

CULTURAL RESOURCES LAW

Consulting with Tribes on Energy Projects

October 11-12, 2018 • We-Ko-Pa Resort • Scottsdale

Dear Colleague:

We have assembled a world-class faculty of nationally-renowned experts to lead you through the complex legal, business, and policy issues in historic preservation compliance and Tribal consultation.

You will hear perspectives from Tribal governments, federal and state governments, industry professionals, and consultants.

- **An Introduction to Cultural Resource Protection**
- **First Americans and America First: Tribes and Energy Development**
- **Tribal Consultation Under the Trump Administration**
- **Creative Solutions for Improving Tribal Relations**
- **Developing Collaborative Relationships with Tribes**
- **A Tribal Perspective on Energy Infrastructure Development**
- **Government-to-Government Consultation**
- **FERC's Approach to Tribal Consultation for Interstate Natural Gas Pipelines**
- **An Agency Staff Member's Approach to Working with Tribes**
- **The Cultural Resource Minefield for Energy Development**
- **Tribal Consultation with State and Local Governments**
- **Building Successful Relationships Between Tribes and Energy Companies**
- **Tribal Consultation and Pipeline Safety**
- **Working with Tribal Nations on Infrastructure Projects**
- **Wild Rice as a Cultural Resource**
- **Energy Development and Tribal Engagement**
- **Kinder Morgan and the Gila River Indian Community**
- **Cooperative Development Tools**
- **Pipeline Protests and the "Necessity Defense"**

This Conference is specifically designed to provide you with the most up-to-the-minute information from all points of view, and valuable 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 We-Ko-Pa!

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

PS—Join us Thursday evening for the private networking reception!

Sponsored by:



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CONFERENCE LOCATION & HOTEL ACCOMMODATIONS



We-Ko-Pa Resort & Conference Center

10438 N. Fort McDowell Rd.
Scottsdale, AZ 85264

Discover the beauty, tranquility, and culture of Arizona's captivating Sonoran Desert at the AAA Four Diamond We-Ko-Pa Resort & Conference Center! Located only 20 minutes from the Phoenix Sky Harbor International Airport, this Tribal-owned, lushly landscaped oasis offers spectacular views of Arizona's majestic Four Peaks and iconic Red Mountains alongside the free-flowing Verde River.

Hotel Reservations

(480) 789-5320 or (844) 493-5672
www.wekoparesort.com
Cultural Resources Law Conference

Who Should Attend:

- **Tribal Representatives**
- **Agency Personnel**
- **Energy Company Representatives**
- **Attorneys**
- **Consultants**
- **Archaeologists**
- **Federal, State, and Local Government Professionals**
- **Planners**
- **Developers**
- **Historians**
- **... anyone interested in historic preservation and Tribal consultation!**

THURSDAY, OCTOBER 11

- 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**
First Americans and America First: Tribes & Energy Development
Honorable Kevin R. Frost, Deputy Director
Office of Indian Energy Policy and Programs
US Department of Energy, Washington, DC
- 10:15 Networking Break
- 10:30 **Tribal Consultation Under the Trump Administration**
Tribes, Energy, and Federal Policy
Brendan V. Johnson, Esq., Former US Attorney, South Dakota
Robins Kaplan, Minneapolis, MN
- 11:00 **Creative Solutions for Improving Tribal Relations**
A Review
Milton Bluehouse, Jr., Esq., Owner
Tribal Consultation Resources, Albuquerque, NM
- 11:30 **Developing Collaborative Relationships with Tribes**
Dominion Energy and the Chickahominy Indian Tribe
Stephen R. Adkins, Chief, Chickahominy Tribe, Providence Forge, VA
Molly Plautz, External Affairs Manager, Federal Affairs
Dominion Resources Services, Richmond, VA
- 12:15 Lunch Break (on your own)
- 1:30 **A Tribal Perspective on Energy Infrastructure Development**
A Tribal Historic Preservation Officer's View
Dianne Desrosiers, Tribal Historic Preservation Officer
Sisseton-Wahpeton Oyate of the Lake Traverse Reservation
Agency Village, SD
Kurt Dongoske, Director/Principal Investigator
Zuni Heritage and Historic Preservation Office/Zuni Cultural Resource
Enterprise, Zuni, NM
Jon Eagle, Sr., Tribal Historic Preservation Officer
Standing Rock Sioux Tribe, Fort Yates, ND
Moderator: Carolyn Stewart, Director, Tribal Relations
NextEra Energy Resources, Juno Beach, FL
- 2:45 Networking Break
- 3:00 **Government-to-Government Consultation**
Best Practices
Mary-Ellen Walsh, MA, RPA, Archaeological Compliance Specialist
State Historic Preservation Office, Phoenix, AZ
- 3:30 **FERC's Approach to Tribal Consultation for Interstate Natural Gas Pipelines**
An Update
Eric Howard, Archaeologist, Gas Branch 2
Federal Energy Regulatory Commission,
US Department of Energy, Washington, DC
- 4:00 **An Agency Staff Member's Approach to Working with Tribes**
A Reflection
Amy Sobiech, Archaeologist, Bureau of Land Management, Tucson, AZ
- 4:30 **The Cultural Resource Minefield for Energy Development**
Cultural Resource Concerns in Energy Development
Peter Ortego, Esq., General Counsel, Ute Mountain Ute Tribe, Towaoc, CO
- 5:00 **Tribal Consultation with State and Local Governments**
Effective Strategies for Project Development
Ernest House, Jr., Executive Director
Colorado Commission of Indian Affairs, Denver, CO
- 5:30 Adjourn to Private Networking
Reception Sponsored by:



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FRIDAY, OCTOBER 12

- 8:00 Continental Breakfast
- 8:30 **Welcome Back**
Recap of Day One and Overview of Day Two
Jon Berkin, PhD, Program Co-Chair
Troy A. Eid, Esq., Program Co-Chair
- 8:35 **Beyond the Handshake**
Building Successful Relationships Between Tribes and Energy Companies
Jon Berkin, PhD, Program Co-Chair
Aimee Gourlay, Esq., Executive Director
Mediation Center, Saint Paul, MN
Ron Maldonado, Supervising Archaeologist
Westland Resources, Tucson, AZ
- 9:35 **Featured Presentation**
Tribal Consultation and Pipeline Safety
Drue Pearce, Deputy Administrator
Pipeline and Hazardous Materials Safety Administration
US Department of Transportation, Washington, DC
Introduction by: Elizabeth Herdes, Esq., CEO
Herdes Law & Consulting, Colorado Springs, CO
- 10:30 Networking Break
- 10:45 **Working with Tribal Nations on Infrastructure Projects**
A Case Study
April Holdren, Manager, Community Engagement
US Liquids Operations and Projects
Enbridge, Edina, MN
- 11:15 **Wild Rice as a Cultural Resource**
A Case Study
Erick Arnold, Esq., General Counsel and Naomi Tillison, Director of Natural Resources
The Bad River Band of Lake Superior Chippewa Tribe, Ashland, WI
Moderator: Rachel E. Walker, PhD, Senior Environmental Scientist
Barr Engineering, Minneapolis, MN
- 12:00 Lunch Break (on your own)
- 1:15 **Energy Development and Tribal Engagement**
A Panel Discussion
Patrick Hughley, Stakeholder Relations Specialist
Enbridge Energy, Duluth, MN
Ernest Ladkani, Senior Advisor, US Environmental Planning & Permitting, Capital Growth and Modernization
TransCanada, Houston, TX
Greg Mathe, Electric Transmission Communications Consultant
Electric Transmission Communications, Dominion Energy, Richmond, VA
Peggy McWilliams, Senior Land Representative
Williams Companies, Flora Vista, NM
Moderator: Jon Berkin, PhD, Program Co-Chair
- 2:30 Networking Break
- 2:45 **A Journey of Knowledge, Trust, and Friendship**
Kinder Morgan and the Gila River Indian Community
Amy Blythe, Environmental Specialist
Kinder Morgan, Colorado Springs, CO
Barnaby Lewis, Tribal Historic Preservation Officer and M. Kyle Woodson, PhD, Senior Project Manager Cultural Resource Management Program
Gila River Indian Community, Sacaton, AZ
- 3:45 **Cooperative Development Tools**
Shared Benefits Agreements
Pilar Thomas, Esq., Of Counsel, Lewis Roca Rothgerber Christie, Tucson, AZ
- 4:15 **Pipeline Protests and the "Necessity Defense"**
Ethical Issues
Troy A. Eid, Esq., Program Co-Chair
- 5:15 **Q&A**
Members of the Faculty and Attendees
- 5:25 Evaluations and Adjourn

Earn up to 14 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 is a Principal Shareholder at the international law firm Greenberg Traurig, where he co-chairs the American Indian Law Practice and also maintains an active practice in energy and environmental compliance and enforcement. The former United States Attorney for Colorado, Mr. Eid is recognized by the London-based Chambers attorney-ranking service as one of the top 10 Federal Indian law experts in the US. He is also frequently selected by energy companies and tribes to mediate complex disputes between them.

