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DEPARTMENT OF THE INTERIOR REGULATORY PLAN

Introduction

The U.S. Department of the Interior (Interior) serves the American people by managing one in every five acres of land in the United States, as well as on the Outer Continental Shelf. Interior manages these resources under a legal framework that includes regulations that ultimately affect many American's lives and livelihoods. Interior's Office of Natural Resources Revenue (ONRR) collects over \$10 billion dollars annually from onshore and offshore energy production, one of the Federal Government's largest sources of non-tax revenue.

Interior manages more than 500 million acres of Federal lands, including more than 400 park units, more than 500 wildlife refuges, and more than a billion submerged offshore acres. Hundreds of millions of people visit Interior-managed lands each year for camping, hiking, hunting, and other outdoor recreation, which supports local communities and their economies. Interior provides access on public lands for energy development, which creates jobs and stimulates the U.S. economy. Interior manages water projects that are a lifeline and economic engine for many communities in the West; and manages forests and fights wildfires.

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. Since day one, Secretary Zinke has been committed to regulatory reform. Interior is playing a key role in regulatory reform and, pursuant to Executive Order 13777, has established a Regulatory Reform Task Force to make Interior's regulations work better for the American people. Interior continues 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>.* Interior is committed to a conservation ethic that also recognizes that unnecessary regulations create harmful economic consequences on the U.S. economy. Therefore, Interior expects to reduce regulatory burdens, promote effective and efficient regulations, and respect property rights as it implements its regulatory agenda for fiscal year 2018.

Regulatory and Deregulatory Priorities

Interior's regulatory and deregulatory priorities focus on:

- Promoting American Energy Independence
- Increasing outdoor recreation opportunities for all Americans
- Enhancing conservation stewardship
- Improving management of species and their habitats
- Upholding trust responsibilities to the federally recognized American Indian and Alaska Native tribes and addressing the challenges of economic development.

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Promoting American Energy Independence

In Executive Order 13783, Promoting Energy Independence and Economic Growth (March 28, 2017), President Trump announced it was 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. The Executive Order directed the executive departments and agencies to immediately review existing regulations that potentially burden the development or use of domestically produced energy resources and appropriately suspend, revise, or rescind those that unduly burden the development of domestic energy resources beyond the degree necessary to protect the public interest or otherwise comply with the law. Interior’s review and actions are included in its Final Report on Actions that Potentially Burden Domestic Energy (Final Energy Report). This report is available on the Internet at https://www.doi.gov/sites/doi.gov/files/uploads/interior_energy_actions_report_final.pdf.

Among the actions that Interior identified and explained more fully in the Final Energy Report are the following:

- BLM published a proposed rule on July 25, 2017 (82 FR 24464), to rescind the final rule entitled “Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands,” 80 FR 16128 (March 26, 2015).
- BLM will review and revise the final rule entitled “Waste Prevention, Production Subject to Royalties, and Resource Conservation,” 81 FR 83008 (November 18, 2016).
- The U.S. Fish and Wildlife Service will review the final rule entitled “Management of Non-Federal Oil and Gas Rights,” 81 FR 79948 (November 14, 2016); and
- the Bureau of Safety and Environmental Enforcement and/or the Bureau of Ocean Energy Management will review
 - The proposed rule “Offshore Air Quality Control, Reporting, and Compliance” published on April 5, 2016. See 81 FR 19717;
 - The final rule “Oil and Gas and Sulfur Operations in the Outer Continental Shelf—Blowout Preventer Systems and Well Control,” published on April 29, 2016. See 81 FR 25887, and
 - The final rule “Oil and Gas and Sulfur Operations on the Outer Continental Shelf—Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf,” published on July 15, 2016. See 81 FR 46478.

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

On March 2, 2017, Secretary Zinke signed Secretarial Order (S.O.) 3347, Conservation Stewardship and Outdoor Recreation, which established a goal to enhance conservation stewardship, increase outdoor recreation, and improve the management of game species and their habitat. In S.O. No. 3356, Hunting, Fishing, Recreational Shooting, and Wildlife Conservation

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Opportunities and Coordination with States, Tribes, and Territories (September 15, 2017), Interior announced continued efforts to enhance conservation stewardship; increase outdoor recreation opportunities for all Americans, including opportunities to hunt and fish; and improve the management of game species and their habitats for this generation and beyond.

