A WORKSHOP ON THE STRATEGIC APPLICATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) IN INDIAN COUNTRY

Designed for Tribal Council Members, Attorneys, Natural and Cultural Resource Specialists and Environmental Protection Professionals and Federal Agency Personnel and Contractors Working in Indian Country

March 20-21, 2013
DoubleTree Denver
3203 Quebec Street, Denver, CO  80207

Applying to the Colorado Supreme Court for Continuing Legal Education Credits

The National Environmental Policy Act (NEPA) can be an important part of federal agency consultation with Indian tribes. However, effective tribal participation in the NEPA process requires an awareness of the workings and procedural requirements of NEPA, technical expertise, knowledge of the broad range of tribal environmental, social, cultural, health and safety interests that may be affected by federal programs and activities and a strategy that links NEPA responses to other legal and statutory requirements such as the federal-Indian trust doctrine, treaty rights, AIRFA, NAGPRA, etc. This Workshop will provide practical instruction and assistance to inform tribal decision-makers on: the requirements and latest developments in NEPA compliance and litigation; the role of tribal, federal and state regulators in the NEPA process. Additionally, instead of viewing NEPA only as a shield to protect tribal interests from the encroachments of a proposed Federal activity, the workshop will also suggest strategies to use NEPA as a sword to advance tribal interests. The workshop instruction views NEPA not simply as a process, but as a way to help tribes achieve development that is culturally appropriate, environmentally sound, supportive of the tribes’ political integrity and the tribes’ social fabric.

AGENDA

MARCH 20, 2013

8:15 a.m.  Registration, Coffee and Continental Breakfast
9:00 a.m.  Welcome and Introductions
9:30 a.m.  Small Group Exercise
10:15 a.m. Workshop Overview
            Merv Tano
10:30 a.m. NEPA as a Tribal Environmental Protection and Development Strategy
            Merv Tano
11:00 a.m. The Environmental Impact Statement
            Ray Clark
12:00 p.m. Lunch (on your own)
1:15 a.m.  Total Situational Awareness (or as close to it as possible): What Tribes Need to Know about the Who; What, When, and How of the Proposed Federal Action
            Merv Tano
2:00 p.m.  Break
2:15 p.m.  Scoping as an Analytical and Engagement Exercise
            Ray Clark
3:00 p.m.  Strategically Participating in the Environmental Impact Analysis Process
            Ray Clark, Steve Becker, and Merv Tano
4:15 p.m.  Q&A; Open Discussion  
4:30 p.m.  Adjourn  

**MARCH 21, 2013**  

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:30 a.m.</td>
<td>Registration, Coffee and Continental Breakfast</td>
</tr>
<tr>
<td>9:00 a.m.</td>
<td>Reviewing the Analysis and Developing Alternatives</td>
</tr>
<tr>
<td></td>
<td>Ray Clark</td>
</tr>
<tr>
<td>10:00 a.m.</td>
<td>Cumulative Impacts Analysis</td>
</tr>
<tr>
<td></td>
<td>Ray Clark</td>
</tr>
<tr>
<td>10:45 a.m.</td>
<td>Break</td>
</tr>
<tr>
<td>11:00 a.m.</td>
<td>The Programmatic EIS</td>
</tr>
<tr>
<td></td>
<td>Merv Tano</td>
</tr>
<tr>
<td>11:30 a.m.</td>
<td>Environmental Justice, Departmental Indian Policies, and the National Environmental Policy Act</td>
</tr>
<tr>
<td></td>
<td>Steve Becker</td>
</tr>
<tr>
<td>12:30 p.m.</td>
<td>Lunch (on your own)</td>
</tr>
<tr>
<td>1:45 p.m.</td>
<td>Adaptive Management</td>
</tr>
<tr>
<td></td>
<td>Ray Clark</td>
</tr>
<tr>
<td>2:30 p.m.</td>
<td>Tribes as Cooperating Agencies: Issues and Opportunities</td>
</tr>
<tr>
<td></td>
<td>Merv Tano</td>
</tr>
<tr>
<td>3:00 p.m.</td>
<td>Break</td>
</tr>
<tr>
<td>3:20 p.m.</td>
<td>Using NEPA to Protect Cultural Objects and Advance Cultural Values</td>
</tr>
<tr>
<td></td>
<td>Steve Becker</td>
</tr>
<tr>
<td>4:30 p.m.</td>
<td>Adjourn</td>
</tr>
</tbody>
</table>

**Workshop Faculty:**

**Ray Clark**

Ray Clark is the founder of RiverCrossing Strategies, a consortium dedicated to working at the intersection of economic development and environmental conservation. RiverCrossing Strategies clients include American Indian Tribes, counties, cities, and federal agencies. Ray also founded The Clark Group, a Washington based consortium of senior level science and policy professionals specializing in environmental and energy matters. He was formerly the Assistant Secretary of the Army (acting) and the Principal Deputy Assistant Secretary of the Army (Installations and Environment) where he was responsible for all the US Army facilities worldwide and steward of more than 14 million acres. He was responsible for military construction, family housing, all real estate transactions and the environmental and natural resource management program. Mr. Clark was also responsible for base closure and transitioning excess military property to economic development. Prior to his appointment to this position, Mr. Clark was Associate Director at the White House Council of Environmental Quality where he acted as advisor to the President, the Chairman of CEQ and Senior White House Staff.

