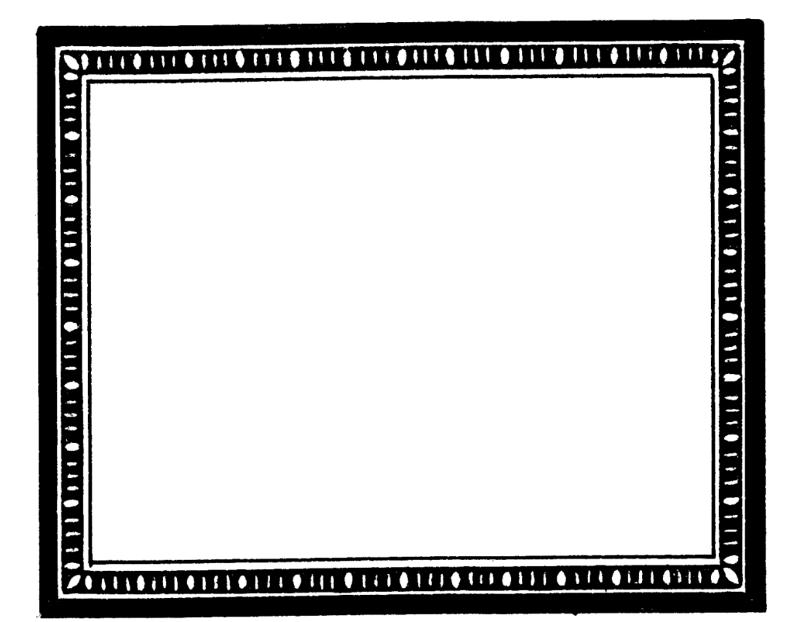
## A Walk on the Law Side:

Strengthening Collection Diversity through the Integration of Grey Legal Resources

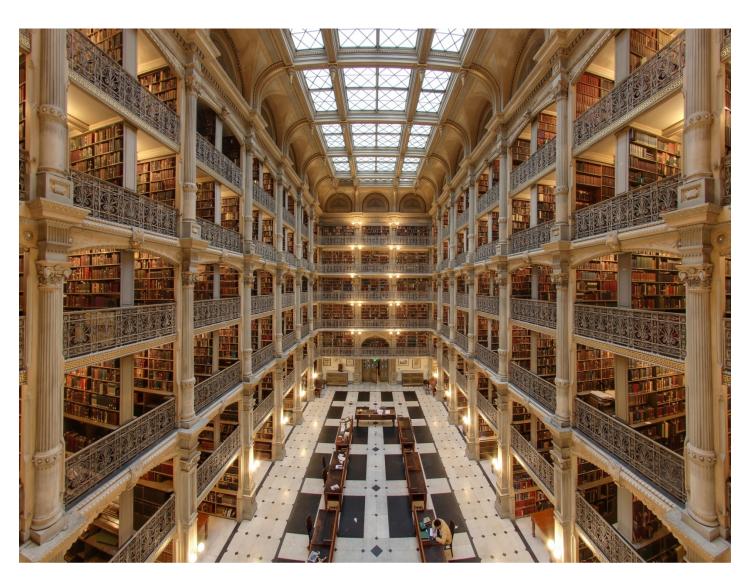


## Taryn L. Rucinski

Branch Librarian U.S. Court of Appeals for the Second Circuit



## **Exercise:**



## Traditional Grey Literature Materials

- Pamphlets
- Reports
- White Papers
- Conference Materials
- Guidance Documents
- Data Sets
- Websites
- Tweets
- Etc.



The Law Side

## **Grey Legal Literature**

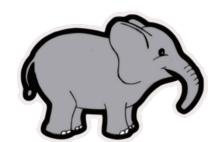
Stands for the manifold document types produced on all levels of

- government, academics, business and industry
- in print and electronic formats,

which inform or are produced by entities

- affiliated with the law,
- as part of, or in furtherance of the
  - legislative,
  - executive,
  - and/or judicial administration of the law at the international, federal, state, and/or local level.

Grey legal literature is <u>not</u> typically indexed or abstracted but is of sufficient quality to be collected and preserved by government agencies, law libraries, or other interested organizations, but is not controlled by commercial publishers i.e., where publishing is not the primary activity of the producing body.



