

INTERNATIONAL INSTITUTE FOR INDIGENOUS RESOURCE MANAGEMENT

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A WORKSHOP ON 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

July 13-14, 2010

Holiday Inn Denver East Stapleton

3333 Quebec Street

Denver, Colorado

Applied to the Colorado Supreme Court for Continuing Legal Education Credit

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; and strategies to identify and protect tribal interests that may be affected by proposed federal actions.

PRELIMINARY AGENDA

JULY 13, 2010

- 8:15 a.m. Registration, Coffee and Continental Breakfast
- 9:00 a.m. Welcome and Introductions
Mervyn L. Tano, International Institute for Indigenous Resource Management
- 9:30 a.m. Small Group Exercise
- 10:15 a.m. History and Overview of NEPA
James "Skip" Spensley, Spensley & Associates
- 10:30 a.m. NEPA as a Tribal Environmental Protection and Development Strategy
Mervyn L. Tano
- 11:30 a.m. Break
- 11:45 a.m. An Approach to Identifying Tribal Interests Affected by Proposed Federal Actions
Mervyn L. Tano

- 12:30 p.m. Lunch (on your own)
- 1:30 p.m. Planning for NEPA: What Tribes Need to Know About Federal Agencies, What Federal Agencies Need to Know About Tribes
Mervyn L. Tano
- 2:30 p.m. The Environmental Impact Statement: The Process
James “Skip” Spensley
- 4:30 p.m. Adjourn

JULY 14, 2010

- 8:30 a.m. Registration, Coffee and Continental Breakfast
- 9:00 a.m. Content of the EIS: Making Sure it’s Adequate
James “Skip” Spensley
- 10:00 a.m. Assessing Cumulative Impacts
Mervyn L. Tano
- 10:45 a.m. Break
- 11:00 a.m. Tribes as Cooperating Agencies: Issues and Opportunities
Mervyn L. Tano
- 11:30 a.m. Other Issues including Programmatic EIS, Environmental Justice, etc.
James “Skip” Spensley and Mervyn L. Tano
- 12:30 p.m. Lunch (on your own)
- 1:30 p.m. Indigenous Approaches to Adaptive Management
Mervyn L. Tano
- 2:10 p.m. Other Strategic Approaches to NEPA Requirements
James “Skip” Spensley and Mervyn L. Tano
- 2:40 p.m. Small Group Exercise
- 4:15 p.m. Adjourn

Workshop Faculty:

James W. “Skip” Spensley is one of the nation’s experts on the National Environmental Policy Act of 1969 (NEPA) working with its requirements from numerous perspectives including administrative, legislative, judicial, and project development. Mr. Spensley served as staff to the President’s Council on Environmental Quality (CEQ) in 1970 after NEPA was first enacted. He assisted in preparing the first CEQ guidelines on environmental impact statement (EIS) preparation. He subsequently worked with an environmental law firm in Alexandria, Virginia where he litigated NEPA cases.

In 1974, Mr. Spensley worked for a transportation and consulting firm which managed one of the largest urban transportation projects in New York where he was the architect of the EIS for the West Side Highway Project in New York City. In 1975, Mr. Spensley was hired by the United States House of Representatives to act as Legal Counsel to the Subcommittee responsible for NEPA. During his tenure there, he was responsible for writing the first and only amendment to NEPA in 1975. In 1984, The Mayor of Denver hired Mr. Spensley to manage the preparation of the EIS for Denver’s new international airport, the largest land area commercial airport in the world. Between 1989 and 1995, he has consulted with numerous large-scale projects concerning their NEPA requirements including among others the Vail Ski Area Expansion project; the Department of Energy’s Technology Integration Program; the E-470 Toll Road Project in Denver; and the Rocky Flats Site Wide Environmental Impact Statement. Since 1995, Mr. Spensley has provided consulting and project management services to the Colorado Department of Transportation, the City and County of Broomfield, the Seattle Port Authority, Will County Illinois on the 3rd Chicago South Suburban Airport project and several private company clients concerning environmental documents related to major transportation and development projects.

Mr. Spensley has lectured on environmental law and NEPA at both the University of Colorado and the University of Denver in the law schools and other graduate programs since 1982. He is the author of the *NEPA Compliance Manual* for federal managers and author of the NEPA Chapter in the *Environmental Law Handbook* (Editions 12-16) for Government Institutes. He conducts regular annual national workshops on NEPA and the EIS process.

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.

Workshop Logistics:

All workshop sessions will be held at the Holiday Inn Denver East Stapleton, 3333 Quebec Street, Denver, Colorado 80207. Rooms are available to workshop attendees at the special rate of \$89.00 + tax (single or double) per night. For reservations, please call Christina White at the Holiday Inn: 303-329-2740. Be sure to mention the IIRM NEPA in Indian Country Workshop.

Registration Information:

Registration Fee: Early registration (until June 30, 2010) is \$395. After that date registration is \$450. 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: IIRM, 444 South Emerson Street, Denver, CO 80209-2176; or FAX to: 303-744-9808.

The International Institute for Indigenous Resource Management
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July 13-14, 2010

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