

CULTURAL RESOURCES LAW

Consulting with Tribes on Energy Projects

October 2-3, 2017 • Mystic Lake Casino Hotel • Prior Lake, MN

Dear Colleague:

We have once again assembled a faculty of nationally renowned experts to lead you through the complex legal, business and policy issues in energy development, and Tribal consultation.

Join your fellow professionals from around the country, and hear perspectives from Tribal governments, federal and state governments, industry professionals, and consultants, and learn new creative and collaborative approaches to problem-solving.

- **An Introduction to Cultural Resource Protection Under Federal and Tribal Law**
- **Presidential Change 2017-Implications for Cultural Resources Compliance and Tribal Consultation**
- **Communicating Across Worldviews: Skills for Conducting More Effective Consultations**
- **Effective NAGPRA Compliance Strategies**
- **Kinder Morgan's Strategy for Successful Tribal Consultation**
- **Effective Engagement with Tribes**
- **Strategies to Expedite Tribal Consultation and Reduce Project Risks**
- **Native Culture Wars: The National Museum of the American Indian**
- **Cultural Resources: Traditional Indigenous Thinking of Sovereignty**
- **Outreach for FERC Regulated Projects**
- **Tribal Consultation and the US Army Corps of Engineers**
- **World Intellectual Property Organization Protection of Traditional Cultural Expressions of Indigenous People**
- **The Ethics of Dealing with Indian Tribes and Tribal Enterprises**
- **When Culture Preservation and Water Rights Collide**

This Conference is specifically designed to provide you with the most up-to-the-minute information from all points of view, and you will leave with course materials that you will refer back to, time and time again.

Please register early, space is limited.

We look forward to seeing you at the Mystic Lake!

Sincerely,



Jon Berkin

Jon Berkin, PhD, Program Co-Chair
Partner
ERM, Minneapolis, MN



Troy A. Eid

Troy A. Eid, Esq., Program Co-Chair
Principal Shareholder
Greenberg Traurig, Denver, CO



CONFERENCE LOCATION & HOTEL ACCOMMODATIONS



Mystic Lake Casino Hotel
2400 Mystic Lake Blvd.
Prior Lake, MN 55372

Mystic Lake Casino Hotel is owned and operated by the Shakopee Mdewakanton Sioux Community (SMSC). The SMSC is a federally recognized, sovereign Indian tribe located southwest of Minneapolis/St. Paul. With a focus on being a good neighbor, good steward of the earth, and good employer, the SMSC is committed to charitable donations, community partnerships, a healthy environment, and a strong economy.

Relax in luxury in one of the newly renovated 586 rooms complete with spa, championship golf course and perks including complimentary wi-fi, valet parking, indoor pool, lively entertainment and casino. Conveniently located 30 minutes from Minneapolis and the Minneapolis/St. Paul International Airport.

Hotel Reservations

Call (952) 445-9000 or
(800) 262-7799 and ask for the
Cultural Resources Law rate.

PS – Join us for the private networking reception, sponsored by:



MONDAY, OCTOBER 2

- 8:00 Registration and Continental Breakfast
- 8:30 **Introduction and Welcome**
Overview of Day One
Jon Berkin, PhD, Program Co-Chair, Partner, ERM, Minneapolis, MN
Troy A. Eid, Esq., Program Co-Chair, Principal Shareholder
Greenberg Traurig, Denver, CO
- 8:45 **An Introduction to Cultural Resource Protection**
Under Federal and Tribal Law
Marion F. Werkheiser, Esq., Founding Partner
Cultural Heritage Partners, Washington, DC
- 9:30 **Featured Presentation**
Presidential Change 2017-Implications for Cultural Resources Compliance and Tribal Consultation
Charles R. "Chip" Smith, Assistant for Environment Tribal & Regulatory Affairs
Office of the Assistant Secretary of the Army, Washington, DC
- 10:15 Networking Break
- 10:30 **Communicating Across Worldviews**
Skills for Conducting More Effective Consultations
Aimee Gourlay, Esq., Executive Director
Mediation Center, St. Paul, MN
Jon Berkin, PhD, Program Co-Chair, Partner
- 11:30 **The Native American Graves Protection and Repatriation Act**
Effective NAGPRA Compliance Strategies
Ernest House, Jr., Executive Director
Colorado Commission of Indian Affairs, Denver, CO
- 12:15 Lunch Break (on your own)
- 1:30 **Embracing the Bigger Picture**
Kinder Morgan's Strategy for Successful Tribal Consultation on Natural Gas Transmission Projects
Brian Benito, Jr., Senior Specialist-Permitting Compliance
Kinder Morgan, Enfield, CT
Amy Blythe, Environmental Specialist
Kinder Morgan, Colorado Springs, CO
- 2:30 **Effective Engagement with Tribes**
Developing Collaborative Approaches
Dianne Desrosiers, Tribal Historic Preservation Officer
Sisseton-Wahpeton Oyate of the Lake Traverse Reservation Agency Village, SD
Carolyn Stewart, Director, Tribal Relations
NextEra Energy Resources, Juno Beach, FL
- 3:30 Networking Break
- 3:45 **Face to Face**
Strategies to Expedite Tribal Consultation and Reduce Project Risks
Earl Evans, Vice Chairman
Haliwa-Saponi Tribal Council, Tribal Specialist and
Marion F. Werkheiser, Esq., Founding Partner
Cultural Heritage Partners, Washington, DC
- 4:45 **Intellectual Property**
WIPO Protection of Traditional Cultural Expressions of Indigenous People
Preston Hardison, Policy Analyst, Tulalip Tribes, Tulalip, WA
Sue Noe, Esq., Senior Staff Attorney
Native American Rights Fund, Boulder, CO
- 5:30 Adjourn to Private Networking
Reception Sponsored by:



