



NRULPC Newsletter Vol. 6, No. 4

December 19, 2023

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Co-Directors' Message

Holiday greetings,

As we close out the semester we get an update on the *Natural Resource Use and Management Clinic* and say goodbye and thank you to Priya. Priya did a phenomenal job running the Law Clinic, she was impactful in educating the next generation of lawyers and next year she will be focusing on representing southern Arizona in the State Senate. We appreciate her service and wish her well.

Clinic students are contributing to the [Western Lands, Western Waters blog](#) as the semester closes with one new post already on the website. Michael describes

the type of work he will be doing with us, Colin gives us a brief preview of a white paper coming out in January and John provides a brief description and link to the Mining Law Summit held in November.

We wish all of our students, staff and you, our readers happy holidays!

Ethan and John,
Co-Directors



Clinic Update

Priya Sundareshan

As the year comes to an end, so does the Fall 2023 semester. We are wrapping up our client deliverables with the end of the semester. The students are also finalizing their blog posts for the Western Lands Blog, and I will be posting those as I can - so keep an eye out for them!

The students were also able to take a short field trip right before they entered finals period. We took a morning drive to observe current mining activity in the Santa Rita Mountains, and to another viewpoint where mining has not yet begun. It was good to get away from campus even if just for a short time.



My term as Clinic Director also comes to an end. It's been wonderful to teach students in this capacity, and I'll treasure the impact one can have by providing students this clinic opportunity. John Barrett takes over as Clinic Director and the clinic is in great hands going forward!

Natural Resource Issues of American Indian Tribes: Building a Bridge of Equity and Inclusion

Michael Kotutwa Johnson

American Indian tribes face several challenges in the area of natural resources. These challenges are often disregarded and some of the solutions to tribal natural resource management issues are often not adhered to. The Natural Resource Users Law and Policy Center (NRULPC) is in the process of making some adjustments. Part of this process will involve a section dedicated to the various natural resource issues that plague what is called, “Indian Country.”

Although, the focus of the information that will be disseminated and dedicated to issues concerning natural resources on American Indian lands may seem controversial nevertheless they will be discussed. The roles tribes play in natural resource development is often viewed as minimal. One such reference is that tribes have been left out of conversations concerning the use and access to water. Other issues are also prevalent such as the practice concerning what is deemed, “Regenerative Agriculture.” Where do Southern Arizona tribes fit in to this newly forming system and what would be the benefits for agriculturally based tribes to follow suit?

One of the main problems in any new conservation policy put forth by the federal or state governments is the lack of tribal input. Lack of input coupled with lack of information does not bring equity to policy that is designed to help all stakeholders and stands in the way of meaningful collaboration and thus solutions to benefit us all. The NRULPC can be a useful tool to provide much needed information to tribes and serve those communities and governments. Information is the key to addressing natural resource issues tribes and others face in an ever-changing environment. NRULPC will look at issues from a broad range of subjects including tribal forestry, water, fish and wildlife, range land management, and agriculture. Some of the information that may be useful to



tribes that will be provided by the NRULPC will be bulletins in the form of fact sheets, white papers, opinion pieces, and vital resources tribes may find useful such as websites etc.

Although, other entities do exist to help tribes with Natural Resource management issues they are often housed in different places that tribes have trouble getting access to. For example, tribal natural resource data can be in federal entities such as the Bureau of Land Management, Bureau of Indian Affairs, United States Department of Agriculture's Forest Service, Natural Resource Conservation Service, United States Geological Survey, and several others. Tribes are often at a loss of who to turn to acquire data to fully participate in much need conservation programs on Indian lands. As a result, tribes lack participation for federal and state-initiated conservation programs that may benefit their lands. As a result, we see ever increasing problems in Indian Country, such as overgrazing and limited access to much needed water infrastructure.

