



NRULPC Newsletter Vol. 3, No. 1

May 26, 2020

Co-Director's Update

Dear NRULPC Supporters:

As you no doubt know, due to the COVID-19 pandemic, the University of Arizona was shut down just a few days before the scheduled return of students from Spring Break. With only a few days of notice and three days to prepare, the entire campus was quickly moved to an all-online venue for teaching and interacting with students. This included the NRULPC courses in both the Law College and the College of Agriculture and Life Sciences. The experiences of Priya, Anne, and Joe are described more in articles below, but we want to take this opportunity to express our sincere thanks to all of them for their outstanding commitment and creativity in bringing the classes to a successful conclusion. Many students experienced considerable stresses from difficult economic, technical, and family circumstances, but with the support provided by our teaching staff, they were able to complete their coursework. Teaching at the University will continue online through the summer. This includes two public lands courses that are part of the mining law curriculum. A partial reopening of the University is expected for the Fall.

Clinic students continue to work on a number of matters and several will be undertaking internships this summer. They also participated in an extensive

analysis of the comments submitted by stakeholders regarding the proposed revision to WOTUS (the final rule was published this past month). A comprehensive article on the implications of the new Rule for Arizona was prepared by NRULPC staff and will be published in the June issue of *The Water Report*.

We are just now beginning to consider plans for a virtual fall meeting/event of the Advisory Board that will include topical keynote presentations followed by group discussions. We welcome your ideas for issues that would be of broad interest.

We extend our very best wishes to you and your families during this challenging time.

Sincerely,
George and John

Clinic Update

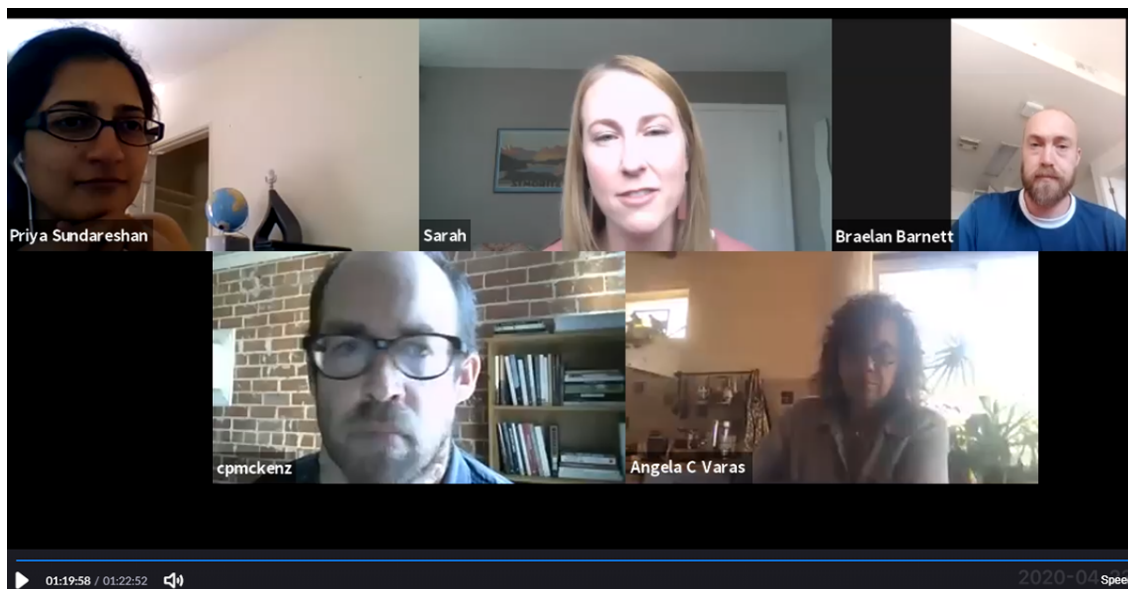
Priya Sundareshan

The NRUM Clinic has now wrapped up its Spring 2020 semester, which was drastically changed by the COVID-19 crisis and resulting public health measures. Student and staff schedules and lives were shaken by the changes and we switched to an internet-based class format for the second half of the semester. Nevertheless, we continued to hold class by Zoom (see picture) to discuss natural resource management and law. We also posted student blogs at westernlandsblog.arizona.edu, and wrapped up our clinic projects on research into watershed restoration permitting and contamination liability of animal operations. Our guest lectures for the second half of the semester included:

- Prof. Bruce Plenk, solar lawyer and adjunct UA law professor, to talk about energy policy at the state and local levels.
- Prof. Len Necefer, UA Department of American Indian Studies, to talk about the economic importance of outdoor recreation and the growing participation of native people and governments.
- Samantha Ruscavage-Barz, managing attorney with WildEarth Guardians and adjunct UNM law professor, to talk about administrative law and NEPA.
- Sarah Parmar, Director of Conservation with Colorado Open Lands and connected to the Malpai Borderlands Group, to talk about collaborative

conservation and the mutual benefits of conservation easements on private ranchlands.

