

Department of the Interior  
 Report on Status of Retrospective Review Efforts  
 February, 2015

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	Federal Acknowledgement 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.	Ongoing	Final rule in 2015.	Proposed rule was published in May 2014. Public hearings and tribal consultations were held in July 2014. Final rule is expected to be ready for OMB review in April 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	Anticipated 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.	New	Final rule anticipated in 2015.	Proposed rule was published in June 2014. Public hearings and tribal consultations were held in August 2014. Final rule is expected to be ready for OMB review in May 2015.	Removal of an approval requirement for surveys that will affect every right-of-way application.	Public comment.	A reduction in burden is expected, but the information collection is in use without OMB Control number. This rule will eliminate unnecessary BIA approvals and improve the efficiency of the process.

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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.	New	July 2015	Proposed rule was published in January 2015; consultations were held in February 2015. Final rule is expected to be ready in June 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	Indian Child Welfare Act	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.	New	Proposed: March 2015  Final: December 2015	Proposed rule expected in March 2015.	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	1076-AFXX	This rule will provide updates to streamline the process for obtaining BIA approval for forestry activity on Indian land.	New	Proposed: January 2016	Anticipate draft by December 2015.	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	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 right-of-way leases under current FLPMA authority.	Ongoing	Proposed rule published on September 30, 2014. Target date of final rule is October 2015.	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. The NPRM published on September 30, 2014, and the comment period closed on December 16, 2014. The BLM is reviewing and responding to public comments and drafting final regulation and preamble language.	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	Publication of the Federal Register notice to implement the fee schedule is anticipated in May 2015.	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	ESA Section 7 Consultation Regulations; Incidental Take Statements	1018-AX85	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.	Ongoing	Publication of the final rule is expected to occur in March 2015.	Proposed rule submitted to the Federal Register on August 29, 2013. The public comment period closed on November 4, 2013. Approximately 70 comment submissions were received.  The final rule is currently going through interagency review with OIRA.	NA	Public comment, EO 12866 interagency review.	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.



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DOI	FWS	Implementing Changes to the Regulations for Designating Critical Habitat	1018-AX86	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).	Ongoing	Target publication date for final rule is June 2015.	Proposed rule published in the Federal Register May 12, 2014. The Services accepted comments through October 9, 2014. We anticipate publishing the final rule in June 2015.		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	Policy for the Designation of Critical Habitat Under Section 4 of the Endangered Species Act	1018-AX87	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).	Ongoing	Target publication date for final rule is June 2015.	Proposed policy published in the Federal Register May 12, 2014 The Services accepted comments through October 9, 2014. We anticipate publishing the final rule in June 2015.		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	Definition of "Destruction or Adverse Modification" of Critical Habitat	1018-AX88	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).	Ongoing	Target publication date for final rule is June 2015.	Proposed published in the Federal Register May 12, 2014. The Services accepted comments through October 9, 2014. We anticipate publishing the final rule in June 2015.	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	Revised Petitions Regulations	1018-BA53	The ESA and implementing regulations sets forth standards for identifying what constitutes a petition to list, delist or reclassify a species under the ESA 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	Anticipated publication of the proposed rule in the Federal Register is April 2015.	Draft regulation and preamble developed by FWS and NMFS staff and reviewed by DOI and NMFS solicitors.	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 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: 05/2015 Final Rule: 12/2016	Expect to publish a proposed rule in May of 2015.	NA	Public comment	Once completed, electronic collection through ITDS promises to provide the 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	OCIO	Enterprise forms System (EFS)		Consolidate all DOI forms electronically in a way that they can be pre-populated and completed online.	Ongoing	10/2015	DOI has identified 160 forms to be converted to an electronic form for online access. As of February 2015, 67 forms are available electronically. DOI expects to have all 160 forms completed by the end of the fiscal year.			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	9/2016	Still in planning stage. The NPS anticipates being able to automate the system by Fall 2016. With greater resources, that target date could be accelerated.			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	Wildlife Tracking and Reporting Actions for the Conservation of the Species (TRACS)	1018-0156, 1018-0109 and 1018-0147	Create a new electronic system for managing financial assistance programs in the Wildlife and Sport Fish Restoration Program, with reduced information requirements.	Completed	Complete.	Completed. Burden will be reflected in next renewal of OMB Control No. 1018-0109, which is the approval for information collection associated with Sport Fish Restoration Program grants.	NA	Public comment, outreach	5,833 hours  Benefits are increased convenience, greater consistency and accuracy, and less time and fewer resources required.

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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	12/2016	The E-Permits system was launched on January 23, 2013, with one approved application form for the Division of Management Authority. Delays have been experienced due to staff shortages and budget cuts. We have brought a contractor onboard for the forms development. The first application form for the migratory bird program is currently being developed with a proposed launch by mid-year 2015.	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	FWS	Falconry permits	1018-0022	Eliminate requirement for a Federal permit if State permit regulations are sufficient.	Completed	Complete.	Completed. After publication of the final rule, States assumed responsibility for issuing falconry permits and the requirement to also obtain a Federal permit was eliminated. Burden reduction was reflected in the renewal of OMB Control No. 1018-0022, which is the approval for the collection of information associated with migratory bird permit applications and reporting requirements.	NA	Public comment	888 hours. \$70,400 nonhour burden costs.  Applicants no longer need to obtain a Federal permit. Falconers will need to obtain only a State permit. This reduces the complexity of the process, permit fees, and time and effort required by applicants.

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DOI	BSEE	Modify eWell for use in all regions	1014-0018	Expand current electronic reporting and submittal system to include Alaska and Pacific regions.	Completed	Actual completion date: 6/1/2014	Complete. The BSEE eWell reporting system was deployed to all regions on June 1, 2014.			1,405 hours  Electronic reporting saves time and money for those who must report. They can prepare and submit a report from any computer with Internet access. They no longer need to complete and submit paper forms. Applicants do not need to worry about outdated forms because the forms are kept current in the system.

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