



# REGULATORY ROUNDUP

NATURAL RESOURCE USERS LAW & POLICY CENTER

## REGULATORY ROUND-UP

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### Quick Topics: Federal Rulemaking and Case Law

SCOTUS:

#### Overruling Chevron Doctrine “Lesson on Humility” or “Hubris Squared”

By Anne Gondor and Joe Willis

The Supreme Court, 6 to 3 decision in [Loper Bright v Raimondo, Secretary of Commerce et al. and Relentless, Inc., et al. v. Department of Commerce, et al.](#)<sup>1</sup>, overruled the Chevron doctrine, a 40 year court precedent that was established from the ruling in [Chevron v NRDC](#) (1984).<sup>2</sup> *Chevron* gave deference to agency expertise in cases of statutory ambiguity within a two-step framework. According to [the New York Times](#)<sup>3</sup>, over the years, the doctrine had been used in more than 70 Supreme Court decisions and lower courts using it in 17,000 cases. The court opinion written by Justice Roberts highlights that the doctrine does not “square with” the [Administrative Procedures Act of 1946](#)<sup>4</sup> (APA), (5 USC §551 et seq. (1946)). The concurring opinion by Justice Thomas, in addition, highlights how the Chevron doctrine violated the separation of powers. While the concurring opinion by Justice Gorsuch highlights a treatise on *stare decisis* (*precedence*). Here he lays out the reasoning with these three *lessons on humility* and why they can recognize the mistakes and correct them by overruling *Chevron*.

“Lesson 1, because *Chevron* deference contravenes the law Congress prescribed in the Administrative Procedure Act. Lesson 2, because *Chevron* deference runs against mainstream currents in our law regarding the separation of powers, due process, and centuries-old interpretive rules that fortify those constitutional commitments. And Lesson 3, because to hold otherwise would effectively require us to endow stray statements in *Chevron* with the authority of statutory language, all while ignoring more considered language in that same decision and the teachings of experience.”

Justice Kagan wrote the dissenting opinion beginning with a notion that if they titled this majority opinion it should be “*hubris squared*.” Kagan’s dissent highlights what *Chevron* does in its two-step framework and the need for subject-matter expertise in deciding ambiguous statutory situations.

“*Chevron*’s first step takes full advantage of that talent: There, a court tries to divine what Congress meant, even in the most complicated or abstruse statutory schemes. The deference comes in only if the court cannot do so—if the court must admit that standard



legal tools will not avail to fill a statutory silence or give content to an ambiguous term. . . The idea that courts have “special competence” in deciding such questions whereas agencies have “no[ne]” is, if I may say, malarkey. Answering those questions right does not mainly demand the interpretive skills courts possess. Instead, it demands one or more of: subject-matter expertise, long engagement with a regulatory scheme, and policy choice. It is courts (not agencies) that “have no special competence”—or even legitimacy—when those are the things a decision calls for.”

In his review, [Dan Farber of Legal Planet](#)<sup>5</sup> suggests that this recent decision will help restore balance between presidential directives and agency statutory mandates. He also noted that Robert’s Opinion recalls the use of [Skidmore v. Swift & Co., 323 U.S. 134 \(1944\)](#)<sup>6</sup> quoting “In an agency case in particular, the court will go about its task with the agency’s “body of experience and informed judgment,” among other information, at its disposal. He further states that EPA has approached its recent rulemaking by matching language of the statute to the delegation of their authority. Future litigation will tell how this decision will change how well agencies are empowered to enforce the laws that Congress has tasked them to enact. Hopefully it raises the bar on the skillset of legislators/lawmakers and a more exacting language in future laws and fine tuning of existing laws.

Since 2018, Arizona, as well as other states, have already prevented the use of the Chevron doctrine with [HB 2238](#)<sup>7</sup>, ([A.R.S. § 12-910\(E\),\(F\) and \(G\)](#) ), with seemingly no ill effect. However, in the case of Arizona, agencies are helped by this [Arizona Rulemaking Manual](#)<sup>8</sup>. Many of the pre and post news articles on ending *Chevron* have focused on worries for a loss of the use of scientific expertise and an increase in the use of misleading or inaccurate information in court decisions. Time will tell how this dynamic plays out.

