

**DEPARTMENT OF THE INTERIOR (DOI)****Statement of Regulatory Priorities**

The Department of the Interior (DOI) is the principal Federal steward of our Nation's public lands and resources, including many of our cultural treasures. We serve as trustee to Native Americans and Alaska natives and are responsible for relations with the island territories under United States jurisdiction. We manage more than 500 million acres of Federal lands, including 391 park units, 548 wildlife refuges, and approximately 1.7 billion of submerged offshore acres. This includes some of the highest quality renewable energy resources available to help the United States achieve the President's goal of energy independence, including geothermal, solar, and wind. On March 30, 2009, President Barack Obama signed into law the Omnibus Public Land Management Act of 2009. The Act Congressionally established the Bureau of Land Management's National Landscape Conservation System (NLCS). The new law brings into NLCS nearly 928,000 acres of wilderness, one national monument, four conservation areas, 363 miles of wild and scenic rivers, and 40 miles of national scenic trails.

The Department protects and recovers endangered species; protects natural, historic, and cultural resources; manages water projects that are a life line and economic engine for many communities in the West; manages forests and fights wildfires; manages Federal energy resources; educates children in Indian schools; and provides recreational opportunities for over 400 million visitors annually in our national parks, public lands, national wildlife refuges, and recreation areas.

We will continue to review and update our regulations and policies to ensure that they are effective and efficient, and that they promote accountability and sustainability. We will emphasize regulations and policies that:

- Promote environmentally responsible and balanced development of renewable and conventional energy on our public lands and the Outer Continental Shelf;
- Use the best available science to ensure that public resources are protected, conserved, and used wisely;
- Adopt performance approaches focused on achieving cost-effective, timely results;

- Improve the nation-to-nation relationship with American Indian tribes;
- Promote partnerships with States, tribes, local governments, other groups, and individuals to achieve common goals;
- Promote transparency, fairness, accountability, and the highest ethical standards while maintaining performance goals.

**Major Regulatory Areas**

DOI bureaus implement legislatively mandated programs through their regulations. Some of these regulatory activities include:

- Developing onshore and offshore energy, including renewable energy, minerals, oil and gas, and other energy resources;
- Managing migratory birds and preservation of certain marine mammals and endangered species;
- Managing dedicated lands, such as national parks, wildlife refuges, NLCS lands, and American Indian trust lands;
- Managing public lands open to multiple use;
- Managing revenues from American Indian and Federal minerals;
- Fulfilling trust and other responsibilities pertaining to American Indians;
- Managing natural resource damage assessments; and
- Managing assistance programs.

**Regulatory Policy**

*How DOI Regulatory priorities support the President's energy, resource management, environmental sustainability, and economic recovery goals*

Within the requirements and guidance in various Executive Orders, DOI's regulatory programs seek to operate programs transparently, efficiently, and cooperatively while maximizing protection of our land, resources, and environment in a fiscally responsible way by:

*(1) Protecting Natural, Cultural and Heritage Resources.*

The Department's mission includes protecting and providing access to our Nation's natural and cultural heritage and honoring our trust responsibilities to tribes. We are committed to this mission and to applying laws and regulations fairly and effectively. Our priorities include protecting public

health and safety, restoring and maintaining public lands, protecting threatened and endangered species, ameliorating land- and resource-management problems on public lands, and ensuring accountability and compliance with Federal laws and regulations.

The Bureau of Land Management (BLM) Wildlife Program continues to focus on maintenance and management of wildlife habitat to help ensure self-sustaining populations and a natural abundance and diversity of wildlife resources on public lands. BLM-managed lands are vital to game species and hundreds of species of non-game mammals, reptiles, and amphibians. In order to provide for long-term protection of wildlife resources, especially given other mandated land use requirements, the Wildlife Program supports aggressive habitat conservation and restoration activities, many funded by partnerships with Federal, State, and non-governmental organizations. For instance, the Wildlife Program is restoring wildlife habitat across a multi-state region to support species that depend upon sagebrush vegetation. Projects are tailored to address regional issues such as fire (as in the western portion of the sagebrush biome) or habitat degradation and loss (as in the eastern portion of the sagebrush biome). Additionally, BLM undertakes habitat improvement projects in partnership with a variety of stakeholders and consistent with State fish and game wildlife action plans and local working group plans.