To help meet these goals, S.O. 3356 directs, among other actions, Interior bureaus and offices to:

- work cooperatively with state, tribal, and territorial wildlife agencies to ensure that hunting and fishing regulations for Department lands and waters complement the regulations on the surrounding lands and waters to the extent legally practicable;
- in close coordination and cooperation with the appropriate state, tribal, or territorial wildlife agency, begin the necessary process to modify regulations in order to advance shared wildlife conservation goals/objectives that align predator management programs, seasons, and methods of take permitted on all Department-managed lands and waters with corresponding programs, seasons, and methods established by state, tribal, and territorial wildlife management agencies to the extent legally practicable; and
- create a plan to update all existing regulations to be consistent with the Order.

Upholding trust responsibilities to the federally recognized American Indian and Alaska Native tribes and addressing the challenges of economic development

BIA is 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.

Aggregate Deregulatory and Significant Regulatory Actions

Interior has made substantial progress reducing its regulatory burdens upon the American public. After a thorough review of existing regulations planned for publication, Interior removed 154 regulatory actions from its Spring 2017 Agenda of Regulatory Actions. This reduced its previous inventory of 321 by almost half. In fiscal year 2018, Interior expects to finalize 28 deregulatory actions, resulting in more than a billion net present dollars (present value) of deregulatory cost savings. Interior does not currently expect to publish any significant regulatory actions during the next year that are subject to E.O. 13771. Throughout this document, the terms “deregulatory action” and “significant regulatory action” refer to actions that are subject to E.O. 13771.

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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 DOI bureaus and offices.

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. BIA also provides quality education opportunities to students in Indian schools. BIA maintains a government-to-government relationship with the 567 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 Indians and Indian tribes.

Deregulatory and regulatory actions

In the coming year, BIA's regulatory plan focuses on priorities that ease regulatory burdens on Tribes, American Indians and Alaska Natives, and others subject to BIA regulations, in accordance with Executive Order (E.O.) 13771, Reducing Regulation and Controlling Regulatory Costs, and E.O. 13777, Enforcing the Regulatory Reform Agenda. BIA has identified one deregulatory action on the current Agenda that would streamline the right-of-way process for governmental entities seeking a waiver of the requirement to obtain a bond in certain cases. BIA has one significant regulatory action on the Agenda that would revise existing regulations governing off-reservation trust acquisitions to establish new items that must be included in an application and threshold criteria that must be met for off-reservation acquisitions before National Environmental Policy Act (NEPA) compliance will be required. The rule would also reinstate the 30-day delay for taking land into trust following a decision by the Secretary or Assistant Secretary. This rule is expected to have de minimis economic impacts and therefore likely exempt from offset requirements under E.O. 13771.

Because many of its existing regulations require compliance with the NEPA, BIA will examine whether it can 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.

Bureau of Land Management

The Bureau of Land Management (BLM) manages more than 245 million acres of public land, primarily located in 12 Western states including Alaska. The BLM also administers 700 million acres of sub-surface mineral estate throughout the nation, creating jobs throughout the country and generating non-tax royalty revenue for the Federal government. As stewards, BLM has a multiple-use mission to provide opportunities for economic growth through energy development, ranching, mining, and logging, as well as outdoor recreation activities such as camping, hunting,

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and fishing, while also supporting conservation efforts. Public lands provide valuable tangible goods and materials the American people use every day to heat their homes, build their roads, and feed their families. The BLM works hard to be a good neighbor in the communities it serves, and is committed to keeping public landscapes healthy and productive.

Deregulatory and regulatory actions

BLM has identified the following four deregulatory actions for the coming year with total estimated cost savings of at least \$156 million:

- Rescission of the 2015 BLM Hydraulic Fracturing Rule (RIN 1004-AE51)
- Waste Prevention, Production Subject to Royalties, and Resource Conservation; Delay and Suspension of Implementation Dates for Certain Requirements (RIN 1004-AE54)
- Revision or Rescission of the 2016 Waste Prevention, Production Subject to Royalties, and Resource Conservation rule (RIN 1004-AE53)
- Resource Management Planning (RIN 1004-AE39 - CRA nullification conforming rule)

BLM has no significant regulatory actions subject to E.O. 13771 planned in FY 2018.