It seems Justice Gorsuch has the better argument on it being the Court’s obligation to determine the intent of Congress on a delegation of authority to an agency in the enabling statute. His Concurring opinion counted as one of a majority result in the decision. But does Justice Kagan have the better argument on deciding, once proper delegation is decided, and the Agency took the “hard look” required at all input submitted , that agencies dealing with scientific and technical data standards, continue to be given deference on the agencies selection of which evidence or data in the record is accepted and adopted? Again, time and further litigation will tell.

On the fortune telling of future litigation it is important to reflect as Dan Farber has in [another recent blog post](#)<sup>9</sup> that the Court Opinion emphasized, “we do not call into question prior cases that relied on the Chevron framework...are still subject to statutory *stare decisis*” (603 U. S. 34 (2024)). So this may limit the relitigation of cases that were upheld under Chevron decided cases. It is also important to note that the use of Chevron did not always fall on one side or other in favor of natural resource users or environmental advocates as is evidenced by *Chevron v NRDC* itself (Chevron won that case) and at least one example regarding a grazing decision on the Apache-Sitgreaves and Gila National Forests noted in [Issue 10 of the Regulatory Roundup](#) where Chevron was not applied but agency deference was found appropriate by the court, likely there are many other examples, the ratio might be interesting to determine.



One thing for sure is in a rapidly changing world, our task as educators is to fully prepare our future generations with science information as well as the law. The next generation of natural resource users, their attorneys, agency personnel, administrative law judges, other judges and legal scholars will be faced with many new intricacies of writing laws and implementation of those laws and accurately litigating the ambiguities and conflicts.

### Linked Citations

<sup>1</sup>*Loper Bright v Raimondo, Secretary of Commerce et al.* (2024) No. 22–451, 45 F. 4th 359 and *Relentless, Inc., et al. v Department of Commerce, et al.* (2024) No. 22–1219, 62 F. 4th 621. [https://www.supremecourt.gov/opinions/23pdf/22-451\\_7m58.pdf](https://www.supremecourt.gov/opinions/23pdf/22-451_7m58.pdf)

<sup>2</sup>*Chevron Inc. v NRDC*, 467 U.S. 837 (1984). <https://supreme.justia.com/cases/federal/us/467/837/>.

<sup>3</sup>Liptak, A. (2024, June 28). Justices Limit Power of Federal Agencies, Imperiling an Array of Regulations. *The New York Times*. <https://www.nytimes.com/2024/06/28/us/politics/supreme-court-overrules-chevron/>.

<sup>4</sup>Administrative Procedures Act (1946) [https://www.law.cornell.edu/wex/administrative\\_procedure\\_act](https://www.law.cornell.edu/wex/administrative_procedure_act).

<sup>5</sup>Farber, D. (2024, July 1). *Is the Sky Falling? Chevron, Loper Bright, and Judicial Deference*. Legal Planet. <https://legal-planet.org/2024/07/01/what-was-the-chevron-test-what-has-replaced-it/>.

<sup>6</sup>*Skidmore v Swift & Co.*, 323 U.S. 134 (1944). <https://supreme.justia.com/cases/federal/us/323/134/#140>

<sup>7</sup>H.B. 2238, 2018 Reg. Sess. (Arizona 2018). <https://www.azleg.gov/legtext/53leg/2R/bills/HB2238H.pdf>

<sup>8</sup>Office of the Secretary of State and the Rulewriters’ Consortium. (2011). Arizona rulemaking manual. Administrative Rules Division. Phoenix, Arizona. Pp 79. [https://azsos.gov/sites/default/files/2024-01/arizona-rulemaking-manual\\_r201912.pdf](https://azsos.gov/sites/default/files/2024-01/arizona-rulemaking-manual_r201912.pdf).

<sup>9</sup>Farber, D. (2024, July 11). *Understanding Loper: The Grandfather Clause: Hundreds of past federal cases relied on Chevron. They remain good law.* <https://legal-planet.org/2024/07/11/understanding-loper-the-grandfather-clause/>.

