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Issue 13 November-December 2024



Quick Topics: Federal Rulemaking, Policy Frameworks & Case Law

Climate Change

[NRCS requests Public Input on Input About Implementation of the Conservation Practices To Support Climate Change Mitigation and Adaptation \(89 FR 88719\)](#). **Comments due by December 23, 2024.** “This request focuses on input on how to improve conservation practice standards to

maximize climate change mitigation and adaptation benefits, as supported by peer-reviewed scientific literature. Conservation practices providing climate benefits are delivered through existing USDA Natural Resources Conservation Service (NRCS) conservation programs popular with producers, like the Environmental Quality Incentives Program (EQIP), Conservation Stewardship Program (CSP), Agricultural Conservation Easement Program (ACEP), and Regional Conservation Partnership Program (RCPP) as well as NRCS technical assistance.” Also see NRCS [Arizona](#) site for general information about programs. See the [Federal Register](#) for submitting comments digitally or mail to: Ms. Sara del Fierro, Climate Change Mitigation Lead, NRCS Climate Office, Office of the Chief, NRCS, USDA, 1400 Independence Avenue, South Building, Room 4613, Washington, DC 20250 and specify the Docket ID: NRCS-2024-0015.

Agriculture – Grazing

[PERC - Unlocking the Conservation Potential of Virtual Fencing: A Policy Framework for Supporting Innovative Land Management](#). This framework “summarizes policy opportunities to advance virtual fencing as a conservation tool. The recommendations highlight key areas where policymakers can act to support its broader implementation to help ranchers and wildlife.” In addition PERC has introduced a new [Virtual Fence Fund](#). **Applications are due February 1, 2025.**

Interior

[EPA draft rulemaking on framework for cumulative impacts \(89 FR 92125\)](#). “*The Interim Framework for Advancing Consideration of Cumulative Impacts* is intended to provide the EPA’s programs with a foundation of information and resources that can support developing and implementing approaches to incorporate analysis and consideration of cumulative impacts into their work, with the goal of achieving results that improve health and quality of life in America’s communities.” Public comment is due by **February 19, 2025.**

Mining

[USGS New USGS data-driven tools can aid restoration of mine lands across America](#). A suite of newly released tools can be used to help locate, study and restore mine lands.

- [Mine lands web mapping tool](#): geospatial data to support the

- assessment and management of mine lands
- [***Mine lands data catalog***](#): a central catalog of geospatial data resources related to mines and minerals, population demographics, geology and soils, habitats, land management status and topography
- [***Synthesis report on the use of remote sensing to monitor mine lands***](#).

NEPA Revisited

Reminder SCOTUS oral arguments for [***23-975 Seven County Coalition v. Eagle County Colorado***](#) will be heard on **Tuesday, December 10, 2024**. This case asks if the National Environmental Policy Act requires an agency to study environmental impacts beyond the proximate effects of the action over which the agency has regulatory authority. A resource on background regarding this case is covered by Dan Farber of Legal Planet in 4 series. Start with [***NEPA in the Supreme Court: Part I***](#) and see side bar for successive posts.

If you were wondering how all of these recent SCOTUS decisions and recent DC Circuit Decision in [***Marin Audubon Society v. FAA, No. 23-1067 \(D.C. Cir. 2024\)***](#) on CEQ rulemaking ability could all come together check out Dan Farber's analysis article <https://legal-planet.org/2024/11/25/nepa-and-loper-deference/> and working paper, [***The Seven Counties Case and the Limits of Causation Under NEPA***](#) (Bilber and Farber, 2024).

Public Lands (Depts. Interior – BIA, BLM, BR; Agriculture – FS)

If you are interested in seeing an index of all proposed rules notices, highlights relevant rulemaking, proposed rules, categorical exclusions under NEPA, EAs, EISs, timber sales and other notices made to date for public lands agencies, search for the agency year and federal register index. All stats below are as of December 2, 2024.

- [***BLM October 2024 Federal Register Index***](#). Published 297 documents in 2024 (15 rules, 2 proposed).
- [***USFS October 2024 Federal Register Index***](#). Published 146 documents in 2024 (8 rules, 2 proposed).
- [***Park Service October Federal Register Index***](#). Published 757 documents in 2024, (3 rules, 4 proposed).
- [***BIA October Federal Register Index***](#). Published 107 documents in 2024, (2

rules, 6 proposed).

- [BR October Federal Register Index](#). Published 15 documents in 2024.

USBR

[USBR releases Proposed Alternatives Report for the Post-2026 Operations for the Colorado River](#). The [five proposed alternatives](#). “represent a wide range of actions that respond to a broad spectrum of hydrology for the Colorado River Basin and reflect elements from proposals submitted by Basin states, Tribes, cooperating agencies and non-governmental organizations, as well as ongoing conversations and collaborations with all Basin stakeholders. As Basin partners continue to work towards a consensus agreement, the range of alternatives provides the framework for a realistic and fair path to meet the goals and needs of the communities and users that rely on this important and diminishing water source. This range includes a ‘*Basin Hybrid Alternative*’, that is designed to reflect components from the proposals and concepts submitted by the Upper Division States, Lower Division States, and Tribal Nations to present elements that could provide a basis for coordinated operations and may facilitate greater agreement across the Basin. All five alternatives will be formally analyzed to ensure the long-term stability of the Colorado River Basin for all of the communities and habitats that rely on it.”

