

# Conference Agenda



Tuesday, March 23, 2021

**10:00 a.m. – 11:00 a.m. ♦ Keynote with Chief Manny Jules -  
Lessons from Another Pandemic – A Chance to Close the Systemic Gaps** (STREAM 1)

Pandemics have historically provided opportunities to impose colonies on Indigenous people. The COVID-19 pandemic has widened at least three systemic gaps between tribal governments and other governments created by colonialism: 1. Tribal public health infrastructure and preparedness, 2. Tribal fiscal power to support resilience, and 3. Tribal and individual access to capital and credit. First Nations in Canada have discovered that national institutions can implement the legislative and administrative frameworks to address the root systemic economic causes of these gaps. The implications of the U.S. Supreme Court's decision in *McGirt v. Oklahoma* could make these lessons more relevant to American tribes.

**SESSION I (CONCURRENT SESSIONS) ♦ 11:30 a.m. – 12:30 a.m.**

**Spatial Organization and Land Use Patterns** (STREAM 1)

Participants will be challenged to evaluate the relationship between spatial organization of lands and land use patterns. The goal is to build a framework that can be used to better understand factors that influence land use patterns within a jurisdiction. The session will engage participants in spatial analysis, hands-on mapping activities, and group dialogue.

Presenter: Amy Wilson, Founder & Principle Consultant, Social, Economic, Energy and Resource Renewal, LLC

**Fee-to-Trust Experiences on Fond du Lac** (STREAM 2)

Putting land into trust can be a long and complicated process. This presentation will look at fee-to-trust experiences on the Fond du Lac reservation where the Tribe controls about 45,500 of the 100,000 acres, of which 20,638 acres are in the current fee-to-trust process. Participants will learn about the Tribe's organization and tracking process, documentation requirements, establishment of priority lands, and the time and process required depending on the specific approach used.

Presenter: Timothy Krohn, Land Information Manager, Fond du Lac Band of Lake Superior Chippewa

**SESSION II (CONCURRENT SESSIONS) ♦ 1:30 p.m. – 2:30 p.m.**

**Holistic Approach to an Agricultural Resource Management Plan** (STREAM 1)

An Agricultural Resource Management Plan (ARMP) is a 10-year management and monitoring plan developed in accordance with the American Indian Agricultural Resource Management Act. An ARMP should be designed around a holistic approach with community involvement to identify topics and issues, goals and objectives, and policies or action items. The purpose is to provide tribes with the tools to create a long-term strategy for agricultural development on their reservation.

Presenter: Loren Birdrattler, Consultant, Birdrattler Consulting

**Building a Sustainable and Resilient Indigenous Economy** (STREAM 2)

The Tulo Centre of Indigenous Economics helps interested First Nations and tribes build governments that build economies. It does this by delivering three accredited certificate programs in applied economics, land management and taxation, and by offering training and capacity development. The Centre has recently developed an online strategy game to help build more sustainable tribal economies. Participants in this session will learn background and strategies for the game and have the opportunity to play. A discussion on possible applications to real tribal economies will follow.

Presenter: André LeDressay, Director, Tulo Centre for Indigenous Economics

## SESSION III (CONCURRENT SESSIONS) ♦ 3:00 p.m. – 4:00 p.m.

### Legal Updates (STREAM 1)

Presenters: Sarah Roubidoux Lawson, Of Counsel, Schwabe, Williamson & Wyatt

### Environmental Due Diligence and Fee-to-Trust Applications: A Scalable Approach to Evaluating and Addressing Your Property's Environmental Conditions (STREAM 2)

Knowing the environmental condition of the property prior to a fee-to-trust transaction can create an opportunity for tribes to address recognized environmental conditions before a formal Phase I Environmental Site Assessment is prepared as part of a fee-to-trust application. This approach can be scaled based on tribal finances, expertise, and time limitations. Participants will learn about available tools for tribal staff.