## Climate Change

[Arizona Climate-Smart Practices Program](#) is a pilot program designed by Arizona’s Conservation Districts, AACD, and diverse partner groups to encourage growers in Arizona to adopt climate-smart agriculture and forestry practices. These practices allow for abundant agriculture while conserving water, promoting healthy soil, and potentially mitigating climate change by providing beneficial ecosystem services, such as carbon sequestration. The Program also emphasizes cross-



cultural knowledge sharing between Native American producers and other participants. To find out how to become a program participant, please email [azclimatesmartcoordination@gmail.com](mailto:azclimatesmartcoordination@gmail.com). See Planning Tools section for links to a [potential carbon sequestration planning tool](#).

## FSMA Revisited

FDA [Pre-Harvest Agricultural Water](#) finalized rule for non-sprout covered produce, found in Subpart E of the Food Safety Modernization Act ([89 FR 37448](#)), effective July 5, 2024. The rule establishes contamination mitigation measures to help reduce hazards associated with agricultural water. It makes clarifications for timing of assessments and timing of last direct water application before harvest. In addition, the rule requires the maintenance of scientific data to align with the agricultural water records requirements in the 2015 Produce Safety final rule. The [Pre-harvest Agricultural Water Factsheet](#) helps producers identify factors that might influence hazards and corrective or mitigation measures. Also see the [Annual Agricultural Water Assessments and Risk-Based Outcomes](#) decision factsheet. Included on the FDA Revised Rule webpage is the [Agricultural Water Assessment Builder](#) tool to help farms understand the new requirements for effective agricultural water assessments. For more legal information regarding The Food Safety Modernization Act's Produce Safety Rule (FSMA PSR), visit the [Extension Legal Services Initiative](#).

## NEPA Revisited

*The NEPA Bipartisan Permitting Reform Implementing Regulations Revision - "Phase Two Rule,"* [89 FR 35442](#), became effective on July 1, 2024. According to CEQ, the changes are aimed at: "implementing the [Fiscal Responsibility Act of 2023](#), NEPA amendments, improving efficiency and effectiveness as well as agency coordination and collaboration, encouraging better environmental and climate change outcomes and promoting early and robust public and governmental engagement. It also addresses environmental justice and legal issues such as reducing litigation risk." [CEQ's overview presentation](#) is a quick summary of the changes and the Federal register entry provides in depth, lengthy background. **To watch** are recent House and Senate Congressional Review Act resolutions to prevent the rule from going into effect. From NALC The Senate resolution can be found [here](#). The House resolution can be found [here](#). To view the challenged NEPA Phase Two Rule, click [here](#).

## WOTUS Revisited

See [White v EPA](#). A US District court judge has denied the request to block the most recent definition of "waters of the United States." The opinion states: "To summarize, White's challenge to the Amended Rule smacks up against the Rule's fidelity to "waters of the United States" and Sackett's test to determine when an adjacent wetland meets that definition. White falters by isolating a phrase in Sackett from its logical connection to the remainder of the opinion. To apply Justice Holmes's familiar admonition to a different context: White is thinking words not things. The thing that makes a wetland practically indistinguishable from an adjacent "water[]" of the United States" is the presence of a continuous surface connection. Thus, the Amended Rule faithfully conforms to the definition of "waters of the United States" as interpreted by Sackett."

## Mining

*The National Academies proceedings from the [Building Capacity for the U.S. Mineral Resources Workforce](#) workshop on January 23-24, 2024 is now available. According to the National Academies of Sciences, Engineering and Medicine, this effort considered how to “build the capacity of federal and state agencies, academia, and the private sector to meet U.S. mineral workforce needs. Participants addressed the urgent need to attract more students, discussed a need to integrate new disciplines into curricula as the industry evolves, and identified multipronged approaches to help enhance overall retention and recruitment. These proceedings synthesize the key suggestions presented by participants that universities, companies, and government agencies could take to enhance the recruitment, training, and retention of workers in the mineral resources industry.”*

Dr. Kramer D. Luxbacher, Department Head of Mining and Geological Engineering, University of Arizona, served on the Committee on Earth Resources that contributed to this effort. The effort notes that “mineral extraction requires expertise in a range of areas - including mineral resources identification, environmental evaluation, processing, and reclamation - but many of the U.S. academic programs that have historically educated the U.S. minerals workforce face significant challenges attracting students and maintaining financial viability. For some programs, enrollment dropped 60 percent from 2015 to 2023, despite a growing demand for a minerals workforce.”

