



NRULPC Newsletter Vol. 1, Number 4

Save the Date: April 24, 2018 @ 11:00am

Guest Speaker: James S. Burling, attorney

Topic: WOTUS Legislation and Litigation

Location: ENR2 107, University of Arizona



Co-Directors Report

We want to thank all of you who were able to attend and participate in the Task Force meeting on 26 February. Twenty-one members along with six students heard updates on NRULPC and Natural Resource Use and Management Clinic activities and participated in lively group discussions.

- Special thanks to respective Deans for their courage to support this effort; one that offers practical solutions to difficult issues.
- Introduction of four of the five students participating in the first Clinic course, along with an overview of their activities: reviewing recovery plan for Mexican Grey wolf; working with water resources research center in Maricopa Valley; assisting with tribal land development options and tribal code; updating NEPA handbook; and updating public lands information.
- Introduction of two students from the first NRULPC undergraduate course and an overview of its successful start. There are 25 students currently enrolled – the maximum – and there is a waiting list. Topics covered include: new water rule from EPA and Corps of Engineers to control pollutants; review of legal system; review of federal and state administrative rules; food safety; animal welfare; organic farming; GMOs issue and certifications; and process for legislative and policy changes.

- Presentation of development report and fundraising needs and opportunities.

Following the reports and updates, the participants broke into groups to discuss four questions focused on natural resource issues. A summary of the results of those discussions are included below. We felt this face-to-face meeting provided a positive re-start for the NRULPC and we look forward to continued progress in the coming months with your help.

Best wishes,
George and John



Discussion Group Summaries (condensed)

Discussions were so animated that extra time was needed before Task Force groups were ready to report their responses to four questions. The following is a summary of their responses:

1) **Biggest misconception(s) about your industry or livelihood:**

- Agriculture not pictured as an industry or business with science behind it
- GMOs and chemical practices
- Food safety – overly strict Food Safety Modernization Act
- Overgrazing of federal land when most are good stewards of the land
- Animal handling – people think abuse is widespread
- Agriculture industry wastes water and is inefficient

- People don't see agriculture families as an industry, just mom and pop enterprises
- Mining – can we extract the resources we need and still protect the environment?

2) Potential opportunities for stakeholder groups to collaborate on natural resource challenges:

- Lobbying – educating elected officials
- Developing educational resources for judges and clerks
- Encouraging counties to have a designated natural resource employee
- Building relationships along with strong leadership
- Educating public about where food comes from (beginning in primary school)
- Educating rural people on their legal rights
- Improving explanation of issues to students
- Improving media outreach to change perceptions
- Seeking out NGOs to come up with solutions

3) Biggest natural resource challenge(s):

- Lack of understanding of the importance of natural resource issues by elected officials and public; lack of public education
 - Difficult to have public choose between environmental protection & jobs
- Over regulation of cattle grazing on federal land
- Air quality with regards to livestock
- ESA rules - not enough people at the table in the early stages
- Forests mismanagement leading to catastrophic fires; poor regulation
- Growing disconnect between the producers, the public, and politicians

4) Most important legal or regulatory issue facing your industry or livelihood:

- Burdensome nature of NEPA, ESA, WOTUS – take too long; too complicated; not working as planned
- Lack of good leadership in the legislature
- Lack of expertise especially about water issues
- Lack of understanding in agencies of impacts on the ground for natural resource users (more adversarial and less neutral)
- Disconnect with the environment and farming among graduates who take jobs in

agencies (lack of practical experience)

Spotlight on Task Force Members



After private practice in Paoli, Indiana, Linda Chezem was consecutively appointed to the Lawrence County Court, the Lawrence Circuit Court, and the Indiana Court of Appeals, serving for 22 years. She was the first woman appointed to a Circuit Court bench in Indiana and the second woman to serve on the Indiana Court of Appeals. Ms. Chezem then moved to a University-based career and was recently designated Professor Emerita of Youth Development and Agriculture Education in the School of Agriculture at Purdue University. She continues to hold an adjunct appointment at Indiana University's School of Medicine. From this base she works on federal, state and local policy on agriculture, alcohol, and



