



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

JAN 22 2017

## Memorandum

To: Chiefs of Staff, Bureaus and Offices,  
From: K. Jack Haugrud  
Subject: Compliance with January 20, 2017 R. Priebus Memo re: Regulatory Freeze  
Pending Review

On January 20, 2017, Mr. Reince Priebus, Assistant to the President and Chief of Staff, issued a memo to all Federal agencies. The memo (Attachment A) asks agencies to take immediate actions with regards to regulations at or needing to go to the Federal Register. The memo specifically asks that agencies:

1. Subject to any exceptions the Director or Acting Director of the Office of Management and Budget (the "OMB Director") allows for emergency situations or other urgent circumstances relating to health, safety, financial, or national security matters, or otherwise, send no regulation to the Office of the Federal Register (the "OFR") until a department or agency head appointed or designated by the President after noon on January 20, 2017, reviews and approves the regulation
2. With respect to regulations that have been sent to the OFR but not published in the Federal Register, immediately withdraw them from the OFR for review and approval as described in paragraph 1, subject to the exceptions described in paragraph 1. This withdrawal must be conducted consistent with OFR procedures.
3. With respect to regulations that have been published in the OFR but have not taken effect, as permitted by applicable law, temporarily postpone their effective date for 60 days from the date of this memorandum, subject to the exceptions described in paragraph 1, for the purpose of reviewing questions of fact, law, and policy they raise. Where appropriate and as permitted by applicable law, you should consider proposing for notice and comment a rule to delay the effective date for regulations beyond that 60-day period. In cases where the effective date has been delayed in order to review questions of fact, law, or policy, you should consider potentially proposing further notice-and-comment rulemaking. Following the delay in effective date:
  - (a) for those regulations that raise no substantial questions of law or policy, no further action needs to be taken; and

(b) for those regulations that raise substantial questions of law or policy, agencies should notify the OMB Director and take further appropriate action in consultation with the OMB Director.

**4. Exclude from the actions requested in paragraphs 1 through 3 any regulations subject to statutory or judicial deadlines and identify such exclusions to the OMB Director as soon as possible.**

5. Notify the OMB Director promptly of any regulations that, in your view, should be excluded from the directives in paragraphs 1 through 3 because those regulations affect critical health, safety, financial, or national security matters, or for some other reason. The OMB Director will review any such notifications and determine whether such exclusion is appropriate under the circumstances.

6. Continue in all circumstances to comply with any applicable Executive Orders concerning regulatory management.

To comply with this memo, I have asked the Office of the Executive Secretariat (OES) to provide the following information:

1. A list of all regulations that will be published on Monday, January 23 (Attachment B)
2. A list of all regulations scheduled for public inspection on Monday, January 23 (Attachment B)
3. A list of all regulations scheduled for public inspection and publication the week of January 23<sup>rd</sup> (Attachment C)
4. A list of all regulations currently at the FR but not yet scheduled for publication (Attachment D).
5. A list of all published regulations that have not yet gone into effect (Attachment E).

In order to comply with the White House's request, OES will notify the Office of Federal Register before noon on Monday, January 23, 2017, that the Department is withdrawing from publication the regulations not yet scheduled for publication. OES will also withdraw from publication all those documents scheduled but not yet published (numbers 2 and 3 above), unless the regulation clearly falls into one of the exceptions set out in the Chief of Staff's memorandum. I am asking that you take the immediate following actions and provide OES with the following information:

1. **By 10:30 a.m. on Monday**, please identify any of the regulations listed in attachments B, C, and D that are needed to meet statutory or judicial deadlines, or that you believe fall into the exception for emergency situations or other urgent circumstances relating to health, safety, financial, or national security matters. Please indicate which exception you believe applies. Please also identify any rules not shown in the attachments that you expect to be scheduled for public inspection or publication during the week of January 23<sup>rd</sup>.

2. Also by 10:30 a.m. on Monday, please review the list of rules not yet in effect (Attachment E) for accuracy and provide OES with your determination of whether any of the identified exceptions in the memo should apply to extending the comment period for 60 days beyond January 20, 2017.

In addition to the above, **any document that was approved for publication in the Federal Register prior to January 20<sup>th</sup>, but has not been delivered to the Federal Register is no longer considered approved. Until further notice**, any document that must be published in the Federal Register, must be cleared through the Office of the Executive. Please see the memo from OES dated January 20, 2017.

cc: Regulatory Contacts Bureaus and Offices

## **ATTACHMENT B**

### **LIST OF REGULATIONS SCHEDULED FOR PUBLICATION ON JANUARY 23 and LIST OF REGULATIONS SCHEDULED FOR PUBLIC INSPECTION ON JANUARY 23, 2017**

#### **I. LIST OF RULES SCHEDULED FOR PUBLICATION ON JANUARY 23**

##### Bureau of Indian Affairs:

- Final Rule: 2017 Civil Penalties Inflation Adjustments; Annual Adjustments

##### FWS

- OMB Approved Information Collection Requirement (ICR): OMB approved ICR for final rule on eagle permits that published on 12/16/2016 and became effective on 1/17/2017.