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

*BLM Final Conservation and Landscape Health, “Public Lands Rule”. ([89 FR 40308](#)). Went into effect June 10, 2024. “The rule establishes a definition of “conservation” that encompasses both protection and restoration actions, recognizing that the BLM must protect intact natural landscapes and restore degraded landscapes to achieve ecosystem resilience. To support efforts to protect and restore public lands, the rule clarifies that conservation is a use on par with other uses of the public lands under the [Federal Land Policy and Management Act of 1976] FLPMA, multiple-use and sustained-yield mandate. In this rule, conservation is a use; protection and restoration are tools to achieve conservation. Protection is not synonymous with preservation; rather, it allows for active management or other uses consistent with multiple use and sustained yield principles.”*

“The final rule clarifies throughout that its provisions should be implemented in a manner that supports land use planning decisions and objectives that emphasize specific uses in specific areas...This final rule does not alter the manner in which the BLM makes or implements these types of land use planning decisions and recognizes how managing for ecosystem resilience across a landscape can incorporate conservation and development, as well as other uses. This recognition is reflected in the rule's approach to identifying and managing areas for landscape intactness, prioritizing areas for restoration, and evaluating land health to inform decision-making.”

**To watch** a recent [lawsuit filed](#) by 12 agriculture and natural resource users groups for the US District Court for the District of Wyoming requesting the court to vacate the “Public Lands Rule”. According to the lawsuit: “A. The Rule exceeds BLM’s statutory authority, i. Conservation is not a “use” under FLPMA, ii. Conservation leases conflict with the broader statutory scheme, iii. In practice, the



Rule authorizes BLM to withdraw public lands from use without complying with 43 U.S.C. § 1702, iv. The Rule's new approach to ACECs violates FLPMA, v. The Rule's failure to provide for public participation in conservation leasing is contrary to FLPMA's requirements; B. The rule is arbitrary and capricious and C. The Rule violates NEPA."

[BLM 2023/2024 Solar Programmatic EIS \(89 FR 3687\)](#). Comments closed on April 18, 2024. Click [here](#) to review the PEIS documents and maps. [Volume I: Executive Summary, Chapters 1–7](#). This document highlights that "the 11-state planning area includes approximately 162 million acres of lands that are administered by the BLM under principles of multiple use and sustained yield, consistent with the Federal Land Policy and Management Act of 1976, as amended (FLPMA)." A no action alternative along with 5 varying action alternatives were developed.

"The No Action Alternative continues the management of utility-scale solar energy development in six southwestern states (Arizona, California, Colorado, Nevada, New Mexico, and Utah) as approved in the 2012 Western Solar Plan, as amended." In Arizona Alternative 1 identifies > 4 M acres, Alternative 2 > 3 M acres, Alternative 3 > 2M acres with a transmission line proximity requirement; Alternative 4 = 887,183 acres that meet a disturbed lands criteria; and finally Alternative 5 = 725,628 that meet the transmission line proximity and disturbed lands criteria. "The Proposed RMP Amendments/Final Programmatic EIS is anticipated to be available for public protest in **August 2024**."

[USFWS ESA Jaguar critical habitat revised due to court order](#) (89 FR 46822). The ninth circuit ruled in [Ctr. for Biological Diversity v. U.S. Fish and Wildlife Serv., 67 F.4th 1027 \(May 17, 2023\)](#). For an administrative action to remove approximately 64,797 acres (26,222 hectares) of land within Arizona from the jaguar's critical habitat designation at [50 CFR 17.95\(a\)](#).