We unfortunately had to cancel the various field trips that were planned for the rest of the Spring 2020 semester, which would have included a trip to Flagstaff to see forestry research and logging operations, and trips to see watershed restoration and mining sites in southern Arizona. The students gain valuable experience from interacting with and learning from local stakeholders, as we saw from their presentation on water rights to the Santa Cruz Natural Resources Conservation District and Arizona Land & Water Trust in February. We hope to incorporate those components of the clinic again when we return from the summer, including trips for the Fall 2021 semester or beyond.



Due to COVID-19 the NRUM Clinic classes for the second half of the semester were held via Zoom.

Class Update

Anne Gondor and Joe Willis

Teaching Agricultural and Environmental Legal Issues During a Pandemic

The Agricultural and Environmental Legal Issues (ACBS-LAW 411) course had its full contingent of 25 students for the entire semester. Eighteen were from the ACBS program and seven were from the LAW College; including eight seniors, eight juniors and nine sophomores. These students originated from large cities like Chicago as well as rural Arizona agricultural producer and

ranching families, and three students were exchange students from China. It was tough for students and faculty to suddenly make the transition from in person to completely online classes at the halfway point. Despite challenges, it was impressive how the students persevered to complete the course with the majority earning A's and B's. A few of the students only had cell phone connectivity and one had to drive into town for sufficient connectivity to take the final exam. Others had to move home, while a few had to do their studies from quarantine situations upon arriving in their home country. Some were helping working parents take care of younger siblings and others ended up working part- or full-time jobs. For many the most difficult challenge was not having a dedicated quiet study area while at home.

Joe Willis drew on his experience to present basic law principles of federalism and limits on federal and state power to regulate resource users. Due to the connectivity issues, numerous opportunities were offered for more in-depth analysis and critical thinking on current events related to the course topics



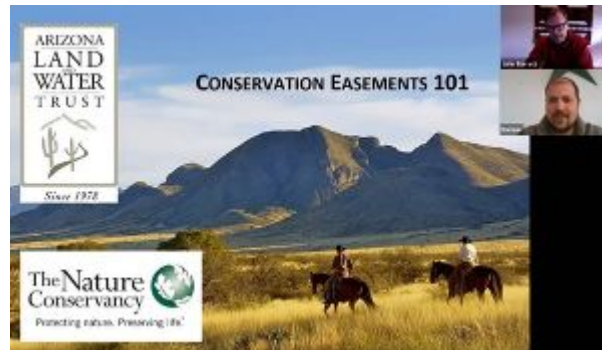
through extra credit reports. Extra credit quiz questions were also added to Zoom lecture recordings to stimulate viewing and attendance. Students with poor connectivity were given the opportunity to “attend” by viewing the recordings of live Zoom lectures. Fortunately, course materials and exams were already administered through the University D2L system. With technical support provided by Anne Gondor and the UA Office of Instruction and Assessment (OIA), the transition to online lecturing with Zoom was made possible and relatively smooth.

The course hosted a total of 15 guest speakers of prominence in the agricultural industry, law, conservation or academic research. In person lecturers included the following: Doyel Shamley (local government engagement and what constitutes substantive commentary on federal public land processes such as NEPA); Andy Groseta and Ian Tomlinson (cattle ranching industry); Kami Weddle from Rousseau Farms (food safety compliance); and Celeste Steen (property and contract issues). Thanks to the flexibility of the speakers post pandemic, all were able to transition to giving lectures via Zoom. John Barrett from Arizona Land and Water Trust and Damian Rawoot from The Nature



Conservancy spoke on conservation easements. Several attorneys discussed federal and Arizona state water law including Carlos Ronstadt, Jim Burling of Pacific Legal Foundation and Mark McGinnis from Salmon, Lewis and Weldon. Two UA lawyers taught the CERCLA

session: Steve Holland, Chief Risk Officer and Sarah Meadows from the Office of the General Counsel. Marit Alanen from the U.S. Fish and Wildlife Service spoke on Endangered Species Act regulatory issues in general as well as issues surrounding the jaguar. UA water quality



specialist, Dr. Channah Rock, presented on tracing E. coli outbreaks and maintaining food safety. Lastly, Jeff Eisenberg from Rockspring Resource Solutions wrapped up the semester with a talk on the new Farm Bill. Many thanks are owed to all of the guest speakers for making this semester a successful one!

