

**NRULPC Advisory Board Meeting (Virtual) - MINUTES**  
**November 27, 2018**  
**10:00am - Noon**

**Participants**

**In person:** John Lacy & George Ruyle (Center Co-Directors), Joe Willis (Advisory Board Chair), Bethany Sullivan (Clinic Director), Jim Davis & Karen Hollish (CALs Development), Celeste Steen (Office of the General Counsel), Barbara Hutchinson (Communications Manager)

**Remote:** Matt Bingham, Ashley Ellixson, Sandy Fabritz-Whitney, Andy Groseta (Advisory Board co-Chair), Kirk Johansen, Jeff Menges, Richard Morrison, Bill Plummer, Stephanie Smallhouse, and several others with unidentified names.

**Reference Documents:** Agenda, Participant List, AB Roles & Responsibilities, NRULPC update

**Welcome, Introductions, Review Agenda** – Joe Willis, Advisory Board Chair & Andy Groseta, Advisory Board Vice-Chair

- **Purpose:** “To Clarify Role of Advisory Board, Gain Commitment, & Update on Center and Clinic Activities”
- **Goals of Meeting:**
  - Name change
    - Agree on roles & responsibilities
  - Update on progress & successes
  - Strategy for the future

**Review Draft Task Force Roles & Responsibilities** – Joe & Andy

- Role of Advisory Board
- Meetings of the Advisory Board
- Outreach Activities of the Advisory Board Members
- **Action:** *Please be thinking about these roles & responsibilities during the following presentations*

**Presentation Summary (Joe Willis)**

- Pointed out the name change to Advisory Board (AB) to better reflect defined role of guidance on issues, advocacy for community service and student programs and projects, and fundraising.
- Asked for members to consider how the AB can best support the Center- how to do it, what is the individual buy-in for individuals.
- Requested members to consider those who may have an interest in the University and the Center whose names could be given to Development Office for follow-up.
- When the Center first began there were some issues, but they have been fixed and it now has great support from the respective deans.
- Your ideas and suggestions are most welcome for what we can do better.

**Overview of NRULPC Progress** – John Lacy & George Ruyle, Co-Directors

**Overview Presentation (George Ruyle)**

- The Center has a number of objectives and ways it benefits the natural resource community.

- The Center is about helping farmers, ranchers, landowners and others understanding of regulatory hurdles associated with land use.
- We have taken on a number of matters/projects relevant to the Center's mission, but nearly all are tied to the Clinic and its students, as well as Jeffery Eisenberg, a natural resource attorney out of Washington DC who serves as a consultant to the Center.
- Matters have come from stakeholders or county Extension agents or County Boards of Supervisors in AZ.
- A ground up approach is used to determine which matters to take on.
- These are just a subset of the matters we are looking at. We are trying to build a strong record of accomplishments first before trying to raise money.

#### **Matters/Projects:**

- One of the first was to develop a legal framework for prescribed burning by private landowners. This is still in process as there was a change in the state forester position; now moving forward again.
- The Yuma Island water rights status is complicated and we may not achieve a resolution; but we have helped the landowners gain access to other agencies who are trying to help.
- The labor shortage crisis in the dairy industry is a huge problem. We are hoping to use TN visas (still in effect through remnants of NAFTA) to allow dairy technicians from Mexico to work in the United States. The University of Arizona is starting a program in January to train dairy technicians in Mexico and then have them come to US using the TN visa program.
- Developed a memo describing the creation of the Agency for Toxic Substances and Disease Registry, Federal authority and overlap with EPA authority and AZ Department of Environmental Quality. The memo highlights a specific matter involving Hickman Family Farms and suggests policy responses.
- The status of open range law is a very recent issue. Because there are no laws on open range, the Center has developed a memorandum for county Extension agents and County Boards of Supervisors about the issue.
- Working with landowners in the Gila River Valley about the relationship between ground water and surface water.
- More on the NEPA tutorial from John.
- Mediating for grazing allotments has been looked at by the university for some time. The assessment and allocation of grazing allotments on forest service grazing allotments – we are looking at potential for getting these back into production.