The National Park Service (NPS) is working with BLM and the U.S. Fish and Wildlife Service (FWS) to finalize a rule to implement Public Law 106-206, which directs the Secretary to establish a system of location fees for commercial filming and still photography activities on public lands. While commercial filming and still photography are generally allowed on Federal lands, managing this activity through a permitting process will minimize damage to cultural or natural resources and interference with other visitors to the area. This regulation would standardize the collection of location fees by DOI agencies.

In 2007, the National Park Service developed a new winter use regulation for Yellowstone and Grand Teton National Parks and the John D. Rockefeller, Jr. Memorial Parkway. This 2007 regulation replaced an interim rule that expired at the end of the 2006-2007 winter season. It established an average daily entrance limit of 540 snowmobiles

(compared to 720 under the interim rule), continued the limit of 10 snowmobiles for groups and guided tours, and established daily limits on snow coach entrances to the park. As required by court orders, NPS has reinstated the old interim rule pending development of an acceptable new rule to take its place. As the first steps toward developing this new rule, NPS published a proposed rule on November 5, 2008, and reopened comment on this rule on July 24, 2009. The Service intends to issue a final rule that will remain in effect through the 2010-2011 winter season and will allow 318 snowmobiles and 78 snow coaches per day.

In 2008, in consultation with an interagency work group, NPS began developing a proposed rule to provide more efficient and cost-effective management of federally owned archeological collections. At present, there is no legal procedure to deaccession items in Federal collections that are of "insufficient archeological interest," i.e., they are of no further value to the science of archaeology, or to the integrity of the collection in which they are contained. This rule would free up space in collections and allow custodians to allocate more time and effort to care of remaining items. To ensure proper disposition of those archeological items, the regulation contains:

- Criteria to determine when material remains are of insufficient archeological interest and may be disposed;
- Appropriate methods by which to dispose of archeological material remains in priority order;
- Conditions that must be met in order to determine that if disposal is appropriate;
- Procedures to notify concerned parties and solicit comments regarding a proposed disposition;
- A requirement to publish in the *Federal Register* the disposition determination and a process to dispute it; and
- Documentary requirements for full accountability of the disposition.

The rule also requires assignment of a specific individual to be accountable for proper disposition. The rule is now undergoing final review and should be ready for publication in early 2010.

(2) *Sustainably Using Energy, Water, and Natural Resources.*

BLM has identified a total of approximately 20.6 million acres of public land with wind energy potential in the 11 western states and approximately 29.5 million acres with solar energy potential in the six southwestern states. There are over 140 million acres of public land in western states and Alaska with geothermal resource potential. There is also significant wind and wave potential in our offshore waters. The National Renewable Energy Lab, a Department of Energy national laboratory, has identified more than 1,000 gigawatts of wind potential off the Atlantic coast - roughly equivalent to the Nation's existing installed electric generating capacity - and more than 900 gigawatts of wind potential off the Pacific Coast. Due to the extent and distribution of public lands, the Department has an important role, in consultation with relevant Federal, State, regional, and local authorities, in siting new transmission lines needed to bring renewable energy assets to load centers.

Since the beginning of the Obama Administration, the Department has focused on renewable energy issues and has established priorities for environmentally responsible development of renewable energy on our public lands and the outer continental shelf. Industry has started to respond by investing in development of wind farms off the Atlantic seacoast, solar facilities in the southwest, and geothermal energy projects throughout the west. Power generation from these new energy sources produces virtually no greenhouse gases and, when done in an environmentally sensitive manner, harnesses with minimum impact abundant renewable energy that nature itself provides.

