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# The Lease of Their Problems

## Year

2002

## Description

This case discusses issues of animal research, legal issue between landlord and tenant, and integrity of data.

## Body

Industrial landowners such as Wegrow Plant Products (WPP) often set aside large areas to learn which of the prized seed sources consistently germinate and grow well. These areas are often kept in sown grass or under agricultural crops until the site is prepared (similar to preparing a corn field for planting) and planted with established seedlings grown from this seed. An individual test is a small plantation that usually contains 300-500 trees. Depending on the study design, every tree or each sixth tree is labeled at planting. Metal identification tags are placed on stakes in the ground next to the tree or hung like Christmas ornaments until the tree is large enough to support a nail in its base. Two rows of unlabeled trees serve as buffers on each side of the test or around a group of tests planted at the same time.

Because of the large investment of time and money in this effort, WPP long ago made the decision to lease recreational rights in 100-300 acre blocks to these particular areas only to hunting or fishing clubs composed of employees and their family members. (Other groups may lease less sensitive areas within the lease system). In return for the right to legally hunt and fish in season and with appropriate state licenses and to enjoy other outdoor activities such as picnicking,

bird watching and hiking year-round, clubs pay a nominal per-acre fee each year and assume some responsibility for the upkeep of signs and property boundaries. They also serve as effective deterrents to would-be trespassers such as poachers, arsonists, garbage dumpers, and the occasional industrial spy or saboteur.

For convenience, the clubs designate a single representative to maintain correspondence with Rosa Rubens, the lease manager. At each lease renewal, Rubens reminds the representative that the club can plant small seasonal food plots between and around each individual test, but that they are prohibited from altering the forest cover within the test boundaries. Only research staff may prescribe treatments such as cutting, organic or inorganic fertilizers, or herbicides that affect light or nutrient levels. The penalties for violating these terms can range from a minor warning to termination of the lease. For particularly severe or criminal violations, legal action could be in order, and this eventuality could influence employment status at WPP. Relatively few infractions have occurred, because all concerned recognize the agreement is mutually beneficial. The employees have convenient, inexpensive recreational areas for after hours, weekends and vacations, and they provide valuable insurance to the company. The work environment is also more pleasant because employees rarely have to clean up after trespassers anymore.

When Aaron Zilgett arrived at Research Area 321 for routine measurements, he observed that this particular club has cleared some of the more weedy competition and damaged large numbers of leaves from some of the test trees in the process. Before visiting his supervisor to discuss the effect on data integrity (and possibly the wisdom of the whole lease program), he checks the lease records to determine the responsible party and to see if there had been any previous difficulty with this club. When he learns that well-respected district manager, Jack Spruce, is the club representative, Zilgett invites him to visit the site. Zilgett cannot fathom why Spruce's club would jeopardize their long-term lease agreement, and he needs more information before he can decide what needs to be done to remedy the situation.

As they approach the vandalized test, Spruce points to several nests of uncommon Schragian cutenfuzzies that have made their home in the buffer zone. He excitedly describes the increased numbers of cutenfuzzies he has seen since his club started cleaning out the test site to increase the visibility of the common game birds that also inhabit the area. He shares his disappointment in an earlier WPP decision to wait for cutenfuzzies to reach protected status to take action. Once they are listed

as threatened or endangered under the terms of the Endangered Species Act, the company could lose access to the tract for management activities deemed harmful to the cutenfuzzies.

Zilgett realizes that the decision to sacrifice this small test area was intended to prevent harm to the cutenfuzzies and protect the company's interests. However, he is dumbfounded that Spruce and the hunting club caused so much damage in an effort to increase habitat for an animal that may or may not need it. Further, he cannot imagine how the risky plan "worked." He can only imagine the likelihood of anything going wrong and destroying cutenfuzzy nesting sites instead. He is torn: Are Spruce and his cronies incompetent employees, vandals or misinformed, well-intentioned tenants?

## **Discussion Questions**

1. What are Zilgett's responsibilities to Rubens, Spruce, WWP and the cutenfuzzies?
2. Should Spruce, as the club's representative, have cleared his decision with WPP before the club took action?
3. Should Spruce's actions "off the clock" affect his professional life?
4. What should Rosa Rubens do?
5. How would your responses differ if tests were to determine the likelihood of reintroduction of equally uncommon plant species and Mr. Spruce had sacrificed one protected species for another?
6. How would your responses differ if Mr. Spruce's club just wanted to improve his hunting success and hadn't recognized the cutenfuzzy habitat?
7. What responsibility does WPP have to its lessees and to the environment to have a sound contract without loopholes?

## **Notes**

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