategy to facilitate discussions with representatives from the U.S. interagency, foreign counterpart agencies, Tribal Nations, state agencies, industry, academia, non-governmental organizations, environmental justice groups, labor organizations, and international organizations.

The goals of the outreach strategy were to 1) Facilitate the Bureaus' access to information and perspectives related to offshore carbon sequestration in support of developing a robust and effective rule in a timely manner, and 2) foster relationships with a range of stakeholders that could provide value to the bureaus well beyond the rulemaking effort. The bureaus began implementing the outreach strategy in November 2021, that includes the identification of representatives from each category listed above, introductory and follow-up written exchanges, coordination of listening sessions and informational sharing meetings, and initiation of government-to-government engagements with Tribal Nations.

In another example, on June 22, 2023, the FWS and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS), together the “Services,” proposed two rules to improve and strengthen implementation of the Endangered Species Act (ESA) (RINs 1018-BF95 and 1018-BF96; 88 FR 40764 and 88 FR 40753), and FWS published a separate but related action (RIN 1018-BF88; 88 FR 40742). In accordance with E.O. 13990 (Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis), these rules will ensure the ESA effectively addresses 21st century conservation challenges, such as climate change.

The Services made a concerted effort to engage with the public to inform these rules. With publication of the proposed rules, the Services issued a news release with a link to a website with additional information about the rules as well as a recording of an informational webinar. Additionally, in coordination with Federal and State agency association partners we reached out via direct email to hundreds of stakeholders with specific registration instructions for virtual information sessions. The Services subsequently delivered a series of six live virtual informational sessions to Federal agencies, State agencies, federally recognized Tribes, Native Hawaiian community leaders, non-governmental organizations and conservation partners, and industry groups. In total, more than 500 people attended the 6 information sessions. Frequently asked questions and a recording of the presentation can be viewed on the website <https://fws.gov/project/endangered-species-act-regulation-revisions>.

The BLM published a proposed rule, “Conservation and Landscape Health,” on April 3, 2023, (1004-AE92, 88 FR 19583) that provides tools for the BLM to improve the resilience of public lands in the face of a changing climate; conserve important wildlife habitat and intact landscapes; plan for development; and better recognize unique cultural and natural resources on public lands. The proposed rule directly responds to the growing need to better manage public lands, waters, and wildlife in the face of devastating wildfires, historic droughts, and severe storms that communities are experiencing across the West, as well as to deepen BLM’s collaborative work with communities, States and Tribes to support responsible development of critical minerals, energy and other resources. The BLM held two virtual and three in-person meetings to provide detailed information about the proposal. Members of the public had an opportunity to ask questions that facilitate a deeper understanding of the proposal. BLM also created a separate webpage detailing specific details on the rule: Public Lands Rule | Bureau of Land Management ([blm.gov](https://blm.gov)).

## **Bureaus and Offices Within the Department of the Interior**

The following is an overview of some of the major regulatory and deregulatory priorities of the

Department's Bureaus and Offices.

### ***Bureau of Indian Affairs***

The 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 BIA 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.

### *Regulatory and Deregulatory Actions*

In the coming year, BIA will prioritize the following rulemakings:

#### *Procedures for Federal Acknowledgment of Indian Tribes (1076-AF67)*

This proposed rule would respond to recent Federal court decisions holding that the Department did not adequately explain its regulations prohibiting previously denied petitioners for Federal acknowledgment from petitioning again. The Department sought Tribal government input through communication under Executive Order 13175 criteria and the Department's consultation policy on meaningful communication and collaboration with tribal officials. The Department held Consultation sessions with federally recognized Indian Tribes and a listening session for present, former, and prospective petitioners.

#### *Appeals From Administrative Actions (1076-AF64)*

The proposed rule published on December 1, 2022 (87 FR 73688). This final rule will clarify the processes for appeals of actions taken by officials in the Office of the Assistant Secretary – Indian Affairs,

BIA, Bureau of Indian Education, and Office of the Special Trustee for American Indians (collectively, Indian Affairs). The rule advances the purposes of E.O. 14058 to effectively reduce administrative burdens, simplify both public-facing and internal processes to improve efficiency, and empower the Federal workforce to solve problems. The rule streamlines the process for appeals of Tribal government representative decisions, to ensure the continued government-to-government relations with the appropriate Tribal leadership is not unduly interrupted. The Department received Tribal government input through two consultation sessions (February 17, 2022, and February 22, 2022) held under Executive Order 13175 criteria and the Department's policy on meaningful communication and collaboration with Tribal officials.

*Mining of the Osage Mineral Estate for Oil and Gas (1076-AF59)*

The proposed rule published on January 13, 2023 (88 FR 2430). This final rule will revise the regulations in 25 CFR part 226 to strengthen the BIA's management of the Osage Mineral Estate and improve accounting and production measurement standards; offer consistency in production valuation; address inadequate bonding; support the implementation of electronic reporting systems; enhance accountability; clarify lessees' obligations; prevent waste; promote safe and environmentally sound operations; and protect resource values. The Department received Tribal government input through consultation sessions held pursuant to Executive Order 13175 criteria and the Department's policy on meaningful communication and collaboration with Tribal officials.

