



NRULPC Newsletter Vol. 5, No. 4

December 20, 2022

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Co-Directors' Message

Holiday greetings,

In this issue of the newsletter, we give you the end-of-semester Clinic update and a recap of the Advisory Board meeting held November 16th. Links to the recordings of the Mining Law Summit 2022 as well as an article discussing *The Need for Transparency* are below. We also have a new Regulatory Roundup and be sure to check out the new blog posts from the clinic students.

It has been a highly successful year for the Center and Clinic. We have helped educate students in both the clinic and the class on a number of law and policy issues. Students, faculty, and staff have been very diligent in addressing stakeholders matters.

We very much appreciate the role that many of our Advisory Board members and other professionals have in assisting with student education and continuing growth of the Center and Clinic. We are also grateful to those who were instrumental in securing funding for NRULPC.

We wish you joyous holidays and a great start to the new year!

George and John,
Co-Directors



Clinic Update

Priya Sundareshan

The Natural Resource Use and Management Clinic finished the semester strong! Our six JD students are wrapping up their clinic projects in the areas of water law and the Arizona adjudication, helping a farming community against industrial expansion, research into Arizona initiatives, and analysis of solar power to avoid competing with grazing on public lands. Our clients have been pleased with the results.



They also got out into the field and visited the San Pedro Riparian National Conservation Area. There they learned from a panel of representatives - from the Bureau of Land Management, Cochise County, Fort Huachuca, and local conservationists - that they can still collaborate with each other to restore the watershed even though they are in active litigation against each other. And the class gained experience with public comment writing with a live Federal Register notice about "forever chemicals".

Finally, the students have been writing and posting blog posts on current natural resources topics to our Western Lands blog - see their writing [here!](#)

Advisory Board Fall 2022 Meeting Recap

The NRULPC Advisory Board met on November 16th via Zoom. George Ruyle, John Lacy, Jeff Eisenberg, Anne Gondor and Colin McKenzie gave Center updates and Priya Sundareshan and Nathan Dunn provided information on the Clinic.

Two very informative speakers presented; 1) Representative David Cook and 2) Dr. Ethan Orr, Associate Director, Agriculture, Natural Resources and Economic Development, Arizona Cooperative Extension Associate Professor, Community Innovation and Economic Development. Representative Cook discussed wide-ranging wildfire economic and societal difficulties and also touched on water issues. Dr. Orr outlined the legislative success for NRULPC and Cooperative Extension this last year.

A good discussion from the members of the board on NRULPC materials that need to be developed and potential new natural resources programs closed out the meeting.

We very much appreciate the members for their counsel and active participation on the board and expertise in the class and clinic.

Links for the [meeting](#):

- [Full recording](#)
- [Meeting PowerPoint slides](#)
- [Dr. Ethan Orr's PowerPoint slides](#)

Addressing Challenges to Mineral Resource Development Seventh Annual Mining Law Summit

YouTube Recordings

[Panel 1](#) - NEPA Access; the use of technology for NEPA compliance

[Panel 2](#) - New sourcing requirements

[Panel 3](#) Innovations in education; School of Mines and Mineral Resources

[Panel 4](#) - Challenges in Indigenous rights advocacy

[Panel 5](#) - The evaluation of community relations

[Wrap-up](#) - Professor Ana Bastida



Mining Law Summit 2022

The Need for Transparency

By Elena Acoba

Transparency. Trust. Truth. Mining development efforts must rely on these tenets in order to overcome opposition—or know when to walk away.

“Be upfront,” Christopher Hopkins, president of River Landing Solutions, said at November’s annual [Mining Law Summit](#) sponsored by the University of Arizona’s James E. Rogers College of Law and the new School of Mining and Mineral Resources.

“Answer questions truthfully and don’t hide anything,” added Hopkins, who has been an adjunct professor for the law school and UArizona’s [Lowell Institute for Mineral Resources](#).

“They may not like (the answers),” Hopkins said of people opposed to major development, “but it maintains our credibility. If you lie, they will never forgive you and won’t forget it.”

Hopkins helps mining companies and commercial developers navigate the regulatory process to develop property. This includes communicating with stakeholders such as environmental activists, community residents, regulators, political officials and underrepresented groups. His topic for the summit was “Evaluating Community Relations.”