## **Types of Grey Legal Literature**

- Type 1: Traditional Grey Literature
  - Discuss a legal topic , or is
  - Produced by the legal community
- Type 2: Government Administrative Materials
  - Resources produced as part of the administration of the three branches of government at the international, federal, state, and/or local level
    - Legislative
    - Litigation
    - Regulatory

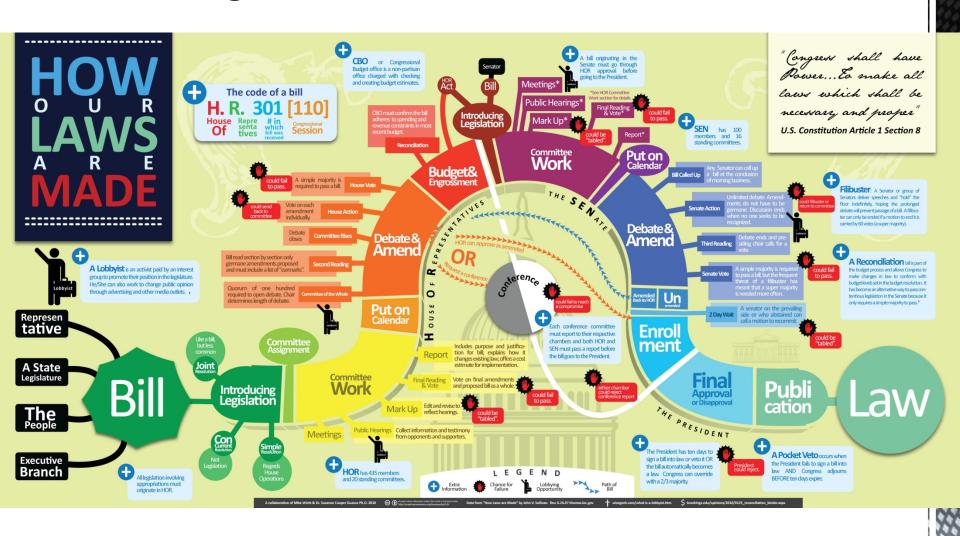


## Government Administrative Materials

## Legislative

Amendments	Bills (text)	Memoranda	Transcripts
Legislative Histories	Hearings	Committee Reports	Voting Records

## **U.S. Legislative Process**



#### **Compiled Legislative Histories**







## **CONGRESS\*GOV**

Amendments
Committee Reports
Conference Reports
Congressional Hearings
Debate Transcripts
Voting Records







## Government Administrative Materials

## Litigation

Affidavits	<b>Consent Decrees</b>	<b>Jury Instructions</b>	Slip Opinions
Awards	Dockets	Motions	Transcripts
Bail Determinations	Exhibits	Oral Arguments	Unpublished Opinions
Briefs (& amicus curiae)	<b>Expert Reports</b>	Petitions	Verdicts
Complaints	Interrogatories	Settlement Agreements	Work Product

#### **Docket Searches**















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## Government Administrative Materials

## Regulatory

Applications	IRS Determination Orders	Orders	Rulemaking Comments
Comprehensive Plans	IRS Tax Filings	Patents	Rulemaking Petitions
Environmental Impact Statements	Letter Rulings	Permits	SEC Filings
Inspection Document	Memoranda	Reports	Zoning Maps

### **3** BRANCHES of GOVERNMENT





(provides a separation of powers)



Legislative (makes laws)





100 elected senators total; 2 senators per state



435 elected representatives total; representatives based on each state's population



Executive (carries out laws)



President





Nominated by the president and must be approved by the Senate (with at least 51 votes)



Judicial (evaluates laws)



9 justices nominated by the president and must be approved by the Senate (with at least 51 votes)















Proposed Rules
Rulemaking Comments
Supporting Documents
Adjudications
Notices





## Freedom of Information Act

U.S. Federal Law that allows for the disclosure of government information in two ways:

## Mandatory Proactive Disclosures

- Agency organization and process
- Final administrative orders and opinions
- Agency guidance materials
- Copies of previous FOIA requests

