

Department of the Interior
Report on Status of Retrospective Review Efforts
January 2016

Agency	Sub-Agency	Title	RIN or OMB Control Number	Summary of Initiative	Status – New, Ongoing, or Completed	Actual or Target Completion Date	Progress updates	Regulatory Flexibilities – Pilot projects, safe harbor exemptions, sunset provisions, trigger provisions, streamlined requirements, state flexibilities, or similar strategies	Methods to identify improvements – public comment, analyses, third party assessments, etc.	Anticipated savings in costs and/or information collection burdens, together with any anticipated changes in benefits
DOI	BIA	Grants to Tribally Controlled Colleges and Universities and Dine College	1076-AF08	This rule will make technical changes for consistency with statutory language, clarify the process of how tribal colleges and universities can receive a grant and the intended use of such funds, and update the regulation to meet plain language standards.	Ongoing	Final rule targeted for May 2016.	Proposed rule published 8/18/2015. Comment period closed 10/19/2015.	Clarification and simplification of language for easier compliance.	Public comment	
DOI	BIA	Federal Acknowledgment of Indian Tribes	1076-AF18	This rule will reform the process and criteria by which the Secretary acknowledges an Indian tribe to allow for faster decisions, reduce the documentary burden, and ensure transparency and predictability through objective standards.	Completed	Final rule published July 1, 2015.	Final rule effective July 31, 2015.	Reduces documentary burden by limiting time period for which Department will conduct an evaluation.	Public comment, and estimated hour burden reduction under the Paperwork Reduction Act	Information collection burden reduction of 6,390 hours. Revisions will result in a more efficient and transparent review and approval process.

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DOI	BIA	Rights-of-Way on Indian Land	1076-AF20	This rule is necessary to update provisions promulgated in 1968, clarify, and streamline practices and procedures for obtaining rights-of-way across Indian trust or restricted land, and eliminate unnecessary approvals.	Completed	Final rule published November 19, 2015.	Final rule will be effective March 21, 2016.	Removal of an approval requirement for surveys that will affect every right-of-way application.	Public comment.	A reduction in burden is expected. This rule will eliminate unnecessary BIA approvals and improve the efficiency of the process.
DOI	BIA	Housing Improvement Program	1076-AF22	This rule would revise existing regulations governing BIA implementation of the Housing Improvement Program to ensure that those most in need of housing improvement services are eligible for the service provided by the program.	Completed	Final rule published November 10, 2015.	Final rule effective December 10, 2015.	Leverages other housing assistance programs to better meet housing goals.	Public comment	This rule's revisions will make it easier for those in need of housing improvement services to leverage other Federal programs to improve housing on Indian land.

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DOI	BIA	Regulations for State Courts and Agencies in Indian Child Custody Proceedings	1076-AF25	Currently, the Indian Child Welfare Act (ICWA) is applied inconsistently by jurisdiction. This rule will provide consistency throughout the country on implementing the ICWA.	Ongoing	Final rule anticipated March 2016.	The proposed rule was published on March 20, 2015. The public comment period closed on May 19, 2015. BIA is developing a final rule.	Establishes trigger provisions to clarify when ICWA requirements apply.	Working with DHHS to determine whether more data on ICWA compliance can be gathered.	This rule will address the widely varying levels of compliance with ICWA across States by establishing uniform standards for compliance. This will improve fairness and consistency, decrease legal and other costs to those affected, and make it easier for those affected to understand the impacts of the regulations.

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DOI	BIA	Forestry Regulations	TBD	This rule will provide updates to streamline the process for obtaining BIA approval for forestry activity on Indian land.	Ongoing	Proposed rule anticipated December 2016.	Planning stage.	Streamlined requirements	Public comment	This rule is expected to decrease information collection burdens and remove unnecessary steps in the process for conducting forestry on Indian land.

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DOI	BIA	Tribal Energy Resource Agreements (25 CFR 224)	TBD	The Indian Tribal Energy Development and Self-Determination Act in 2005 authorizes Indian Affairs to enter into Tribal Energy Resource Agreements (TERA) with tribes, which in turn allow tribes to authorize energy rights-of-way and other agreements without the review and approval of the Secretary. To date, no TERAs have been completed. BIA will review the existing requirements and seek feedback on potential improvements.	Ongoing	Proposed rule anticipated March 2016	Planning stage	Streamlined requirements	Public comment	TERAs were meant to reduce burden by transferring the management of energy development to tribal governments, thereby empowering tribes and advancing their self-determination.

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DOI	BLM	Solar/ Wind Competitive Process	1004- AE24	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 rights-of-way under current FLPMA authority.	Ongoing	Final rule anticipated March 2016.	ANPRM published on December 29, 2011. The public comment period closed February 27, 2012. The NPRM published on September 30, 2014, and the public comment period closed on December 16, 2014. BLM is developing a final rule.	Streamlined requirements.	Public comment	The rule’s regulatory framework will mitigate uncertainties for developers. Its provisions regarding bids, acreage rents, and MW capacity fees will assist the BLM in collecting fair market value for the use of public lands. Bonding provisions will mitigate potential liabilities that may result from development on public lands.

