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- Brownstein Hyatt Farber Schreck LLP
- Bureau of Indian Affairs
- Carter Ledyard & Milburn LLP
- Clean Line Energy
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- University of Arizona James E. Rogers College of Law

A Comprehensive Conference on

Tribal Energy in the Southwest

New opportunities for Tribal projects and tips for navigating a changing regulatory environment

April 3 & 4, 2017

Albuquerque, New Mexico

Indian Pueblo Cultural Center

Live webcast and replays available!

Credits: NM CLE 12.7 (pending) (call about others)
Quick when/where: 8:30 a.m., 2401 12th Street NW

Tribal Energy in the Southwest Conference

April 3 & 4, 2017 | Albuquerque, New Mexico
Indian Pueblo Cultural Center



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If you cannot attend in person, check boxes to order:

- Live Homestudy Webcast Homestudy Replay Course Materials

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- 8:00 Registration Opens**
- 8:30 Introduction & Overview**

Lynn H. Slade, Esq., *Program Co-Chair*
Modrall Sperling ~ Albuquerque, NM

Pilar Thomas, Esq., *Program Co-Chair*
Lewis Roca Rothgerber Christie LLP ~ Tucson, AZ
- 8:45 The Post-Election Political Landscape for Tribal Energy Issues**

Leadership and staffing changes for key committees in both houses and the impact on passage of legislation of importance to Tribes

Gregory A. Smith, Esq.
Hobbs Straus Dean & Walker LLP ~ Washington, DC
- 9:30 Update on Federal Administrative Policy for Tribal Energy Resource Development**

Policy priorities at the two lead agencies; status report on implementation of the recent Memorandum of Understanding to assist Tribes throughout the United States to develop their energy resources

Troy A. Eid, Esq.
Greenberg Traurig LLP ~ Denver, CO
- 10:15 Break**
- 10:30 Energy Policy in the Courts: Update on the Appeal of the Clean Power Plan (CPP) and Other Key Cases**

CCP litigation and related developments; trends in the courts for other energy cases and cases involving tribal vs. federal vs. state authority; how selection of the new Supreme Court Justice is likely to affect the cases the Court takes and their outcome

Jennifer H. Weddle, Esq.
Greenberg Traurig LLP ~ Denver, CO
- 11:15 Environmental Policy: Endangered Species and Bird Issues**

Likely changes in EPA regulatory and enforcement policies; recent case law and its relevance moving forward; Tribal jurisdiction in the environmental arena; the interplay between Tribal sovereignty and federal/state environmental quality regulations

Jennifer Carleton, Esq.
Brownstein Hyatt Farber Schreck LLP ~ Las Vegas, NV

- 12:00 Lunch (on your own)**
- 1:15 Tribal Energy Development and Participation in State Level Regulatory Processes**

The why and perspectives on the best how for tribal participation

Joan E. Drake, Esq., *Moderator*
Modrall Sperling Roehl Harris & Sisk PA ~ Albuquerque, NM

Insights from other stakeholders

Jeffrey H. Albright, Esq.
Lewis Roca Rothgerber Christie LLP ~ Albuquerque, NM

Linda Benally, Esq.
Pinnacle West Capital Corporation ~ Phoenix, AZ

Keith Sparks, *Director of Development*
Clean Line Energy ~ Houston, TX

Pablo H. Padilla, Jr., Esq., *General Counsel*
Pueblo of Isleta ~ Isleta, NM
- 3:15 Break**
- 3:30 Tips for Successful Tribal Energy Development: Elements for a Successful Renewable Energy Project**

The net effect of state policies favoring procurement of renewables vs. federal policies favoring production of fossil fuels; what you need to look at and what you need to make it happen

Ashley K. Wald, Esq.
Holland & Hart LLP ~ Denver, CO

What the renewable finance world looks like for Tribes

Steven Paul McSloy, Esq.
Carter Ledyard & Milburn LLP ~ New York, NY
- 5:00 Continue the Exchange of Ideas: Reception for Faculty and Attendees**

Sponsored by Lewis Roca Rothgerber Christie LLP and Modrall Sperling



About the Conference

What previous attendees have said:

