

Department of the Interior
 Report on Status of Retrospective Review Efforts
 January 14, 2013

Agency/ Sub-Agency	RIN/OMB Control Number	Title	Brief Description	Actual or Target Completion Date	Anticipated savings in costs and/or information collection burdens, together with any anticipated changes in benefits	Progress updates and anticipated accomplishments
BLM	1004- AE24	Solar/ Wind Competitive Process	The BLM determined that a comprehensive, long-term wind and solar energy development program on public lands requires a robust, regulatory framework that establishes a competitive process for awarding right-of-way leases under current FLPMA authority.	BLM has targeted publication of proposed rule in June 2013.	Not yet determined	ANPRM published in the <i>Federal Register</i> on December 29, 2011 at 76 FR 81906. Public comment period for the ANPRM closed February 27, 2012. BLM expects to deliver a draft proposed rule to OMB in March 2013.
BLM	1004- AE25	Land Classification Regulations	Removal of obsolete land classification regulations and consolidation of updated regulations with the existing planning regulations.	BLM has established a target date for a final rule of May 2014.	Anticipated cost savings to the Government of \$27,000 to \$40,500 annually, due to the elimination of redundant procedures.	Proposed rule is scheduled to publish by November of 2013.

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ASIA	1076- AE73	Leasing Regulations	This rule replaces the current subpart addressing non-agricultural leases on Indian land with subparts more specifically addressing residential leasing, business leasing, and leasing for wind and solar development on Indian lands.	Final rule was published December 5, 2012 at 77 FR 72440.	This rule is expected to result in cost savings to Indian Tribes of approximately \$28 million from the removal of the appraisal requirement. Although difficult to quantify, it will also increase opportunities and remove barriers for Indian development of wind and solar energy production.	Complete.

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NPS	1024- AD30	Commercial Filming and Similar Projects and Still Photography Activities	The regulation implements Public Law 106-206 and establishes a common procedure for the issuance of commercial filming and still photography permits by certain agencies of the Department of the Interior	Final rule targeted to publish by March 2013.	Final rule will improve efficiency in the application process for commercial filming companies applying to DOI agencies for a permit. Final rule will lead to unified location fee schedule used by both DOI agencies and the U.S. Forest Service and will provide the commercial filming industry with predictable fee for their activities.	The proposed rule published in the Federal Register on August 20, 2007.

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BSEE	1014- AA02	Increased Safety Measures for Energy Development on the Outer Continental Shelf	Final Rule - Implements well control requirements for oil and gas drilling, well completion, well workover, and decommissioning operations on the Outer Continental Shelf. This rule will amend the Interim Final Rule published on Oct. 14, 2010 (75 FR 63346). Several requirements were revised, based on public comments.	Final rule published August 22, 2012.	Estimated overall cost reduction of \$58.5 million.	Complete.

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FWS	1018- AX44	Revising the Critical Habitat Boundary Description Method	Together with NMFS, we will revise our critical habitat description method in our joint regulations. This will not affect the regulations' substance but will increase efficiency, save taxpayers' money, and make the critical habitat designation process more user friendly to the public. We will continue to publish critical habitat maps, but will make optional any textual description of boundary-coordinate lists in our regulations. We will provide the public with easier-to-use tools that clarify which areas are covered by a designation. These tools will be available on the Internet and at the applicable FWS or NMFS Office.	Published May 1, 2012 at 77 FR 25611 and will be effective May 31, 2012.	The Service estimates that this regulatory improvement will save \$327,852 per fiscal year in Federal Register printing costs and \$63,890 per fiscal year for CFR printing costs. The total savings would be \$391,742 per fiscal year.	Complete.

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FWS	1018- AY29	Expanding Incentives for Voluntary Conservation Actions under the Endangered Species Act	The Service will issue an advance notice of proposed rulemaking (ANPRM) that invites public comments and ideas on how the Service can create incentives for individuals to engage in voluntary conservation actions and provide assurances that the benefits of their conservation actions can offset the adverse effects of activities carried out either before or after listing.	The proposed rule is scheduled for February 2013.	By better understanding the perspectives of the regulated community, the Service believes it can more successfully develop regulations for addressing how the benefits of pre-listing conservation actions can count toward the mitigation or other requirements needed to secure approval for an action carried out after listing. Such regulations would reduce the transaction costs incurred by the regulated community (e.g., States, Tribes, local governments, industry, private landowners) associated with ESA compliance	The ANPRM published in the Federal Register on March 15, 2012 at 77 FR 15352. A notice to extend the comment period an additional 60 days published in the Federal Register on March 14, 2012 at 77 FR 28347. FWS is currently reviewing the public comments received.

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FWS	1018- AX85	ESA Section 7 Consultation Regulations; Incidental Take Statements	Court decisions rendered over the last decade regarding the adequacy of incidental take statements have prompted us, along with the National Marine Fisheries Service (NOAA, Commerce), to consider clarifying our regulations concerning two aspects of issuance of incidental take statements during section 7 consultation under the Endangered Species Act. The proposed regulatory changes would specifically address the use of surrogates to express the limit of exempted take and how to determine when deferral of an incidental take exemption is appropriate.	The proposed rule is scheduled for February 2013.	Increased clarity, consistency, and certainty associated with how the Services issue incidental take statements during interagency consultation would reduce the transaction costs incurred by Federal agencies and non-federal applicants and reduce the potential for further litigation that can have financial impacts on the Services as well as Federal and non-federal applicants	The proposed rule is under development.

