

A large, white iceberg with a flat top and many vertical crevices stands in a body of water. The sky above is filled with soft, grey clouds.

Recent Rapid Policy Change in Agency and Natural Resources Law

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Shifting Ground in Administrative Law

- Judicial / Executive Boundaries
- Congressional / Executive Boundaries
- Reformulating the Judicial Role
- Intergovernmental Relations

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Shifting Judicial/Executive Boundaries

- The Fall of the *Chevron* Doctrine (agency expertise interpreting agency authority)
 - *Loper Bright v. Raimondo (2023)*
- What's Old is New Again (timing of challenge to agency regulations)
 - *Corner Post v. Board of Governors (2023)*

Shifting Congressional/Executive Boundaries

- The Rise of the “Major Questions Doctrine”
 - *West Virginia v. EPA* (2022)
- The End? of Independent Agencies

Reformulating Judicial Review

- **Limits of Nationwide/Universal Injunctions**
- **The Rise of the Supreme Court's Emergency ("Shadow") Docket**

Legal Developments in Intergovernmental Relations

- The Rio Grande Litigation
- Navajo Reserved Water Rights and the Federal Trust Responsibility

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Changes in Federal Policy by this Administration

- NEPA
- Endangered Species Act
- Clean Water Act

NEPA Environmental Impact Analysis

- Repeal of CEQ Regulations
- Reliance on Agency
Regs/Guidance
- Supreme Court Assist
 - Emphasis on deference to
agencies' NEPA procedures
- Streamlining of Review
 - Fee for Expedited NEPA Review
- Scope of Review

A photograph of a tennis court showing a close-up of two tennis rackets and two tennis balls. One racket is blue and yellow, the other is black and yellow. They are leaning against a white tennis net. The court surface is a light-colored clay or dirt. The background is blurred.

Endangered Species Act

- Definition of “Harm”
- Listing and Critical Habitat
- Agency Consultation
- Protection of Threatened Species

Clean Water Act -- WOTUS

- The wellspring of the issue
 - Navigable Waters
 - Waters of the United States
- Historical Ebb and Flow of WOTUS
- *Sackett v. EPA* (2023)
 - The post-Sackett Biden Rule
- The Trump Proposed Rule

Implications for Basin Players

- Uncertainty in Planning
- Uncertainty in Judicial Review
- Uncertainty in Reliance Interests