



The *Unified Agenda of Regulatory and Deregulatory Actions* is a compilation released every Fall and Spring by the Office of Management and Budget, Office of Information and Regulatory Affairs, providing the status of ongoing and planned federal agency rulemaking. The Agenda is typically released behind schedule. Agencies may not adhere to the timelines listed for each item, and the listings themselves are not open for public comment.

On Dec. 9, 2023, OMB released the [2023 Fall Unified Agenda](#). Few new regulatory initiatives were announced, and instead mostly plans for existing rulemakings were updated (or not) to reflect shifting timelines. Items of potential relevance to coastal programs include:

NOAA

- **Federal Consistency Rulemaking:** [No change from spring 2023] NOAA [continues to develop](#) a proposed rule to refine federal consistency procedures. The Unified Agenda listing has not been updated to reflect a future date.
- **Vessel Speed Rule:** [No change from spring 2023] NOAA [continues to list](#) its intention to “take final action” by the end of 2023 on the [proposed rule](#) issued in August 2022 to amend the North Atlantic Right Whale Vessel Strike Reduction Rule. The listing does not specify that the agency plans to issue a final rule and has not been updated to reflect a future date.

BOEM

- **Renewable Energy Modernization Rule:** [No change from spring 2023 other than updated date] BOEM [intends](#) to issue a final rule in spring 2024 revising offshore wind leasing and planning procedures, following the [proposed rule](#) issued in January 2023.
- **Oil & Gas Decommissioning:** [Final rule scheduled] BOEM intends to issue a final rule in spring 2024 strengthening financial assurance requirements for decommissioning oil & gas infrastructure, following a June 2023 [proposed rule](#).
- **Archaeological Resources:** [No change from spring 2023 other than updated date] BOEM [intends](#) to issue a final rule in spring 2024 to revise its standards for oil and gas lessees to conduct archaeological surveys, following a [proposed rule](#) issued in February 2023.

CEQ

- **NEPA:** [*Rulemaking*: proposed rule issued; *GHG guidance*: No change from spring 2023 other than updated date] CEQ [intends](#) to issue a final rule in its “Phase 2” NEPA rulemaking in spring 2024 following its [proposed rule](#) issued July 2023. It also [intends](#) to issue a final update to its climate guidance regarding greenhouse gas analysis in early 2024.

EPA

- **VIDA:** [Final rule planned] EPA [intends](#) to issue a final rule setting national performance standards under the Vessel Incidental Discharge Act, following its [October 2020 proposed rule](#) and [October 2023 supplemental notice](#).
- **WQS for Tribal Reserved Rights:** [*State standards rule*: No change from spring 2023 other than updated date; *Reservation standards rule*: No change from spring 2023] EPA [intends](#) to issue a final rule in spring 2024 following the [proposed rule](#) issued in December 2022 that would require state water quality standards to protect waters at levels corresponding to tribal reserved rights. EPA also [intends](#) to issue a final rule in spring 2024 to establish WQSs for Indian reservations that do not have WQSs, following a [proposed rule](#) issued in May 2023.
- **CWA 404 Assumption:** [Proposed rule issued] EPA [intends](#) to issue a final rule in summer 2023 to modify the regulations for state assumption of administration of the CWA 404(g) permit program, following a [proposed rule](#) issued in August 2023.
- **NPDES Market-Based Approach:** [No change from spring 2023 other than updated date] EPA [intends](#) to issue a proposed rule in spring 2024 to regulate water quality trading programs under the NPDES permit program.

FEMA

- **Floodplain Management:** [Proposed rule issued] FEMA has not [listed](#) a target date for a final rule to implement the [Federal Flood Risk Management Standard](#) for local floodplain management requirements, following a [proposed rule](#) issued in October 2023. HUD issued a FFRMS [proposed rule](#) in March 2023; it [intends](#) to issue a final rule in early 2024.
- **Public Assistance:** [No change from spring 2023 other than updated date] FEMA [intends](#) to issue a proposed rule in spring 2024 updating its Public Assistance (PA) program regulations.

USACE

- **PR&G:** [No change from spring 2023 other than updated date] USACE [intends](#) to issue a proposed rule imminently (listed as late 2023) to codify agency-specific procedures to implement [Principles, Requirements, and Guidelines](#) for water resource projects, following a [RFI](#) issued in June 2022.
- **401 WQC:** [New entry] USACE intends to issue two proposed rule by summer 2024 amending its Clean Water Act § 401 state water quality certification (WQC) regulations applicable to [permits](#) and [Civil Works projects](#) to bring them into alignment with EPA's [2023 WQC rule](#).
- **NHPA:** [No change from spring 2023 other than updated date] USACE [intends](#) to issue a proposed rule imminently (listed as late 2023) to codify National Historic Preservation Act procedures for its regulatory program, following a [RFI](#) issued in June 2022.
- **Section 408:** [No change from spring 2023 other than updated date] USACE [intends](#) to issue a proposed rule in early 2024 to codify guidance currently available through [Engineer Circular 1165-2-220](#) for the Section 408 program regulating alteration of Civil Works projects.
- **P.L. 84-99:** [No change from spring 2023 other than updated date] USACE [intends](#) to issue a final rule in early 2024 to update its emergency response and flood control installation restoration authorities, following the [proposed rule](#) issued in November 2022.
- **NWP 12:** [No change from spring 2023 other than updated date] USACE [intends](#) to modify [Nationwide Permit 12](#) for oil and gas pipelines in early 2024, including proposing specific changes based on feedback from a May 2022 RFI.
- **Reduced Cost Share:** [No change from spring 2023 other than updated date] USACE [intends](#) to issue a proposed rule in early 2024 to broaden the eligibility of underserved communities for reduced Civil Works project non-Federal cost share provisions, expanding eligibility beyond flood risk reduction projects and including feasibility studies.

USFWS

- **Critical Habitat/EFH:** [Final rules scheduled] USFWS and NMFS intend to finalize rulemakings to amend [Endangered Species Act Section 7 interagency consultation rules](#) and [ESA Section 4 species listing and habitat designation rules](#), in spring 2024. The agencies also [intend](#) to propose revisions to the interpretation of "significant portion of its range" in late 2024.

- **Clean Vessel Act Grant Program:** [No change from spring 2023] USFWS [intends](#) to issue a proposed rule imminently (listed as late 2023) to update regulations for state grants under the Clean Vessel Act program, following an [advance notice of proposed](#) rulemaking issued in September 2015.
- **Refuge System:** [No change from spring 2023 other than updated date] USFWS [intends](#) to issue a proposed rule imminently (listed as late 2023) to “ensure that the biological integrity, diversity, and environmental health of the [National Wildlife Refuge] System are maintained for the benefit of present and future generations of Americans.”