[USFWS ESA Regulation Revision, Three final Rules](#). All took effect May 6, 2024. See this [video](#) for further information.

- [Revised regulations for classifying species and designating critical habitat \(50 CFR 424\)](#), (89 FR 24300). "This final rule revises the listing and reclassification of species and designation of critical habitat. The rule reinstates that listing determinations are made "without reference to possible economic or other impacts of such determination," revises the foreseeable future regulation, clarifies the standards for delisting species, revises the set of circumstances for when critical habitat may not be prudent, and revises the criteria for identifying unoccupied critical habitat."
- [Revised regulations for interagency cooperation \(50 CFR 402\)](#), (89 FR 24268): "This final rule clarifies the definition of "effects of the action" and "environmental baseline," removes 402.17 "Other Provisions," clarifies the Services' responsibilities regarding reinitiation of consultation, and revises the definition of reasonable and prudent measures and the provisions related to reasonable and prudent measures in an incidental take statement."
- [Revised regulations protecting endangered and threatened species \(50 CFR 17\)](#) (89 FR 23919): "This final rule reinstates the FWS "blanket" 4(d) rules. FWS also extended to federally recognized Tribes the exceptions to prohibitions that the regulations currently provide to the employees or agents of the FWS and other Federal and State agencies to aid, salvage, or

dispose of threatened species and updated the endangered plant regulations at 50 CFR 17.61(c)(1) to match the language in amendments to section 9 of the ESA, enacted in 1988.”

*US Bureau of Indian Affairs Self-Governance PROGRESS Act Regulations* ([89 FR 57524](#)).

“The intended effect is to transfer to participating Tribes control of, funding for, and decision making concerning certain Federal programs, consistent with updates contained in the PROGRESS Act. The Department anticipates this proposed rule will have a negligible cost burden for Tribes currently participating in Self-Governance, some startup costs for Tribes not currently participating in Self-Governance. Subpart B describes the steps to take for a Tribe/Consortium participate in Tribal self-governance and the selection process and eligibility criteria that the Secretary will use to decide on participation.” Some of the Federal programs impacted by this new rule are under the NEPA process: “A Tribe/Consortium may, subject to the agreement of the Secretary, elect to assume some Federal responsibilities under NEPA, the National Historic Preservation Act (NHPA), and related provisions of other laws and regulations that would apply if the Secretary were to undertake a construction project by adopting a resolution.” See the [federal register link](#) to review the 19 other environmental laws related to NEPA and NHPA. **Comments due by August 22, 2024.**

## Agriculture

*USDA Fair Practices Proposed Rule under the Packers and Stockyards Act* ([89 FR 53886](#)) “the rule provides clearer tests and frameworks around unfair practices that harm market participants individually and unfair practices that harm markets overall. If finalized, this rule would better enable USDA’s Agricultural Marketing Service to carry out its legal obligation to [ensure fair and competitive national livestock, meat, and poultry markets](#) and ensure livestock producers and poultry growers can secure the full value for their products and services.” According to the National Agricultural Law Center, “under the proposed rule, an individual farmer could sue a larger company for unfair conduct in the marketplace, such as deceptive contract terms, based on damages to the farmer’s own operation. Under the current structure, a farmer would have to show that the allegedly unfair marketplace conduct had harmed the entire marketplace to successfully bring claims in court.” **Comments are due by August 27, 2024.**

## Agrivoltaics

*The U.S. Department of Energy (DOE), Solar Energy Technologies Office* ([see video](#)) is funding up to \$8.2 million to projects for Large Animal and Solar System Operations (LASSO) that focus on dual land use for cattle grazing and solar energy generation. The award of this funding requires formation of multistakeholder teams such as landowners, solar developers, and ranchers, to build an understanding of the outcomes of agrivoltaics on cattle. Applications open in September with an **October 14, 2024 due date**. Awards will be announced on November 28, 2024. Click [here](#) to view the prize administrator page Herox, that the DOE has used for similar challenges. Herox “is a crowdsourcing platform that allows anyone to create a challenge or submit a solution to a posted challenge”.