On March 11, 2009, the Secretary issued his first Secretarial Order that made facilitating the production, development, and delivery of renewable energy on public lands and the OCS top priorities at the Department. These goals will be accomplished in a manner that does not ignore, but instead protects, our signature landscapes, natural resources, wildlife, and cultural resources, and works in close collaboration with all relevant Federal, state, Tribal and other agencies. The order also established an energy and climate change task force within the Department, drawing from the leadership of each of the bureaus. The task force is responsible for, among other things, quantifying the potential contributions of renewable energy resources on our public lands and the

OCS and identifying and prioritizing specific "zones" on our public lands where the Department can facilitate a rapid and responsible move to significantly increase production of renewable energy from solar, wind, geothermal, and biomass sources, and incremental or small hydroelectric power on existing structures.

On April 29, 2009, the Minerals Management Service published a final rule to establish a program to grant leases, easements, and rights-of-way for renewable energy projects on the Outer Continental Shelf (OCS). These regulations will ensure the orderly, safe, and environmentally responsible development of renewable energy sources on the OCS.

(3) *Empowering People and Communities.*

The Department encourages public participation in the regulatory process by seeking public input on a variety of regulatory issues. For example, every year FWS establishes migratory bird hunting seasons in partnership with flyway councils composed of State fish and wildlife agencies. FWS also holds a series of public meetings to give other interested parties, including hunters and other groups, opportunities to participate in establishing the upcoming season's regulations.

Similarly, BLM uses Resource Advisory Councils (RACs) made up of affected parties to help prepare land management plans and regulations that it issues.

The National Park Service has begun revising its rules on non-Federal development of gas and oil in units of the National Park System. Of the approximately 700 gas and oil wells in 13 NPS units, 55 per cent, or 385 wells, are exempt from current regulations. In order to improve protection of NPS resources, and bring those 385 wells under the regulatory umbrella, revision of the regulation is necessary. NPS is encouraging public input into designing the rule by publishing an advance notice of proposed rulemaking. Interested members of the public will be able to make suggestions on the content of the regulation, which NPS will consider in writing the proposed rule. After developing a proposed rule, NPS will solicit further public comment. Publishing an advance notice of proposed rulemaking should result in a regulation that will minimize impacts from drilling, improve operating standards for oil and gas operations, and allow recovery of administrative costs.

### Accountability and Sustainability Through Regulatory Efficiency

We are using the regulatory process to improve results while easing regulatory burdens. For instance, the Endangered Species Act (ESA) allows for delisting threatened and endangered species if they no longer need the protection of the ESA. We are working to identify species for which delisting or downlisting (reclassification from endangered to threatened) may be appropriate.

The Fish and Wildlife Service has found that making listing decisions under the Endangered Species Act in Hawaii on a traditional, species-by-species basis is inefficient, since very similar information and analysis would be repeated in each rule. To improve efficiency, FWS has taken an approach that includes consideration of 48 species in one regulatory package. This allows the Service to address the existing backlog of candidate species more quickly. Most candidate species on the Hawaiian Islands face nearly identical threats and are only found in the few remaining native-dominated ecological communities. The impacts of these threats are well understood at the community level, while their impacts to the individual candidate species are relatively less studied. Because this approach focuses on conserving the key physical and biological components of native communities and ecosystems, it may preclude the need to list additional species found in the same ecological communities. Recovery plans developed in response to the Kauai listing will focus conservation efforts on protection and restoration of ecosystem processes, allowing us to more efficiently address common threats in the most important areas.

DOI bureaus work to make our regulations easier to comply with and understand. Our regulatory process ensures that bureaus share ideas on how to reduce regulatory burdens while meeting the requirements of the laws they enforce and improving their stewardship of the environment and resources. Results include:

- Effective stewardship of our Nation's resources in a way that is responsive to the needs of small businesses;
- Increased benefits per dollar spent by carefully evaluating the economic effects of planned rules; and
- Improved compliance and transparency by use of plain language in our regulations and guidance documents.

