



REGULATORY ROUNDUP

NATURAL RESOURCE USERS LAW & POLICY CENTER
COLLEGE OF AGRICULTURE & LIFE SCIENCES AND COLLEGE OF LAW

REGULATORY ROUND-UP

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Climate Change

International: The IPCC released February 28, 2022, the [Working Group 3, Sixth Assessment Report \(AR6\) on Mitigation of Climate Change](#). This report assesses global and regional climate change mitigation opportunities, with four major themes. It describes: 1) the emissions trends, drivers and pathways to reduction, 2) mitigation pathways by sectors (energy, agriculture/forestry/land, urban systems, buildings, transport, and industry), 3) financial and technological drivers at multiple scales, and finally 4) transition acceleration through sustainable development. One interesting report conclusion highlighted in an [In-depth Q & A by Carbon Brief](#), is that “Although at least 90% of global GHG emissions are covered by climate targets, only 53% are covered by “direct” climate laws.” In addition, current “pledges” to meet climate targets and shift emissions by 2030 are insufficient to avoid the 1.5° C increase and will also make it difficult to even avoid the 2° C increase. On a positive note, however, the report highlights that we have mitigation solutions and adaptation capabilities, we just need to take more urgent action.

National: [Strengthening the nation’s forests, communities and local economies Biden administration Executive Order, April 22, 2022](#). This executive order focuses 4 sections towards aspects of restoring and conserving old growth forests domestically and abroad. Section 1 highlights policies of “climate-smart forestry practices and other nature-based solutions to improve the resilience of our lands, waters, wildlife, and communities in the face of increasing disturbances and chronic stress arising from climate impacts.” Many of these approaches will be accomplished through the Infrastructure Investment and Jobs Act. Section 2 highlights restoring and conserving mature and old growth forests, promoting health and climate resilience as well as to “enable subsistence and cultural uses; provide outdoor recreational opportunities; and promote sustainable local economic development.” Section 3 focuses on stopping international deforestation “by 2030, on collective global goals to end natural forest loss and to restore at least an additional 200 million hectares of forests and other ecosystems.” Section 4 highlights the implementation of “nature-based solutions” to mitigate climate change impacts and enhance resilience of ecosystems and communities. One important aspect of this order to follow, is the mandate on the OMB to provide “guidance related to the valuation of ecosystem and environmental services and natural assets in Federal regulatory decision-making.”



Wildfire Management

CFLRP Tier 1 proposals for funding community forest management projects are due by **May 9**. See CFLRP proposals <https://www.fs.fed.us/restoration/CFLRP/overview.shtml>. June 6 is the deadline for USFS Regional Offices to issue decisions on which proposals to advance to Tier 2.

Department of Interior (DOI) Infrastructure Investment and Jobs Act Wildfire Risk Five-Year Monitoring, Maintenance, and Treatment Plan. According to this five year plan, “a joint USDA and DOI long-term, outcome-based monitoring, maintenance, and treatment strategy that is required by Section 40803(j)(2) of the IJIA by 2026 is focusing on:

- Maintaining forest health improvements and wildfire risk reduction accomplishments.
- Continuing treatments at levels necessary to address the 20 million acres that need priority treatment.
- Proactively conducting treatments at a level necessary to minimize the risk of wildfire to surrounding at-risk communities.”

Grazing and Wildlife

Ninth Circuit determination for California grazing permittees case on water quality.

https://www.wlj.net/top_headlines/ca-forest-grazing-permittees-clinch-suit-win/article_62bd24aa-bcca-11ec-b5b6-7ba63a99d5b3.html

Introduced new legislation would improve grazing and wildlife habitat potential of the Conservation Reserve Program in the [S.3892 - Conservation Reserve Program Improvement Act of 2022](#). Read more from [AgInfoNet](#).

Online Planning Tools

The new [Echo Notify tool](#) created by EPA notifies subscribers via email regarding violations and enforcement actions. This tool informs users on EPA enforcement of:

- Clean Air Act (CAA)
- Clean Water Act (CWA)
- Resource Conservation and Recovery Act (RCRA)
- Safe Drinking Water Act (SDWA)
- Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)
- Emergency Planning and Community Right-to-Know Act (EPCRA)
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
- Marine Protection, Research, and Sanctuaries Act (MPRSA)
- Toxic Substances Control Act (TSCA)

San Pedro WHIP ([Web-based Hydrologic Information Portal](#)) this mapping tool allows users to explore data on regional groundwater, near stream groundwater, river flow, springs, and non-indicator reference data that are linked to sustainable groundwater use.

Public Employees for Environmental Responsibility (PEER) produced a web map and [Interactive BLM Rangeland Health Geospatial Data Portal](#).



[USFWS IPaC Ecosphere](#) - Information for Planning and Consultation this is a tool that helps streamline the U.S. Fish and Wildlife Environmental Review Process. It enables the user to explore species and habitat, get help with conducting a regulatory review or build a biological assessment. Users are able to identify USFWS managed resources and the conservation measures needed for their projects.

[ADWR Verde and San Pedro Subflow zone online map](#) – This online map allows users to see ADWR proposed and Court approved subflow based on two reports one from 2014 for the San Pedro River Watershed and one from 2021 for the Verde River Mainstem and Sycamore Canyon Subwatershed.

[NEPACCESS.ORG](#) now has 7,272 searchable NEPA environmental impact statements ranging from 1976 to 2021. This has been created by the University of Arizona team leaders Laura López-Hoffman and Aaron Lien and funded by the NSF.

NEPA Implementing Regulation Revisions

Three of the revisions made to NEPA in 2020 are being amended (see [Federal Register, April 20, 2022](#)). 1) Revises 40 CFR 1502.13, regarding the purpose and need statement and agency discretion to “consider a variety of factors” for an environmental impact statement and clarifies the definition of “reasonable alternative.” 2) Removes language in 40 CFR 1507.3 that limits agency flexibility to implementing NEPA. 3) Revises paragraph (g) of 40 CFR 1508.1 to define “effects” as direct, indirect and cumulative effects. The Phase 2 rulemaking is still ongoing.

Water

National: [EPA Clean Water Act Approved Jurisdictional Determinations Map](#). An online map of approved jurisdictional determinations (JDs) made by the U.S. Army Corps of Engineers (Corps) and the U.S. Environmental Protection Agency (EPA) under the Clean Water Act since August 28, 2015.

Arizona:

[HB 2619 Rainwater Harvesting](#) grant program to be administered by Arizona Department of Water Resources. This is a similar program to rainwater harvesting rebate programs (active or passive) already being administered by many Arizona Cities, [Tucson](#) (since 2012), [Flagstaff](#), and [Prescott](#).

[HB 2538 Arizona Water Protection Fund Appropriation](#). Appropriated for FY 22-23, \$1 million.

Mining

Electric Batteries Production: relates to a March 31, 2022, [Memorandum on Presidential Determination \(No. 2022-11\) Pursuant to Section 303 of the Defense Production Act of 1950](#). Section 2 of this determination highlights that “without this approach industry cannot achieve the capability to produce the needed resources in a timely manner.” Section 1 highlights that “sustainable and responsible domestic mining, beneficiation, and value-added processing of strategic and critical materials for the production of large-capacity batteries for the automotive, e-mobility, and stationary storage sectors are essential to the national defense.” Section 3, c engages the Secretaries of Defense, Interior, Agriculture and Energy to “create, maintain or expand production capabilities.”