USDA

[NRCS, USDA Appoints 27 New Members for Task Force on Agricultural Air Quality Research](#). “The Task Force will examine the intersection of agricultural production and air quality, and advise the Secretary on scientifically sound, cost-effective, federally supported agricultural solutions that can help improve air quality. The newly selected members will serve a term of up to two years.” Paul Ollerton and Marguerite Tan were appointed to represent Arizona. See also [AAQTF webpage](#) for more information.

Water

[Arizona Gov. Katie Hobbs signed two agreements](#) that settle four tribal nations' water rights claims for the Navajo Nation, Hopi Tribe, the San Juan Southern Paiute Tribe, and Yavapai Apache Nation. The [Northeastern Arizona Indian Water Rights Settlement Agreement \(NAIWRSA\)](#) and the [Yavapai-Apache Nation Water Rights Settlement Agreement \(YANWRSA\)](#), “to become effective, Congress will need to pass legislation to approve the settlements and provide funding for water projects. This will provide safe and secure drinking water

supplies to thousands of Native Americans on reservation lands.”

[ADWR’s 2025 Supply and Demand Assessment Reports](#). A.R.S. 45-105(B)(14) requires ADWR to conduct a water supply and demand assessments of groundwater basins at least once every five years. These assessments help ADWR understand the current and future water conditions, assists future planning and informs the distribution of water conservation grant funds.

Wildfire Management

[LANDFIRE \(LF\)](#), Landscape Fire and Resource Management Planning Tools, “is a shared program between the wildland fire management programs of the U.S. Department of Agriculture Forest Service and U.S. Department of the Interior, providing landscape scale geo-spatial products to support cross-boundary planning, management, and operations.” The 2023 LF products are now updated for all extents.

[USFS “Firesheds at a Glance” fact sheet](#). “Firesheds help managers identify where fuel treatments are needed to stop fire transmission from national forests to developed areas.”

[Colorado State University Forest Restoration Institute Monitoring Handbook for Evaluating Forest Management Outcomes](#) is a step-by-step handbook on how to develop a forest management monitoring plan “using field-based data collection methods.”

Funding Awards & Grants Opportunities

Arizona

[The Arizona Association of Conservation Districts \(AACD\)](#), along with partners Pheasants Forever and Quail Forever (PFQF), the Arizona Game and Fish Department (AZGFD), and the Arizona Department of Forestry and Fire Management (DFFM), announced an award of \$24.5 million received from the USDA Natural Resources Conservation Service (NRCS) Regional Conservation Partnership Program (RCPD).

Cornell Bird Lab

[Cornell Lab’s Land Trust Bird Conservation Initiative](#) will award around \$260,000 in 2025 to as many as 14 projects throughout the country. **The 2025**

RFP will open the first week of January but proposals are due March 1. “This program provides funding opportunities to accelerate and amplify land stewardship and bird conservation on land trust properties and easements with two grant tracks available:

- Capacity and Partnership Projects – 6 grants of \$10,000 each
- Management and Restoration Projects – 8 grants of \$25,000 each”

Interior

[EPA Thriving Communities Network](#) (TCN). The EPA TCN has awarded “the [University of Arizona WEST EJ Center](#) as one of 17 centers in the EPA’s Environmental Justice Thriving Communities Technical Assistance Center (EJ TCTAC) Program and was established to serve Region 9. The WEST EJ Center is powered by a network of collaborative coalition of academic and community-based partners with extensive networks with state and local government agencies, Tribal nations, Area Health Education Centers (AHECs), state offices of rural health, primary care associations and other community-based organizations across the region.” Check their convenient [funding opportunities page](#) to search for open grants. One example of a grant open is: [USFS 2025 Landscape Scale Restoration Grant Program](#) for Tribes, **applications due December 16, 2025.**

[The America the Beautiful Challenge an Interior Department initiative along with the National Fish and Wildlife Foundation announced \\$122 million in awarded grants to 61 landscape-scale conservation projects.](#) The Arizona Board of Regents received grants for 2 Arizona landscapes: Altar Valley (\$3.2M) to restore 25 miles of streams and uplands and for the Santa Cruz River Corridor Planning for a Tucson Urban Wildlife Refuge (\$600K). Additionally, the San Carlos Apache Tribe received funding (\$2.6M) to improve watershed health on the San Carlos Apache Reservation. The Project will also establish a San Carlos Apache Conservation Corps program to engage up to 34 local, Native young adults to learn natural resource management skills and complete restoration work that will enhance resilience and habitat conditions.

USDA

[USDA Farm Service Agency Emergency Forest Restoration Program \(EFRP\).](#) “This program helps the owners of non-industrial private forests restore forest health damaged by natural disasters. For land to qualify for EFRP funds, the damage from the natural disaster must create new conservation problems that

if not dealt with would: 1) harm the natural resources on the land and 2) significantly affect future land use.”