### Bureaus and Offices Within DOI

#### *Bureau of Indian Affairs*

The Bureau of Indian Affairs (BIA) administers and manages 56 million acres of land held in trust by the United States for Indians and Indian tribes, providing services to approximately 1.9 million Indians and Alaska Natives, and maintaining a government-to-government relationship with the 564 federally recognized Indian tribes. BIA's mission is to "... enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect and improve the trust assets of American Indians, Indian tribes, and Alaska Natives," as well as to provide quality education opportunities to students in Indian schools.

In fiscal year 2010, BIA will continue its regulatory focus on improved management of trust responsibilities and promotion of economic development in Indian communities. In addition, we will focus on updating Indian education regulations and on other regulatory changes to increase transparency in support of the President's Open Government Initiative.

With the input of tribal leaders, individual Indian beneficiaries, and other subject matter experts, BIA has been examining ways to better serve its beneficiaries. The American Indian Probate Reform Act of 2004 (AIPRA) made clear that regulatory changes were necessary to update the manner in which we meet our trust management responsibilities. We have promulgated regulations implementing the probate-related provisions of AIPRA and will now focus on regulations to implement other AIPRA provisions related to managing Indian land.

The focus on promoting economic development in Indian communities, including development of renewable and conventional energy resources on tribal lands, is a core component of BIA's mission. Economic development initiatives can attract businesses to Indian communities and fund services that support the health and well-being of tribal members. By providing the tools necessary to promote economic development, economic development can enable tribes to attain self-sufficiency, strengthen their governments, and reduce crime.

Indian education is a top priority of the Assistant Secretary – Indian Affairs. For this reason, we will review Indian education regulations to ensure that they adequately support efforts to provide students of BIA-funded schools with the best education possible.

Finally, BIA's regulatory focus on increasing transparency implements the President's Open Government Initiative. We will ensure that all regulations that we draft or revise meet high standards of readability, and accurately and clearly describe BIA processes.

#### *Bureau of Land Management*

The Bureau of Land Management (BLM) manages 256 million acres of public lands, located primarily in the western states and Alaska, and the 700-million-acre subsurface mineral estate located throughout the Nation. Our complex mission to manage public lands for multiple uses means that we affect not only the many Americans who live near or visit public lands, but also millions more who benefit from minerals, energy, and timber produced from the lands' rich resources.

In carrying out our mission, we conserve natural and cultural resources and sustain the health and productivity of our public lands for the use and enjoyment of present and future generations. We manage such varied uses as energy and mineral development, outdoor recreation, livestock grazing, and forestry and woodlands products. In 2010 we will celebrate the tenth anniversary of the National Landscape Conservation System (NLCS), created to highlight the conservation side of our multiple-use mandate. Earlier this year, Congress, by passing the Omnibus Public Land Management Act (P.L. 111-11), affirmed its support of the NLCS in statute and added 929,000 acres of wilderness, one national monument, four national conservation areas, 363 miles of wild and scenic rivers, and 40 miles of national scenic and historic trails to the NLCS. There are now more than 880 NLCS treasured landscapes spanning the Nation from Florida to Alaska.

The diverse public lands managed by BLM contain vast potential for developing renewable energy resources such as wind, solar, and geothermal energy, as well as oil, gas, coal, and timber. We are analyzing proposals with the goal of increasing renewable energy development on public lands. We are also establishing transmission corridors to move renewable energy from production sites to market, and have taken a significant step in this direction by designating more than 5,000 miles of energy transport corridors as west-wide energy corridors. The next step is authorizing rights-of-way across public lands.

We have identified several emphasis areas to help explain our regulatory

priorities. The narrative below describes these emphasis areas and explains their relationship with the Secretary of the Interior's priorities in the areas of energy independence, treasured landscapes, and Native American issues.