- Law resources on the agrivoltaics topic: [Register](#) for the National Agriculture Law Center Webinar opportunity (**August 21, 12pm EDT**): [Peggy Kirk Hall](#), Director, Agricultural and

Resource Law Program at The Ohio State, and [Jesse Richardson](#), Professor of Law, West Virginia University College of Law will present “Can Agriculture and Solar Co-Exist? Exploring the Promise and Challenge of Agrivoltaics.”

## Heat protection

The [U.S. Department of Labor’s Occupational Safety and Health Administration \(OSHA\)](#) has proposed [Heat Injury and Illness Prevention new rule](#) that increases safeguards for workers from extreme heat. According to the National Agricultural Law Center (NALC), “if finalized, the rule would protect about 36 million workers across indoor and outdoor settings, reducing heat-related injuries and fatalities. Key provisions include mandatory heat hazard prevention plans for employers, ensuring provisions like drinking water and rest breaks during high heat conditions. The rule also emphasizes training, emergency response procedures, and specific protections for new or returning workers unfamiliar with high heat environments.”

## Water

***Historic water settlement for Navajo Nation, Hopi Tribe and San Juan Southern Paiute Tribe.*** [Northeastern Arizona Indian Water Rights Settlement 6 Act of 2024](#) when passed gives ratification and funding for securing the Navajo Nation, Hopi Tribe and the San Juan Southern Paiute Tribe water rights. The purpose of the act is to “achieve a fair, equitable, and final settlement of all claims to rights to water in the State,” for the 3 tribes. The [Northeastern Arizona Indian Water Rights Settlement Agreement](#) was signed in February. The agreement settles water rights claims for: •Upper Basin of the Colorado River • Lower Basin of the Colorado River • Little Colorado River (LCR) Basin • Groundwater (including the Navajo Aquifer (N-Aquifer), the Coconino Aquifer (C-Aquifer), and alluvial aquifers) • Gila River Basin (Big Boquillas Ranch). See the [agreement](#) for specific acre feet per year (AFY) for each of the basins and river sections as well as full list of settling parties.

[Colorado River Indian Tribes Water Resiliency Act of 2022](#). According to AZwater.gov, “the Colorado River Indian Tribes (CRIT) reservation resides on both sides of the Colorado River, approximately 300,000 acres in Arizona and California. The river is the lifeblood of the CRIT and this historic water agreement through the Act is to authorize the Colorado River Indian Tribes to enter into lease or exchange agreements and storage agreements relating to water of the Colorado River allocated to the Colorado River Indian Tribes, and for other purposes.”

## Arizona State Rulemaking

[Arizona Cottage Food Production HB2042](#) passed in March 2024. Adds Article 2, to Title 36, Ch. 8, of the Arizona Revised Statutes. According to the National Agriculture Law Center “The Feed,” this statute increases the number of foods that qualify for the cottage food exemption and provides expanded market opportunities through online sales and third-party vendors to cottage food operations.”



# Funding & Grants Opportunities

## Interior

[Bureau of Indian Affairs \(BIA\) Branch of Tribal Climate Resilience \(TCR\), 2024 Annual Awards Program](#) request for proposals (RFP). Eligibility is for Federally recognized Tribes and Tribal organizations. These awards address current and future climate change impacts on Tribal Treaty and Trust resources, economies, regenerative agriculture, food sovereignty, conservation practices, infrastructure, human health and safety. **Applications are due by October 18.**

## USDA

[USDA, Farm Service Agency, Grassland Conservation Reserve Program](#). “Grassland CRP is a working lands program, that allows producers and landowners to continue grazing and haying practices while conserving grasslands, promoting plant and animal biodiversity as well as healthier soil.” Landowners must follow a Natural Resource Conservation Service (NRCS) management plan. Other CRP programs accepting applications: [Forest Management Incentive](#) (FMI), [Continuous CRP](#), and [Transition Incentives Program](#) (TIP), “which incentivizes producers who sell or enter a long-term lease with a beginning, veteran, or socially disadvantaged farmer or rancher who plans to sustainably farm or ranch the land.” **Continuous CRP applications due by July 31, 2024, sign up for FMI continues as long as there is funds.**