- “Very informative and well organized”
- “It was so helpful to learn about what other Tribes are facing and accomplishing!”
- “Impressive course with excellent presenters”

While Tribal interest in energy development in Indian Country remains high, the new Trump Administration will undoubtedly bring substantial changes to the federal government's efforts to promote energy development on Tribal and federal lands. Many of these changes could mean reduced regulatory burdens on energy development, and/or a focus away from renewable energy deployment (such as revisions to the Clean Power Plan). Regardless of how federal policy may change, though, Indian Tribes that remain interested in developing their energy resources continue to explore federal, state, and market opportunities to meet their Tribal energy development goals.

This conference will focus on the newly changing landscape for Tribal energy development, including recent state regulatory trends, federal leadership, policy, and regulatory changes, project financing, and project development trends. You will learn practical tips for companies dealing with Tribes and lessons from the trenches for all participants in energy projects in Indian country. Our distinguished faculty will provide attorneys, Tribal representatives, industry executives and consultants with key information on successful Tribal energy development in the Southwest.

~ Program Co-Chairs: Lynn H. Slade, Esq. of Modrall Sperling and Pilar Thomas, Esq. of Lewis Roca Rothgerber Christie LLP



8:30 Development of Oil, Gas, and Minerals on Tribal Lands

Proposals to lighten BIA regulation of Tribes for oil/gas & minerals development; impact of a shift in federal policy towards favoring more fossil fuel development

Jana Waters, Realty Specialist - Office of Trust Services Bureau of Indian Affairs ~ Billings, MT

Stakeholder perspectives

Scot Anderson, Esq. Hogan Lovells US LLP ~ Denver, CO

Louis Denetsosie, Esq., Vice President and General Counsel Navajo Nation Oil & Gas Company ~ Window Rock, AZ

10:00 Break

10:15 Update on New DOI Rights-of-Way on Indian Land Regulations

Changes to 25 CFR 169 to streamline the process for obtaining BIA approval, ensure consistency with recently updated leasing regulations, and increase the flexibility in compensation and valuations: What are they and how well can we expect them to work?

Robert S. (Rob) Thompson, III, Esq. and

Robert S. (Daubs) Thompson, IV, Esq. Greenberg Traurig LLP ~ Denver, CO

11:00 Using the Helping Expedite and Advance Responsible Tribal Homeownership (HEARTH) Act for Leasing Tribal Land for Energy Projects

Lessons from the development of Tribal regulations by early adopters for taking advantage of the delegation of leasing authority

Vanessa L. Ray-Hodge, Esq. Sonosky Chambers Sachse Endreson & Perry LLP ~ Albuquerque, NM

Tips for taking advantage of the surface leasing provisions to streamline approval for solar and wind energy projects

Kennis M. Bellmard Kennis M. Bellmard PLLC ~ Oklahoma City, OK

12:15 Lunch (on your own)

1:30 Potential Federal Legislative Solutions to Facilitate Tribal Energy Development

Talking points when talking to your elected representatives about your Tribe's legislative wish list: Problems identified during this conference and amendments that could be made to various federal laws to address them in a coherent fashion

Pilar Thomas, Esq., Program Co-Chair

Brian Gunn, Esq. Powers Pyles Sutter & Verville PC ~ Washington, DC

2:45 Break

3:00 Moving Beyond Consultation to Collaboration on Cultural Resource and Environmental Impacts

Overview of current consultation legal requirements for on and off reservation activities; tips for dealing with the reality that the federal government will be less interested in consultation

Rebecca Tsosie, Esq., Moderator University of Arizona James E. Rogers College of Law Tucson, AZ

Tips for engaging developers on impact mitigation when it's not required

Constance L. Rogers, Esq. Davis Graham & Stubbs LLP ~ Denver, CO

The duty to consult with nearby Tribes for on-reservation projects; process tips for dealing with inter-Tribal conflicts

Derril B. Jordan, Esq. Jordan Law Offices PLLC ~ Washington, DC

4:30 Evaluations and Adjourn

Related Seminars & Webcast Replays:

Climate Change in the West - The Path Forward	February 16-17, 2017	Seattle, WA
Electric Utility Rate Cases	March 16-17, 2017	Las Vegas, NV

See more at www.lawseminars.com



Registration & Other Conference Information

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Walk-ins are welcome, subject to space availability.