### (1) Energy Independence

The quality of life that Americans enjoy today depends upon a stable and abundant supply of affordable energy. Because BLM manages more Federal land than any other agency — 256 million surface acres and 700 million sub-surface acres of mineral estate - we play a key role in ensuring that our country's energy needs are met by managing both renewable and non-renewable sources. We do this in an environmentally balanced and fiscally sound way that protects our natural resources and critical wildlife habitat for such species as the sage grouse and lynx.

### (2) Treasured Landscapes

Protecting the landscape means moving toward a holistic, landscape-level approach to managing multiple public land uses. To implement this approach, we work with partners interested in working on a broader scale across jurisdictional lines to achieve a common landscape vision. Our focus on restoring healthy landscapes includes:

- Reducing the number of wild horses and burros on the public lands, particularly in areas most affected by drought and wildfire. Maintaining the wild horse and burro population at appropriate levels is critical to conserving forage resources that sustain native wildlife and livestock.
- Restoring habitat for sensitive, rare, threatened, and endangered species, such as the sage grouse, desert tortoise, and salmon.
- Supporting greater biodiversity through noxious weed and invasive species control to allow native plants to thrive.
- Improving water quality by restoring riparian areas and protecting watersheds. Enhanced water quality aids in restoring habitat for fish and other aquatic and riparian species.
- Conducting post-fire recovery efforts to promote healthy landscapes and to discourage the spread of invasive species.

### (3) Native American Issues

BLM consults with Indian Tribes on a government-to-government basis, and we are comprehensively assessing and improving our tribal consultation

practices. In August 2008, the BLM Director wrote to more than 600 tribal leaders asking about their experiences with BLM and their ideas on how we could improve our working relationship. We then held a follow-up listening session in Anchorage to coincide with the Alaska Federation of Natives Conference. We received many valuable comments at this session, which led to additional listening sessions in May through August 2009.

One area of concern relates to the Native America Graves Protection and Repatriation Act (NAGPRA), which addresses the rights of Indian Tribes and Native Hawaiian organizations to certain human remains and objects of cultural patrimony. To comply with NAGPRA, we are inventorying and repatriating human remains and other cultural items in BLM museum collections. We are also consulting with Indian tribes on actions to take when human remains and cultural items subject to NAGPRA are discovered or excavated on public lands.

We also work with the Bureau of Indian Affairs and the Minerals Management Service to help Indian tribes and individual allottees develop their solid and fluid mineral resources. We are responsible for protecting, developing, measuring, inspecting, and enforcing extraction operations of the mineral estate on properties held in trust for Native Americans.

### BLM's Regulatory Priorities

Our regulatory focus is directed primarily by the priorities of the President and Congress. These priorities include;

- Facilitating balanced domestic production of various sources of energy, including oil and gas, biomass, wind, solar, and other alternative sources of energy;
- Providing for a wide variety of public uses while maintaining the long-term health and diversity of the land and preserving significant natural, cultural, and historic resource values;
- Understanding the varied ecosystems we manage and committing ourselves to using the best scientific and technical information to make resource management decisions;
- Understanding the needs of the people who use BLM-managed public lands and providing them with quality service;
- Securing the recovery of a fair return for using publicly owned resources

and avoiding creation of long-term liabilities for American taxpayers; and

- Resolving problems and implementing decisions in cooperation with other agencies, States, tribal governments, and the public.

In developing regulations, we strive to ensure communication, coordination, and consultation with the public, including affected interests, tribes, and other stakeholders. We also work to draft regulations that are clearly written and easy for the public to understand.

For the coming year, our specific regulatory goals include:

### (1) Revising onshore oil and gas operating standards

BLM expects to revise existing onshore oil and gas operating orders and propose a new order. Onshore orders establish requirements, minimum standards, and standard operating procedures. They are binding on Federal and Indian (except Osage) oil and gas leases and on all wells and facilities on State or private lands covered by Federal agreements. In order to determine the proper royalty that a lessee must pay, BLM ensures that oil and gas is accurately measured for quantity and quality. To ensure that proper royalties are paid on oil and gas removed from Federal and trust lands, we plan to:

- Revise existing Onshore Orders Numbers 3, 4, and 5 to use new industry standards that reflect current operating procedures and to require consistent use of proper verification and accounting.
- Propose new Onshore Order Number 9 to cover waste prevention and beneficial use.