Paul "Paco" Ollerton is a third generation farmer from Pinal county. He has been a long-time and active member of the Cotton Growers Association, currently serving as President. He has also served in numerous capacities on the National Cotton Council including Advisor to the Director of the Arizona Department of Agriculture. In addition, he has served as Chairman of the Arizona Cotton Research and Protection Council as well as the Arizona Department of Environmental Quality Best Management Practices PM-10 Air Quality Committee. Mr. Ollerton attended Northern Arizona University, Central Arizona College, and the University of Arizona in addition to

related rural health issues. Ms. Chezem has been particularly interested in common law, protection of property rights, and legal issues in research. Over the course of her career, Ms. Chezem has served on numerous Boards, often in a leadership capacity, and consults with the U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, and the National Highway Traffic Safety Administration. Ms. Chezem and her family own and operate grain and beef farms in four Indiana counties.

graduating from the Project CENTRL program. He is active in community organizations including participation on the Coolidge FFA Advisory Committee. In 2017, Mr. Ollerton received the Pinal County Farm Bureau “Farmer of the Year” award. He has also been recognized by State FFA chapters as well as the Arizona Cotton Growers Association. Mr. Ollerton is now being joined by his two adult children in managing operations for Tierra Verde Farms where primary crops include cotton, alfalfa, Durhum Wheat, Barley, Watermelons and Vegetable seed production.

Guest Speakers at ACBS/LAW 411

During the February 7th session of the class “An Introduction to Agricultural Law and Policy for the Modern Day Natural Resource User” two guest speakers provided insights into real-life farming and ranching practices. Mr. Andy Grosetta, one of the initial organizers of the NRULPC, gave students insight into the requirements and challenges of ranching in Arizona including the NEPA process, relationship with agencies, and developing annual operating plans. Mr. Wes Kerr spoke eloquently about his family’s longtime dairy farming business in Maricopa County and new advances in using technology to increase efficiencies, productivity, and animal health.



Natural Resource Extension Survey Results

Recently, an online survey was sent to Cooperative Extension professionals working in natural resources. The purpose was to (1) identify potential topics for NRULPC and Clinic-affiliated student projects; and (2) to consider the most effective information dissemination strategies. Table 1 shows the results for question (1) as well as the matches to the matters/projects list originally compiled for the Clinic. Table 2 lists the selected dissemination strategies.

Potential topics for student projects that will be affiliated with the NRULPC and the Natural Resource Use and Management Clinic	Mean (n=14-16)	Matters In Progress
Review how different states determine/distinguish between surface and groundwater	7.44	
Review administrative process for determining public land grazing permit carrying capacity	7.21	
Revise Public Land Grazing NEPA handbook	6.79	Yes
Review state and public land access issues	6.56	
Prepare white paper on Mexican grey wolf recovery plan	5.88	Yes
Conduct an analysis of Executive power to reduce size of Federal monuments	5.38	
Review Rosemont Mine litigation documents	5.27	
Review proposed American Indian Empowerment Act	5.20	
Compile and review all notable Arizona natural resources litigation	5.07	Yes
Compile a handbook on the Federal administrative appeals process	4.67	Yes

Other topics suggested: (1) Create water law primer; (2) Create primer on using land for wind and solar farms; (3) Provide some positive input to the revision of the Endangered Species Act; (4) Wild Horse and Burro Act; and (5) Water Rights Law.

Most effective information dissemination strategies; select up to 3.	%
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Extension Bulletins	23.91%
Workshops	21.74%
Field Exercises	17.39%
Website	17.39%
E-Newsletter	8.70%
Videos	6.52%
Podcast	4.35%
Blog	0.00%
Paper Newsletter	0.00%
Radio Program	0.00%

Legislative & Litigation Update

Resources & information on the WOTUS Rule (Waters of the United States)

- Definition of “Waters of the United States” – Recodification of Pre-Existing Rules - <https://www.federalregister.gov/documents/2017/07/27/2017-13997/definition-of-waters-of-the-united-states-recodification-of-pre-existing-rules>
- Proposed Rule - <https://www.epa.gov/wotus-rule/proposed-rule-definition-waters-united-states-recodification-pre-existing-rules>
- Supreme Court Rulings - <https://www.epa.gov/wotus-rule/about-waters-united-states#Legal>
- January 2018 – EPA finalized an applicability rule that sought to delay the 2015 WOTUS rule for two years to February 6, 2020
- Eleven attorney generals and two environmental groups filed separate cases in the New York court challenging delay of the applicability date and the January 2018 rule
- February 28, 2018 - The 6th U.S. Circuit Court of Appeals lifted WOTUS stay
- March 1, 2018 – Congressional Western Caucus calls on Congress to Kill WOTUS Rule in list of priorities for interior section of FY18 omnibus package



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