#### **Overview, cont. (John Lacy)**

- He has been teaching public law and mining law at the university for 45 years.
- The Global Mining Law Center was established about 3 years ago.
- As part of that program, an online curriculum has been established with lawyers and general mining professionals teaching on the legalities associated with the mining industry. This has parallels with other public land users so we have developed several new online courses within that curriculum; also including what we call executive training for others.
- One of those courses is the public lands supplement.
- There has been a real call for a course on NEPA so that course was put together with Westland Resources (an engineering and environmental services company). This is a 3-credit course.
  - This course is also being re-purposed to make it available to county agents
- Another course, "Use of Public Lands: the Legal Issues", includes issues that were not covered in the other course. Examples of interviews include Idaho Forest Products – Marc Brinkmeyer. In

teaching the law in these various groups you really need to understand the technology and Idaho Forest Products have some really innovative processes. George and Walter Armer were other speakers for grazing resources.

- These courses will be available for people looking at the application of the law and the technology associated with that.

### **Clinic Update (Bethany Sullivan)**

- The Clinic began in January 2018 with five JD students.
- Over the summer, one student stayed on as a Clinic Fellow.
- This semester, there are seven students including one Public Policy Masters' student.
- In Spring 2019, anticipate seven students (all JD's, 4 continuing).
- Currently, the primary focus is on JD students but they are brainstorming ways to bring in CALS students and projects that would include CALS students as consultants or technical advisors. Looking for opportunities to work with grad students, in particular.

#### Clinic Structure:

- Weekly seminars with students:
  - Include lessons on substantive law (it is more of a survey course because there are so many areas of natural resource law; where to go for answers once they are attorneys)
  - project rounds
  - student presentations (quick turn around on laws and practice sessions)
  - guest lecturers and exercises
- Individual projects: students work alone or in groups on NRULPC projects for Cooperative Extension, tribes, and other client organizations.
- Weekly individual meetings with Director in addition to meetings with clients and University experts.

#### Example Clinic Projects:

- Mexican Gray Wolf Recovery Plan
  - Two students analyzed the plan looking at regulatory documents and numerous filings to prepare an article for lay people, especially ranchers; announced in Center Newsletter issue and available on NRULPC website.
- Cobre Valley Water Rights Adjudication Memo and Presentation (with UA Water Resources Research Center)
  - Students gathered data and assessed water resources looking at challenges, i.e. water budget; when and how to file about water rights
  - Prepared memo on stream adjudication
  - Culminated in a small town forum on the general stream adjudication
- Administrative Appeals Handbook for Cooperative Extension
  - Working to translate obscure regulatory frameworks for appealing a grazing decision for lay people
  - Focus on Forest Service and BLM and practical use by people in the community
  - Available from Cooperative Extension and on Center's website.

### **Course Update (Joe Willis and Celeste Steen)**

- Undergraduate course has been offered once; but will be offered again Spring 2019.
- Survey course of regulatory laws as applies to natural resource users.
- Half the students had an agriculture background; most all were outstanding.
- Students wanted more information on federal constitutional system of our government.

- APA (administrative procedures act); general law that touches on all other agency rules and regulations.
- Overall purpose to promote law as a career option to natural resource students.
- Double majors - juniors can take these courses giving them the opportunity for a BA in law.
- Included guest speakers (thank you to the AB members who were speakers); all were extremely well received. Topics included animal welfare, food safety, dairy farming, clean air act.
- Next class may include some tribal law.
- Great fun to divide the class in half and give them an issue taking no or yes and then defend the legal aspects of a law/regulation.

### **Development Efforts to Date (Jim Davis and Karen Hollish)**

- Working with the Center from the beginning, but originally there was not a clear message about what it was and what it did; that hurt development efforts a bit. There is a clearer message now.
- Have raised \$48,000 so far.
- Donors will give what they are passionate about.
- Reality is that without a major transitional gift the center will not continue after 2019.
- Focusing on finding donors that can help.
- Largest gift so far is \$5000.
- People want to support the program but not enough to keep it going yet.
- Most promising lead is a foundation and we are asking for six figure support.
- Will continue to look for additional foundation opportunities.
- All support is greatly appreciated as everyone wants to keep the program going.
- AB can make introductions to those who may want to help support the Center; if you know the donor it helps get Karen and Jim in the door.
- Need a spokesman for the Center to build the trust and show it is going to be successful.
- The Center needs a large endowment to continue operating funds.
- Legislative support questions – would need to be a priority of the University. There are legislators that are supportive.
- Private support will likely be where the funding comes from.