### (2) Revising coal management regulations

BLM plans to publish a proposed rule that would amend the coal management regulations governing Federal coal leases and logical mining units. The rule would implement provisions of the Energy Policy Act regarding administration of coal leases and clarify the royalty rate for continuous highwall mining, a new coal mining method used on some Federal coal leases.

### (3) Publishing rules on paleontological resources preservation

The recently enacted omnibus public lands law included provisions on permits for collecting paleontological resources. BLM and the Park Service are co-leads of a team with the Forest Service that will be drafting a

paleontological resources rule. The rule would address the protection of paleontological resources and how we would permit the collection of these resources. The rule would also address other issues such as the administration of permits, causal collection of rocks and minerals, hobby collection of common invertebrate plants and fossils, and the civil and criminal penalties for violation of these rules.

*(4) Revising timber sale contract extension regulations*

We plan to amend the forest product disposal regulations governing forest product contracts. BLM regulations currently allow timber sale contract extensions under very limited circumstances and do not allow extensions for “market fluctuations.” Nor do they allow any reduction of contract value due to declines in the lumber market. The recent decline in the housing industry has resulted in a record decline in the timber market, leaving many purchasers of BLM timber sale contracts without a reasonable market in which to sell harvested timber. The revised rule would allow us to extend contracts under specified circumstances and provide more options to help maintain the logging and sawmilling infrastructure needed to manage the 66 million acres of publicly owned timber and woodland resources.

*Minerals Management Service*

The Minerals Management Service (MMS) collects, accounts for and disburses more than \$13 billion per year in revenues from Federal offshore energy and mineral leases and from onshore mineral leases on Federal and Indian lands. The program is national in scope and has two major responsibilities. The first is timely and accurate collection, distribution, and accounting for revenues associated with mineral and energy production. The second is management and stewardship of the resources of the Outer Continental Shelf (OCS) in a manner that provides for safety, protection of the environment, and conservation of valuable natural resources. MMS carries out these broad responsibilities under authority of the Federal Oil and Gas Royalty Management Act, the Federal minerals leasing acts, the Outer Continental Shelf Lands Act, the Indian mineral leasing acts, and other related statutes.

In 2009, MMS completed a major milestone by developing and codifying the regulatory framework for renewable energy projects on the OCS. We are now beginning to implement the regulatory

provisions for developing the Nation’s offshore wind, wave, and ocean current resources in a safe and environmentally sound manner. Using cost-effective, targeted regulatory authority, we continue efforts to improve both the safety record and environmental protection of all production operations while ensuring fair value to the Federal Government, Indian Tribes, and taxpayers.

Our regulatory focus for fiscal year 2010 is directed by Presidential and legislative priorities that emphasize contributing to America’s energy supply, protecting the environment, and ensuring a fair return for taxpayers for energy production from Federal and Indian lands.

Our regulatory priorities are to:

- *Continue to meet our Indian trust responsibilities*

We have a trust responsibility to accurately collect and disburse oil and gas royalties on Indian lands. MMS will increase royalty certainty by addressing oil valuation for Indian lands through a rulemaking process involving key stakeholders.

- *Determine the proper value of coal for advanced royalty purposes*

Implementing requirements in the Energy Policy Act of 2005, these regulations will provide clarification by redesignating and amending a BLM coal valuation directive. The rule will provide a needed alternative method to determine the value of coal for advanced royalty purposes.

- *Update pipelines and pipeline rights-of-way regulations*

We expect to publish a final rule revising the Outer Continental Shelf pipeline and pipeline rights-of-way regulations. This revised rule will reflect current industry practices and MMS policies for safe operations of pipelines on the OCS.