Registration is complete when we receive payment or agree to later payment.

Tuition: Regular tuition for in person or webcast attendance for this program is \$995 with a group rate of \$745 each for two or more registrants from the same firm. For government employees and Tribal members, we offer a special rate of \$665. For students, people in their job for less than a year, and public interest NGO's, our rate is \$497.50. All rates include admission to all seminar sessions, food and beverages at breaks, and all course materials. Materials will be available for download and review a few days before the seminar. Make checks payable to Law Seminars International. Financial aid is available to those who qualify. Contact our office for more information.

Substitution & Cancellation:

You may substitute another person at any time. We will refund tuition, less a \$50 cancellation fee, if we receive your cancellation by 5:00 p.m. on Tuesday, March 28, 2017. After that time, we will credit your tuition toward attendance at another program or the purchase of a webcast or audio replay.

Seminar Location: The conference will be held at the Indian Pueblo Cultural Center at 2401 12th Street NW in Albuquerque, NM 87104 USA. Sleeping rooms are available at the Holiday Inn across the street. Call the hotel directly at (505) 842-5000 for reservations at the special negotiated rate of \$118.97 and mention that

you are attending a Law Seminars International conference. Rooms are on a first come, first served basis.

Continuing Education Credits: Live credits: This program qualifies for 12.7 New Mexico CLE credits. Upon request, we will apply for, or help you apply for, CLE credits in other states and other types of credits.

Time Shift Your Content: Webcast and audio replays, with course materials, are available for \$995. The course materials alone are available for \$100. Replays will be available within two weeks after the seminar or from the date we receive payment.

Faculty: Tribal Energy in the Southwest Conference

Lynn H. Slade, *Program Co-Chair*, is a partner at Modrall Sperling. In his Indian law practice, he advises natural resource and energy developers, financial institutions, utilities, and other businesses in transactions and project development, including extensive involvement with renewable energy projects.

Pilar Thomas, *Program Co-Chair*, is Of Counsel at Lewis Roca Rothgerber Christie LLP. Her practice is focused on Tribal renewable energy project development and finance, Tribal economic development, and Indian gaming. She recently served as the Deputy Director for the Office of Indian Energy Policy and Programs at the U.S. Department of Energy.

Joan E. Drake, *Moderator*, Modrall Sperling, assists clients on utility regulation and environmental permitting matters involving state and federal regulation of utility rates and service, facility siting, wholesale and retail sales, renewable energy and Qualifying Facilities ("QF"), electric transmission and interconnection, power purchase and service agreements, and energy efficiency.

Rebecca Tsosie, *Moderator*, is Regents Professor of Law at the University of Arizona's Indigenous Peoples Law and Policy Program. She currently serves as appellate judge for the Fort McDowell Yavapai Nation's Supreme Court and San Carlos Apache Tribe's Court of Appeals.

Jeffrey H. Albright is a partner at Lewis Roca Rothgerber Christie LLP. He has been involved in more than 250 cases before the New Mexico Public Regulation Commission, including solar and thermal solar technology, renewable energy and electric utility rate cases.

Scot Anderson heads the Global Head of the Energy & Natural Resources Group at Hogan Lovells US LLP. He regularly addresses issues related to mineral development of federal public lands and Indian lands.

Kennis M. Bellmark of Kennis M. Bellmark PLLC represents Native American tribes and Tribal entities as a Tribal Attorney. He recently assisted an Oklahoma Tribe in becoming HEARTH Act authorized for the purpose of establishing a renewable energy project on tribal trust land.

Linda Benally is in-house regulatory counsel at Pinnacle West Capital Corporation. She focuses her practice in state and federal regulatory law in the electric utility industry including state regulatory matters related to the siting and building of power plants and transmission lines and subsequent compliance.

Jennifer Carleton is a shareholder at Brownstein Hyatt Farber Schreck LLP. Her Tribal work has included representing a Nevada Tribe in a number of large-scale development projects, including guiding the Tribe through the NEPA process.