FEATURED PRESENTERS

Honorable Kevin R. Frost, Deputy Director
Office of Indian Energy Policy and Programs
US Department of Energy, Washington, DC

Drue Pearce, Deputy Administrator
Pipeline and Hazardous Materials Safety
Administration, US Department of Transportation
Washington, DC

Stephen R. Adkins, Chief
Chickahominy Tribe, Providence Forge, VA

Erick Arnold, Esq., General Counsel
The Bad River Band of Lake Superior Chippewa Tribe
Ashland, WI

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

Milton Bluehouse, Jr., Esq., Owner
Tribal Consultation Resources, Albuquerque, NM

Dianne Desrosiers, THPO
Sisseton-Wahpeton Oyate of the Lake Traverse
Reservation, Agency Village, SD

Kurt Dongoske, Director/Principal Investigator
Zuni Heritage and Historic Preservation Office/Zuni
Cultural Resource Enterprise, Zuni, NM

Jon Eagle, Sr., THPO
Standing Rock Sioux Tribe, Fort Yates, ND

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US Liquids Operations and Projects
Enbridge, Edina, MN

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Former US Attorney South Dakota
Robins Kaplan, Minneapolis, MN

Ernest Ladkani, Senior Advisor
US Environmental Planning & Permitting
Capital Growth and Modernization
TransCanada, Houston, TX

Barnaby Lewis, THPO
Gila River Indian Community, Sacaton, AZ

Ron Maldonado, Supervising Archaeologist
Westland Resources, Tucson, AZ

**Greg Mathe, Electric Transmission
Communications Consultant**
Electric Transmission Communications
Dominion Energy, Richmond, VA

Peggy McWilliams, Senior Land Representative
Williams Companies, Flora Vista, NM

Peter Ortego, Esq., General Counsel
Ute Mountain Ute Tribe, Towaoc, CO

**Molly Plautz, External Affairs Manager
Federal Affairs**
Dominion Resources Services, Richmond, VA

Amy Sobiech, Archaeologist
Bureau of Land Management, Tucson, AZ

Carolyn Stewart, Director, Tribal Relations
NextEra Energy Resources, Juno Beach, FL

Pilar Thomas, Esq., Of Counsel
Lewis Roca Rothgerber Christie, Tucson, AZ

Naomi Tillison, Director of Natural Resources
The Bad River Band of Lake Superior Chippewa Tribe
Ashland, WI

Rachel E. Walker, PhD
Senior Environmental Scientist
Barr Engineering, Minneapolis, MN

Mary-Ellen Walsh, MA, RPA
Archaeological Compliance Specialist
Arizona State Historic Preservation Office, Phoenix, AZ

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

M. Kyle Woodson, PhD, Senior Project Manager
Cultural Resource Management Program
Gila River Indian Community, Sacaton, AZ

4 EASY WAYS TO REGISTER

- 1** cle.com/106
- 2** **FAX** (303) 321-6320
- 3** **PHONE** (800) 873-7130
- 4** **MAIL**
7995 East Prentice Avenue
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YES! Please register the following:

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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 – Same Price as Last Year! Includes Course Materials

- \$895 per person
- \$795 each for 2 or more
- \$695 each for 5 or more

Government, 501(c)(3) organizations, full-time judges, law students, and paralegals:

- \$795 per person
- \$695 each for 2 or more
- \$595 each for 5 or more

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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October 11-12, 2018 • We-Ko-Pa Resort • Scottsdale



Earn up to 14 Hours MCLE Credit
Including One Hour of Ethics

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11th Annual Conference *Live!*

CULTURAL RESOURCES LAW

Section 106, Historic Preservation & Tribal Consultation
October 11-12, 2018 • We-Ko-Pa Resort • Scottsdale

Two Featured Presentations!

First Americans and America First: Tribes & Energy Development



Honorable Kevin R. Frost, Deputy Director
Office of Indian Energy Policy and Programs
US Department of Energy
Washington, DC

Kevin Frost is the Deputy Director in the Office of Indian Energy Policy and Programs, duty-stationed at Headquarters in Washington, DC. Mr. Frost is responsible for making sure the office complies with its statutory obligations in furtherance of its mission and goals. Prior to working at DOE, he was a Councilman for the Southern Ute Indian Tribe of Colorado. He worked on a myriad of tribal issues, such as: energy and natural resource development, rural infrastructure, health as well as finance. Mr. Frost has also previously served as a delegate for the Indian Country Energy and Infrastructure Working Group and board member of the National Tribal Energy Association.

Tribal Consultation and Pipeline Safety



Drue Pearce, Deputy Administrator
Pipeline and Hazardous Materials Safety Administration
US Department of Transportation
Washington, DC

Drue Pearce is the Deputy Administrator for the Pipeline and Hazardous Materials Safety Administration. She most recently served as Director of Government Affairs at Holland & Hart where she focused on energy, natural resource and manufacturing industries. For six years beginning in 2010, she was a Senior Policy Advisor at Crowell & Moring. In both positions, she split her time between the DC and Alaska offices. Ms. Pearce has an extensive background in federal transportation and pipeline safety. In 2006, she was named as the Federal Coordinator for Alaskan Natural Gas Transportation Projects, where she oversaw efforts to advance the nation's energy, environmental, and economic security by expediting the delivery of Alaska natural gas to North American markets.

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