- *Update Oil and Gas Production Requirements*

The final rule revises requirements for oil and gas production rates, venting and flaring natural gas, and burning oil. The rule, which also adds a requirement to measure flared or vented gas at high volume oil production facilities, is expected to publish in FY 2010.

*Office of Surface Mining Reclamation and Enforcement*

The Office of Surface Mining Reclamation and Enforcement (OSM) was created by the Surface Mining Control and Reclamation Act of 1977

(SMCRA) 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.” Title V of SMCRA sets minimum requirements for obtaining a permit for surface coal mining operations, sets performance standards for those operations, requires land reclamation once mining ends, and requires enforcement to ensure that the standards are met. Under SMCRA and later amendments we are the primary enforcer of the Act’s provisions until a State or Indian tribe achieves “primacy” by demonstrating that its regulatory program meets all of the specifications in the Act and is consistent with OSM regulations.

When a primacy State or Indian tribe takes over permitting, inspection, and enforcement activities under its federally approved regulatory program, our role is to regulate mining activities and oversee and evaluate the State or tribal program. Today, 24 of the 26 coal-producing States have primacy. In return for assuming primacy, States are entitled to regulatory grants and abandoned mine lands grants under their abandoned mine lands programs. In addition, under cooperative agreements, some primacy States have agreed to regulate mining on Federal lands within their borders. In 2006, amendments to SMCRA allowed Indian tribes with coal resources to assume primacy. No tribes have done so to date, although three tribes have expressed an interest in submitting a tribal program.

In summary, OSM regulates mining directly only in non-primacy States, on Federal lands in States where no cooperative agreements are in effect, and on Indian lands when the tribe does not have primacy.

OSM has sought to develop and maintain a stable regulatory program for surface coal mining that is safe, cost-effective, and environmentally sound. A stable regulatory program provides regulatory certainty so that coal companies know what is expected of them and citizens know how the program is being implemented and how they can participate. During the development and maintenance of its program, OSM has recognized the need to: (a) respond to local conditions, (b) provide flexibility to react to technological change, (c) be sensitive to geographic diversity, and (d) eliminate burdensome recordkeeping and reporting requirements that, over time, have proved unnecessary to ensure an effective regulatory program.

OSM's major regulatory priorities for the coming year are to:

- *Address issues resulting from the publication of the excess spoil/stream buffer zone rule in December 2008*

The publication of the excess spoil/stream buffer zone rule on December 12, 2008, has raised serious concerns about damage to the environment and has resulted in litigation. We intend to review those concerns and will initiate new rulemaking to address the issues raised.

- *Issue regulations establishing enforceable Federal standards for the placement of coal combustion byproducts (CCBs) in active and abandoned mines*

We intend to publish proposed and final regulations establishing permit application requirements and performance standards for the placement of CCBs on coal mining sites. The requirements will apply to active mining sites with permits for surface coal mining operations under Title V of SMCRA and to abandoned mine sites being reclaimed under Title IV of SMCRA. The rule will be designed to ensure that mining operations or reclamation projects where CCBs are placed incorporate adequate protections to safeguard the public and the environment. The proposed regulations will be based upon existing SMCRA authorities. Our decision to initiate rulemaking is the result of a study conducted by the National Research Council of the National Academies of Science, which recommended the establishment of enforceable Federal standards for the placement of CCBs on mine sites.

#### *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 helps ensure a healthy environment for people by providing 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 threatened and endangered species;
- Monitor and manage migratory birds;
- Restore native aquatic populations and nationally significant fisheries;
- Enforce Federal wildlife laws and regulate international trade;

- Conserve and restore wildlife habitat such as wetlands;
- 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 96-million-acre National Wildlife Refuge System, which protects and conserves fish and wildlife and their habitats and allows the public to engage in outdoor recreational activities.

