



**Affiliated Tribes of Northwest Indians
Tribal Water Summit**



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Affiliated Tribes of Northwest Indians Tribal Water Summit

September 5-6, 2019

University of Idaho, College of Law

DRAFT Agenda

September 5	
7:30 am	Registration and Breakfast
8:30 am	Welcome and opening prayer
9:00 am	<p>Bulletin from the Coeur d’Alene Basin – An update on water resources policy and management in the Coeur d’Alene Basin. Topics to include the history of the Coeur d’Alene Tribe’s role in managing Coeur d’Alene Lake and its related waters; cross-jurisdictional issues that arise between the Tribe, the United States, and the State of Idaho; restoration of natural resources in the Basin; management of fish and wildlife; and other related topics.</p> <ul style="list-style-type: none"> • Chairman Ernest Stensgar, Coeur d’Alene Tribal Council (Accepted) • Phillip Cernera, Director, Coeur d’Alene Tribe Lake Management Department (accepted) • Cajetan Matheson, Director, Coeur d’Alene Tribe Natural Resources Department (accepted)
10:30 am	Morning Break
10:45 am	<p>Bulletin from the Lower Snake River Basin – Discussion of the water resources issues currently present in the Lower Snake River Basin. Topics to include cross-jurisdictional issues that arise between the Tribe, the United States, and the State of Idaho; fish consumption survey; lower Snake River dams; mining on the East Fork-South Fork Salmon; and other related topics.</p> <ul style="list-style-type: none"> • Joseph Oatman, Deputy Manager, Nez Perce Tribe Fish & Wildlife (Accepted) • Chairman Shannon Wheeler, Nez Perce Tribe Executive Committee (invited)
12:15 pm	Lunch –
1:30 pm	<p>The Columbia River System Biological Opinion Litigation – A discussion of the history and current legal issues in <i>National Wildlife Federation, et al. v. National Marine Fisheries Service</i>.</p> <ul style="list-style-type: none"> • David Cummings Attorney, Nez Perce Tribe Office of Legal Counsel (accepted) • Dan Stone. Policy Analyst, Shoshone-Bannock Tribes (accepted) [Attorney]
2:45 pm	<p>The Columbia River Treaty Panel – The United States and Canada are in the process of renegotiating the Columbia River Treaty. That Treaty, originally negotiated and executed with no tribal consultation or collaboration, was primarily designed to address issues related to</p>

	<p>flood control and hydropower. Now that the treaty is being renegotiated, tribal representatives are working to incorporate ecosystem function into the treaty. This panel will discuss that effort, tribal representation within the negotiations, and other issues related to renegotiation of the Columbia River Treaty.</p> <ul style="list-style-type: none"> • D.R. Michel, Executive Director, Upper Columbia United Tribes (accepted) • Councilman Casey Mitchell, Nez Perce Tribe Executive Committee (Pending) <p>Chairman Ted Howard, Shoshone-Paiute Tribal Business Council (Invited)</p>
3:00 pm	Afternoon Break
3:15 pm	<p>Breakout Session – The purpose of the breakout session is for conference attendees to discuss the day’s material in a smaller setting. This approach was identified by the steering committee to allow for the audience to become more engaged in the material, thereby enhancing the pedagogical value of the material.</p> <ul style="list-style-type: none"> • Room 103: Columbia River BiOp • Room 105: Columbia River Treaty
4:15 pm	Reception
5:30 pm	Dinner & Keynote

September 6	
7:30 am	Breakfast
8:30 am	Welcome and opening prayer
8:45 am	<p>Bulletin from the Kootenai River Basin - An update on water resources policy and management in the Kootenai River Basin. Topics to include efforts by the Kootenai Tribe to rehabilitate white sturgeon and reintroduce burbot to the Kootenai River; cross-jurisdictional issues that arise between the Tribe, the United States, the State of Idaho, and Canada; legal issues related to coal mining in British Columbia; and other related issues.</p> <ul style="list-style-type: none"> • Chairman Gary Aitken, Kootenai Tribal Council (accepted) • William Barquin, Attorney, Kootenai Tribe of Idaho (accepted)
10:00 am	<p>Bulletin from the Upper Snake River Basin - An update on water resources policy and management in the Upper Snake River Basin. Topics to include water quality management; cross-jurisdictional issues that arise between the Tribes, the United States, and the State of Idaho; stream restoration in the Salmon River Basin; Treaty hunting and fishing rights; and other related issues.</p> <ul style="list-style-type: none"> • Chairman Ladd Edmo, Shoshone-Bannock Business Council (invited) • Shoshone-Bannock Invitee #1 • Shoshone-Bannock Invitee #2
11:15 am	Morning Break
11:30 am	Lessons learned from the Snake River Basin Adjudication – A discussion about the legal and policy challenges tribes faced in the Snake River Basin Adjudication (“SRBA”).