TUESDAY, OCTOBER 3

- 8:00 Continental Breakfast
- 8:30 **Welcome Back**
Recap of Day One and Overview of Day Two
Jon Berkin, PhD, Program Co-Chair, Partner
Troy A. Eid, Esq., Program Co-Chair, Principal Shareholder
- 8:45 **Featured Presentation**
Native Culture Wars:
The National Museum of the American Indian
Kevin Gover, Director
The National Museum of the American Indian
Smithsonian Institution, Washington, DC
Introduction by: Loretta A. Tuell, Esq.
Greenberg Traurig, Washington, DC
- 9:30 **Featured Presentation**
Cultural Resources: Traditional Indigenous Thinking of Sovereignty
Manley A. Begay, Jr., PhD, Professor
Department of Applied Indigenous Studies;
Department of Politics and International Affairs
College of Social and Behavioral Sciences
Northern Arizona University, Flagstaff, AZ
- 10:15 Networking Break
- 10:30 **Outreach for FERC Regulated Projects**
Current Trends in Tribal Consultation
Sauna Akers, EH&S Senior Permitting Specialist
Williams Company, Houston, TX
Eric Howard, Archaeologist, Gas Branch 2
Federal Energy Regulatory Commission, US Department of Energy
Washington, DC
- 11:30 **Tribal Consultation in the Trump Administration**
The View from Washington, DC
Loretta A. Tuell, Esq., Greenberg Traurig, Washington, DC
- 12:15 Lunch Break (on your own)
- 1:30 **Energy Development and Tribal Engagement—A Panel Discussion**
Sauna Akers, EH&S Senior Permitting Specialist
Williams Company, Houston, TX
Brian Benito, Jr, Senior Specialist-Permitting Compliance
Kinder Morgan, Enfield, CT
Amy Blythe, Environmental Specialist
Kinder Morgan, Colorado Springs, CO
Arshia Javaherian, Esq. Senior Legal Counsel
Enbridge Energy, Duluth, MN
Molly Plautz, External Affairs Manager, Federal Affairs
Dominion Resources Services, Richmond, VA
Carolyn Stewart, Director, Tribal Relations
NextEra Energy Resources, Juno Beach, FL
Moderator: Jon Berkin, PhD, Program Co-Chair, Partner
- 3:00 Networking Break
- 3:15 **When Culture Preservation and Water Rights Collide**
The Animas-LaPlata Project
Peter Ortego, Esq., General Counsel
Ute Mountain Ute Tribe, Towaoc, CO
- 4:00 **The Ethics of Dealing with Indian Tribes and Tribal Enterprises**
How Non-Indian Proponents of Energy, Mining, Water, and Other Projects can Work Ethically with Tribal Governments and Enterprises; Do's and Don'ts of Dealing with Tribal Officials
Troy A. Eid, Esq., Program Co-Chair, Principal Shareholder
- 5:00 Evaluations and Adjourn

Earn up to 12 Hours MCLE Credit Including One Hour of Ethics

REGISTER NOW! cle.com/106 or (800) 873-7130

PROGRAM CO-CHAIRS

Jon Berkin is a Partner in the Minneapolis office of ERM, a leading environmental consulting firm for the energy industry. He specializes in managing the routing, siting, and environmental permitting for large scale energy infrastructure projects and the design and implementation of public outreach processes. Dr. Berkin has over 25 years of environmental permitting experience for energy projects throughout the lower 48 states and Alaska, including numerous energy projects on Tribal lands. He has extensive experience working with American Indian Tribes and is a frequent presenter on the topics of regulatory compliance, dispute resolution, and consultation issues at industry conferences.