*Land Acquisitions (1076-AF71)*

The proposed rule published on December 5, 2022 (87 FR 74334). This final rule will advance the purposes of E.O. 13985 and address the Department's jurisdiction to acquire land in trust for certain Tribes, streamline acquisitions on existing reservations, clarify Tribal jurisdiction, and promote Tribal conservation of lands. The Department received Tribal government input through consultations and listening sessions held under Executive Order 13175 criteria and the Department's policy on



meaningful communication and collaboration with Tribal officials.

*Class III Tribal State Gaming Compact Process (1076-AF68)*

The proposed rule published on December 6, 2022 (87 FR 74916). This final rule will provide States and Tribes with a better understanding of how the Department reviews their compacts by codifying longstanding Departmental policy and interpretations of existing case law. The Department received Tribal government input through consultations and listening sessions held under Executive Order 13175 criteria and the Department's policy on meaningful communication and collaboration with Tribal officials.

*Agricultural Leasing of Indian Land (1076-AF66)*

This proposed rule would update provisions addressing leasing of trust or restricted land (Indian land) for agricultural purposes to reflect updates that have been made to business and residential leasing provisions and address outdated provisions. The Department received Tribal government input through consultations and listening sessions held under Executive Order 13175 criteria and the Department's policy on meaningful communication and collaboration with Tribal officials.

*Indian Arts and Crafts (1076-AF69)*

This proposed rule would modernize the Indian Arts and Crafts Board regulations to better meet the objectives of the Indian Arts and Crafts Act to promote the economic welfare of the Indian Tribes and Indian individuals through the development of Indian arts and crafts and the expansion of the market for the products of Indian art and craftsmanship. The Department is seeking Tribal government input through communication under Executive Order 13175 criteria and the Department's policy on meaningful collaboration with Tribal officials.

## ***Bureau of Land Management***

The 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 BLM also administers 700 million acres of sub-surface mineral estate throughout the Nation. The agency's mission is to sustain the health, diversity, and productivity of America's public lands for the use and enjoyment of present and future generations.

### *Regulatory and Deregulatory Actions*

In the coming year, the BLM will prioritize the following rulemaking actions and highlight its efforts under E.O. 14094:

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

The BLM published its proposed rule on November 7, 2022 (87 FR 67306). This final rule will streamline and improve efficiencies in the communications uses program, update the cost recovery fee schedules for ROW work activities, and include provisions governing the development and approval of operating plans and agreements for ROWs for electric transmission and distribution facilities. Communications uses, such as broadband, are a subset of ROW activities authorized under FLPMA, as amended. Cost recovery fees apply to most ROW activities authorized under either FLPMA or the Mineral Leasing Act of 1920, as amended. This proposed rule would also implement vegetation management requirements included in the Consolidated Appropriations Act, 2018 (codified at 43 U.S.C. 1772) to address fire risk from and to powerline ROWs on public lands and national forests. The regulatory amendments would also codify statutory requirements regarding review and approval of utilities maintenance plans, liability limitations, and definitions of hazard trees and emergency conditions. The proposed rule was highlighted on the BLM's website with links to comment options, FAQs, and direct links to the rule. We plan to do the same

for the final rule.

*Rights-of-way, Leasing and Operations for Renewable Energy (1004-AE78)*

The BLM published this proposed rule on June 16, 2023 (88 FR 39726). This final rule will revise BLM's regulations for ROWs, leasing, and operations related to all activities associated with renewable energy. The Energy Act of 2020 and E.O. 14008 prioritize the Department's need to improve permitting activities and processes to facilitate increased renewable energy production on public lands. BLM held three virtual informational meetings over the course of the comment period. Additionally, the rule was highlighted on the BLM's website with links to comment options, FAQs, and direct links to the rule.

*Waste Prevention, Production Subject to Royalties, and Resource Conservation (1004-AE79)*

This proposed rule published on November 30, 2022 (87 FR 73588). The final rule will update BLM's regulations governing the waste of natural gas through venting, flaring, and leaks on onshore Federal and Indian oil and gas leases. The proposed rule would address the priorities associated with E.O. 14008. The proposed rule was highlighted on the BLM's website with links to comment options, FAQs, and direct links to the rule. We plan to do the same for the final rule.

*Fluid Mineral Leases and Leasing Process (1004-AE80)*

This proposed rule published on July 24, 2023 (88 FR 47562). This final rule will revise BLM's oil and gas regulations to update the fees, rents, royalties, and bonding requirements related to oil and gas leasing, development, and production. The final rule will also update BLM's process for leasing to ensure the protection and proper stewardship of the public lands, including potential climate and other impacts associated with oil and gas activities. This rule will implement provisions of the IRA regarding oil and gas resources on public lands. BLM will hold five informational meetings (Two virtual, three in-person) over the course of the comment period. Additionally, the rule was highlighted on the BLM's website with links

to comment options, FAQs, and direct links to the rule. We plan to do the same for the final rule.

#### *Closure and Restriction Orders (1004-AE89)*

This proposed rule would help BLM to better protect persons, property, and public lands and resources by allowing the agency to close or restrict the use of public lands in a timelier manner. The rule would also make BLM's regulations more consistent with other Federal land management agencies' closure and restriction authorities. The proposed rule was highlighted on the BLM's website with links to comment options, FAQs, and direct links to the rule. We plan to do the same for the final rule.