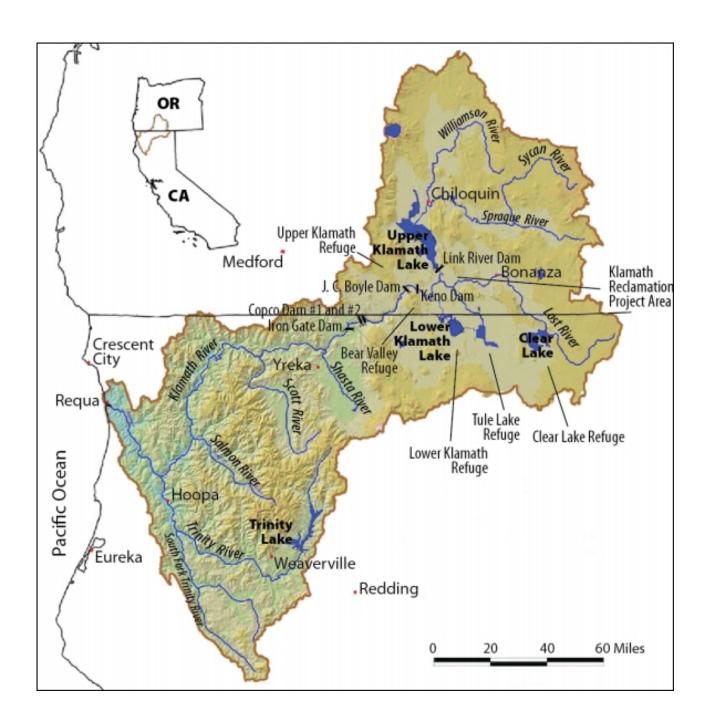
## By Information Request\*

- Submit requests directly to the agency
- Subject to nine exemptions

5 U.S.C. § 552 Public L. No. 89-487 80 Stat. 250

## EXAMPLE: Klamath River Basin Dam Removal





## The Situation

- The Klamath River is located in Oregon and northern California in the U.S., and flows approximately 263 miles (423 km) to the Pacific Ocean.
- The River is the most important river south of the Columbia for the migration of endangered salmon, steelhead and rainbow trout.
- The River houses 6 dams, many privately owned, that provide hydroelectric power to the region.
- In September 2002, 68,000 salmon were found dead in a massive fishkill on the lower Klamath River due to the Bush Administration's policies which cut downstream water flows in favor of assisting drought stricken farmers.
- Litigation ensued over the course of years resulting in a two settlements that will remove four of the dams.

Type 1: Traditional Grey Literature



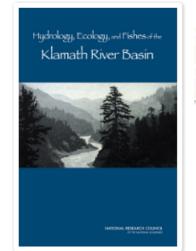
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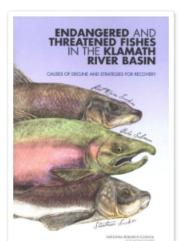
Overview

Content





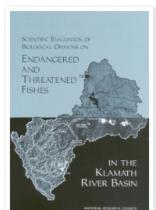
#### THE NATIONAL ACADEMIES PRESS



Status: Final Book

## Endangered and Threatened Fishes in the Klamath River Basin:

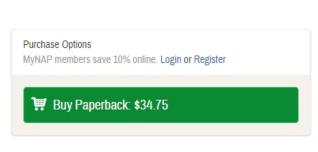
Causes of Decline and Strategies for Recovery (2004)



Scientific Evaluation of Biological Opinions on Endangered and Threatened Fishes in the Klamath River Basin:

E-mail this page 🔣

Interim Report (2002)



search terms



Salmonids, stream temperatures, and solar loading--modeling the shade provided to the Klamath River by vegetation and geomorphology

Scientific Investigations Report 2013-5022

By: William M. Forney, Christopher E. Soulard, and C. Christopher Chickadel



#### Links

- More information: USGS Index Page
- · Document: Document
- Download citation as: RIS

#### Abstract

The U.S. Geological Survey is studying approaches to characterize the thermal regulation of water and the dynamics of cold water refugia. High temperatures have physiological impacts on anadromous fish species. Factors affecting the presence, variability, and quality of thermal refugia are known, such as riverine and watershed processes, hyporheic flows, deep pools and bathymetric factors, thermal stratification of reservoirs, and other broader climatic considerations. This research develops a conceptual model and methodological techniques to quantify the change in solar insolation load to the Klamath River caused by riparian and floodplain vegetation, the morphology of the river, and the orientation and topographic characteristics of its watersheds. Using multiple scales of input data from digital elevation models and airborne light detection and ranging (LiDAR) derivatives, different analysis methods yielded three different model results. These models are correlated with thermal infrared imagery for ground-truth information at the focal confluence with the Scott River. Results from nonparametric correlation tests, geostatistical cross-covariograms, and cross-correlograms indicate that statistical relationships between the insolation models and the thermal infrared imagery exist and are significant. Furthermore, the use of geostatistics provides insights to the