- *Rescission of the 2015 BLM Hydraulic Fracturing Rule*

In March 2015, the BLM finalized a rule that would impose requirements on operators using hydraulic fracturing on Federal and Indian oil and gas leases. However, before the rule became effective, a U.S. Federal District Court granted a preliminary injunction and then set aside the rule, preventing the BLM from implementing it. The rule has never gone into effect. The Court of Appeals for the Tenth Circuit, however, vacated the district court's decision in September 2017. If there are no further proceedings in the Tenth Circuit, the mandate will issue to the district court on November 13, 2017. If that were to happen, the BLM would need to decide how to phase in compliance with the rule. The rescission of these requirements would not leave hydraulic fracturing operations unregulated, as operators still need to comply with other Federal regulations and requirements, state regulations, and tribal regulations, where applicable.

This is a good example of a regulation that is a prime candidate for regulatory reform because of the multiple regulations by authorities at the Federal, State, and tribal levels. The BLM found that all 32 states with Federal oil and gas operations leases currently have laws or regulations to address hydraulic fracturing. Furthermore, since the 2015 final rule, more companies are using state-level resources to ensure compliance with other applicable Federal and state-level regulations. This redundancy makes the BLM rule an unnecessary regulatory burden, irrespective of whether BLM even has the authority to regulate hydraulic fracturing.

Secretary of the Interior Ryan K. Zinke issued Secretarial Order No. 3349 entitled, "American Energy Independence" on March 29, 2017, which, among other things, directed the BLM to proceed expeditiously to propose to rescind the 2015 final rule. Upon further review of the 2015 final rule, as directed by Executive Order 13783, and Secretarial Order No. 3349, the BLM determined that the 2015 final rule unnecessarily burdens industry with compliance costs and

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information requirements that duplicate regulatory programs of many states and some tribes. As a result, on July 25, 2017 BLM proposed to rescind, in its entirety, the 2015 final rule. Rescinding the hydraulic fracturing rule will reduce regulatory burdens by enabling oil and gas operations to operate under one set of regulations within each state or tribal lands, rather than two.

- *Waste Prevention, Production Subject to Royalties, and Resource Conservation; Delay and Suspension of Implementation Dates for Certain Requirements*

Executive Order 13783 required Interior to review the final rule entitled, “Oil and Gas, Waste Prevention, Production Subject to Royalties, and Resource Conservation,” 81 Fed. Reg. 83008 (Nov. 18, 2016), also known as the “Venting and Flaring” rule. S.O. 3349 also ordered the BLM to review the rule. During the review, the BLM found that parts of the rule imposed unnecessary burdens on industry. It published a proposed rule in the Federal Register on October 5, 2017, seeking comment on temporarily suspending or delaying certain requirements until January 17, 2019.

A temporary suspension or delay, if implemented, would avoid compliance costs on operators for requirements that may be rescinded or significantly revised in the near future. For certain requirements in the 2016 rule that have yet to be implemented, the proposed rule would temporarily postpone the implementation dates. For certain requirements in the 2016 rule that are currently in effect, the proposed rule would temporarily suspend them. This would give the BLM sufficient time to review the 2016 final rule and consider revising or rescinding its requirements. This will also provide industry additional time to plan for and engineer responsive infrastructure modifications that will comply with the regulation. It will lower the cost of compliance and spread the cost over more time.

- *Revision or Rescission of the 2016 Waste Prevention, Production Subject to Royalties, and Resource Conservation rule*

During the review of the Venting and Flaring rule, the BLM determined that the rule is inconsistent with the policy stated in E.O. 13783 that “it 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.” Consistent with this finding, the BLM intends to issue a proposed rule that would eliminate overlap with the Environmental Protection Agency’s (EPA) Clean Air Act authorities and clarify requirements related to the beneficial use of gas on Federal and Indian lands.