The Natural Resource Users Policy and Law Center by no means should be considered a one-stop-shop for tribes to get their information for issues concerning natural resources but rather a bridge to provide information to help create solutions based on the principles of equity. The NRULPC is a collaboration between the University of Arizona's College of Agriculture, Life and Environmental Sciences, Cooperative Extension, and James E. Rogers College of Law. Efforts are underway to also include the Udall Center and the UofA's Indigenous Resilience Center as part of this collaboration to help provide much needed information to tribal governments and their communities.

Governance Issues Facing Irrigation Districts

Colin McKenzie

Center Interim director Ethan Orr and law fellow Colin McKenzie have authored a white paper addressing governance issues facing irrigation districts in the Pinal Active Management Area (AMA).

The paper, forthcoming in the January 2024 edition of *The Water Report* (which previously published NRUM Clinic law students' and NRULPC staff analysis on the 2020 WOTUS rule, see [TWR #196](#)), looks at implications stemming from Drought Contingency Plan-mandated cuts to districts' Central

Arizona Project allocations.

(For related work, see, e.g., two studies out of the UA earlier this year regarding Arizona agriculture futures: [*Agriculture and Food Production in a Drying Climate*](#), a report issued by the UA Presidential Advisory Commission, and [*Towards a Water-Resilient Agriculture: Future Scenarios Addressing Water Scarcity in the Lower Colorado River Basin*](#), a Southwest Center report, with support from the Lincoln Center for Land Policy).

Underlying NRULPC's research was a request for Cooperative Extension's (CE) technical assistance fielded by the University from Pinal AMA stakeholders. In response, CE put together an interdisciplinary team of university researchers in order to unpack the complex issues—all this within the multiply interdependent circumstances surrounding water in Arizona. Stay tuned.

▶ Mining Law Summit 2023

John Lacy

The Mining Law Summit 2023 looked at the law and practices of gem collections and sale including a look at the Alfie Norville Gem & Mineral Museum, early historic representations of gemstones, modern collection of gemstones, artisanal mining, and social impacts of gemstone collection.

[The 2023 Summit can be found on YouTube](#)

New Resources on the NRULPC Website and Blog

Website

- [Regulatory Roundup](#) - newest issue to be released December 30, 2023

Western Lands, Western Waters Blog

- [Varying Government Protection of Gray Wolves in the Northern Rocky](#)

Mountain Region

Natural Resource Users Law & Policy Center (NRULPC)

The Natural Resource Users Law and Policy Center (NRULPC) is a creative partnership of the University of Arizona's James L. Rogers College of Law and Cooperative Extension that grew out of grassroots discussions. The Center's aims are to collaborate with stakeholders, mentor student clinicians and fellows, provide scholarly legal and policy analysis, and address the underrepresented law and policy needs of the natural resource community of Arizona and the West.



NRULPC Website

The NRULPC website provides information on the about the center, student programs, leadership and staff, out publications and the Advisory Board.

Newsletter and Other Resources

Newsletters

- Vol. 1, Number 1 - November 2, 2017 - Welcome to the First NRULPC Newsletter!
- Vol. 1, Number 2 - December 22, 2017
- Vol. 1, Number 3 - February 9, 2018
- Vol. 1, Number 4 - March 19, 2018
- Vol. 1, Number 5 - April 30, 2018
- Vol. 1, Number 6 - May 31, 2018
- Vol. 1, Number 7 - July 24, 2018
- Vol. 2, Number 1 - October 19, 2018
- Vol. 2, Number 2 - December 20, 2018
- Vol. 2, Number 3 - February 25, 2019

Newsletter

The first issue of the NRULPC newsletter was released November 2017. It is published at various times of the year, but generally about every two months.



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Blog

Our Blog posts are carefully researched and written by NRULPC Clinic students.

Western Lands, Western Waters

Hot topics in natural resource law and policy affecting the American West



Time sensitive law and policy information.

Regulatory Roundup

Time sensitive policy and legislative information. Information made available several times a year.

Would you like to be on our NRULPC listserve? If so, please contact [Sheila Merrigan](#).



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