	<p>Professor Jeanette Wolfley represented the Shoshone-Bannock Tribes and Mr. Steve Moore represented the Nez Perce Tribes in the SBRA. Each will give their perspectives on that litigation and lessons learned that may be beneficial to other tribes undertaking similar water rights cases.</p> <ul style="list-style-type: none"> • Jeanette Wolfley, Professor, University of New Mexico School of Law (accepted) • Steven Moore, Attorney, Native American Rights Fund (accepted)
12:30 am	<p>Current Water Rights Adjudications - A discussion of the legal arguments made for and against the water right claims of the Coeur d'Alene Tribe; the decision by the Idaho Supreme Court regarding the Coeur d'Alene Tribe's claims in the Coeur d'Alene-Spokane River Basin Adjudication; current legal issues related to the Palouse River Basin Adjudication; and other related topics.</p> <ul style="list-style-type: none"> • Vanessa Ray-Hodge, Attorney, Sonosky, Chambers, Sachse, Enderson & Perry (accepted) • Mike Lopez, Attorney, Nez Perce Tribe Office of Legal Council (accepted) • David Harder, Assistant Section Chief, United States Department of Justice, Indian Resources Section (Invited)
1:15 pm	Lunch
1:45 pm	Keynote - TBD
3:00 pm	<p>Opportunities and Barriers to Intergovernmental collaboration: the Salish-Kootenai Example – Quantification of the water rights held for the benefit of the Confederated Salish and Kootenai Tribes (“CSKT”) had the potential to become one of the most time consuming, contentious, and expensive disputes in the West. Instead, the CSKT Water Compact has become a model for intergovernmental collaboration. This panel includes some of the principle representatives responsible for navigating these complex issues to bring the compact together.</p> <ul style="list-style-type: none"> • Clayton Matt, Director, Confederated Salish and Kootenai Tribes Tribal Services Department (accepted) • Duane Meacham, Attorney, United States Department of Interior Office of the Solicitor (accepted) • Barbara Cosens, Distinguished Professor, University of Idaho College of Law (accepted)
3:15 pm	Afternoon Break
4:00 pm	<p>Break Out Session – Water Rights Adjudications</p> <p>The purpose of the breakout session is for conference attendees to discuss the day's material in a smaller setting. This approach was identified by the steering committee as a way to allow for the audience to become more engaged in the material, thereby enhancing the pedagogical value of the material. For this session, both rooms will discuss the same material but in a smaller setting.</p>
5:00 pm	Adjourn

32nd Annual University of Washington Indian Law Symposium

Thursday & Friday
September 5 & 6, 2019

University of Washington School of Law
W.H. Gates Hall, Seattle, Washington

11.25 CLE Credits Approved (10.25 Law & Legal Procedure CLE Credits; 1.00 Ethics CLE Credit)

Program Highlights:

- Fireside Chat with former Secretary of the Interior Sally Jewell
- Fisheries Management in Western Washington: The North of Falcon Process
- Annual Litigation Update
- Violence Against Women Act Reauthorization and Federal Legislative Update
- Yakama Nation Water Rights the Yakima Basin Integrated Management Plan
- Off-Reservation Hunting Regulation after *Herrera v. Wyoming*
- Bears Ears National Monument Litigation
- Ethical Considerations in Tribal Court Practice (need title from Brenda)

Who Should Attend

Attorneys who have Indian clients; attorneys whose clients deal with Indians or with tribal governments; persons with an interest in the current issues within Washington's Indian country will benefit from attending this symposium. Tribal leaders and members of the public are welcome to the program.