[USDA, Farm Service Agency, Irrigation Districts to Produce Water-Saving Commodities](#) with the preliminary selection of three Congressionally-authorized Indian Irrigation Projects in Arizona: Colorado River Indian Irrigation Project, San Carlos Irrigation Project, and Navajo Indian Irrigation Project, New Mexico. This \$45 million investment is supported by the U.S. Department of the Interior’s Bureau of Indian Affairs (BIA) and a new initiative to support acequias in the Southwest through a partnership with New Mexico and Colorado associations of conservation districts.

USBR

[Water Conservation Field Services Funding Program for Fiscal Year 2025](#). This program funds water use efficiency and conservation projects. Applications are accepted through **February 3, 2025**, at 4:00 PM (PST).

Education, Online Planning Tools and Webinars

[Arizona Department of Environmental Quality \(ADEQ\) Permits in Process Tool](#). ADEQ has introduced a new tool to increase environmental permitting activities transparency. This will enable the Arizona regulated community to access information through the [Individual Permits in Process \(PIP\) interactive map](#) and reporting tool. “The PIP map provides the status of all individual permits in process with the agency across all divisions – Air Quality, Waste Programs and Water Quality. A search by permit licensing time frame (LTF) number and/or geographic location will enable:

- Users to learn about facilities and environmental permitting using a computer or a smartphone.
- Permit applicants to track the progress of their application and know which ADEQ employee to contact directly with permitting questions.”

[ARS USDA announces tool to determine where CO2 comes from to help identify mitigation efforts](#).

“Inland water – which covers less than 2% of the Earth’s surface and includes streams, rivers, wetlands, and lakes – pumps even more CO2 into the atmosphere than land. Since 2009, scientists with the Agricultural Research Service (ARS) have been developing the [Terrestrial and Aquatic Sciences Convergence \(TASC\) Watershed model](#), which can measure how much CO2

inland waters generate. [Learn more](#) about this important research. Also see this [video](#) showing how to use R-SWAT model along with TASC.

[Central Grasslands Roadmap Initiative](#) (CGRI). To improve the scale and effectiveness of conservation efforts and partnerships, the CGRI has created a list of resources relevant to the management of the Central grasslands spanning from Canada to Mexico and Central America.

[The Forest Service Research and Development USDA is hosting a series of SCIENCEx Fire panel discussions for fire, fuels and land managers on topics associated with the Wildfire Crisis Strategy and beyond.](#) "Ten SCIENCEx Fire panel discussions will provide big picture and synthetic looks at the current state of knowledge and management considerations for each topic. Each panel is comprised of expert practitioners and researchers from the Forest Service, universities, other land management organizations, industry and non-governmental organizations. Pre-registration is required, and each recorded session will be 90-minutes in length." [See registration](#) for the first session January 16, 2025 at 12pm on *Fuels Management in Dry, Frequent Fire Conifer Forests*.

[National Academies of Sciences, Engineering, and Medicine 2024 Report on A Research Agenda Toward Atmospheric Methane Removal.](#) "In this report the Committee has sought to assess the information available and identify research areas where further work could inform a more complete social and technical assessment of atmospheric methane removal technologies as a set of responses to address climate change." In addition the Sabin Center for Climate Change Law has written a white paper, [Legal Considerations for Atmospheric Methane Removal](#) (Silverman-Roati, K., & Webb, R. M., 2024). "This effort examines the relevant legal considerations and governing structures that could impact whether, when, where, and how specific projects take place." This white paper may be of interest to agricultural producers.

Check out the newest technology in satellite images of methane emissions at [MethaneSat Latest Images](#).

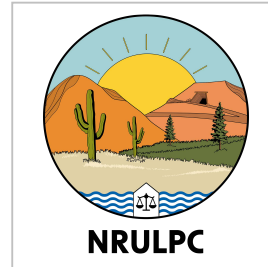
[Southwest Ecological Restoration Institutes create ReShape project.](#) "ReSHAPE will result in 1) a geodatabase that compiles existing fuel treatment and wildfire data from US Department of Agriculture Forest Service and Department of Interior systems of record from all 50 states and 9 territories, and 2) a web-based map viewer and portal that allows easy access to compiled data. This

geodatabase and associated viewer are referred to as the [ReSHAPE Treatment & Wildfire Interagency Geodatabase \(TWIG\)](#).”

[University of Arizona DroughtView](#). This tool created by the University of Arizona allows users to evaluate drought in their region from the perspective of whether it is meteorological, agricultural, hydrological, or ecological.

ABOUT THE REGULATORY ROUND-UP

The *Regulatory Round-up* summarizes recent federal and state agency rulemaking, policy, case law, funding opportunities and planning tools that may be of interest to the natural resource users community. Please visit the [NRULPC website](#) to view the newsletter past issues (*Natural Resource Briefs*), *Regulatory Round-ups* or access programs and other information.



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