### **Advisory Board Member Expertise Directory & Communications (Barbara Hutchinson & Sheila Merrigan)**

- **Action:** Please send your bio/resume to Barb and Sheila so we can build an experts directory to link you with Center and Clinic activities/projects (see template in PPT).
- **Communication Outlets:** Please feel free to give feedback.
  - Website: <https://extension.arizona.edu/nrulpc>
  - Newsletter: <https://extension.arizona.edu/nrulpc-newsletter-other-resources>
    - If you are not receiving the newsletter via email please contact us; or if you have others who want to be added to the mailing list.
  - Listservs for 1) Advisory Board & 2) AB+ interested persons
    - Let us know if you know of anyone who wants to be on the listserv.

### **Other Future Plans (Joe Willis and Andy Groseta)**

- E-poll will be sent after the meeting to indicate willingness to continue to serve on the NRULPC Advisory Board & term preference
- Face-to-face meeting in January/February 2019

- Will send out Doodle poll to determine date
- Will include speakers and more in-depth discussions
- What information can we give you that will help direct the guidance function of the AB?
- What do you need to know if you have people who may be interesting in providing financial support?
- PPT Slides will be available on the NRULPC website
- Plans for NRULPC marketing video

**Comments/questions/suggestions** from Advisory Board members

- **Guiding Question:** How do you feel the Advisory Board could be most productively engaged with the NRULPC/Clinic?
  - Role of Advisory Board – suggestions?
    - Question – Not clear how AB members will share in evaluations of Clinic matters and Center projects. To what extent will AB members be involved in approving and implementing projects?
    - Bethany – Welcomes thoughts and suggestions of which projects to take on and what are high priority issues. The screening process is more internal in which she weighs student interests against issues; whether it is a good educational opportunity; the types of resources to go into it and logistics. Projects come to her from conversations and Board member suggestions. This is a critical part of the process. This is more an internal screening; projects come from suggestions from others.
    - George – Fully supports this. We may need to develop a mechanism to involve AB more specifically; this is a possible discussion for in-person meeting. At this point we are taking on pretty much everything people are suggesting.
    - Comment – It might be valuable to have a process for AB to discuss issues and how affecting users; helpful to decision-makers. May be helpful to the Clinic to know how issues are playing out on the ground, direct impact to the resource uses and relaying that to the clinic in making project decision.
    - Bethany – will need to brainstorm a bit on this on how to institutionalize that process. A little tricky at times with tight timelines and getting things ready to go with the students at the beginning of the semester; projects sometimes fall away or the student leaves so it requires some quick thinking and action. Could possibly build AB input into the regular meetings these discussions on what projects would have a larger benefit vs those that have a lower payoff. Also, have to consider confidentiality issues.
    - Question - Will the Clinic seek or accept contract research? If so, will that preempt other suggested projects?
    - Bethany - Not generally a model for Clinics, but more likely in Center; can probably provide student support.
    - John – [examples from mining]....this possibly can grow out of Clinic programs

- Meetings of the Advisory Board – suggestions?
  - Comment – suggests in person meeting twice a year would be helpful; knows of a student in Animal Sciences wants to go to Law School and would like to attend the next meeting; meetings could be used for recruitment.
  - Joe – his students did come to first in-person meeting and they did benefit.
  - Comment – the AB may need to develop a committee structure and some committees may need to meet more often than twice a year.
  - John and George – hadn't really considered committees but will now; could be a topic of discussion at next meeting.
  - Comment – having meetings in both Phx and Tucson would be reasonable.
  - Comment – agrees, a meeting in Phx and another in Tucson would be helpful.
  - Comment – if a meeting was held in Safford, could include water and mining industry as well as ranchers there.
  