#### *Conservation and Landscape Health (1004-AE92)*

On April 3, 2023, the BLM published a proposed rule (88 FR 19583) to clarify and support the principles of multiple use and sustained yield in the management of the public lands pursuant to FLPMA and other relevant authorities. This final rule will provide an overarching framework governing multiple resource areas to ensure land health and sustained yield. This rule affirms the important role of restoration and conservation actions in building and maintaining sustainable land management practices to ensure healthy and productive ecosystems for current and future generations. BLM held five informational meetings (Two virtual, three in-person) over the course of the comment period. Additionally, the rule was highlighted on the BLM's website with links to comment options, FAQs, and direct links to the rule.

#### *Management and Protection of the National Petroleum Reserve in Alaska (1004-AE95)*

This final rule will assure maximum protection of Special Areas in the NPR-A pursuant to and consistent with the provisions of the Naval Petroleum Reserves Production Act of 1976 (90 Stat. 303; 42 U.S.C. 6501 et seq.), Alaska National Interest Lands Conservation Act, and other applicable authorities. On September 8, 2023, the BLM published the proposed rule "Management and Protection of the National Petroleum Reserve in Alaska" (88 FR 62025). The proposed rule was highlighted on the BLM's website

with links to comment options, FAQs, and direct links to the rule. Additionally, a number of listening sessions will occur.

### ***Bureau of Ocean Energy Management***

The mission of BOEM is to manage development of U.S. OCS energy and mineral resources in an environmentally and economically responsible way. In accordance with its statutory mandate under Outer Continental Shelf Lands Act (OCSLA), BOEM is committed to implementing its dual mission of promoting the expeditious and orderly development of the Nation's energy resources while simultaneously protecting the marine, human, and coastal environment of the OCS State submerged lands and the coastal communities. Consistent with the policy outlined by the Biden-Harris administration in E.O. 14008, BOEM is reevaluating its programs related to the offshore development of energy and mineral resources. The BOEM is working with the Department to review options for expanding renewable energy production while evaluating alternatives to better protect the lands, waters, and biodiversity of species located within the U.S. exclusive economic zone.

### ***Regulatory and Deregulatory Actions***

In the coming year, BOEM will prioritize the following rulemaking actions:

#### ***Renewable Energy Modernization Rule (1010-AE04)***

On January 30, 2023, the BOEM proposed the *Renewable Energy Modernization Rule* (88 FR 5968). As proposed, the rule would facilitate development of offshore renewable energy and promotes U.S. energy independence in a safe and environmentally sound manner that provides a fair return to U.S. taxpayers. This proposed rule contains reforms identified by BOEM and recommended by industry, including proposals for incremental funding of decommissioning accounts; more flexible geophysical and geotechnical survey submission requirements; streamlined approval of meteorological buoys; revised

project verification procedures; and greater clarity regarding safety requirements.

#### *Risk Management and Financial Assurance for OCS Lease and Grant Obligations (1010-AE14)*

The BOEM has reconsidered the financial assurance policies expressed in the joint proposed rule (85 FR 65904) issued with BSEE (1082-AA02) and has determined that it would be appropriate to issue a new rule that will better protect the American taxpayers from shouldering liability for the decommissioning of offshore oil and gas facilities. On June 29, 2023, the BOEM published the *Risk Management and Financial Assurance for OCS Lease and Grant Obligations* (88 FR 42136), which proposed provisions that would ensure that facilities no longer needed for oil or gas exploration or development are shut down in a safe and environmentally responsible manner. The rule will modify the evaluation criteria for determining whether oil, gas and sulfur lessees, right-of-use and easement grant holders, and pipeline ROW grant holders may be required to provide bonds or other financial assurance, above the regulatorily prescribed amounts for base bonds, to ensure compliance with their OCS obligations.

#### *Carbon Sequestration (1082-AA04)*

In accordance with the BIL, BOEM and BSEE are working to jointly propose regulations governing carbon transportation and geologic sequestration aspects of a development, including leasing; siting of storage reservoirs; environmental plans and mitigations; facility and infrastructure design and installation; injection operations; monitoring; incident response; financial assurance; and safety.

#### *Protection of Marine Archaeological Resources (1010-AE11)*

On February 15, 2023, BOEM published a proposed rule (88 FR 9797) that would revise when lessees and operators would need to conduct archaeological surveys. The proposal put forward provisions that clarify when operators would submit an archaeological report with their applications and clarify the source and extent of the data utilized.

*Fitness to Operate Standards for Oil and Gas Operators and Lessees on the Outer Continental Shelf*  
(1010-AE21)

This proposed rule would enhance the Secretary's stewardship over the OCS and offshore waters by providing regulations governing the disqualification of operators that have poor environmental or safety performance records. If not properly maintained and operated, oil and gas operations can cause significant safety hazards and environmental harm and prevent other beneficial uses of the OCS (such as fishing and future resource development). Additionally, these safety and environmental issues potentially place American taxpayers at risk to cover future cleanup costs.

***Bureau of Safety and Environmental Enforcement***

The BSEE's mission is to promote safety, protect the environment, and conserve resources offshore through vigorous regulatory oversight and enforcement. The BSEE is the lead Federal agency charged with improving safety and ensuring environmental protection related to conventional and renewable energy activities on the U.S. OCS.