Mr. Clark is a past recipient of the prestigious National Environmental Quality Award. He is co-editor of two books on environmental policy. He holds a Master of Environmental Management degree from Duke University, where he leads the Duke Environmental Leadership Program in NEPA and is the Chair of Duke’s NEPA Certificate Program

**Mervyn L. Tano**

Mervyn L. Tano, Esq. is an attorney and the president of the International Institute for Indigenous Resource Management. He earned his Bachelor of Arts Degree in History from the Church College of Hawaii, Masters Degree in Education from the University of Arizona and the Juris Doctor Degree from the J. Reuben Clark Law School at Brigham Young University. Mr. Tano has extensive experience working with Indian tribes and includes, as a small sample: assisting the Confederated
tribes of the Umatilla Indian Reservation establish a comprehensive water quality management system; helping the Nez Perce tribe establish the tribal environmental restoration and waste management department to oversee the cleanup of Department of Energy facilities at Hanford; and, advising the Oglala Sioux tribe on solid waste management issues. Mr. Tano has been a member of several national advisory boards including EPA’s Federal Facilities Environmental Restoration Dialogue Committee, the National Environmental Justice Advisory Council, DOE Office of Science and Technology’s Community Leaders Network, the National Academy of Public Administration’s committee on intergenerational responsibility and the National Research Council’s committee on priority setting, timing and staging of DOE’s environmental management activities. Mr. Tano has written numerous papers, articles and manuals on risk, environmental justice, environmental restoration, technology development, environmental law and radioactive waste management, and has written extensively on tribal strategies for NEPA responses.

Steven R. Becker

Steve Becker is an Assistant Professor of Tribal Management at the Interior-Aleutians Campus of the University of Alaska Fairbanks (UAF), where his focus is on Indigenous Science Education. Steve teaches Tribal Natural Resource and Tribal Transportation Management classes as well as serving as the undergraduate research mentor for the Gaalee’ya STEM program. He also teaches graduate coursework in Environmental Management and Law for the UAF Department of Civil and Environmental Engineering and in Cultural and Intellectual Property Rights for the UAF Center for Cross-Cultural Studies.

Steve is a Certified Environmental Professional (CEP #5040343) in environmental documentation and a USDA-registered Certified Planner (TSP #04-3529) for conservation, area-wide, and watershed planning. He has a Bachelor of Science in Natural Resources Management with a minor in Geology and a Master of Arts in Cross-Cultural Studies (Indigenous Science Education). Prior to joining UAF, Mr. Becker was a Senior Environmental Scientist and Planner for ASCG Incorporated/WHPacific, where he served as the lead NEPA and wetlands specialist for the Alaska region, and as the head of the environmental department for PDC Inc. Consulting Engineers. Steve has also served as a U.S. Army Corps of Engineers (USACE) Regulatory Project Manager in Fairbanks and as a Field Office Manager/District Conservationist for the USDA Natural Resources Conservation Service (NRCS) in Bethel and Nome. He also owns a small consulting firm, Village Management Services LLC, which specializes in providing environmental services for Tribes and Tribal entities. His professional work experience includes transportation, environmental, and land use planning, environmental impact assessment and NEPA documentation, environmental permitting, hazard and damage assessments for erosion and flood events, planning for village relocation, flood plain management studies, and emergency preparedness and response.

Workshop Logistics:

All workshop sessions will be held at the DoubleTree Hotel, 3203 Quebec Street, Denver, Colorado 80207. Rooms are available to workshop attendees at the special rate of $99.00 + tax (single or double) per night. For reservations, please call 303-321-3333 or 1-800-HILTONS (445-8667). Be sure to mention the “IIIRM NEPA Workshop” (Group Code: IRM). If you plan to stay over for Denver March Powwow, we have arranged for a further reduction in rate for March 21-25 ($84 per night + tax – Group Code: DMP). Please let us know if you plan to stay the extra days so we can confirm with the hotel that you are getting the best available rates. Reservations must be made by February 13th to get the discounted Workshop room rate, and by February 8th to get the Powwow rate for the weekend.

Registration Information:

Registration Fee: Early registration (until February 15, 2013) is $450. After that date registration is $495. Tuition includes morning and afternoon coffee service and one copy of the workshop materials. For information on multiple registrations from one tribe, or other information, call the International Institute for Indigenous Resource Management at 303-744-9686. Please fill out the registration form and send it and your check or purchase order to: IIIRM, 444 South Emerson Street, Denver, CO 80209-2216; or FAX to: 303-744-9808. To pay by credit card, call Jeanne Rubin at 303-744-9686.
A WORKSHOP ON THE STRATEGIC APPLICATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) IN INDIAN COUNTRY
DoubleTree Hotel, 3203 Quebec Street, Denver, Colorado 80207
March 20-21, 2013

Registration Information: (Please print or type)

Name:_______________________________________________________________________________

Title:________________________________________________________________________________

Tribe/Organization/Agency:__________________________________________________________________________________

Mailing Address:_______________________________________________________________________________

City: ______________________________________ State:__________ Zip Code: ________________

Phone:(____)___________________________ FAX:(____)__________________________________

E-mail:______________________________________________________________________________

To pay by credit card or electronic check, please call Jeanne Rubin at 303-744-9686. A small on-line convenience fee applies.