Lessons Learned - Reflections from Advisory Board Member Bill Plummer

Interview by Barb Hutchinson

In this new column, we are planning to feature insights gained from our talented and experienced Advisory Board members. In this issue, an interview with Bill Plummer revealed many informative moments in his nearly six-decade career of working on water management issues. As Regional Director of the Bureau of Reclamation in 1978, Bill quickly realized the inefficiency of having four separate entities collecting data and determining different runoff predictions for the Colorado River. To alleviate this, he established the *Colorado River Forecast Center* consisting of the four entities, for the purpose of making one prediction – a process that still exists today. Bill suggested this decision was “born of necessity” but also came from an adage of his father’s about inventors “always trying to find a way to do something better.” During the 1983 floods on the Colorado River, caused by high precipitation levels late in the season that led to higher and faster runoff than usual, Bill and the

District Engineer of the Army Corps of Engineers had to make a calculated decision to modify the flood control criteria at Hoover Dam in order to protect downstream areas from even more flooding. It was a risk, but one they decided to take because it was based on knowledge of long-term data and probabilities. And, as history shows, it was the right decision! Other lessons Bill revealed are how important it is to “always look ahead” and be prepared with “shovel ready projects” because you never know when new opportunities will arise. A final thought from Bill was how much he benefited from working for different agencies and in different parts of the country. This diversity gave him many advantages for learning and managing, and for developing a wide network of contacts. Bill has many memorable stories to tell...when you see him next, you might ask about a particular helicopter trip over Lake Powell!



Spotlight on Advisory Board Member

Carlos Ronstadt

***We welcome Carlos Ronstadt as a new member of the
NRULPC Advisory Board!***

Carlos Ronstadt has been practicing water and natural resources law in Arizona since 1982. During that time, he has represented numerous clients in natural resource and water matters with a focus on water rights, public lands and “agricultural” real estate. His experience includes the evaluation, acquisition, and utilization of groundwater and surface water rights, including rights to Colorado River water and Central Arizona Project water, and representation of claimants in Arizona's ongoing water rights adjudications of the Gila and Little Colorado watersheds.



Highlights of his career include the successful lobbying of Congress for the passage of the Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2005. He also worked with Arizona's state legislature on numerous matters, including passage of legislation to clarify ownership of water rights appurtenant to state lands. Carlos also represented a major irrigation district in the renegotiation of its repayment contract with the Federal government, and he negotiated the conveyance of 9,000 acres of wetlands and wildlife habitat to the U.S. Forest Service. Recently, he has represented a land trust in central Arizona on the trust's acquisition of several conservation easements, and he also worked with numerous real estate developers to secure 100-year assured or adequate water supplies that are required in order to subdivide real property in Arizona. He has been listed in Best Lawyers since 1995.

As a fifth generation Arizonan, Carlos has a great love for this state, its history and its people. In 1975, he earned his undergraduate degree in hydrology from the University of Arizona, and then worked for an engineering firm on numerous water matters in Arizona and New Mexico before going to law school, also at the University of Arizona. He graduated in 1981, and began practicing law in Phoenix several years later.



NRULPC Co-director George Ruyle and Use and Management Clinic Director Priya Sundareshan [presented](#) at the Rangelands Partnership (RP) meeting held in March. The 35+ attendees of the virtual RP meeting were impressed with the work of the Center and Clinic.

New Resources on the [NRULPC Website and Blog](#)

- [Cattle Grazing Litigation presentation](#) (April 2020; recording)

[Western Lands, Western Waters Blog](#)

- [Navajo Nation Needs Expanded Access to Domestic Water](#)
- [Building Resilience in Ecosystems and Ourselves](#)
- [Tucson's Groundwater Management Plan and How Outlying Developments Can Fix its Holes](#)

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 E. 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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Western Lands, Western Waters

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

[Blog](#)

The Blog is our newest resource with our first release in April 2019. All posts carefully researched and written by NRULPC Clinic students

Would you like to be on our NRULPC listserv? If so, please contact [Barbara Hutchinson](#).

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