

## Department of the Interior Action Items for a Biden / Harris Administration

This chart lists action items for the Department of the Interior. It includes actions we identified in our “High Priority Items” list plus additional action items that we did not designate as the highest priority. The chart is organized vertically by agency office, with each action within the office listed alphabetically; and horizontally by type of action, rollback status, possible Biden administration action, and related litigation. The items were drawn from our [Regulatory Rollback Tracker](#), additional EELP research, and other expert sources.

Department of the Interior	Type of Action	Rollback Status	Possible Biden Action	Litigation
<b>Bureau of Land Management (BLM)</b>				
<a href="#">ANWR - Coastal Plain Oil and Gas Leasing Program</a>	Leasing	Finalized	Revisit	Gwich'in Steering Committee v. Bernhardt, No. 3:20-cv-00204 (D. Alaska); National Audubon Society v. Bernhardt, No. 3:20-cv-00205 (D. Alaska); Native Village of Venetie Tribal Government v. Bernhardt, No. 3:20-cv-00223 (D. Alaska); Washington v. Bernhardt, No. 3:20-cv-00224 (D. Alaska). Ongoing.
<a href="#">Biodiversity - Greater Sage-Grouse Protection</a>	Rulemaking / Planning	Finalized	Revisit	Western Watersheds Project v. Schneider, No. 1:16-CV-83-BLW (D. Idaho); Western Watersheds Project v. Zinke, No. 1:18-cv-00187 (D. Idaho); Montana Wildlife Fed'n v. Bernhardt, No. 4:18-cv-00069 (D. Montana); Montana Wildlife Fed'n v. Bernhardt, No. 4:18-cv-00069 (9th Cir.).
<a href="#">Coal Production - Federal Coal Leasing Moratorium</a>	Secretarial Order	Finalized	Revisit	Citizens for Clean Energy v. DOI, No. 4:17-cv-00030-BMM (D. Mont.); State of California v. DOI, No. 4:17-cv-00042-BMM (D. Mont.).
<a href="#">Keystone XL Pipeline - Right of Way Grant</a>	Permit	Finalized	Revisit	Bold Alliance v. Interior, No. 4:20-cv-00059 (D. Mont.).

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<b>Bureau of Land Management (BLM) (cont'd)</b>				
<a href="#">Methane - Waste Prevention Rule (Federal Lands)</a>	Rulemaking	Finalized - Vacated	Implement	California v. Zinke (4:18-cv-05712), consolidated with Sierra Club v. Zinke, No. 4:18-cv-05984 (N.D. Cal.) (vacating 2018 rule), appealed to the Ninth Circuit, Nos. 20-16793, 20-16794, 20-16801; Western Energy Alliance, et al. v. Sally Jewell, No. 2:16-CV-0280 (D. Wyo.) (vacating 2016 rule).
<a href="#">National Parks and Monuments - Bears Ears, Utah</a>	Executive Action	Finalized	Protect	Hopi Tribe v. Trump, No. 1:17-cv-02590 (D.D.C.) (consolidated with Utah Diné Bikéyah v. Trump, No. 1:17-cv-02605 (D.D.C.)). Ongoing.
<a href="#">National Parks and Monuments - Grand Staircase-Escalante, Utah</a>	Executive Action	Finalized	Protect	Wilderness Society v. Trump, No. 1:17-cv-02587 (D.D.C.). Ongoing.
<a href="#">Public Lands - BLM Land Use Plans</a>	Rulemaking	Ongoing	Revisit	Litigation over specific plans ongoing
<a href="#">Public Lands - Federal Lands Grazing Rule</a>	Rulemaking	Pre-Proposal	Revisit	N/A
<a href="#">Public Lands - Land Use Planning 2.0 rule</a>	Rulemaking	Repealed under CRA	Revisit	N/A - Repealed under CRA
<a href="#">Public Lands - Limit New Oil &amp; Gas Permitting</a>	Rulemaking	Ongoing	Revisit	Multiple; Ongoing
<a href="#">Public Lands - National Petroleum Reserve Oil and Gas Development</a>	Rulemaking / Planning	Finalized	Revisit	Northern Alaska Environmental Center v. Bernhardt, Docket No.3:20-cv-00207 (D. Alaska); National Audubon Society v. Bernhardt, Docket No.3:20-cv-00206 (D. Alaska). Ongoing.
<b>Bureau of Ocean Energy Management (BOEM)</b>				
<a href="#">Methane - Offshore Flaring, Venting and Leaks</a>	Rulemaking	Finalized	Revisit	N/A
Methane - Require Operators to Promptly Plug Idle Wells	Rulemaking	N/A - New Action		N/A