https://pubs.er.usgs.gov/publication/sir20135022

Type 2: Government Administrative Materials



















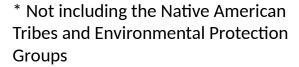




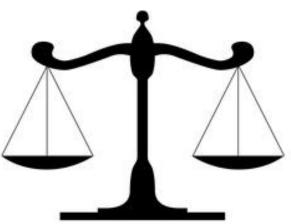


## Legal Framework

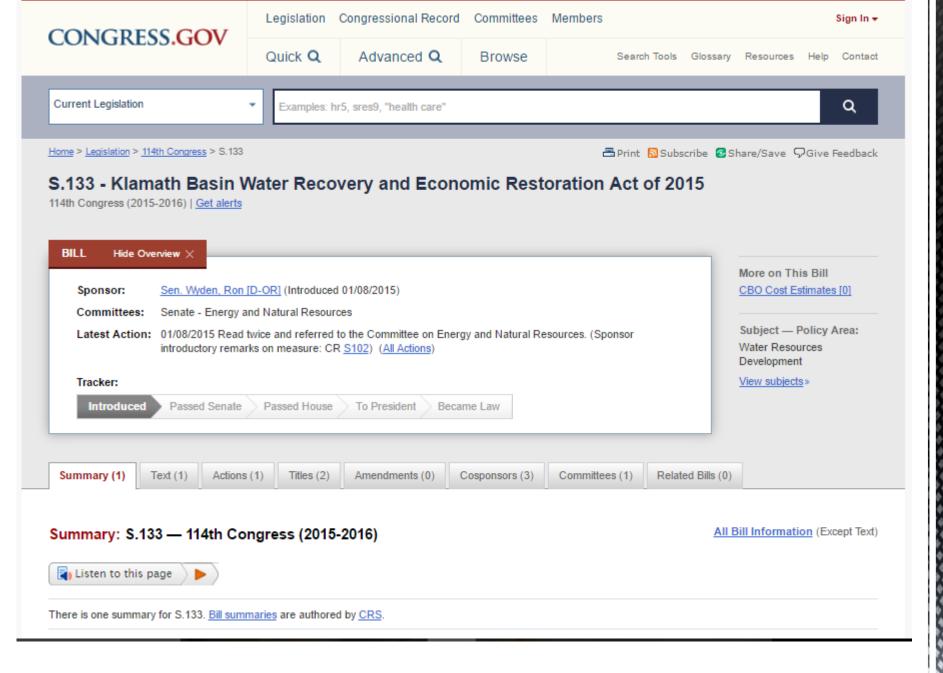
(Alphabet Soup)

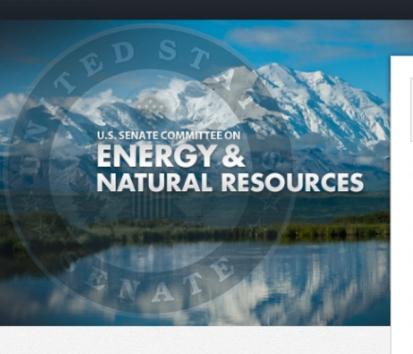


## Type 2: Government Administrative Materials



**LEGISLATIVE** 





#### RELATED LINKS

- → Hearings and Business Meetings
- → Live Webcast
- → Printed Hearings

#### HEARINGS AND BUSINESS MEETINGS

Home / Hearings / Hearings and Business Meetings

Jun 20 2013

## FULL COMMITTEE HEARING: Water Resource Issues in the Klamath River Basin

SH-216 Senate Hart Building 09:30 AM

The purpose of this hearing is to receive testimony on water resource issues in the Klamath River Basin.

The hearing will be webcast live on the committee's website, and an archived video will be available shortly after the hearing is complete. Witness testimony will be available on the website at the start of the hearing.

The committee is inviting the public to submit comments on water resource issues in the Klamath River Basin. Please direct comments to: Klamath@energy.senate.gov.