Troy A. Eid co-chairs the American Indian Law Practice Group for Greenberg Traurig and lives in Denver. He represents traditional and renewable energy projects on federal public lands and elsewhere, advising project proponents – including companies, utilities, and energy producing tribes – and litigates federal cultural resource, historic preservation, and environmental issues. A former United States Attorney for the District of Colorado, he chaired the National Indian Law and Order Commission, advising the President and Congress, from 2010-14. An expert in Native American tribal law, he serves on the Navajo Nation’s Judicial Conduct Commission.

FEATURED PRESENTERS

Manley A. Begay, Jr., PhD, Professor
Department of Applied Indigenous Studies;
Department of Politics and International Affairs
 College of Social and Behavioral Sciences
 Northern Arizona University, Flagstaff, AZ

Kevin Gover, Director
 The National Museum of the American Indian
 Smithsonian Institution, Washington, DC

Charles R. “Chip” Smith
Assistant for Environment
Tribal & Regulatory Affairs
 Office of the Assistant Secretary of the Army
 Washington, DC

SPEAKERS

Shauna Akers
EH&S Senior Permitting Specialist
 Williams Company, Houston, TX

Brian Benito, Jr.
Senior Specialist-Permitting Compliance
 Kinder Morgan, Enfield, CT

Amy Blythe, Environmental Specialist
 Kinder Morgan, Colorado Springs, CO

Dianne Desrosiers
Tribal Historic Preservation Officer
 Sisseton-Wahpeton Oyate of the Lake Traverse
 Reservation, Agency Village, SD

Earl Evans, Vice Chairman,
Haliwa-Saponi Tribal Council, Tribal Specialist
 Cultural Heritage Partners, Washington, DC

SPEAKERS

Aimee Gourlay, Esq., Executive Director
 Mediation Center, St. Paul, MN

Preston Hardison, Policy Analyst
 Tulalip Tribes, Tulalip, WA

Ernest House, Jr., Executive Director
 Colorado Commission of Indian Affairs
 Denver, CO

Eric Howard, Archaeologist, Gas Branch 2
 Federal Energy Regulatory Commission, US
 Department of Energy, Washington, DC

Arshia Javaherian, Esq. Senior Legal Counsel
 Enbridge Energy, Duluth, MN

Sue Noe, Esq., Senior Staff Attorney
 Native American Rights Fund, Boulder, CO

Peter Ortego, Esq., General Counsel
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Molly Plautz, External Affairs Manager
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 Dominion Resources Services, Richmond, VA

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Loretta A. Tuell, Esq.
 Greenberg Traurig, Washington, DC

Marion F. Werkheiser, Esq., Founding Partner
 Cultural Heritage Partners, Washington, DC

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Cancellation

Full tuition refunds (less a \$75 administrative charge) will be given only if notice of cancellation is received at least seven days prior to the Conference. Substitutions may be made at any time.

Course Materials provided in electronic format only.

Tuition - includes Course Materials

- \$895 per person
- \$795 each for 2 or more
- \$695 each for 5 or more
- \$795 each for government, 501(c)(3) organizations, full-time judges, law students and paralegals
- \$695 each for 2 or more government, 501(c)(3) organizations, full-time judges, law students and paralegals
- \$595 each for 5 or more government, 501(c)(3) organizations, full-time judges, law students and paralegals

Audio Home Study - available after the Conference

- \$895 Audio transcript and Course Materials

Course Materials Only - available after the Conference

- \$250

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Earn up to 12 Hours MCLE Credit
Including One Hour of Ethics

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10th Anniversary Conference *Live!*



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Section 106, Historic Preservation & Tribal Consultation
October 2-3, 2017 • Mystic Lake Casino Hotel • Prior Lake, MN

Three Featured Presentations!

**Presidential Change 2017-
Implications for Cultural Resources
Compliance and Tribal Consultation**



**Charles R. "Chip"
Smith, Assistant for
Environment, Tribal &
Regulatory Affairs**
Office of the Assistant
Secretary of the Army,
Washington, DC

**Native Culture Wars:
The National Museum of the
American Indian**



**Kevin Gover, Director
National Museum of the
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**Cultural Resources:
Traditional Indigenous Thinking
of Sovereignty**



**Manley A. Begay, Jr., PhD
Professor
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