Both of these rules become effective immediately upon publication.

#### **II. LIST OF RULES SCHEDULED FOR PUBLIC INSPECTION ROOM ON JANUARY 23**

##### BSEE

- Final Rule: 2017 Civil Penalty Inflation Adjustments; Annual Adjustments

##### FWS

- Final Rule: Correcting Amendments for the Designation of Critical Habitat for the Dakota Skipper and Poweshiek Skipperling;
  - Replacing a map, including a map, and correcting an erroneous map

## ATTACHMENT C

### LIST OF ALL REGULATIONS SCHEDULED FOR PUBLIC INSPECTION OR PUBLICATION THE WEEK OF JANUARY 23 (As of January 22, 2017)

None currently scheduled other than the two rules set out in attachment B, which are scheduled for publication on Tuesday, January 24, 2017:

#### BSEE

- Final Rule: 2017 Civil Penalty Inflation Adjustments; Annual Adjustments

#### FWS

- Final Rule: Correcting Amendments for the Designation of Critical Habitat for the Dakota Skipper and Poweshiek Skipperling;
  - Replacing a map, including a map, and correcting an erroneous map

**ATTACHMENT D**

**RULES DELIVERED TO THE FEDERAL REGISTER THAT HAVE NOT BEEN SCHEDULED AS OF JANUARY 22, 2017**

| Bureau | Title  | Action        | Regulation Identifier Number (RIN) | Approved to go to Office of the Federal Register (OFR) | Delivered to OFR (or not) | Scheduled/Publication Date |
|--------|--|---------------|------------------------------------|--|---------------------------|----------------------------|
| BLM    | Oil Shale Management -- General  | Final Rule    | 1004-AE28                          | 01/10/2017   | Yes                       | Not yet scheduled          |
| BOEM   | Oil, Gas & Sulphur Operations in the OCS - Civil Penalties Inflation Adjustments 2017                                    | Final Rule    | 1010-AD95                          | 01/10/2017   | No data                   | No data                    |
| FWS    | Migratory Bird Subsistence Harvest in Alaska; Harvest Regulations for Migratory Birds in Alaska During the 2017 Season   | Proposed Rule | 1018-BB71                          | 12/30/2016   | Yes (01/09/2017)          | Not yet scheduled          |
| FWS    | Migratory Bird Subsistence Harvest in Alaska; Use of Inedible Bird Parts in Authentic Alaska Native Handicrafts for Sale | Final Rule    | 1018-BB24                          | 12/30/2016   | Yes (01/09/2017)          | Not yet scheduled          |
| OSMRE  | Civil Monetary Penalty Inflation Adjustments   | Final Rule    | 1029-AC74                          | 01/10/2017   | Yes                       | Not yet scheduled          |

**ATTACHMENT E**  
**LIST of ALL PUBLISHED REGULATIONS THAT ARE NOT EFFECTIVE AS**  
**OF JANUARY 20, 2017**

| Bureau | Title   | Action             | Regulation Identifier Number (RIN) | Scheduled/Publication Date | Effective Date |
|--------|---|--------------------|------------------------------------|----------------------------|----------------|
| BLM    | Onshore Order 1 – Final Rule  | Final Rule (Order) | 1004-AE37                          | 01/10/2017 (82 FR 2906)    | 02/09/2017     |
| FWS    | Endangered and Threatened Wildlife and Plants; Endangered Species Status for the Rusty Patched Bumble Bee (final listing rule under the Endangered Species Act) | Final Rule         | 1018-BB66                          | 01/11/2017 (82 FR 3186)    | 02/10/2017     |
| FWS    | Revisions to the Regulations for Candidate Conservation Agreements with Assurances  | Final Rule         | 1018-BB25                          | 12/27/2016 (81 FR 95053)   | 01/26/2017     |
| FWS    | Candidate Conservation Agreements with Assurances Policy  | Notice             |                                    | 12/27/2016 (81 FR 95164)   | 01/26/2017     |
| NPS    | Alaska Region Subsistence Collections   | Final Rule         | 1024-AE28                          | 01/12/2017 (82 FR 3626)    | 02/13/2017     |