[USDA Forest Service – 2024 Forest Legacy Program provides \\$154 M to 26 projects](#). These projects conserve working forests that support rural economies in 17 states. With these funds, the Arizona, [Date Creek Bosque Forest Legacy Project](#) received \$1.1 M for a “647-acre conservation easement that features 1.6 miles of one of the healthiest riparian corridors in Arizona. The presence of the federally listed Southwestern willow flycatcher and Yellow-billed cuckoo have been confirmed as well as several Arizona special status species. Three generations live on the property, managing a sustainable ranch & orchard with a goal to continue stewarding the land.”

[USDA NRCS Invests \\$7 Million in Wetland Mitigation Banking to Support Producers and Protect Wetland Ecosystems](#). Through wetland mitigation banks, wetlands are restored, created or enhanced, generating credits that can be purchased by producers looking to compensate for unavoidable impacts to wetlands at another location. The funding is available to Tribes, government entities, nonprofits and other organizations. **Applications are due by August 2, 2024.**

[USDA Forest Service – Forest Landowner Support Grants](#). Two opportunities: 1) Supporting Underserved and Small-Acreage (< 2500 acres) Landowner Participation in Emerging Private Markets for climate mitigation or forest resilience. 2) Tribal Access to Emerging Private Markets for Climate Mitigation or Forest Resilience. Hosted in partnership with [First Nations Development Institute](#) an information webinar was presented on July 17, 2024, for the Tribal Access to Emerging Private Markets funding opportunity. Grant applications for both opportunities are due **August 21, 2024.**

[USDA Forest Service Draft Guidance on Old Growth Forest Management - EIS No. 20240110, Draft, USFS, NAT, Land Management Plan Direction for Old-Growth Forest Conditions Across the National Forest System. Comment Period Ends: September 20, 2024.](#)

## Online Planning Tools and Webinars

[USDA-NRCS & Colorado State University Conservation Practices Potential Carbon Sequestration Planning Tool.](#) The tool allows users to identify by county location what farm or ranch practices may have greenhouse gas mitigation and/or carbon sequestration benefits. Also see the [NRCS Practice Standards ranking list](#) for GHG reduction and potential carbon sequestration. These tools are helpful in planning to take advantage of the expanded funding compensation for farmers and ranchers implementing [NRCS Climate-Smart Agriculture and Forestry Activities.](#)

[EPA NEPAassist](#) is a tool that facilitates the environmental review process and project planning. The web-based mapping application that draws environmental data dynamically from EPA Geographic Information Systems providing environmental assessment indicators screening for user-defined areas of interest. Also see [EJSCREEN](#) - for environmental justice mapping.


“Can Agriculture and Solar Co-Exist?” National Agricultural Law Center Webinar Opportunity. **August 21, 2024 noon ET.** [Register.](#)

National Agricultural Law Center, [2nd Annual Western Agricultural and Environmental Law Conference.](#) Access to the June 13-14, 2024 conference materials and PowerPoints by session.

Farmland Access Legal Toolkit [https://www.vermontlaw.edu/academics/centers-and-programs/center-for-agriculture-and-food-systems/projects/farmland-access-legal.](https://www.vermontlaw.edu/academics/centers-and-programs/center-for-agriculture-and-food-systems/projects/farmland-access-legal)

[EPA Greenhouse Gas Inventory Data Explorer.](#) “The Data Explorer is an interactive tool that provides access to data from the EPA’s annual *Inventory of U.S. Greenhouse Gas Emissions and Sinks* and the *Inventory of U.S. Greenhouse Gas Emissions and Sinks by State*. You can use the tool to create customized charts or maps, examine trends over time, and download data.”



 Interested to receive NRULPC’s *Regulatory Roundup* in your email inbox? Contact: Sheila Merrigan [merrigan@cals.arizona.edu](mailto:merrigan@cals.arizona.edu) or Anne Gondor [gondora@arizona.edu](mailto:gondora@arizona.edu).