Critical challenges to the work of FWS include: Global climate change; shortages of clean water suitable for wildlife; invasive species that are harmful to our fish, wildlife, and plant resources and their habitats; and the alienation of children and adults from the natural world. To address these challenges, FWS has identified six priorities:

- National Wildlife Refuge System—conserving our lands and resources;
- Landscape conservation—working with others;
- Migratory birds—conservation and management;
- Threatened and endangered species—achieving recovery and preventing extinction;
- Connection between people and nature—ensuring the future of conservation; and
- Aquatic species—the National Fish Habitat Action Plan (a plan that brings public and private partners together to restore U.S. waterways to sustainable health) and trust species.

To carry out these priorities, FWS has a large regulatory agenda. FWS programs will conduct rulemaking to, among other things:

- List, delist, and reclassify species on the List of Threatened and Endangered Species and designate critical habitat for certain listed species;
- Update our regulations to carry out the Convention on International Trade in Wild Fauna and Flora;
- Manage migratory bird populations;
- Administer the subsistence program for harvesting fish and wildlife in Alaska;
- Update our regulations to carry out the Wildlife and Sport Fish Restoration Program; and

- Publish hunting and sport fishing regulations for the National Wildlife Refuge System.

#### *National Park Service*

NPS currently administers Commercial Use Authorizations (CUAs) under an interim policy, but needs a regulation to standardize fees; allow cost recovery by NPS where appropriate; ensure clear and consistent criteria for issuance of CUAs; and, where necessary, allow parks to limit and set conditions for limiting the number of authorizations issued. The regulation will also allow better enforcement of permit conditions, which promotes protection of park resources and public safety. NPS expects to publish the proposed rule in December 2009.

In November 2006 the National Park Service completed a nearly 10-year public process to develop a management plan for the Colorado River in Grand Canyon National Park. The Service is now implementing the plan by developing regulations that: implement permit requirements for commercial river trips below a specified location in the canyon; update visitor use restrictions and camping closures; and eliminate unnecessary provisions in the current regulation. The proposed rule was published in the Federal Register on July 13, 2009, and the public comment period ended on September 11, 2009.

The National Park Service is working with the Bureau of Land Management and the Fish and Wildlife Service to finalize rules implementing Public Law 106-206, which directs the Secretary to establish a reasonable fee system (location fees) for commercial filming and still photography activities on public lands. Although commercial filming and still photography are generally allowed on Federal lands, it is in the public's interest to manage these activities through a permitting process. This will minimize the possibility of damage to the cultural or natural resources or interference with other visitors to the area. This regulation would standardize the collection of location fees by DOI agencies.

#### *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 apply 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 increased security at our facilities and implemented our law enforcement authorization received in November 2001.

Our regulatory program focus in fiscal year 2010 is to ensure that our mission and laws that require regulatory actions are carried out expeditiously, efficiently, and with an emphasis on cooperative problem solving by

implementing two newly authorized programs:

- Title I of Public Law 109-451 authorizes establishment of a rural water supply program to enable the Bureau of Reclamation to coordinate with rural communities throughout the Western United States to identify their potable water supply needs and evaluate options for meeting those needs. Under the Act, we are finalizing a rule that will define how we will identify and work with eligible rural communities. We published an interim final rule on November 17, 2008, and expect to publish a final rule in 2010.
- Title II of Public Law 109-451 authorizes the Secretary of the Interior, through the Bureau of

Reclamation, to issue loan guarantees to assist in financing: (a) rural water supply projects, (b) extraordinary maintenance and rehabilitation of Reclamation project facilities, and (c) improvements to infrastructure directly related to Reclamation projects. This new program will provide an additional funding option to help western communities and water managers to cost effectively meet their water supply and maintenance needs. Under the Act, we are working with the Office of Management and Budget to publish a rule that will establish criteria for administering the loan guarantee program. We published a proposed rule on October 6, 2008, and expect to publish a final rule in 2010.

**BILLING CODE 4310-RK-S**