*Regulatory and Deregulatory Actions*

In the coming year, BSEE will prioritize the following rulemaking actions:

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

The oil spill response requirements regulations found in 30 CFR part 254 were last updated over 20 years ago (62 FR 13996, Mar. 25, 1997). This proposed rule would update existing regulations to incorporate the latest advancements in spill response and preparedness policies and technologies, as well as lessons

learned and recommendations from reports related to the Deepwater Horizon explosion and subsequent oil spill.

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

This proposed rule would revise specific provisions of the current pipelines and pipeline ROW regulations under 30 CFR 250 subpart J to align 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 (1014-AA49)*

Currently, BSEE has no regulations specific to high pressure and/or high temperature (HPHT) projects, requiring it to issue multiple guidance documents clarifying the specific HPHT information prospective operators should submit to BSEE to support the Bureau's programmatic reviews and approvals of such projects. This final rule will formally codify BSEE's existing process for reviewing and approving projects in HPHT environments. BSEE published this proposed rule on May 16, 2022 (87 FR 29790).

*Oil and Gas and Sulfur Operations in the Outer Continental Shelf-Blowout Preventer Systems and Well Control Revisions (RIN 1014-AA52)*

This final rule will revise BSEE regulations published in the 2019 final rule "Oil and Gas and Sulfur Operations in the Outer Continental Shelf Blowout Preventer Systems and Well Control Revisions," 84 FR 21908 (May 15, 2019), for drilling, workover, completion, and decommissioning operations. BSEE published the proposed rule on September 14, 2022 (87 FR 56354).

*Revisions to Decommissioning Requirements on the OCS (1014-AA53)*



This proposed rule would address issues relating to: (1) Idle iron by adding a definition of this term to clarify that it applies to idle wells and structures on active leases; (2) abandonment in place of subsea infrastructure by adding regulations addressing when BSEE may approve decommissioning-in-place instead of removal of certain subsea equipment; and (3) other operational considerations.

### ***Office of the Chief Information Officer***

The Office of the Chief Information Officer (OCIO) provides leadership to the Department and its Bureaus in all areas of information management and technology (IT). To successfully serve the Department's multiple missions, the OCIO applies modern IT tools, approaches, systems, and products. Effective and innovative use of technology and information resources enables transparency and accessibility of information and services to the public.

In 2023, OCIO finalized the following rule:

#### *Personnel Security Files System of Records (1090-AB16)*

This final rule was published on February 21, 2023 (88 FR 10479) and revised the Department's Privacy Act regulations at 43 CFR 2.254 to claim exemptions for certain records in the INTERIOR/DOI-45, Personnel Security Files, system of records from one or more provisions of the Privacy Act of 1974 pursuant to 5 U.S.C. 552a(k), because of criminal, civil, and administrative law enforcement requirements.

For the coming year, OCIO will prioritize the following rules:

#### *Network Security System of Records (1090-AB14)*

This proposed rule would revise the Department's Privacy Act regulations at 43 CFR 2.254 to claim exemptions for certain records in the INTERIOR DOI-49, Network Security, system of records from one or more provisions of the Privacy Act of 1974 pursuant to 5 U.S.C 552a(j) and (k), because of criminal, civil, and administrative law enforcement requirements.

*Investigative Records System of Records (1090-AB27)*

A proposed rule was published on July 13, 2023 (88 FR 44748). The final rule would revise the Department's Privacy Act regulations at 43 CFR 2.254 to claim exemptions for certain records in the INTERIOR/OIG-02, Investigative Records, system of records from one or more provisions of the Privacy Act of 1974 pursuant to 5 U.S.C. 552a(k), because of criminal, civil or administrative law enforcement requirements.

*DOI Law Enforcement Records Management System (LERMS) System of Records (1090-AB28)*

This proposed rule would revise the Department's Privacy Act regulations at 43 CFR 2.254 to claim exemptions for certain records in the INTERIOR/DOI-10, DOI Law Enforcement Records Management System (LERMS), system of records from one or more provisions of the Privacy Act of 1974 pursuant to 5 U.S.C. 552a(k), because of criminal, civil or administrative law enforcement requirements.

***Office of Acquisition and Property Management***

The Office of Acquisition and Property Management (PAM) coordinates Department-wide implementation of Federal policy and regulations for acquisition; and real, personal, and museum property. The PAM also directs activities in other essential areas including motor vehicle fleet management, space management, energy efficiency, water conservation, renewable energy programs, and capital planning for real and personal property assets.

For the coming year, PAM will prioritize the following rules:

*Department of the Interior Acquisition Regulation, Governance Titles (1090-AB25)*

The PAM proposes changes to the Department of the Interior Acquisition Regulation to update its nomenclature to align with recent changes to agency procurement governance. The senior GS-1102 contracting subject matter expert in a Department Bureau or Office would be designated as the Head of the Contracting Activity (formerly designated as the Bureau Procurement Chief). The Senior Executive who is accountable for the contracting activity would be designated as the Bureau Procurement Executive (this position was formerly designated as the Head of the Contracting Activity). These amendments would enable acquisition programs to more efficiently meet the Department's mission needs and comply with all applicable law and regulations.