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FWS	1018- AX86	Implementing Changes to the Regulations for Designating Critical Habitat	This proposed rule would amend existing regulations governing the designation of critical habitat under section 4 of the Endangered Species Act. A number of factors, including litigation and the Services' experience over the years in interpreting and applying the statutory definition of critical habitat, have highlighted the need to clarify or revise the current regulations. This is a joint rule between the Fish and Wildlife Service and the National Marine Fisheries Service (NOAA, Commerce).	The proposed rule is scheduled for February 2013.	Increased clarity, consistency, and certainty associated with how the Services designate critical habitat would reduce the transaction costs incurred by the regulated community (e.g., Federal agencies, States, Tribes, local governments, industry, private landowners).	The proposed rule is under development.

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FWS	1018- AX87	Policy for the Designation of Critical Habitat Under Section 4 of the Endangered Species Act	This proposed policy would articulate the purpose of critical habitat, provide a clear interpretation of the statutory definition of "critical habitat," and describe a comprehensive approach for designating critical habitat under section 4 of the Endangered Species Act. This policy will help provide clarity and consistency in the designation of critical habitat in an effort to ensure that the purposes of the Endangered Species Act are fully met. We will seek public review and comment on the proposed policy. This is a joint policy with the National Marine Fisheries Service (NOAA, Commerce).	The proposed rule is scheduled for February 2013.	Increased clarity, consistency, and certainty associated with how the Services designate critical habitat would reduce the transaction costs incurred by the regulated community (e.g., Federal agencies, States, Tribes, local governments, industry, private landowners).	The proposed rule is under development.

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FWS	1018- AX88	Definition of "Destruction or Adverse Modification" of Critical Habitat	The proposed rule would amend the existing regulations governing section 7 consultation under the Endangered Species Act to revise the definition of "destruction or adverse modification" of critical habitat. The current regulatory definition has been invalidated by the courts for being inconsistent with the language of the Endangered Species Act. We therefore need to propose a revised definition and seek public review and comment. This is a joint rulemaking with the National Marine Fisheries Service (NOAA, Commerce).	The proposed rule is scheduled for February 2013.	Increased clarity, consistency, and certainty associated with how the Services define "destruction or adverse modification" of critical habitat would reduce the transaction costs incurred by Federal agencies and non-federal applicants and reduce the potential for further litigation that can have financial impacts on the Services as well as Federal and non-federal applicants	The proposed rule is under development.

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OCIO		Enterprise forms System (EFS)	Consolidate all DOI forms electronically in a way that they can be pre-populated and completed online.	1/2015	30,000 hours	Top 30 forms should be electronic by December 2012.
USGS	OMB control number 1028-0028	Bird banding	Create new streamlined online bird banding permit and reporting website.		6,898 hours	In planning stage.
NPS	1024-0022	Electronic Backcountry Use Reservation System	Develop an automated reservation system for Backcountry Use Permits.	9/2016	5,938 hours	In planning stage.
FWS	1018-0109 and 1018-0147	Wildlife Tracking and Reporting Actions for the Conservation of the Species (TRACS)	Create a new electronic system for managing financial assistance programs in the Wildlife and Sport Fish Restoration Program, with reduced information requirements.	1/2014	5,833 hours	60-day notice issued on 8/10/12. Preparing supporting statement and other documents for ICR submission.

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NPS	1024-0026	Short form for special park use applications	Create a short form with fewer information requirements than on the standard form for a subset of special park use applications.	9/2016	3,802 hours	
FWS	1018-0022, 1018-002, 1018-0093, and 1018-0094	Electronic submission of permit applications and reports	Upgrade the Service Permit Issuance and Tracking System (SPITS) to incorporate the e-Permits online website for submission of application forms and annual reports.	12/2014	9,100hours	E-Permits system will launch late January 2013 with one currently approved application form. If system works appropriately, we expect to add additional forms fairly quickly.
FWS		Falconry permits	Eliminate requirement for a Federal permit if State permit regulations are sufficient.	1/2013	888	As of 1/2013, 32 States have assumed responsibility for issuing falconry permits.

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BSEE	1024- 0018	Modify eWell for use in all regions	Expand current electronic reporting and submittal system to include Alaska and Pacific regions.	8/2013	1,405 hours	

Performance based regulations

In examining its current regulatory requirements, DOI has also taken a hybrid regulatory approach, incorporating flexible, performance based standards with existing regulatory requirements where possible to strengthen safety and environmental protection across the onshore and offshore oil and natural gas industry while minimizing additional burdens on the economy. The Department routinely meets with stakeholders to solicit feedback and gather input on how to incorporate performance based standards. For example, in September, DOI personnel participated with staff from the Environmental Protection Agency, the U.S. Coast Guard, and the Department of Transportation in a stakeholder meeting sponsored by the Occupational Health and Safety Administration specifically to receive input on the inclusion of performance based standards as a regulatory approach. DOI has received helpful public input through this process and will continue to participate in this effort with relevant interagency partners as part of its retrospective regulatory review.