- *Resource Management Planning*

The BLM published the Planning 2.0 Rule on December 12, 2016 (81 FR 89580). The rule became effective on January 11, 2017. However, President Trump signed a resolution of disapproval under the Congressional Review Act (CRA), which was signed into law as Public Law 115-12 on March 27, 2017. Under the terms of the Congressional Review Act, the rule is

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“treated as though such rule had never taken effect.” 5 U.S.C. 801(f). The BLM is publishing a rule to remove nullified language from the Code of Federal Regulations to conform the Code of Federal Regulations to the CRA resolution. OMB views actions under the CRA as deregulatory for purposes of E.O. 13771. Some commenters expressed concern that the nullified rule would have moved decisions to the BLM Director in Washington, DC and away from states and local communities that are most affected by land use decisions.

Bureau of Ocean Energy Management

BOEM is committed to the Administration proposition that “A brighter future depends on energy policies that stimulate our economy, ensure our security, and protect our health.” In accordance with Executive Order 13783 of March 28, 2017, *Promoting Energy independence and Economic Growth*, BOEM is committed to the safe and orderly development of our offshore energy land and mineral resources, with the goal of avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation. BOEM is committed to identifying regulatory and deregulatory opportunities and policies that lower costs and stimulate development. BOEM continues to strengthen U.S. energy security and energy independence. BOEM creates jobs, benefits local communities, and strengthens the economy by offering opportunities to develop the conventional and renewable energy and mineral resources of the Outer Continental Shelf (OCS).

Deregulatory and regulatory actions

BOEM is carefully analyzing two Interior rules related to offshore energy that are identified in E.O. 13795 (Implementing an America-First Offshore Energy Strategy). To implement that Executive Order, 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. That order also provides deadlines for review of the rules identified in the E.O. Specifically, S.O. 3350 directs BOEM to:

- Immediately cease all activities to promulgate the “*Offshore Air Quality Control, Reporting, and Compliance*” proposed rule, published on April 5, 2016 (81 FR 19717). As directed, BOEM also provided a report explaining the effects of not issuing a new rule addressing offshore air quality, and providing options for revising or withdrawing the proposed rule. BOEM withdrew the proposed rule and is now considering best options going forward.
- Promptly review, in consultation with the Bureau of Safety and Environmental Enforcement (BSEE), the final rule “*Oil and Gas and Sulfur Operations on the Outer Continental Shelf—Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf*,” published on July 15, 2016 (81 FR 46478), for consistency with the policy set forth in section 2 of the Executive Order and provide a report summarizing the review and providing recommendations on whether to suspend, revise, or rescind the rule. In coordination with BSEE and consultation with stakeholders, BOEM will decide whether it should proceed with deregulatory options that could allow operators to

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continue operating later into the drilling season, providing jobs, strengthening the economy, and supporting the development of America’s energy reserves.

BOEM has no significant regulatory actions planned for fiscal year 2018.

Streamlining renewable energy regulations

Since renewable energy regulations were promulgated in 2009, BOEM has made substantial progress moving forward with the planning and implementation of seven lease sales, the issuance of twelve commercial leases, with a thirteenth in progress, and the processing of a number of significant project survey and site assessment plans. BOEM has worked closely with industry and solicited public input throughout the early stages of its program to help identify several regulatory improvements that: (1) simplify and clarify requirements; (2) reduce the regulatory burden on industry by providing more flexibility in developing proposals and acquiring needed authorizations; (3) defer certain planning and development costs on industry; and (4) resolve contradictions and administrative inconsistencies. Overall, the proposed regulatory improvements are corrective, and will facilitate the efficient business development of renewable energy resources on the OCS.

Compliance with Executive, Secretary, and statutory mandates

BOEM will continue to be responsive to the various regulatory reform initiatives, including identifying and acting upon any regulations, orders, guidance, policies or any similar actions that could potentially burden the development or utilization of domestically produced energy sources.