***Office of Hearings and Appeals***

The Office of Hearings and Appeals (OHA) exercises the delegated authority of the Secretary to conduct hearings and decide appeals from decisions made by the Bureaus and Offices of the Department. The OHA provides an impartial forum for parties who are affected by the decisions of the Department's Bureaus and Offices to obtain independent review of those decisions. The OHA also handles the probating of Indian trust estates, ensuring that individual Indian interests in allotted lands, their proceeds, and other trust assets are conveyed to the decedents' rightful heirs and beneficiaries.

For the coming year, OHA will prioritize the following rule:

*Office of Hearings and Appeals (OHA) Rule (1094-AA57)*

This proposed rule will update outdated provisions, make process improvements, and provide a more modernized hearings and appeals process for proceedings before OHA. This is a comprehensive

proposal to provide a more efficient process for OHA and the parties who appear before it, including external stakeholders and Departmental bureaus. The rule will build upon the Direct Final Rule to incorporate a new electronic filing and docket management system into OHA's processes and will update a number of other procedural rules. Included in this proposed rule are comprehensive changes to special rules for the Interior Board of Land Appeals, Departmental Cases Hearings Division, and the Director's office. Other provisions address specific needs of the Interior Board of Indian Appeals and the Probate Hearings Division. OHA conducted informal outreach and plans to hold Tribal consultation sessions.

In 2023, OHA finalized the following rules:

*Practices Before the Department of Interior (1094-AA56)*

On March 16, 2023, OHA's Final Rule became effective to amend existing regulations to update office addresses for hearings and appeals purposes, to allow the OHA Director to issue interim orders in emergency circumstances, and to allow the OHA Director to issue standing orders to improve OHA's service to the public and the parties by modernizing its processes.

*Technical Corrections to Updates to American Indian Probate Regulations (1094-AA55)*

On June 20, 2023 (88 FR 39768), OHA published correcting amendments in a final rule to update the regulations governing probate of property that the United States holds in trust or restricted status for American Indians.

**Office of Natural Resources Revenue**

The Office of Natural Resources Revenue (ONRR) is responsible for collecting, accounting for, and disbursing revenues from Federal and Indian energy and mineral leases. The ONRR operates nationwide and is primarily responsible for the timely and accurate collection, distribution, and accounting of revenues associated with mineral and energy production.

In 2023, ONRR completed the following rules:

*Partial Repeal of Consolidated Federal Oil & Gas and Federal & Indian Coal Reform Final Rule (1012-AA34)*

On July 21, 2023, ONRR reissued certain regulations for the valuation of Federal and Indian coal to implement a court order that vacates the coal valuation portions of a 2016 rule. These republished regulations implement the court's order by recodifying the regulations that were in effect prior to the vacated 2016 rule.

In the coming year, ONRR will prioritize the following rulemaking actions:

*ONRR Designation Form for Payment Responsibility (1012-AA33)*

This proposed rule would amend ONRR's regulations and revise its form for designating a designee for a Federal oil and gas lease. This action would open a 60-day comment period to allow interested parties to comment on the proposed rule and its information collection requirements.

### ***Office of Restoration and Damage Assessment (ORDA)***

ORDA oversees the Department's Natural Resource Damage Assessment and Restoration (NRDAR) Program whose mission is to restore natural resources injured as a result of oil spills or hazardous substance releases into the environment. In partnership with affected state, tribal and Federal trustee agencies, damage assessments are conducted which are the first step toward resource restoration and used to provide the basis for determining restoration needs that address the public's loss and use of natural resources. Once the damages are assessed, legal settlements are negotiated, or legal actions are taken against the responsible parties for the spill or release. Funds from these settlements are then used to restore the injured resources.

*Natural Resource Damages for Hazardous Substances – RIN (1090-AB26)*

In January 2023, ORDA issued an Advanced Notice of Proposed Rulemaking (ANPRM) to revise part of the CERCLA NRDAR Regulations Type A procedures. These procedures allow trustees to use a standardized and simplified methodology for performing Injury Determination, Quantification and Damage Determination that requires minimal field observation. Current Type A procedures are limited to certain environments when claims are less than \$100,000 and are based on outdated computer models and software with extremely limited current utility. Revisions would account for modeling advances for different environments and to provide methodologies that are not technology specific and could be used into the future without additional revisions. Public comments were received on this ANPRM in March 2023. Based on the comments received, ORDA is proceeding to issue a Notice of Proposed Rulemaking (NPRM) this fall.

In the upcoming year, ORDA will review the public comments received on the NPRM and then utilizing those comments, will issue a final rule revising the Type A procedures which are part of the CERCLA NRDAR Regulations.

***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). The OSMRE works with States and Tribes to ensure that citizens and the environment are protected during coal mining and that the land is restored to beneficial use when mining is finished. The OSMRE and its partners are also responsible for reclaiming and restoring lands and water degraded by mining operations before 1977. The OSMRE focuses on overseeing the State programs and developing new tools to help the States and Tribes get the job done.

The OSMRE also works with colleges and universities and other State and Federal agencies to further

the science of reclaiming mined lands and protecting the environment, including initiatives to promote planting more trees and restoring much-needed wildlife habitat.