Extensively identify and study all the proponents, opponents and political bodies that will be involved in the decision-making process, he advised, then meet with

small groups of them to make your case, he advised. He pointed out that it was usually a bad idea to meet with large groups as this usually devolves to who can shout the loudest.

There is a lot of noise surrounding opposition to mining operations, Hopkins admitted, but companies would do well to stay focused on the science and the benefits of a proposal. Especially seek third-party respected peer reviews, then stay on message.

Environmental activists sometimes have the loudest voices in opposition, Hopkins said, and leaders may resort to filling their followers with fear and misinformation. “Try to talk to them, but know you’re going to get nowhere,” he said. It would be better to quietly reach out to others who are willing to listen, then answer their questions and find ways to allay their concerns.

In one example, Hopkins mentioned that a company equipped every home near a mine site with a seismograph so residents could monitor blast effects for themselves.

Indigenous communities require special attention and early engagement, he said. “Show them the proper respect that they deserve,” he advised. “Try to identify the most influential members of that group to understand if the project will be viable at all.”

The interests of indigenous peoples were also discussed in a separate panel during the summit, which presented panels and discussions focused on [“Addressing Challenges to Mineral Resource Development.”](#) Other topics included compliance with environmental law, standards for responsible mining and [UArizona’s new mining school](#) that encompasses all aspects of mining and mineral resource education and research.

Some 150 law and mining students and professionals registered for the virtual summit. The annual event strives to expand practical and policy discussions.

“This year’s summit did a great job in highlighting the need for transparency in working with indigenous peoples and community groups,” said John C. Lacy, director the [UArizona’s Global Mining Law](#) program, “and presented some of the important educational and technical advances developed by The University of Arizona.”

Reprinted with permission. [Original article](#) on the School of Mining and Mineral Resources website.

Check out the latest [Blog posts](#) from our Clinic students!



Regulatory Roundup

[Issue 8, December 16, 2022](#) - A National Natural Capital Accounting Strategy and Latest Regulatory Tracking

Highlights:

- OMB National Natural Capital Accounting Strategy
- Draft National Climate Change Assessment NCA5 comment period
- New agency rulemaking and comment periods for BLM, IRS, EPA, FDA, USFS, USFWS
- Wildfire management resources
- Case law update for ESA
- USBR and USDA funding programs
- Online Planning Tools: The latest links to help meet your regulatory, permitting and planning needs

See [past issues](#) of Regulatory Roundup (scroll down the page a bit)

End-of-Year Donations

Donations to the Natural Resource Users Law and Policy Center support training opportunities, education, and outreach. Those supporters who can offer financial support to this unique partnership can make a multi-year, tax-deductible financial

commitment, or a single gift in any amount through the University of Arizona Foundation.

To give online

visit give.uafoundation.org/CALS

- select “other,” and write “NRULPC” in the box below
- fill in necessary information and click on the Give Now button
- confirm the information in the pop-up box
- fill in credit card information in the next pop-up box and submit
- you will see a confirmation/thank you screen

To give by mail

- make your check to “UA Foundation”
- write “CALs / NRULPC” in the memo line

Send check to:

UA Foundation

Attn: Gift Processing / Sonia Burnett

P.O. Box 210109

Tucson, AZ 85721-0109

Please Note: For 2022 donations, checks must be dated December [date], 2022 and received by no later than noon January 6th.

New Resources on the NRULPC Website and Blog

Website

- [Regulatory Roundup](#)
 - [Issue 8, December 16, 2022](#) - A National Natural Capital Accounting Strategy and Latest Regulatory Tracking
 - Would you like to receive the Regulatory Roundup in your email inbox? Join the NRULPC listserv by contacting merrigan@arizona.edu.

Western Lands, Western Waters Blog

- [Recent Changes in Cattle Grazing Settlements on Federal Lands](#)
- [The Uncertain Future for Gray Wolves](#)
- [The Rosemont Mine Decision and the Future of Federal Mining Law](#)
- [Tribal Water Marketing in the Colorado River's Future](#)

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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[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](#).

Our mailing address is:

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