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. 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 directions in Executive Orders (E.O.s) issued in March 2017 (*E.O. 13783 – Promoting Energy Independence and Economic Growth*) and in April 2017 (*E.O. 13795 – Implementing an America-First Offshore Energy Strategy*), as well as with the President’s January 30, 2017 E.O. on *Reducing Regulation and Controlling Regulatory Costs*, BSEE is reviewing existing regulations to determine whether they may potentially burden the development or use of domestically produced energy resources, constrain economic growth, or prevent job creation. BSEE is well-positioned to help maintain the Nation's position as a global

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energy leader and foster energy security and resilience for the benefit of the American people, while ensuring that any such activity is performed in a safe and environmentally sustainable manner.

Deregulatory and regulatory actions

BSEE has identified the following four deregulatory actions under E.O. 13771 as high priorities:

- *Well Control and Blowout Prevention Systems Rule Revision*

In April 2016, BSEE issued a final rule entitled “Oil and Gas and Sulfur Operations in the Outer Continental Shelf-Blowout Preventer Systems and Well Control.” BSEE will propose a rule to reduce regulatory burdens and encourage job-creating development, while still ensuring safe and environmentally sustainable offshore operations. Among the changes it is considering are:

- Revising the requirements for sufficient accumulator capacity and remotely-operated vehicle (ROV) capability to both open and close rams on subsea Blowout Preventers (BOPs) (i.e., to only require capability to close the rams);
- Revising the requirement to shut in platforms when a lift boat approaches within 500 feet;
- Extending the 14-day interval between pressure testing of BOP systems to 21 Days in appropriate situations;
- Clarifying that the requirement for weekly testing of two BOP control stations means testing one station (not both stations) per week;
- Simplifying testing pressures for verification of ram closure; and
- Revising or deleting the requirement to submit test results to BSEE District Managers within 72 hours.

- *Exploratory Drilling on the Arctic Outer Continental Shelf Rule*

In July 2016, BSEE and BOEM jointly issued a final rule entitled “Oil and Gas and Sulfur Operations on the Outer Continental Shelf—Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf.” BSEE is reviewing its provisions in the joint rule to identify potential opportunities reduce regulatory burdens while still ensuring safe and environmentally sustainable offshore operations. Some of the revisions BSEE is considering are:

- Eliminating the requirement for capture of water-based muds and cuttings;
- Eliminating the requirement for a cap and flow system and containment dome that are capable of being located at the well site within 7 days of loss of well control;
- Eliminating the reference to the expected return of sea ice from the requirements to be able to drill a relief well within 45 days of loss of well control; and

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- Eliminating the reference to equivalent technology from the mudline cellar requirement.

BOEM and BSEE are also exploring joint options that would allow greater flexibility for operators to continue to drill later into the Arctic drilling season. If they are successful in implementing this strategy, exploration of the Nation’s Arctic oil and gas reserves will increase while providing appropriate safety and environmental protection.

BOEM and BSEE will engage stakeholders before proposing rulemaking and the list of potential areas for proposed reform may be adjusted based on feedback received.

- *Production Safety Systems Rule*

In September 2016, BSEE issued a final rule entitled “Oil and Gas and Sulfur Operations on the Outer Continental Shelf-Oil and Gas Production Safety Systems.” BSEE is reviewing the rule to identify opportunities to reduce regulatory burdens while still ensuring safe and environmentally sustainable offshore operations. If BSEE identifies areas for deregulation, it plans to tier a proposed rule behind the Well Control Rule and Arctic rule in terms of potential burden reduction.

In addition to the rules previously identified, BSEE is reviewing the remainder of its regulations to identify other requirements that could be modified to increase efficiency, streamline processes, reduce industry burden, and maximize energy resources while ensuring offshore operations are performed in a safe and environmentally sustainable manner.

BSEE has no significant regulatory actions subject to E.O. 13771 planned for fiscal year 2018.

Office of Natural Resources Revenue

For the benefit of all Americans, the Office of Natural Resources Revenue (ONRR) collects, accounts for, and verifies natural resource and energy revenues due to States, American Indians, and the U.S. Treasury. This revenue goes to State governments, as well as several Federal funds that support projects at the local and national levels, including support for critical infrastructure projects and to develop public outdoor recreation areas. ONRR disburses 100% of revenue collected from resource extraction on American Indian lands back to the Indian Tribes and individual Indian landowners.