### *Regulatory and Deregulatory Actions*

For coming year, OSMRE will prioritize the following regulatory actions:

#### *Ten Day Notices (1029-AC81)*

The proposed rule published on April 25, 2023 (88 FR 24944). The rule will amend the existing regulations about when OSMRE sends ten-day notices to State regulatory authorities regarding possible SMCRA violations.

#### *Emergency Preparedness for Impoundments (1029-AC82)*

This rule would incorporate certain aspects of the Federal Guidelines for Dam Safety (FGDS) into OSMRE's existing regulations. These regulations relate to emergency preparedness for impoundments and propose to incorporate the FGDS Emergency Action Plans (EAP) and After-Action Reports (AAR). Also, OSMRE may add new provisions to the regulations to align the classification of impoundments with industry and other Government agency standards.

### ***U.S. Fish and Wildlife Service***

The mission of 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. FWS provides opportunities for Americans to enjoy the outdoors and our shared natural heritage. FWS also promotes and encourages the pursuit of recreational activities such as hunting and fishing and wildlife observation.

FWS manages a network of 568 NWRs, with at least 1 refuge in each U.S. State and Territory, and with more than 100 refuges close to major urban centers. The Refuge System plays an essential role in providing outdoor recreation opportunities to the American public with more than 67 million annual visits to refuges to hunt, fish, observe or photograph wildlife, or participate in environmental education or interpretation.

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

- Protect and recover endangered and threatened species;
- Monitor and manage migratory birds;
- Restore nationally significant fisheries;
- Enforce Federal wildlife laws and regulate international trade;
- Conserve and restore wildlife habitat such as wetlands;
- Manage and distribute over a billion dollars each year to States, Territories, and Tribes for fish and wildlife conservation;
- Help foreign governments conserve wildlife through international conservation efforts; and
- Fulfill our Federal Tribal trust responsibility.

#### *Regulations Under the Endangered Species Act*

FWS promulgated multiple regulatory actions under the ESA in FY 2023 to prevent the extinction of and facilitate the recovery of both domestic and foreign animal and plant species. These rulemaking actions added species to, removed species from, and reclassified species on the Lists of Endangered and Threatened Wildlife and Plants and designated critical habitat for certain listed species. FWS published these rulemaking documents in accordance with the National Listing Workplan. The Workplan enables FWS to prioritize workloads based on the needs of species that are candidates for regulatory actions under the ESA or those for which FWS has received a petition for rulemaking. The Workplan represents



the conservation priorities of FWS based on its review of scientific information and provides greater clarity and predictability about the timing of listing determinations to State wildlife agencies, nonprofit organizations, and other stakeholders and partners. The goal is to encourage proactive conservation so that Federal protections are not needed in the first place.

In FY 2023, FWS published 23 proposed and 28 final rules to list species, reclassify their status under the ESA, or designate critical habitat; 3 proposed and 4 final rules to remove species from the Lists; and 1 proposed and 1 final rule to establish nonessential experimental populations of listed species under the ESA. FWS will publish many more species-specific rulemaking actions under the ESA in FY2024, as described in multiple entries in the Unified Agenda.

In addition, in FY 2023 FWS completed numerous other rulemaking actions, including these:

*Endangered and Threatened Wildlife and Plants; Designation of Experimental Populations (1018–BF98)*

On August 2, 2023, final rule (88 FR 42642, July 3, 2023) revised the regulations concerning experimental populations of endangered species and threatened species under the Endangered Species Act (ESA). The rule removed language restricting the introduction of experimental populations to only the species' "historical range" to allow for the introduction of populations into habitat outside of their historical range. To provide for the conservation of certain species, establishing experimental populations outside of their historical range may be increasingly necessary and appropriate if the habitat's ability to support one or more life-history stages has been reduced due to threats such as climate change or invasive species.

*Regulations To Implement the Big Cat Public Safety Act (1018–BH23)*

On June 12, 2023, FWS amended the implementing regulations for the Captive Wildlife Safety Act by incorporating the requirements of the Big Cat Public Safety Act (BCPSA; signed into law on December

20, 2022) (88 FR 38358, June 12, 2023). To further the conservation of certain wildlife species (lions, tigers, leopards, snow leopards, clouded leopards, jaguars, cheetahs, and cougars, or any hybrids thereof), the BCPSA made certain activities with these species unlawful. The BCPSA also required certain entities or individuals to register each such animal with the Service not later than June 18, 2023, to continue to possess these animals.

#### *Regulatory and Deregulatory Actions for FY 2024*

In the coming year, FWS will prioritize the following rulemaking actions:

##### *Permits for Incidental Take of Eagles and Eagle Nests, Final rule (1018-BE70)*

On September 30, 2022, FWS proposed revisions to regulations authorizing the issuance of permits for eagle incidental take and eagle nest take (87 FR 59598). The purpose of these revisions is to increase the efficiency and effectiveness of permitting, facilitate and improve compliance, and increase the conservation benefit for eagles. FWS proposed continuing to authorize specific permits as well as creating general permits for certain activities under prescribed conditions: qualifying wind-energy generation projects, power line infrastructure, activities that may disturb breeding bald eagles, and bald eagle nest take.

During the public comment period, FWS held four information sessions in webinar format: two for members of federally recognized Native American Tribes and two for the general public. The purpose of each of these sessions was to provide the public with a general understanding of the background for this proposed rulemaking action, activities it would cover, alternative proposals under consideration, and the draft environmental documents for the proposed action.

