

Department of the Interior
 Report on Status of Retrospective Review Efforts
 May 14, 2012

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- AE26	Hydraulic Fracturing	The rule would require oil and gas operators to disclose hydraulic fracturing fluids that would be used in their operations, submit well bore integrity information, and comply with measures intended to assure flowback fluids are managed in a way that protects the environment.	Final rule is estimated to publish in 2013.	The estimated benefits range from \$12 million to \$50 million per year, with the range being based on the discount rate used for the analysis, and the estimates of the underlying risk reduced, and remediation costs avoided, by the regulation. The estimated costs range from \$37 million to \$44 million per year, and do not vary based on the uncertainty in the underlying risk reduced by the rule.	Published proposed rule in the Federal Register on May 11, 2012 at 77 FR 27691. Public comment period ends on July 10, 2012.

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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 October 2012.	Not yet determined	ANPRM published in the <i>Federal Register</i> on December 29, 2011. Public comment period for the ANPRM closed February 27, 2012. BLM expects to deliver a draft proposed rule to OIRA in June 2012.

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BLM	1004- AE20	Onshore Royalty Reform	The BLM proposes to amend its oil and gas regulations to set a royalty rate of 18 ¾ percent for oil production on new Federal competitive oil and gas leases issued in lease sales held on or after the effective date of the final rule. The royalty rate for gas production would remain unchanged at 12 ½ percent. This rule would allow the Secretary to review and revise royalty rates for new competitive leases as appropriate.	BLM has scheduled publication of an ANPRM in July 2012.	The proposed rule's benefit-cost and economic impact analysis indicates that both the Federal Government and the states would receive increased revenues from the higher proposed royalty rate.	An ANPRM is being drafted.

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BLM	1004- AE28	Oil Shale Rule	In furtherance of the Department's efforts to take a fresh look at the commercial oil shale regulations and update them based on the latest research and technologies, and in accordance with terms of a settlement agreement to a lawsuit, the proposed revisions are intended to clarify specific provisions, to ensure that that the royalty rate provides a fair return to the taxpayer, and to ensure that adequate measures are in place to protect the environment.	Final rule targeted for November 18, 2012, per settlement agreement.	The proposed provision that has the potential to alter the future costs is the royalty provision. However, as the proposed royalty provision is for the Secretary to establish the royalty rate prior to lease issuance, the BLM cannot estimate the impact of the potential rate change. The other proposed changes are not anticipated to be economically significant and/or are unknown.	Under the settlement agreement dated February 15, 2011, the proposed rule was expected to publish May 15, 2012. The proposed rule cleared DOI May 14, 2012 and was submitted to OIRA 5/15/2012.

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BLM	1004- AD93	Coal Regulations	The primary purpose is to implement provisions of the Energy Policy Act of 2005. Other purposes: update regulations on Logical Mining Units, establish 3 new fees, and define the royalty rate (12½% versus 8% for underground mining) for coal recovered using hybrid coal mining technology.	BLM has schedule to publish the proposed rule in May 2012.	Three new fees would help the BLM recover the cost of implementing the Energy Policy Act of 2005. The fees (estimated total of \$2,640 per year) are unlikely to adversely affect the coal industry. Defining the royalty rate for coal recovered using hybrid coal mining technology would have a minimal financial effect.	The proposed rule was submitted to OMB for EO 12866 review on 1/24/2012 and was accepted for review 1/26/2012.

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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 2013.	Anticipated cost savings to the Government of \$27,000 to \$40,500 annually, due to the elimination of redundant procedures.	Drafting proposed rule and supporting documents. Proposed rule is scheduled to publish by November of 2012.
Assistant Secretary Indian Affairs (ASIA)	1076- AE73	Leasing Regulations	This rule would replace 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.	Target date for publication of final rule is June of 2012.	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.	Tribal consultations completed; draft is complete and undergoing internal DOI review.

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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 August 2012.	<p>Final rule will improve efficiency in the application process for commercial filming companies applying to DOI agencies for a permit.</p> <p>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.</p>	The draft location fee schedule, which will be published at the same time as the final regulation has been surnamed by the U.S. Forest Service. Is being reviewed and surnamed by DOI agencies.

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ONRR	1012- AA00 and 1012 AA01	Federal and Indian Coal Valuation and Federal Oil and Gas Valuation	Review of the valuation regulations governing Federal Oil and Gas production, as well as Federal and Indian Coal production.	ONRR has not established a target date for a final rule.	Not yet determined	ONRR is drafting the proposed rule. Proposed rule scheduled to publish October 2012
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 targeted to publish in June 2012.	Estimated overall cost reduction of \$58.5 million.	DOI submitted the rule to OMB for review on April 10, 2012. OMB accepted the rule for review on April 26, 2012

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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 5/1/2012 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 November 2012.	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 3/15/2012 at 77 FR 15352. A notice to extend the comment period an additional 60 days published in the Federal Register on 5/14/2012 at 77 FR 28347.

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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 May 2012.	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 ready for OIRA review.

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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 May 2012.	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).	FWS held a preliminary briefing with OIRA on this proposed policy. The proposed rule is ready for OIRA review.

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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 May 2012.		FWS held a preliminary briefing with OIRA on this proposed policy. The FWS is preparing the proposed rule for OIRA review.

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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 May 2012.	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	FWS held a preliminary briefing with OIRA on this proposed policy. The FWS is preparing the proposed rule for OIRA review.