#### http://

<u>www.energy.senate.gov/public/index.cfm/2013/6/full-committee-hearing-water-management-in-the-klamath-river-basin</u>

...] KLAMATH BASIN TRAGEDY The SPEAKER pro tempore. Under a previous order of the House, the gentleman from... the water to hundreds of family farmers in the Klamath Basin of northern California and southern... vastly different conclusion? Because, Mr. Speaker, the

Person

Wyden, Ron (217)

Dorgan, Byron L. (175)

Congressional Record, Mr. HERGER, Thursday, February 7, 2002.

Klamath Basin tragedy is nothing short... More Information



#### Klamath Basin Settlement Agreements

Charles V. Stern

Specialist in Natural Resources Policy

Cynthia Brougher

Legislative Attorney

Harold F. Upton

Analyst in Natural Resources Policy

Betsy A. Cody

Specialist in Natural Resources Policy

September 9, 2014

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**Key Issues** 

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#### KLAMATH RIVER BASIN:

Reclamation Met Its Water Bank Obligations, but Information Provided to Water Bank Stakeholders Could Be Improved GAO-05-283: Published: Mar 28, 2005. Publicly Released: Mar 28, 2005.

HIGHLIGHTS

**RECOMMENDATIONS** 

VIEW REPORT (PDF, 60 PAGES) 7



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Drought conditions along the Oregon and California border since 2000 have made it difficult for the Bureau of Reclamation (Reclamation) to meet Klamath Project irrigation demands and Klamath River flow requirements for threatened salmon. To augment river flows and avoid jeopardizing the salmon's existence, Reclamation established a multiyear water bank as part of its Klamath Project operations for 2002 through 2011. Water banks facilitate the transfer of water entitlements between users. This report addresses (1) how Reclamation operated the water bank and its cost from 2002 through 2004, (2) whether Reclamation met its annual water bank obligations each year, (3) the water bank's impact on water availability and use in the Klamath River Basin, and (4) alternative approaches for achieving the water bank's objectives.

Reclamation has changed how it operates the Klamath Project water bank, as it has gained more experience, to help it meet its growing obligations and mitigate costs. For example, Reclamation initially obtained most of the water for the water bank by contracting with irrigators to either forego irrigation altogether (crop idling), or use only well water (groundwater substitution). It later added the option to pump well water into the irrigation canals for others to use (groundwater pumping). For the period 2002 through 2004, Reclamation's water bank expenditures totaled over \$12 million, and the cumulative cost could exceed \$65 million through 2011, GAO's analysis of water bank contracts and river flow records found that Reclamation met its water bank obligations by acquiring and delivering the required amount of water for 2002 through 2004. However, Reclamation has not provided stakeholders with systematic and clear information concerning the water bank's management and status and its decision to use river flow data that are not publicly available limited stakeholders' ability to monitor water bank activities. This has led to confusion and doubt among stakeholders on whether Reclamation met its water bank obligations. The water bank appears to have increased the availability of water to enhance river flows by reducing the amount of water diverted for irrigation, but the actual impacts are difficult to quantify because Reclamation lacks flow measurement equipment and monitoring data for the Klamath Project. Reviews by external experts of the impacts of the 2002 and 2003 crop idling contracts indicate that significantly less water may

#### Additional Materials:

🔼 Highlights Page: (PDF, 1 page)

Full Report: (PDF, 60 pages)

Accessible Text: (HTML text file)

#### Contact:

Anu K. Mittal (202) 512-9846 contact@gao.gov

Office of Public Affairs (202) 512-4800

# Type 2: Government Administrative Materials



**LITIGATION** 

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Justia > Dockets & Filings > Ninth Circuit > California > California Northern District Court > Klamath Riverkeeper v. National Marine Fisheries Service et al.