Presenter: Jennifer Casler, Senior Associate Geologist, Haley & Aldrich

## 4:30 p.m. – 5:30 p.m. ♦ Virtual Welcome Reception/Meet the NTLA Board (STREAM 1)

## Wednesday, March 24, 2021

## SESSION IV (CONCURRENT SESSIONS) ♦ 10:00 a.m. – 11:00 a.m.

### Understanding Section 169 in Obtaining Rights-of-Way and Delegated Federal Authority (STREAM 1)

This session will explore Section 25 USC 169 which is intended to streamline procedures for when the Bureau of Indian Affairs (BIA) will consider and approve rights-of-way over and across tribal lands, individually owned Indian lands, and BIA lands. Section 169 is also intended to support tribal self-determination and self-governance by acknowledging and incorporating tribal law and policies when processing a request for a right-of-way, deferring to the decisions of Indian landowners to the maximum extent possible.

Presenter: Sally Willett, Retired Judge, Cherokee Nation

### NEPA Regulation Changes (CLE Pending) (STREAM 2)

The National Environmental Policy Act (NEPA) requires federal agencies to assess the environmental effects of their proposed actions prior to making decisions. This presentation will address the proposed changes in the NEPA Regulations and explore the potential impact of these changes in Indian Country.

Presenters: Sara Dutschke Setshwaelo, Partner, Kaplan Kirsch Rockwell  
Matthew Adams, Partner, Kaplan Kirsch Rockwell

### Section 17 Corporations: Using the Past to Structure Your Business for the Future (CLE pending) (STREAM 3)

The Indian Reorganization Act offered tribes a business structure with the freedom to manage and convey their lands in a way that enjoys tribal sovereign immunity and tax benefits but shields the community from the business risk and liabilities of the entity. Participants in this session will learn about the process to create a Section 17 entity and reap its benefits.

Presenter: Shauna Coons, Managing Attorney, Kwe Law Firm

## SESSION V (CONCURRENT SESSIONS) ♦ 11:30 a.m. – 12:30 p.m.

### Land Acquisitions and Creative Solutions (STREAM 1)

Presenter: Monte Gray, Assistant General Counsel, Shoshone-Bannock Tribes

### **Tribal Transportation Self Governance Program** (STREAM 2)

The presentation will explore the U.S. Department of Transportation's Tribal Transportation Self-Governance Program. Participants will learn about the role of the rule-negotiating committee and process, as well as self-governance and transportation funding opportunities (or lack of) and the Fixing America's Surface Transportation (FAST) Act.

Presenters: Milo Booth, Director of Tribal Affairs, Tribal Self-Governance Transportation Program  
Eldridge Onco, Regional Counsel, United States Department of Transportation

### **Pandemic Effects on Estate Planning** (CLE Pending) (STREAM 3)

COVID-19 has presented significant challenges for estate planning in tribal communities. This session will highlight some of the barriers the pandemic has presented to "normal" client interaction, including mitigation strategies, coordination of witnesses and notaries, and compliance with laws, regulations, and orders in the delivery of services, along with ways to navigate these challenges.

Presenter: Casey Ross, Director, American Indian Law and Sovereignty Center

## **SESSION VI (CONCURRENT SESSIONS) ♦ 1:00 p.m. – 2:00 p.m.**

### **Housing, Homeownership, and Economic Development** (STREAM 1)

By developing homeownership, Tribal nations have the opportunity to expand housing, build wealth, and build tribal infrastructure around credit and land management. The presentation will share the research and policy work of the Center for Indian Country Development on Indian Country Homeownership, including the price of mortgage finance for Native Americans and the Tribal Leaders Handbook on Homeownership.

Presenters: James Colombe, Project Manager, Center for Indian Country Development

### **Collaborating for Success in Strategic Planning and Economic Development** (STREAM 2)

Successful collaboration and strategic planning is must when it comes to ensuring that tribal economic development projects meet the objectives involved. This presentation will explore how a government-to-government approach can be used to plan and implement projects that require federal funding.

