

United States Department of the Interior
Record of Compliance for a Rulemaking Document

Title of rule:

RIN:

Sponsoring bureau/office:

Contact name/phone number:

The Record of Compliance (ROC) certifies that this rulemaking action complies with the various statutory, Executive Order, and Department Manual requirements applicable to rulemaking. Some of the statutory requirements are judicially reviewable. Accordingly, the ROC also provides a brief though convincing rationale for the various certifications with citations to any underlying analyses, copies of which must be attached.

A. Need for this regulation.

1. Why we are publishing this rule. *(Explain why the regulation is needed or what problem it will solve. Some examples might be a specific legislative requirement, program deficiencies identified as a result of an audit, remediation of a chronic abuse or problem, etc.)*

2. Why alternative approaches are not feasible. *(Explain why you must publish a rule to fill the need you describe in item A1. Describe what alternatives to rulemaking you considered and why each of them was not feasible.)*

3. Authority under which this rule will be published. *(Describe the legal authority under which this rule will be published.)*

B. Determinations and Certifications.

1. Regulatory Planning and Review. In accordance with the criteria in Executive Order 12866, this rule [*is/is not*] a significant regulatory action. OMB makes the final determination under Executive Order 12866.

a. This rule [*will/will not*] have an annual economic effect of \$100 million or adversely affect an economic sector, productivity, jobs, the environment, or other units of government. A cost-benefit and economic analysis [*has been completed and is attached/is not required*]. *(Give the basis for the determination.)*

b. This rule [will/will not] create inconsistencies with other agencies' actions. *(Give the basis for the determination.)*

c. This rule [will/will not] materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients. *(Give the basis for the determination.)*

d. This rule [will/will not] raise novel legal or policy issues. *(Give the basis for the determination.)*

2. Regulatory Flexibility Act. I certify that this rule [will/will not] have a significant economic effect on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). An [initial/final] Regulatory Flexibility Analysis [is attached and identifies steps taken to minimize significant economic impacts on small entities/is not required]. Accordingly, a Small Entity Compliance Guide [has been published/will be published/is not required]. *(Give the basis for the determination here. Explain what steps you took to minimize significant impacts. Summarize factual basis for certification. Cite specific parts of the Regulatory Flexibility Analysis, if you prepared one)*

3. Small Business Regulatory Enforcement Fairness Act. This rule [is/is not] a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

a. [Has/Does not have] an annual effect on the economy of \$ 100 million or more. *(Give the basis for the determination here and attach any analyses that support your statements.)*

b. [Represents/Will not cause] a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. *(Give the basis for the determination here and attach any analyses that support your statements.)*

c. [Has/Does not have] significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. *(Give the basis for the determination here and attach any analyses that support your statements.)*

4. Unfunded Mandates Reform Act. In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.):

a. This rule [will/will not] “significantly or uniquely” affect small governments. A Small Government Agency Plan [is required and a copy is attached/is not required]. *(Give the basis for the determination here.)*

b. This rule [will/will not] produce a Federal mandate of \$100 million or greater in any year, i.e., it [is/is not] a “significant regulatory action” under the Unfunded Mandates Reform Act.

Add the following only if the proposed regulation will produce a Federal mandate of \$100 million or more:

(1) The analysis prepared for Executive Order 12866 will *[meet the requirements of the Unfunded Mandates Reform Act/not be sufficient and we have prepared and attached a separate analysis]*.

(2) Several regulatory alternatives *[were prepared and are attached/were not prepared]* and the least burdensome option *[was/was not]* selected. *(Summarize why the alternative selected was the least burdensome. If you did not select the least burdensome alternative, explain why you did not.)*

(3) The consultation process for state, local, and tribal government input *[was/was not]* implemented. *(Give the basis for the determination here. Attach the analyses that support your statements.)*

5. Takings. In accordance with Executive Order 12630, the rule *[has/does not have]* significant takings implications. A takings implication assessment *[has been prepared and is attached/is not required]*. *(Give the basis for the determination here. Cite specific parts of supporting analysis, if any.)*

6. Federalism. In accordance with Executive Order 12612, the rule *[has/does not have]* significant Federalism effects. A Federalism assessment *[is required and is attached/is not required]*. *(Give the basis for the determination here.)*

7. Civil Justice Reform. In accordance with Executive Order 12988, the Office of the Solicitor has determined that the rule *[does/does not]* unduly burden the judicial system and *[does not meet/meets]* the requirements of sections 3(a) and 3(b)(2) of the Order. *(Give the basis for the determination here. Attach supporting documentation, if any.)*

8. Paperwork Reduction Act. This regulation *[does/does not]* require an information collection under the Paperwork Reduction Act. The information collection *[is/is not]* covered by an existing OMB approval. An OMB form 83-I *[has/has not]* been prepared and *[has/has not]* been approved by the Office of Policy Analysis. *(Give the basis for the determinations here. If the information collection already has OMB approval, explain this and give the OMB approval number and the expiration date.)*

9. National Environmental Policy Act. We have analyzed this rule in accordance with the criteria of the National Environmental Policy Act and 516 DM. This rule *[constitutes/does not constitute]* a major Federal action significantly affecting the quality of the human environment. An environmental *[impact statement/assessment]* is *[attached/not required]*. *(Give the basis for the determination here. When applicable, state where to obtain copies of environmental impact statements or assessments.)*

10. Government-to-Government Relationship with Tribes. In accordance with the President’s memorandum of April 29, 1994, “Government-to-Government Relations with Native American Tribal Governments” (59 FR 22951) and 512 DM 2 (*one or the other of the following*):

We have evaluated potential effects on Federally recognized Indian tribes and have determined that there are no potential effects. (*Give the basis for the determination here.*)

OR

We have identified potential effects on Indian trust resources and they [*are/are not*] addressed in this rule. (*Give the basis for the determination here.*) Accordingly:

- a. We [*have/have not yet*] consulted with the affected tribe(s).
- b. We [*have/have not yet*] treated and consulted with tribes on a government-to- government basis and the consultations have been open and candid so that the affected tribe(s) could fully evaluate the potential impact of the rule on trust resources.
- c. We [*have fully considered tribal views/will consider tribal views in the final rule*].
- d. We [*have/have not yet*] consulted with the appropriate bureaus and offices of the Department about the potential effects of this rule on Indian tribes. (*Identify the bureaus that you consulted.*)

C. Approvals.

I have made each of the certifications/determinations specified above based upon the material in this record of compliance or documents indicated in each section above. I have ensured that this document will be distributed in accordance with Part D, below.

(*Signature and title of Program Assistant Director*)

Date

Concur:

(Signature of Director or Acting Director)

Date

*(Signature of Assistant Secretary for Fish and
and Wildlife and Park, or Acting)*

Date

D. Distribution.

Copies of this document must be distributed to:

- Office of Regulatory Affairs (ORA)
- Office of Policy Analysis (PPA)
- Office of Small and Disadvantaged Business Utilization (OSDBU)
- Chief Counsel for Advocacy, Small Business Administration (SBA)