- Outreach Activities of the Advisory Board Members – comments?
  - Barb – please let us know if there are other ways you would like to be receiving information. We will be contacting some of you for your bio information if we haven't received that before for a Newsletter feature.
  - Barb – we may want to bring in some outside speakers for our meeting.
  - Joe – who do you know in your industry that may be a draw for a speaker to bring in for the AB meetings. Also, potential donors. We would like you to think about this and respond to this.
  - Comment – can we have a tag for email as to whether they are about issues vs business of the AB. Make it clear if it is Clinic, Center etc. Also, id action items (Action: Clear & descriptive subject lines)
  - Question – how does the Clinic incorporate different perspectives of the users related to the issues presented? Can AB provide that input prior to those presentations?
  - Bethany – wants to have students hear as many different perspectives as possible with implications for people in the community. This takes place in classroom and in the field. She would be happy to hear ideas.
  - Comment – happy to hear that; hope that presentations will show multiple perspectives.
  - Bethany – that is a goal for the clinic.
  - Joe – had a waiting list for students to take course; now will have a room for 40 people. Ag-Law course does show link between policy and practice, including differences of opinion, but the law is more definite.
  - John – good ties throughout UA to present a balanced approach.
  - Question – is there an opportunity for publications outside class work; for instance, a blog on AZ legal issues for natural resource users. Perhaps an extension from the Clinic?
  - Bethany – the blog format could work well for students and is a definite possibility. She will think about how to hone in on specific topics.
  - Question – could focus on basic questions, i.e. what are my rights to water? Not just litigation; this could be a great resource for users rather than going to law

firms. Hot topics in AZ law – i.e. romaine lettuce etc. Maryland and Texas has this. Here are facts, here are laws. May want to look at some individual law firms. Stephanie also agrees with this. Bethany will explore this possibility. Possibly a question and answer space on the website that a student could monitor.

- Comment – perhaps there could be a monthly email divided into three areas: 1. status of litigation; 2. items such as safety and those types of issues and 3. key policy issues being considered at both the state and federal level;
- Bethany and George: will need to look at how to do this along with blog and newsletter.
- Comment – likes the idea of marrying Bill’s suggestion with the blog idea; could sign up for weekly email with blog postings.
- Bethany – wants to consider how to gain input from AB on what are the hot policy topics. Would like the AB to let us know about those.
- John – we are looking at AB to get advice and information because you represent diverse interests. This really helps us identify new areas.
- Joe – feels other organizations are doing some of this and could be used to provide some of this information.
- Ashley has offered to help.

#### Other Questions:

- Memos were mentioned – what are the steps and progression for those memos? Does someone ask for work on an issue? What is the life of the memo – how does it start, where does it go?
  - Bethany – Jeff Eisenberg generally fields those. End product may go to website.
  - Joe – Bethany has restraints within the Clinic and cannot reveal information for a client.
  - Bethany – yes, however, many of her clients are Cooperative Extension, Water Resources Research Center or other more public entities and those do get released (through website or newsletter). The Clinic generates white papers and memoranda on natural resource issues and client legal memoranda as well as scholarly papers. Also, practical tools such as handbooks.
  - George – the information the Center produces goes to the client but is also published to the website. Case laws are cited in these.
  - Barb – most products have been announced in the newsletter and the newsletters are on the website, too.
- What does it mean to bring in CALS grad students for technical advisors – what does that mean?
  - Bethany – we considered whether CALS students could enroll in the Clinic but had problems with that. In terms of having them as technical advisors, we could potentially work with a CALS student with subject specialty on an issue that the Clinic is working on.
  - John – for undergrads, possible independent study courses; with grad students we are looking to identify possible participants.
- Who are the clients you are meeting with in the Clinic?

- Bethany – may be something like the WRRC or Cooperative Extension or Altar Valley Conservation Alliance, etc.
- How is it that the university can do this? How is it a public university is not getting into trouble with doing this type of work with public funds?
  - George – that was an issue in the beginning, when the model was more with the Center and Clinic being litigation-oriented – we are not doing that now. It is more informational and research on policy and law that we provide. It is not a litigation service. More of a scholarly approach. That is our model.
  - Bethany – allows more folks to feel they can engage with the Clinic and Center. We ground everything in science and the academy, but also looking at issues on a community level.
- Regarding the funding issue, labor and water are the big issues. If there is anything we can do to help policy makers find solutions is important. The Center being able to focus on the bigger issues will help draw in bigger donations from people who want to put their resources in to an area that they see is going to be very impactful.
  - Joe – As we get more product out of the Center to show the development officers, it will make their jobs easier. People love success stories and we're coming up with some.
  - George – working with foundations will be the focus of a meeting with the development people. What are the big issues of our times and how can we promote them from the Clinic and Center? We do have a capacity issue at the moment, however.
  - Bethany – given the constraints of time and money and trying to do too much at once, we need to be aware of the need to prioritize what we can do.

**Thank yous and Adjourn – 1:00pm**