##### *Migratory Bird Permits; Authorizing the Incidental Take of Migratory Birds, Proposed rule (1018-BF71)*

This proposed rulemaking action would amend FWS regulations by providing definitions to terms used in the Migratory Bird Treaty Act, as amended (MBTA). The proposed rule would clarify that the MBTA's prohibitions on taking and killing migratory birds includes foreseeable, direct taking and killing that is incidental to other activities. The proposed rule would also establish authorizations for otherwise prohibited take of migratory birds.

*Regulations for Listing Endangered and Threatened Species and Designating Critical Habitat, Final rule (1018–BF95)*

On June 22, 2023, FWS and the National Marine Fisheries Service (NMFS) proposed to revise portions of our regulations that implement section 4 of the ESA (88 FR 40764). The proposed revisions clarify, interpret, and implement portions of the ESA concerning the procedures and criteria used for listing, reclassifying, and delisting species on the Lists of Endangered and Threatened Wildlife and Plants and designating critical habitat.

After publication of this proposed rule and the two discussed next (RINs 1018–BF96 and 1018–BF88), FWS delivered a series of informational sessions to stakeholders including Federal agencies, State agencies, federally recognized Tribes, Native Hawaiian community leaders, non-governmental organizations, conservation partners, industry groups, and Pacific Islander community leaders. Frequently asked questions and a recording of the presentation can be viewed on the website <https://fws.gov/project/endangered-species-act-regulation-revisions>.

*Endangered and Threatened Wildlife and Plants; Interagency Cooperation, Final rule (1018–BF96)*

On June 22, 2023, FWS and NMFS proposed to amend portions of our regulations that implement section 7 of the ESA (88 FR 40753). The Services are proposing these changes to further clarify and improve the interagency consultation processes, while continuing to provide for the conservation of listed species. See description above under RIN 1018–BF95 for public engagement efforts.

*Regulations Pertaining to Endangered and Threatened Wildlife and Plants, Final rule (1018–BF88)*

On June 22, 2023, FWS proposed to revise our regulations concerning protections of endangered species and threatened species under the ESA (88 FR 40742). We proposed to reinstate the general application of the “blanket rule” option for protecting newly listed threatened species pursuant to section 4(d) of the Act, with the continued option to promulgate species-specific rules. We also proposed to extend to federally recognized Tribes certain regulatory exceptions currently provided to the employees or agents of the Service and other Federal and State agencies to aid, salvage, or dispose of threatened species. We also requested comments on an additional provision that would extend to federally recognized Tribes the exceptions to prohibitions for threatened species that the regulations currently provide to employees or agents of the Service, NMFS, and State agencies for take associated with conservation-related activities. See description above under RIN 1018–BF95 for public engagement efforts.

*Wildlife and Fisheries; Compensatory Mitigation Mechanisms, Proposed rule (1018–BF63)*

FWS will propose to establish regulations covering objectives, standards, and criteria for review and approval of compensatory mitigation programs and projects intended to offset, or compensate for, unavoidable impacts to federally listed, proposed, or at-risk species and designated critical habitat pursuant to the ESA. The proposed rule will advance the purposes of the ESA by promoting the effective, consistent, transparent, and predictable delivery of compensatory mitigation.

*Endangered Species Act Section 10 Regulations; Enhancement of Survival and Incidental Take Permits, Final rule (1018–BF99)*

On February 9, 2023, FWS proposed to revise the regulations concerning the issuance of enhancement of survival and incidental take permits under the ESA (88 FR 8380). The purposes were to clarify the

appropriate use of these permit types; clarify our authority to issue these permits for non-listed species without also including a listed species; simplify the requirements for enhancement of survival permits by combining safe harbor agreements and candidate conservation agreements with assurances into one agreement type; and include portions of our policies for safe harbor agreements, candidate conservation agreements with assurances, and habitat conservation plans in the regulations to reduce uncertainty. The proposed regulatory changes are intended to reduce costs and time associated with developing the application materials. We anticipate that these improvements will encourage more engagement in these voluntary programs, thereby generating greater conservation results overall.

The final rule will incorporate and address public comments received in response to the proposed rule and informational webinars held with State agencies and Tribal nations.

*Establishment of a Nonessential Experimental Population of Gray Wolf in the State of Colorado, Final rule (1018–BG79)*

On February 17, 2023, FWS proposed to establish a nonessential experimental population (NEP) of the gray wolf (*Canis lupus*) in Colorado, under section 10(j) of the ESA (88 FR 10258). Establishment of this NEP will facilitate the State of Colorado's reintroduction of gray wolves and provide for allowable legal incidental taking of the gray wolf within the NEP area. The best available data indicate that reintroduction of the gray wolf into Colorado is biologically feasible and will promote the conservation of the species.

FWS held four public information meetings during a 60-day public comment period. The final determination will be based on consideration of public comments and peer review received in response to the proposed rule.