Louis Denetsosie is Vice President and General Counsel of Navajo Nation Oil & Gas Company. He formerly served as the Attorney General for the Navajo Nation.

Troy A. Eid co-chairs the American Indian Law Practice Group at Greenberg Traurig, LLP. He focuses on environmental enforcement, energy and natural resource development, Federal Indian law, and Native American and Alaska Native Tribal Law. He formerly served as United States Attorney for the District of Colorado.

Brian Gunn is a principal in the Indian Tribal Governments group at Powers Pyles Sutter & Verville PC. He was the lead lobbyist for the Indian Trust Asset Reform Act, which President Obama signed into law on June 22, 2016.

Derril B. Jordan of Jordan Law Offices PLLC has practiced Federal Indian law since 1987, working as an in-house Tribal attorney, Associate Solicitor for Indian Affairs, and in private practice. His practice includes advising Tribes on intergovernmental relations with state and local governments.

Steven Paul McSloy chairs the Native American Practice Group at Carter Ledyard & Milburn LLP. He advises clients on corporate finance, commercial lending, bond issuance, tax-exempt debt, workouts, joint ventures and general corporate matters.

Pablo H. Padilla, Jr. of the Padilla Law Firm serves Special Legal Counsel to several Indian tribes and is pro bono legal advisor to the All Pueblo Council of Governors. This includes serving as General Counsel to the Pueblo of Isleta.

Vanessa L. Ray-Hodge is a partner at Sonosky Chambers Sachse

Endreson & Perry LLP. She previously served as the Senior Counselor to Solicitor Hilary Tompkins at the Department of the Interior.

Constance L. Rogers is a partner at Davis Graham & Stubbs LLP where she advises companies on project development. She previously served as Deputy Solicitor for Energy and Mineral Resources at the U.S. Department of the Interior.

Gregory A. Smith is a partner at Hobbs Straus Dean & Walker LLP where he represents Indian tribes and Tribal organizations as an attorney and as a government affairs specialist. On behalf of Tribes he has secured passage of federal legislation, advocated for securing appropriations earmarks and developed legislative strategies.

Keith Sparks is Director of Development for Clean Line Energy. He is responsible for managing the siting process, permitting efforts, public outreach, environmental considerations, and strategic planning necessary for implementing the Centennial West Clean Line and the Western Spirit Clean Line to bring renewable power from New Mexico to market.

Robert S. (Daubs) Thompson, IV focuses his practice at Greenberg Traurig LLP on natural resource development on American Indian and Federal lands with regards to the National Environmental Policy Act, the Clean Air Act, the National Historic Preservation Act, and the Quiet Title Act.

Robert S. (Rob) Thompson, III is a shareholder at Greenberg Traurig LLP. He has broad experience in Indian law and energy and natural resources matters, with a focus on the oil and gas industry.

Ashley K. Wald is a partner at Holland & Hart LLP where she provides guidance to clients in the solar, wind, hydropower and natural gas industries as they develop energy projects and related infrastructure. She also negotiates power purchase agreements.

Jana Waters is a Realty Specialist in the Office of Trust Services at the Bureau of Indian Affairs.

Jennifer H. Weddle co-chairs the American Indian Law Practice group at Greenberg Traurig LLP. Much of her practice focuses in the areas of Tribal economic development and natural resources development.

April 3 & 4, 2017
Albuquerque, New Mexico

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(505) 843-7270

Who Should Attend:

Attorneys, Tribal representatives, industry executives, governmental officials and consultants

You Will Learn About:

- The post-election political landscape for Tribal energy issues
- Update on federal administrative policy for Tribal energy resource development
- Energy policy in the courts: Update on the appeal of the Clean Power Plan and other key cases
- Environmental policy: Endangered Species Act issues
- Tips for participation in state level regulatory processes
- Elements for a successful renewable energy project
- Development of oil, gas, and minerals on Tribal lands
- New DOI rights-of-way on Indian land regulations
- Using the HEARTH act for leasing tribal land for energy projects
- Potential federal legislative solutions to facilitate Tribal energy development
- Moving beyond consultation to collaboration on cultural resource and environmental impact

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