



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. Agencies may not adhere to the timelines listed for each item, and the listings themselves are not open for public comment.

On Jul. 5, 2024, OMB released the [2024 Spring Unified Agenda](#). Several high-priority agency actions were issued earlier in the year, including BOEM's Renewable Energy Modernization Rule, CEQ's NEPA Phase 2 Rule, and FEMA's Federal Flood Risk Management Rule. Few new items are proposed as election season shifts into gear, although USACE has announced plans to implement CEQ's new NEPA requirements and begin the Nationwide Permit renewal process. Items of potential relevance to coastal programs are listed below.

### Bureau of Ocean Energy Management (BOEM)

#### *Relisted Items*

- **Archaeological Resources:** [No change from [fall 2023](#) other than updated date] BOEM [intends](#) to issue a final rule imminently to revise its standards for oil and gas lessees to conduct archaeological surveys, following a [proposed rule](#) issued in February 2023.
- **Fitness to Operate:** [No change from [fall 2023](#) other than updated date] BOEM [intends](#) to issue a proposed rule in January 2025 setting a new "Fitness to Operate" safety, environmental, and financial standard for oil and gas operators.

#### *Delisted Items*

- **Renewable Energy Modernization Rule:** [Final rule issued] BOEM issued a [final rule](#) in May 2024 revising offshore wind leasing and planning procedures, following a January 2023 [proposed rule](#).
- **Oil & Gas Decommissioning:** [Final rule issued] BOEM issued a [final rule](#) in April 2024 strengthening financial assurance requirements for decommissioning oil & gas infrastructure, following a June 2023 [proposed rule](#).

## Council on Environmental Quality (CEQ)

### Relisted Items

- **NEPA Greenhouse Gas Guidance:** [No change from [fall 2023](#) other than updated date] CEQ [intends](#) to issue a final update to its climate guidance regarding greenhouse gas analysis in December 2024, following [interim guidance](#) issued in January 2023.

### Delisted Items

- **NEPA Phase 2:** [Final rule issued] CEQ issued a [final rule](#) in its “Phase 2” NEPA rulemaking in May 2024 following its [proposed rule](#) issued July 2023.

## Environmental Protection Agency (EPA)

### Relisted Items

- **VIDA:** [No change from [fall 2023](#) other than updated date] EPA [intends](#) to issue a final rule in September 2024 setting national performance standards under the Vessel Incidental Discharge Act, following its [October 2020 proposed rule](#) and [October 2023 supplemental notice](#). EPA is required under terms of a consent decree to finalize the rule by Sep. 23, 2024.
- **CWA 404 Assumption:** [No change from [fall 2023](#) other than updated date] EPA [intends](#) to issue a final rule in November 2024 to modify the regulations for state assumption of the CWA 404(g) permit program, following a [proposed rule](#) issued in August 2023.
- **NPDES Market-Based Approach:** [No change from [fall 2023](#) other than updated date] EPA [intends](#) to issue a proposed rule in October 2024 to regulate water quality trading programs under the NPDES permit program.
- **WQS for Indian Reservations:** [No change from [fall 2023](#) other than updated date] EPA [intends](#) to issue a final rule in September 2024 to establish baseline water quality standards for Indian reservations that do not have them, following a [proposed rule](#) issued in May 2023.

### Delisted Items

- **WQS for Tribal Reserved Rights:** [Final rule issued] EPA issued a [final rule](#) in May 2024 to require state to protect waters at levels adequate to preserve tribal reserved rights, following a [proposed rule](#) issued in December 2022.

## Federal Emergency Management Agency (FEMA)

### Relisted Items

- **Public Assistance:** [Proposed rule issued] FEMA issue a [proposed rule](#) in July 2024 updating its Public Assistance (PA) program regulations. The agenda does not list a target date to finalize the rule.

### Delisted Items

- **Floodplain Management:** [Final rule issued] FEMA issued a [final rule](#) and [updated policy](#) to implement the [Federal Flood Risk Management Standard](#) for local floodplain management requirements, following a [proposed rule](#) issued in October 2023.

## National Oceanic & Atmospheric Administration (NOAA)

### Relisted Items

- **Federal Consistency Rulemaking:** [No change from [fall 2023](#) other than updated date] NOAA [continues to develop](#) a proposed rule to refine federal consistency procedures. The latest agenda lists October 2024 as the target date.
- **Vessel Speed Rule:** [No change from [fall 2023](#) other than updated date] NOAA [continues to list](#) its intention to “take final action” by November 2024 on the [proposed rule](#) issued in August 2022 to amend the North Atlantic Right Whale Vessel Strike Reduction Rule.

## U.S. Army Corps of Engineers (USACE)

### New Listings

- **Nationwide Permits:** [Proposed rule scheduled] USACE [intends](#) to issue a proposed rule in December 2024 to modify and renew its Clean Water Act 404 Nationwide Permits, which will expire in March 2026. This rulemaking will incorporate feedback on USACE’s [earlier proposal](#) to separately reissue NWP 12 for oil and gas pipelines.
- **NEPA Implementation:** [Proposed rules scheduled] USACE intends to issue two proposed rule by April 2025 amending its NEPA regulations applicable to [permits](#) and [Civil Works projects](#) to bring them into alignment with CEQ’s 2024 [NEPA Phase 2 rule](#).

## Relisted Items

- **PR&G:** [Propose rule issued] USACE [intends](#) to issue a final rule in November 2024 to codify agency-specific procedures to implement [Principles, Requirements, and Guidelines](#) for water resource projects, following a [proposed rule](#) issued in February 2024.
- **NHPA:** [Proposed rule issued] USACE [intends](#) to issue a final rule November 2024 to codify new National Historic Preservation Act procedures for its regulatory program, following a [proposed rule](#) issued in February 2024.
- **401 WQC:** [No change from fall 2023 other than updated date] USACE intends to issue two proposed rule by September 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](#).
- **Section 408:** [No change from [fall 2023](#) other than updated date] USACE [intends](#) to issue a proposed rule in December 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 [fall 2023](#) other than updated date] USACE [intends](#) to issue a final rule imminently to update its emergency response and flood control installation restoration authorities, following a [proposed rule](#) issued in November 2022.
- **Reduced Cost Share:** [No change from [fall 2023](#) other than updated date] USACE [intends](#) to issue a proposed rule in September 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.

## Delisted Items

- **NWP 12:** [Withdrawn] USACE no longer [intends](#) to modify [Nationwide Permit 12](#) for oil and gas pipelines separately, and will instead renew it on the regular cycle expiring March 2026.