Deregulatory and regulatory actions

ONRR finalized the repeal of its Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform rule on September 6, 2017. ONRR plans one deregulatory action for fiscal year 2018, the repeal of its rule on service of official correspondence.

ONRR has no significant regulatory actions subject to E.O. 13771 planned for fiscal year 2018.

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ONRR also will seek ideas to reduce the Federal regulatory burden through advice received from the reinstatement of key committees that will assess and advise ONRR on royalty policies and regulatory actions related to natural resource and energy revenues.

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

- Stream Protection.

The Stream Protection rule was nullified under the Congressional Review Act. OSMRE will conform the Code of Federal Regulations to the Congressional action and will consider options to protect resources in a way that does not unnecessarily burden the American people. OSMRE estimates that this action will result in deregulatory cost savings of approximately \$82 million. See 82 FR 54924 (November 17, 2017).

OSMRE is reviewing additional actions to reduce burdens on coal development, including, for example, reviewing the state program amendment process to reduce the time it takes to formally amend an approved regulatory program.

OSMRE has no significant regulatory actions planned for fiscal year 2018.

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. FWS also provides opportunities for Americans to enjoy the outdoors and our shared natural heritage.

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

- 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;

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- Help foreign governments conserve wildlife through international conservation efforts;
- Distribute Federal funds to States, territories, and tribes for fish and wildlife conservation projects; and
- Manage the more than 150 million acres of land and water from the Caribbean to the remote Pacific in National Wildlife Refuge System, which protects and conserves fish and wildlife and their habitats, and allows the public to engage in outdoor recreational activities.

Deregulatory and regulatory actions

During the next year, FWS regulatory priorities will include:

- *Regulations under the Endangered Species Act (ESA).*

FWS will take multiple regulatory actions under the ESA to prevent the extinction of and facilitate 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 us to prioritize our workload 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, non-profit organizations, and other diverse stakeholders and partners, with the goal of encouraging proactive conservation so that federal protections are not needed in the first place. The Workplan represents the conservation priorities of the U.S. Fish and Wildlife Service (Service) based on our review of scientific information. In addition, FWS, jointly with the National Marine Fisheries Service, will improve how the ESA is administered and reduce unneeded burdens. FWS will review opportunities to create efficiencies and streamline the consultation process and the listing and delisting process.

- *Regulations under the Migratory Bird Treaty Act (MBTA).*

In carrying out our responsibility to manage migratory bird populations, we issue annual migratory bird hunting regulations, which establish the frameworks (outside limits) for States to establish season lengths, bag limits, and areas for migratory game bird hunting.

To become more efficient and timely, the FWS is reviewing public input and considering whether additional regulatory changes would be appropriate to reduce the burden on industry and allow applicants to proceed more quickly through the bald and golden eagle permit process.

- *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.

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- *Regulations to carry out the Pittman-Robertson Wildlife Restoration and Dingell-Johnson Sport Fish Restoration Acts (Acts).*

Under the Acts, the FWS distributes annual apportionments to States from trust funds derived from excise tax revenues and fuel taxes. FWS continues to work closely with state fish and wildlife agencies on how to use these funds to implement conservation projects. To strengthen its partnership with State conservation organizations, FWS is working on several rules to update and clarify our regulations. Planned regulatory revisions will help to reflect several new decisions agreed upon by state conservation organizations.

- *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 Executive Order 13609 (Promoting International Regulatory Cooperation), FWS will update its CITES regulations to incorporate provisions resulting from the 16th and 17th Conference of the Parties to CITES. The revisions will help FWS more effectively promote species conservation and help U.S. importers and exporters of wildlife products understand how to conduct lawful international trade.

FWS has no significant regulatory actions that are subject to E.O. 13771 planned for fiscal year 2018.

National Park Service

The National Park Service (NPS) preserves the natural and cultural resources and values within 417 units of the National Park System encompassing nearly 84 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

The NPS intends to issue five deregulatory actions in this regulatory period and no significant regulatory actions. The NPS does not have any entries for the Fall Regulatory Plan because none of its regulatory actions are significant under Executive Order 12866.