#### Klamath Riverkeeper v. National Marine Fisheries Service et al

Plaintiff: Klamath Riverkeeper

Defendant: National Marine Fisheries Service, Penny Pritzker and William Stelle

Case Number: 3:2015cv02670

Filed: June 12, 2015

Court: California Northern District Court

Office: Oakland Office
County: San Francisco

Presiding Judge: Jeffrey S. White

Nature of Sult: Freedom of Information Act

Cause of Action: 05:552 Jury Demanded By: None

■ Follow case documents by RSS

#### **Available Case Documents**

The following documents for this case are available for you to view or download:

Date Filed # Document Text



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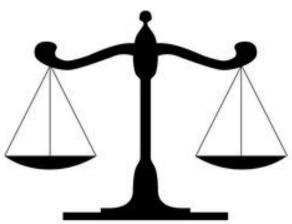
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Paul H. Townsend

## Type 2: Government Administrative Materials



**REGULATORY** 

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KLAMATH BASIN WATER ISSUES



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#### WELCOME

This is the official website of the Department of the Interior, and other federal and state agencies that are involved in carrying out obligations set forth in the Klamath Hydroelectric Settlement Agreement, including the Secretarial Determination on Klamath River dams. Use this website to stay up to date on issues surrounding the Secretarial Determination and the environmental analysis that will be conducted pursuant to the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA).





#### The Klamath Agreements

- KHSA (PDF, 6.4 MB)
- KBRA (PDF, 10.6 MB)

Related Information on the KBRA

Klamath Basin Coordinating Council



#### Secretarial Determination

#### "Overview Report"

- February 2013 Transmittal Letter for Final Secretarial Determination "Overview Report" (PDF, 42 KB)
- October 2012 Final Klamath Dam Removal Overview Report for the Secretary of the Interior — An Assessment of Science and Technical Information (PDF, 10 MB)
- August 2012 Federal Responses to Peer Review Comments (PDF, 697, MB)
- August 2012 Peer Review Referee Letter (PDF, 1.9 MB)



#### NEPA/CEQA Process

#### Final EIS (April 2013)

- Download the Final EIS
  - Executive Summary
  - Press Release

#### Draft EIS/EIR (September 2011)

- Download the Draft EIS/EIR
  - Press Release on Draft EIS/EIR Sept. 21, 2011
  - Summary of Key Conclusions in Draft EIS/EIR and Related Technical and Scientific Reports (Sept. 21, 2011)



#### Announcements

- Aug. 22, 2012 Agreement in Principle (AIP) for Transfer of the Keno Facility (PDF, 121 KB)
- Aug. 22, 2012 -- Cover Letter for AIP (PDF, 51 KB)
- March 13, 2012 -- Peer Review on Draft Klamath Dam Removal Overview Report for the Secretary of the Interior (2012) (PDF, 4.6 MB)
  - Press Release (3/12/12)
- March 5, 2012 -- Preliminary Section 7(a) Wild and Scenic Rivers Act Determination (PDF, 900 KB)
- March 12, 2012 Press Release on Peer Review Panel Review of Draft "Overview Report"

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#### Watershed Priorities

#### Klamath River Basin, California & Oregon

On this page:

- EPA Activities
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- · Blue-Green Algae
- More Information
- · Partnership Activities
- Contact Information

Historic Salmon Restoration Plan for Klamath River

- News Release

#### National Resources

- National Watersheds
- Surf Your Watershed
- Targeted Watersheds grants
   Program
- Klamath River Watershed Coordination Agreement

The Klamath River

Basin, which covers 10.5 million acres in southern Oregon and northern California, has been long renowned for its

lakes, rivers, hunting and fishing opportunities and strong agricultural economy. The Basin is home to six federally-recognized tribes and several National Wildlife Refuges, Parks and Forests.

The Klamath Basin has been in the forefront of national attention due to contentious resource issues including water allocation, water quality, and threatened and endangered species. The Klamath River has been the third-largest producer of salmon on the West Coast, following closely behind the Sacramento and Columbia rivers. In 2002, a massive die-off of over 33,000 adult salmon on the Klamath River brought renewed attention to this area.

Photo of: The Klamath River

The Klamath River, which starts in Oregon, travels for approximately 250 miles through California before flowing into the Pacific Ocean near Crescent City. The river is impounded by four dams – one for water delivery and three for hydroelectric generation, part of PacifiCorp's Klamath Hydroelectric Project. Major tributaries to the Klamath include the Shasta, Scott, Salmon and Trinity rivers.

CONTACT US



#### Federal Energy Regulatory Commission

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LEGAL RESOURCES

#### Environmental Impact Statements (EISs)

INDUSTRIES

Final Environmental Impact Statement for Relicensing of the Klamath Hydroelectric Project No. 2082-027

MARKET OVERSIGHT

ENFORCEMENT

Issued: November 16, 2007

Commission staff prepared a Final Environmental Impact Statement (FEIS) for relicensing of PacifiCorp's 169-megawatt Klamath Hydroelectric Project, located primarily on the Klamath River in Klamath County, Oregon and Siskiyou County, California. On average, the project generates 716,820 megawatt-hours of electricity annually. The project occupies 219 acres of lands of the United States, which are administered by the U.S. Bureau of Reclamation and the U.S. Bureau of Land Management.