Presenters: Cynthia Ptak, Economic Development Representative for Arizona for Economic Development Administration, United States Department of Commerce  
Frances Sakaguchi, Economic Development Integrator - Seattle Regional Office, United States Department of Commerce

### **Flood Hazard Identification and the National Flood Insurance Program in Indian Country** (STREAM 3)


This presentation will offer an overview of the National Flood Insurance Program (NFIP), with emphasis on its impacts in Indian Country and the concerns of tribal land managers. Among the focal points of the presentation will be the Federal Emergency Management Agency (FEMA) flood hazard study and mapping processes.

Presenters: Dr. Frank Shockey, Senior National Flood Insurance Program Specialist, FEMA-Region V  
Nick Bruscato, Mitigation Tribal Liaison/Risk Analysis Program Specialist, FEMA-Region V

## **SESSION VII (CONCURRENT SESSIONS) ♦ 2:30 p.m. – 3:30 p.m.**

### **Site Planning Indian Lands: Designing and Building with Vision** (STREAM 1)

This session will focus on site planning with a thoughtful review of how to build a project in the short term without compromising long-term development opportunities. The discussion will include areas of expertise, utilizing existing



conditions and formulating a flexible development program that responds to market opportunities and political realities.

Presenter: Ken Ryan, Principal, KTG Architecture

Shane Melbo, Chief Operating Officer and Co-Founder, Oak and Stone Consultants

## Thursday, March 25, 2021

### SESSION VIII (CONCURRENT SESSIONS) ♦ 10:00 a.m. – 11:00 a.m.

#### Fallout From the Election: What Can We Expect? (STREAM 1)

Elections have consequences and the outcome of the 2020 presidential election will likely have a significant impact in Indian Country. This presentation will explore how the election may affect Tribal Nations in 2021.

Presenter: NTLA Board

#### Feeding Our People, Growing Our Economies, Building Our Future (STREAM 2)

The Native American Agriculture Fund (NAAF) provides grants to eligible organizations for business assistance, agricultural education, technical support, and advocacy services to support Native farmers and ranchers. The charitable trust was created by the settlement of the *Keepseagle v. Vilsack* class-action lawsuit. This presentation will discuss NAAF and the opportunity to apply for funding for a wide variety of long-term projects.

Presenter: Toni Stanger, Regional Director, Native American Agriculture Fund

### SESSION IX (CONCURRENT SESSIONS) ♦ 11:30 a.m. – 12:30 p.m.

#### The Most Significant Indian Law Case in a Century (STREAM 1)

This session will explore *McGirt v. Oklahoma*, perhaps the most significant Indian law case in a century. It involved a citizen of the Seminole Nation of Oklahoma who was prosecuted and convicted by the state of Oklahoma for sex offenses. McGirt's lawyers argued the state had no jurisdiction because the crimes were committed on the Muscogee Creek Nation reservation as established by treaty in 1866. Oklahoma asserted sovereignty over this land early in the 20th century as pieces of it were sold. In the McGirt case, the court noted that selling land does not alter sovereignty.

Presenter: Larry Roberts, Professor of Practice and Executive Director, Sandra Day O'Connor College of Law, ASU

Stacy Leeds, Professor of Law, University of Arkansas School of Law

Robert Miller, Professor of Law, Sandra Day O'Connor College of Law, Arizona State University

Jonodev Chaudhuri, Chair, Indian Law and Policy Practice, Quarles & Brady, LLP

Derrick Beetso, General Counsel, National Congress of American Indians

#### Medical Marijuana and Industrial Hemp (CLE Pending) (STREAM 2)

Tribal governments and individual Indian landowners have been actively pursuing or exploring opportunities in cannabis and hemp development in accordance with tribal law and agricultural codes. This presentation will explore this opportunity in further detail.

Presenter: Erick Giles, Attorney, Drummond Woodsum

### 1:00 p.m. ♦ Drawing, and Closing Plenary with NTLA Board Chair Andrew A. Orosco (STREAM 1)