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<b>Bureau of Ocean Energy Management (BOEM) (cont'd)</b>				
<a href="#">Oil &amp; Gas - Financial Assurance Requirements for Orphan Well Clean-Up</a>	Guidance / Rulemaking	Rescinded guidance / Proposed Rule	Revisit	N/A
<a href="#">Oil &amp; Gas - Offshore 5-Year Leasing Program</a>	Leasing	Proposal	Revisit	League of Conservation Voters v. Trump, No. 19-35460 (9th Cir.).
Offshore Wind - Expedite Approval of Pending Projects	Executive Action / Rulemaking	N/A - New Action	Instruct BOEM to review permitting regulations.	N/A
<b>Bureau of Safety and Environmental Enforcement (BSEE)</b>				
Methane - Venting & flaring - Cut case-by-case through permits and approvals	Executive Action	N/A - New Action		N/A - New Action
<a href="#">Oil &amp; Gas Safety - Blowout Preventer and Well Control Rule</a>	Rulemaking	Finalized	Revisit	Sierra Club et al v. Angelle et al, No. 2:19-cv-13966 (E.D. La.).
<a href="#">Oil &amp; Gas Safety - Offshore Production Safety Systems Rule</a>	Rulemaking	Finalized	Revisit	N/A
<b>Fish and Wildlife Service (FWS)</b>				
<a href="#">Biodiversity - Compensatory Mitigation Policy</a>	Guidance	Rescinded	Revisit	N/A
<a href="#">Biodiversity - ESA Protections – Definition of “Habitat”</a>	Rulemaking	Proposal	Rescind	N/A
<a href="#">Biodiversity - ESA Protections - Designating Critical Habitat</a>	Rulemaking	Proposal	Rescind	N/A
<a href="#">Biodiversity - ESA Protections - Interagency Cooperation</a>	Rulemaking	Finalized	Revisit	State of California v. Bernhardt, No. 4:19-cv-06013 (N. D. Cal.). Ongoing. Center for Biological Diversity v. Bernhardt, No. 3:19-cv-05206 (N. D. Cal.). Dismissed

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<b>Fish and Wildlife Service (FWS) (cont'd)</b>				
<a href="#"><u>Biodiversity - ESA Protections - Prohibitions to Threatened Wildlife and Plants</u></a>	Rulemaking	Finalized	Restore	State of California v. Bernhardt, No. 4:19-cv-06013 (N. D. Cal.). Ongoing. Center for Biological Diversity v. Bernhardt, No. 3:19-cv-05206 (N. D. Cal.). Dismissed
<a href="#"><u>Biodiversity - Migratory Bird Treaty Act Enforcement</u></a>	Executive Action / Rulemaking	Finalized-Vacated / New Proposal	Revisit	NRDC v. Interior, 1:18-cv-04596 (S.D.N.Y.), vacated solicitor's opinion, appealed to 2d Cir. NRDC v. Interior, et al., No. 20-03491 (2d Cir.).
<a href="#"><u>Biodiversity - Neonicotinoid and GMOs Ban in National Wildlife Refuges</u></a>	Guidance	Finalized	Revisit	Center for Biological Diversity v. Bernhardt, 1:19-cv-02898 (D.D.C.). Dismissed.
<a href="#"><u>Biodiversity - ESA Protections - Restore Listing Species and Designating Critical Habitat</u></a>	Rulemaking	Finalized	Revisit	State of California v. Bernhardt, No. 4:19-cv-06013 (N. D. Cal.). Ongoing. Center for Biological Diversity v. Bernhardt, No. 3:19-cv-05206 (N. D. Cal.). Dismissed
<a href="#"><u>Coastline Protection - Coastal Barrier Resources Sand Policy</u></a>	Guidance	Finalized	Revisit	Nat'l Audubon Soc'y v. Bernhardt, No. 20-cv-5065 (S.D.N.Y.).
<a href="#"><u>Commercial Fishing in Marine Sanctuaries - Northeast Canyons and Seamounts</u></a>	Executive Action	Finalized	Revisit	Conservation Law Foundation v. Trump, No. 1:20-cv-01589 (D.D.C.). Ongoing.
<a href="#"><u>Commercial Fishing in Marine Sanctuaries - Pacific Remote Islands, Pacific Ocean</u></a>	Executive Action	Pre-Proposal	Revisit	N/A
<a href="#"><u>Commercial Fishing in Marine Sanctuaries - Rose Atoll, Pacific Ocean</u></a>	Executive Action	Pre-Proposal	Revisit	N/A
Izembek National Wildlife Refuge (Road Construction)	Executive Action	Finalized - Vacated	Revisit	Friends of Alaska Nat'l Wildlife Refuges, et al., v. Bernhardt, et al. No. 3:19-cv-00216 (D. Alaska). Ongoing.

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<b>Office of Natural Resources Revenue (ONRR)</b>				
<a href="#">Oil &amp; Gas- Valuation Rule for Federal Leases</a>	Rulemaking	Proposed	Revisit	California v. Dep't of Interior, No. 4:17-cv-05948-SBA (N.D. Cal.). (vacating 2017 rollback); Cloud Peak Energy, Inc. v. Dep't of the Interior, No. 19-CV-120-SWS (D. Wyo.). (challenging 2016 rule); a new rule has been proposed but is not yet final
<b>Park Service</b>				
<a href="#">National Parks and Monuments - Director's Order 100</a>	Guidance	Finalized	Revisit	N/A
<a href="#">National Parks and Monuments - Disposable Plastic Bottle Ban</a>	Guidance	Rescinded	Reinstate	N/A
<a href="#">Public Lands - Hunting in National Preserves and Wildlife Refuges in Alaska</a>	Rulemaking	Finalized	Revisit	Alaska Wildlife Alliance v. Bernhardt, No. 3:20-cv-00209 (D. Alaska). Ongoing.
<b>Surface Mining Reclamation and Enforcement</b>				
<a href="#">Water Quality - Stream Protection Rule</a>	Rulemaking	Repealed under CRA	Revisit	N/A - Repealed under CRA