The existing project consists of eight developments, seven of which are located on the Klamath River. PacifiCorp proposes to decommission the upstream-most East Side and West Side developments and to remove the Keno development, which has no generating facilities, from the project. The remaining project developments on the main stem of the Klamath River are J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate. The proposed project also includes the existing Fall Creek development, located on a Klamath River tributary.

In this FEIS. Commission staff assessed the environmental and economic effects of:

- Continuing to operate the project with no changes or enhancements (no-action alternative);
- Operating the project as proposed by PacifiCorp (PacifiCorp's proposal);

# Find information about projects in your area Hydropower Staff Reports Calendar of Events NEPAnet Statutes and Regulations

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#### Klamath Basin Area Office

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#### Klamath Falls Fish and Wildlife Office

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Klamath Falls Fish & Wildlife Office 1936 California Avenue Klamath Falls, Oregon 97601 Telephone: 541-885-8481 Fax: 541-885-7837

Last updated: January 28, 2015

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https://www.fws.gov/klamathfallsfwo/

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#### Klamath National Forest

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- Passes & Permits
- Maps & Publications
- Land & Resources Management
- Learning Center
- ▶ Working Together
- ▶ About the Forest
- News & Events

#### Contact Information

Klamath National Forest Supervisor's Office (Headquarters)

1711 South Main Street



The Klamath National Forest encompasses nearly 1.7 million acres of land straddling the California and Oregon border. The Forest is divided into two sections separated by the Shasta Valley and the I-5 corridor. In the mountains to the west, the terrain is steep and rugged. The east-side has the relatively gentler, rolling terrain of volcanic origin. With elevations ranging from 450 to 8,900 feet above sea level, the Klamath National Forest is one of

America's most biologically diverse regions. It is situated in a transitional region between the hotter and drier areas to the south and the colder, wetter climate to the north.

#### Motorized Travel Management Information

- ▶ Travel Management Rule Overview
- Klamath National Forest Motorized Travel Management Plan
- ▶ Motor Vehicle Use Maps (MVUM)
- ▶ Travel Analysis Planning
- ▶ Travel Management Comment Form
- Please Share Comments and Ouestions Here

#### Quick Links

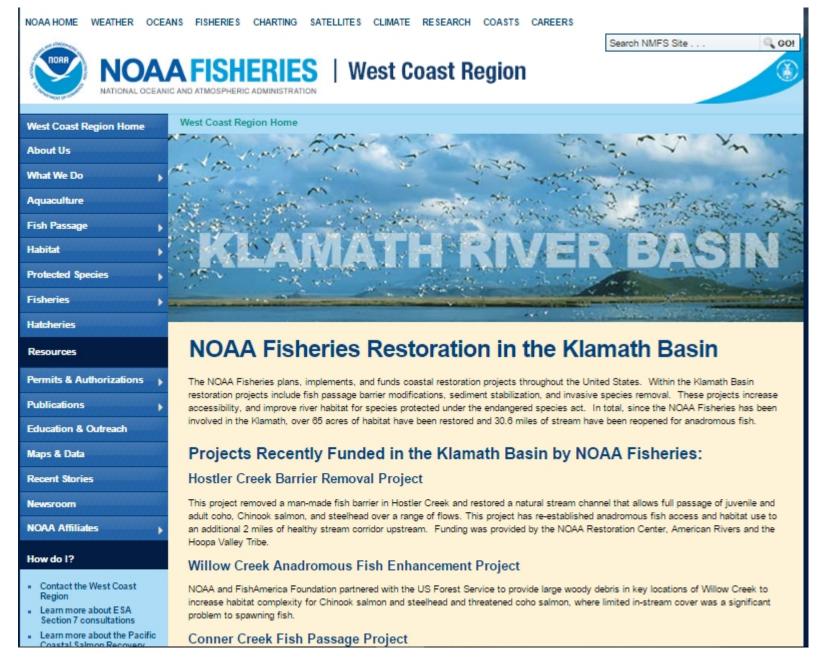
- o Subscribe to the Klamath National Forest Email Update List □
- Westside Fire Recovery
- Project Activity Level/ Fire Precautions
- New MVUM maps available.
- Klamath Prescribed Burning (InciWeb) ,□
- RAC member Application Form
- Schedule of Proposed Actions
- Submit a RAC project proposal
- Biomass Feasibility Assessment
- USGS Real-Time River Flows