Deregulatory Actions

The NPS will undertake four deregulatory actions under Executive Order 13771 (“Reducing Regulation and Controlling Regulatory Costs”) that will reduce regulatory costs. Several of these actions also comply with section 6 of Executive Order 13563 (“Improving Regulation and Regulatory Review”) because they will remove or modify outdated and excessively complicated and burdensome regulations.

- The NPS intends to issue a proposed rule that would revise existing regulations implementing the Native American Graves Protection and Repatriation Act (NAGPRA)

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to streamline requirements for museums and Federal agencies. The rule would describe the NAGPRA process in accessible language with clear time parameters, eliminate ambiguity, clarify terms, and improve efficiency.

- The NPS will issue a final rule that removes an outdated reference to a document establishing environmental criteria for power transmissions lines that is no longer used by the NPS to evaluate applications for rights of way.
- The NPS intends to issue a proposed rule containing technical and clarifying edits. This rule would remove obsolete regulations establishing different criminal penalties for violating NPS regulations in military parks and national historic sites. This rule would also clarify existing regulations to comply with recent decisions by the U.S. Supreme Court. This clarification would state that a motor vehicle operator may not be required to submit a blood test to measure blood alcohol and drug content without a search warrant.
- The NPS intends to issue a proposed rule that would state that the NPS will not prohibit nor require a permit for or prohibit an individual from transporting a bow or crossbow that is not ready for immediate use across National Park System Units if the possession and transportation of the bow or crossbow is in compliance with state law.

Regulatory Review

Through S.O. 3349, American Energy Independence (Mar. 29, 2017), the U.S. Department of the Interior announced its intention to review all existing actions that potentially burden the development or utilization of domestically produced energy resources and suspend, revise, or rescind such agency actions as soon as practicable. In accordance with this Secretarial Order, the NPS will review the final rule entitled “General Provisions and Non-Federal Oil and Gas Rights,” 81 FR 77972 (November 4, 2016).

The NPS intends to take a fresh look at a final rule on sport hunting and trapping in Alaska that published in October 2015 (80 FR 65325). This final rule amended *36 CFR 13, Subparts A, B, and F*, to revise regulations for sport hunting and trapping in National Preserves in Alaska. The rule also updated the procedures for closing an area or restricting an activity in National Park Service areas in Alaska; updated subsistence regulations that are obsolete; prohibited the obstruction of persons lawfully engaged in hunting or trapping; and authorized the use of native species as bait for fishing. NPS will consider public comments and may revise the rule. See 82 FR 52868 (November 15, 2017).

The NPS intends to finalize a regulation allowing the free-distribution of message bearing items such as readable electronic media; clothing and accessories; buttons; pins; and bumper stickers. This will give visitors an additional channel of communication when visiting NPS-administered areas.

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Regulatory Actions

The NPS plans to issue no new significant regulatory actions in fiscal year 2018. The NPS will undertake several non-significant regulatory actions in the coming year that will provide new opportunities for the public to enjoy and experience certain areas within the National Park System. These include regulations authorizing (i) off-road vehicle use at Cape Lookout National Seashore (final rule) and Glen Canyon National Recreation Area (proposed rule); (ii) bicycling at Rocky Mountain National Park (final rule) and Pea Ridge National Military Park (proposed rule); and (iii) the launching of non-motorized vessels from Colonial National Historic Park (proposed rule).

All of these regulatory actions will allow the public to use NPS-administered lands and waters in a manner that protects the resources and values of the National Park System. All of these actions are designated in the Regulatory Agenda as exempt under Executive Order 13771 because they are expected to generate de minimis costs.

Bureau of Reclamation

The Bureau of Reclamation's 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, we employ 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. We have continued to focus on increased security at our facilities.

Deregulatory and regulatory actions

The Bureau of Reclamation will publish no deregulatory or significant regulatory actions in fiscal year 2018.

Its regulatory program focus in Fiscal Year 2018 is to publish a proposed nonsignificant amendment to 43 CFR part 429 to bring it into compliance with the requirements of 43 CFR part 5, Commercial Filming and Similar Projects and Still Photography on Certain Areas under Department Jurisdiction. Publishing this rule would implement the provisions of Public Law 106-206, which directs the establishment of permits and reasonable fees for commercial filming and certain still photography activities on public lands.