*Revision to the Section 4(d) Rule for the African Elephant, Final rule (1018–BG66)*

On November 17, 2022, FWS proposed to revise the current regulations for the African elephant (*Loxodonta africana*) promulgated under section 4(d) of the ESA (87 FR 68975). The purposes of this

rulemaking action are to: (1) Increase protection for African elephants in response to the recent rise in international trade of live African elephants from range countries by establishing ESA permit requirements and enhancement standards for trade in live African elephants, (2) clarify the existing enhancement requirement during our evaluation of the application for a permit to import African elephant sport-hunted trophies, and (3) incorporate a Party's designation under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) National Legislation Project into the decision-making process for the import of live African elephants, African elephant sport-hunted trophies, and African elephant parts and products.

FWS conducted a virtual public hearing on January 5, 2023. The virtual public hearing was conducted in multiple languages, and several foreign countries expressed comments. The comment period for the proposed rule was extended due to comments expressed during the virtual public hearing. In addition to the public hearing, the agency has conducted several calls with foreign countries that have a stake in the proposed rulemaking.

*Maintaining the Biological Integrity, Diversity, and Environmental Health of the National Wildlife Refuge System, Proposed rule (1018–BG78)*

FWS will propose to promulgate regulations directing the management of the National Wildlife Refuge System (NWRS) to promote the biological integrity, diversity, and environmental health of all lands and waters under the jurisdiction of the NWRS. These regulations would be based on language in the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997, directing the Service to ensure that the biological integrity, diversity, and environmental health of the System are maintained for the benefit of present and future generations of Americans.

*National Wildlife Refuge System; Station-Specific Hunting and Sport Fishing Regulations, 2023–24, Final rule (1018–BG71)*

On June 23, 2023, FWS proposed to make additions and revisions to station-specific regulations and expand hunting and sport fishing opportunities for the 2023–24 hunting and sport fishing season (88 FR 41058). This action is part of an annual update for the national wildlife refuge system and the national fish hatchery system that ensures adequate public notice of openings and changes. These changes and openings enhance conservation stewardship and outdoor recreation and improve the management of game species and their habitat. FWS operates hunting and sport fishing programs on refuges to implement congressional directives to facilitate compatible priority wildlife-dependent recreational opportunities. Although hatcheries are not part of the national wildlife refuge system, by regulation, the administrative provisions of refuge regulations are applied to national fish hatchery areas.

FWS coordinated closely with the Association of Fish and Wildlife Agencies when developing the proposed rule. FWS also engaged with stakeholder groups through the Hunting and Wildlife Conservation Council for input on hunting and fishing programs on FWS lands and waters.

### ***National Park Service***

The NPS preserves the natural and cultural resources and values within 425 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.

### *Regulatory and Deregulatory Actions*

In 2023, NPS completed the following rulemakings:

#### *Mount Rainier National Park; Fishing (1024-AE66)*

This final rule which published on January 20, 2023 (88 FR 3659), removed from the Code of Federal

Regulations special fishing regulations for Mount Rainier National Park, including those that restrict the take of nonnative species. Instead, the National Park Service will publish closures and restrictions related to fishing in the Superintendent's Compendium for the park. This action helps implement a 2018 Fish Management Plan that aims to conserve native fish populations and restore aquatic ecosystems by reducing or eliminating nonnative fish.

In the coming year, NPS will prioritize the following rulemaking actions:

*Native American Graves Protection and Repatriation Act Systematic Process for Disposition and Repatriation of Native American Human Remains, Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony (1024-AE19)*

This final rule will revise the NAGPRA implementing regulations. On October 18, 2022, the NPS published the proposed rule “Native American Graves Protection and Repatriation Act Systematic Process for Disposition and Repatriation of Native American Human Remains, Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony,” (87 FR 63202). This rule eliminates ambiguities, corrects inaccuracies, simplifies excessively burdensome and complicated requirements, clarifies timelines, and removes offensive terminology in the existing regulations that have inhibited the respectful repatriation of most Native American human remains. This rule will simplify and improve the regulatory process for repatriation and thereby advance the goals of racial justice, equity, and inclusion. The Department received Tribal government input through consultations and listening sessions held under Executive Order 13175 criteria and the Department's policy on meaningful communication and collaboration with Tribal officials.

*Alaska; Hunting and Trapping in National Preserves (1024-AE70)*

This rule would amend NPS regulations for sport hunting and trapping in national preserves in Alaska. This rule would prohibit certain harvest practices, including bear baiting; and prohibit predator control or



predator reduction on national preserves.

### ***Bureau of Reclamation***

The Bureau of Reclamation's (Reclamation) 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, Reclamation employs management, engineering, and science to achieve effective and environmentally sensitive solutions.

Reclamation's 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, Reclamation continues to provide increased security at its facilities.

### ***Regulatory and Deregulatory Actions***

In the coming year, Reclamation will prioritize the following rulemaking action:

#### ***Public Conduct on Bureau of Reclamation Facilities, Lands and Waterbodies (1006-AA58)***

The proposed rule published on February 16, 2023 (88 FR 10070). The final rule, targeted to publish on or before November 2023, will revise existing definitions for the use of aircraft; the possession of firearms, update regulations on camping, swimming, and winter recreation for the wide range of circumstances found across Reclamation; and would clarify the permitting of memorials and reburials on Reclamation lands. During the proposed rule stage, Reclamation held three tribal consultations in April and May 2022, with invites to all 287 western state Tribes, and Tribal comments were incorporated into this update.