#### Alerts & Warnings

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**Employment Opportunities** 

http://www.fs.usda.gov/klamath/



#### Klamath River Renewal Corporation

UPDATE: On Friday, November 18, 2016, the KRRC issued an RFQ for Owner's representative services.

Click here to download the RFQ.

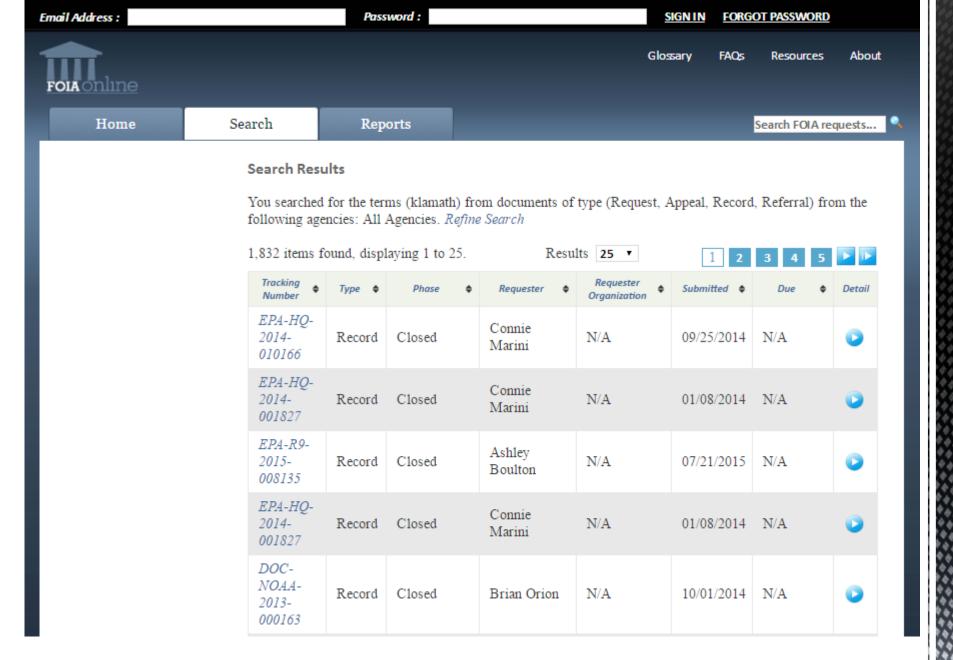
Interested firms should respond to the RFQ by Friday, December 2, 2016 at 5:00 PM Pacific Time. Background information can be found on the Resources page of this website.

#### About the Klamath River Renewal Corporation

The Klamath River Renewal Corporation (KRRC) was called for as part of the Amended Klamath Hydroelectric Settlement Agreement (KHSA) between the dam owner and operator PacifiCorp and the United States Department of the Interior and the Department of Commerce, the states of California and Oregon, the Karuk and Yurok Tribes, Humboldt County, and nine conservation and fishing groups, in order to protect electricity ratepayers and restore the Klamath River.

The KRRC was called for as part of the Amended KHSA to take over the dam





## Strengthening Collection Diversity



## **Collection Diversity**

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  - Reevaluating Existing Subscriptions
- Step 2: Developing Partnerships
  - Academics
  - Consortia
  - Law Schools
  - Public Law Libraries

## **Credits**

Matthew Petroff, <u>Interior of the George Peabody Library in Baltimore</u>, WIKIMEDIA (Jan. 15, 2013).

3 Branches of Government, Kids.gov (last updated Nov. 7, 2016).

Linda Tanner, <u>Dark Morning On The Klamath River</u>, FLICKR (June 18, 2011).

CHARLES V. STERN ET AL., CONG. RESEARCH SERVS.,

KLAMATH BASIN SETTLEMENT AGREEMENTS (Sept. 9, 2014).





## Taryn L. Rucinski

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212-857-8952