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DOI	NPS	Commercial Filming and Similar Projects and Still Photography Activities – Location Fee Schedule	NA	The location fee schedule implements Public law 106-206 and will be used by DOI bureaus and the U.S. Forest Service to provide a fair return to the United States for the use of Federal lands for permitted commercial filming, similar projects, and still photography activities.	Ongoing	June 2016	The related final rule to manage commercial filming, similar activities, and still photography was published August 22, 2013 (78 FR 52087). This rule referenced the proposed location fee schedule that was published for public comment on the same date.	Streamlined requirements. This will provide one schedule across all land management agencies.	Public comment	The fee schedule will provide a fair return for use of Federal land and will provide the commercial filming industry with consistent predictable fees for their activities.

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DOI	FWS and NMFS	Implementing Changes to the Regulations for Designating Critical Habitat	1018-AX86	This final 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).	Ongoing	Final rule published February 11, 2016.	Final rule will be effective March 14, 2016.		Public comment, EO 12866 interagency review.	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).

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DOI	FWS and NMFS	Policy for the Designation of Critical Habitat Under Section 4 of the Endangered Species Act	1018-AX87	This final 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. This is a joint policy with the National Marine Fisheries Service (NOAA, Commerce).	Ongoing	Final policy published February 11, 2016.	Final policy will be effective March 14, 2016.		Public comment, EO 12866 interagency review.	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).

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DOI	FWS and NMFS	Definition of "Destruction or Adverse Modification" of Critical Habitat	1018-AX88	The final 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. This is a joint rulemaking with the National Marine Fisheries Service (NOAA, Commerce).	Ongoing	Final rule published February 11, 2016.	Final rule will be effective March 14, 2016.	NA	Public comment, EO 12866 interagency review.	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.

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DOI	FWS ad NMFS	Revised Petitions Regulations	1018-BA53	The Endangered Species Act and implementing regulations set forth standards for identifying what constitutes a petition to list, delist or reclassify a species and the procedures for processing a petition. The Services are proposing to change the regulations at 50 CFR 424.14 pertaining to the petition process to provide greater clarity to the public on the petition submission process, including coordination with the affected States, and expanded content requirements and guideline which will assist petitioners in providing complete petitions.	Ongoing	Final rule anticipated June 2016.	Proposed rule published May 21, 2015. The Services extended the public comment period on July 17, 2015; comment period closed September 18, 2015. The Services are developing a final rule.	NA	Public comment, EO 12866 interagency review.	The public will have better instructions on how to submit a petition and include necessary information; the Services will gain efficiency in processing petitions and producing 90-day findings as a result of the higher quality and completeness of petitions received; coordination with State partners will be improved.

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DOI	FWS	50 CFR Part 14- Importation, exportation, and transportation of wildlife.	1018-AZ71	Revision of port structure and declaration processes to accommodate changes under the International Trade Data System (ITDS). To be incorporated in planned updates of 50 CFR Part 14 [Subpart A (definitions), Subpart B (ports), Subpart E (inspection and clearance of wildlife), Subpart F (declarations), Subpart H (marking), Subpart I (licenses and fees), Subpart J (humane transport)].	Ongoing	Proposed rule anticipated March 2016.	In Progress.	NA	Public comment	Once completed, electronic collection through ITDS promises to provide businesses engaged in international trade with a coordinated government response on admissibility of a shipment or allowance for export. We anticipate these rule changes will simplify the wildlife inspection process and resolve current areas of confusion.

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DOI	FWS	Migratory Bird Hunting; 2016-17 Migratory Game Bird Hunting Regulations	1018-BA70	A new schedule will be used for setting annual migratory bird hunting regulations. The current early and late season regulatory actions will be combined into a single process--based on predictions derived from long-term biological information and established harvest strategies-- that will establish seasons much earlier than the current system.	Ongoing	Final rules anticipated March 2016 and June 2016.	Preliminary rule published on August 6, 2015. Proposed rule published December 11, 2015. FWS is developing a final rule.	State agencies can select/publish their season dates much earlier than the current system (around 4-6 months).	There will be increased opportunity for public comment (longer comment periods).	There will be greater predictability with respect to hunting seasons and harvest limits. Fewer meetings will be required to establish seasons, lowering administrative costs by 40% per year and substantially lowering the Service's carbon footprint due to a decrease in travel.

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DOI and DOC	FWS	Section 7 Net Conservation Benefit	N/A	This programmatic biological opinion will streamline the section 7 process for projects that are intended to restore habitats when the effect of the project on listed species will be beneficial.	Ongoing	August 2016	Drafting in progress	This biological opinion would streamline the section 7 process.	We anticipate internal coordination and review.	This biological opinion would help expedite implementation of restoration projects, thereby reducing costs and promoting the recovery of listed species.