About the Program

Join us for the 32nd Annual University of Washington Indian Law Symposium! As in past years, the conference includes comprehensive litigation and legislation updates and a number of topics of interest to a broad array of practitioners and policy makers.

THURSDAY, SEPTEMBER 5, 2019

4.50 Law & Legal Procedure CLE Credits and 1.00 Ethics CLE Credit Approved

PROGRAM SCHEDULE

- 8:30 a.m. Registration Check-In and Coffee**
- 8:55 a.m. Introduction and Conference Overview**
Professor Robert T. Anderson, University of Washington School of Law, Seattle, WA
- 9:00 a.m. Litigation Update**
Thomas Schlosser, Morisset, Schlosser, Jozwiak & Somerville, Seattle, WA
- 9:45 a.m. Violence Against Women Act Reauthorization and Federal Legislative Update**
Deborah Parker, (Tulalip), Board Member, National Indigenous Women's Resource Center
Jennifer Romero, Staff Director and Chief Counsel, U. S. Senate Committee on Indian Affairs, Washington, DC (invited)
- 10:45 a.m. Break**
- 11:00 a.m. Trusting Technological Security: Ethical Quicksand for the Unsuspecting Lawyer**
Brenda Williams, Senior Lecturer, Tribal Public Defense Clinic, University of Washington School of Law, Seattle, WA
Stacey Lara, Lecturer, Tribal Public Defense Clinic, University of Washington School of Law, Seattle, WA
- 12:00 p.m. Lunch (on your own)**
- 1:30 p.m. Fisheries Co-Management Issues in Western Washington: The North of Falcon Process**
Lorraine Loomis, Fisheries Manager, Swinomish Indian Community, LaConner, WA
Ron Warren, Assistant Director, Fish Program, State of Washington, Olympia, WA
John Hollowed, Legal/Policy Advisor, Northwest Indian Fisheries Commission, Olympia, WA
- 3:00 p.m. Break**
- 3:15 p.m. Off-Reservation Hunting Rights after *Herrera v. Wyoming***
Colette Routel, Mitchell-Hamline College of Law, St. Paul, MN
Julie Kane, General Counsel, Nez Perce Tribe, Lapwai, ID
- 4:30 p.m. Adjourn**
- 4:40 p.m. Meeting of the Washington State Bar Association Indian Law Section**

FRIDAY, SEPTEMBER 6, 2018
5.75 Law & Legal Procedure CLE Credits Approved

PROGRAM SCHEDULE

- 8:30 a.m. Registration Check-In and Coffee**
- 9:00 a.m. Indian Policy Issues at the Department of the Interior: A Discussion with the Hon. Sally Jewell, former Secretary of the Interior**
Sally Jewell, Former Secretary of the Interior, Seattle, WA
Robert Anderson, Professor of Law, University of Washington School of Law, Seattle, WA
- 10:15 a.m. Break**
- 10:30 a.m. Antiquities Act Litigation: The Bears Ears National Monument**
Natalie Landreth, Senior Staff Attorney, Native American Rights Fund, Anchorage, AK
Patrick Gonzalez Rogers, Executive Director, Bears Ears Inter-Tribal Coalition
Sarah Krakoff, Moses Lasky Professor of Law, University of Colorado School of Law, Boulder, CO
- 12:00 p.m. Lunch (on your own)**
- 1:15 p.m. Indian Water Rights and the Yakima Basin Integrated Water Management Plan**
Rachael Osborn, Attorney at Law, Vashon Island, WA, Moderator
Tom Ring, Hydrogeologist, Yakama Nation Water Resources Program, Toppenish, WA
Jeff Schuster, Law office of Jeff Schuster, Seattle, WA
Phil Rigdon, Superintendent, Department of Natural Resources, Yakama Nation, Toppenish, WA
- 3:15 p.m. Break**
- 3:30 p.m. The Future of the Federal Subsistence Fishing and Hunting Priority in Alaska, and Trust Land Regulation Update**
Robert Anderson, Professor of Law, University of Washington School of Law, Seattle, WA
- 4:30 Adjourn**