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DOI	FWS	Migratory Bird Subsistence Harvest in Alaska; Use of Non-Edible Bird Parts in Authentic Alaska Native Handicrafts for Sale; 50 CFR 92	1018-BB24	We will propose changes to the permanent subsistence migratory bird harvest regulations in Alaska that would enable Alaska Natives to sell authentic native articles of handicraft or clothing that contain inedible byproducts from migratory birds that were taken for food during the Alaska migratory bird subsistence harvest season.	New	March 2016	In progress.	NA	FWS with the Alaska Migratory Bird Co-Management Council to develop the proposal. Public comments will inform the final rule.	Alaska Native tribes will benefit by being allowed to incorporate inedible bird parts into their authentic handicrafts or hand-made clothing and sell the products.

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DOI	FWS	Eagle Permits; Modifications to Regulations Governing Take to Protect Interests in Particular Localities	1018-AY30	The Service is refining its management objectives for bald eagles and golden eagles, and proposing revisions to eagle nonpurposeful take permit regulations and eagle nest take regulations.	New	April 2016	In Progress	As part of the 5-year-review process, FWS will determine if trigger points specified in the permit have been reached that would indicate that additional avoidance, minimization, or other mitigation measures as described in a permit should be implemented to potentially reduce eagle mortalities	FWS published a notice of intent to prepare an environmental assessment or environmental impact statement and held five public scoping meetings around the United States; and sent a letter to tribes inviting consultation.	The revisions are intended to add clarity to the eagle permit regulations, improve their implementation, and increase compliance, while providing strong protection for eagles

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DOI	FWS	Policy Regarding Voluntary Prelisting Conservation Actions	1018-AY29	We are finalizing policy to facilitate mitigation for actions that may affect currently unlisted species that could in the near future be listed as threatened or endangered under the Endangered Species Act.	Ongoing	August 2016	Draft policy published 7/22/2014. Comment period closed 9/22/2014.	The purpose of this policy is to incentivize voluntary conservation efforts. Such voluntary actions, if carried out at a sufficient scale, could contribute to precluding the need to list the species, or can serve as a compensatory measure for the detrimental effects of another action undertaken after listing.	Public comments and coordination with State wildlife agencies will inform the final policy.	FWS believes this policy will allow us to reduce the transaction costs associated with ESA compliance.

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DOI	OCIO	Enterprise forms System (EFS)		Consolidate all DOI forms electronically in a way that they can be pre-populated and completed online.	Ongoing	October 2017	DOI has identified 160 forms to be converted to an electronic form for online access. As of July 2015, 105 forms are available electronically. DOI expects to have all 160 forms completed in FY 2016.	NA		30,000 hours This will make the forms more accessible, save time and money, increase consistency, and decrease the potential for human error. It will also improve tracking and reporting capability.

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DOI	USGS	Bird banding	OMB control number 1028-0082	Create new streamlined online bird banding permit and reporting website.	Ongoing	December 2016	The BANDIT system was completed in July 2012. The target completion date for the electronic permitting system is expected in July 2015.			6,898 hours Online tools save significant time and money and make the process more accessible. They also reduce the potential for human error.

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DOI	NPS	Electronic Backcountry Use Reservation System	1024-0022	Develop an automated reservation system for Backcountry Use Permits.	Ongoing	September 2016	Still in planning stage. The NPS anticipates being able to automate the system by Fall 2016.			5,938 hours An automated reservation system will greatly increase convenience and accessibility for users. It will speed the process and require fewer resources of users and the NPS.

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DOI	FWS	Electronic submission of permit applications and reports	1018-0022, 1018-0092, 1018-0093, and 1018-0094	Upgrade the Service Permit Issuance and Tracking System (SPITS) to incorporate the e-Permits online website for submission of application forms and annual reports. The E-permits system is an electronic submission system for permit applications and reports for migratory birds, law enforcement, CITES, and endangered species.	Ongoing	2017	E-Permits system was launched in 1/2013 with one approved form. We are working with a contractor to develop remaining forms. 12 forms (permit apps & reports) are now developed	NA	Public comment, pilot program	9,100 hours. The E-permits system will make it easier and require less time and resources for applicants and those who must submit reports. It will allow access from anywhere with an Internet connection.

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DOI	ONRR	Lease Sale Payment Terms	1012-AA16	ONRR is amending and clarifying regulations concerning oil, gas and coal lease sale payment terms. In the direct final rule, ONRR will amend those sections that identify payment options to DOI stating that directions for payment will be specified in the lease sale offering terms.	Ongoing	June 2016	ONRR is developing a direct final rule.	Goal is to increase payment flexibility and to promote further use of electronic payment methods. DOI can notify potential bidders of their payment options during the pre-sale notification process, which occurs 90 days prior to the lease sale date. This will promote DOI's effort to consolidate revenue streams as well as promote electronic payments, in which the Treasury highly encourages.	N/A	This will provide the flexibility to transition to having bidders make payments directly to ONRR. There will be cost savings associated with ONRR directly collecting the rent and bonus revenues instead of BLM collecting them and sending the rent and bonus collections to ONRR via IPAC.