AGENDA: Natural Resource Development in Indian Country

University of Colorado Boulder. Natural Resources Law Center

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Wednesday, June 8, 1988

8:15 Registration and coffee

9:00 Welcome and Introduction

9:15 The Historical Policy of Federal Restraints on Resource Development in Indian Country
Prof. Robert A. Williams, University of Arizona College of Law, Tucson

In most cases, development of Indian natural resources requires approval by the federal government. This presentation will discuss the evolution of the federal-tribal trust relationship as it relates to natural resource issues.

9:55 The Governmental Context for Development in Indian Country: Modern Tribal Institutions and the Bureau of Indian Affairs
Susan M. Williams, Gover, Stetson & Williams, Albuquerque

Indian tribal governments are exercising greater control over their reservations than ever before. This presentation will describe the doctrine of tribal sovereignty, the development of modern tribal governmental institutions, and the role of federal agencies.

10:35 Break

10:55 Taxation In Indian Country
Prof. Richard B. Collins, University of Colorado School of Law

Taxation in Indian country is regulated in theory by federal legislative policy, in practice by federal judicial policy. This presentation will treat the right of tribes to impose taxes and the immunity of tribes and their business partners from taxation by states.

11:35 The Process of Decision-Making In Tribal Courts
Thomas Tso, Chief Justice, Navajo Tribal Court, Navajo Nation, Arizona

Tribal courts are now handling large caseloads, often including environmental and natural resources litigation. Tribal judges face an array of complex questions concerning the proper sources of law—tribal codes, tribal common law, federal law, and sometimes state law. The presenter, Chief Justice of the nation's largest tribal court, will discuss the formulation of tribal court jurisprudence.

12:00 Lunch Speaker: Dave Frohnmayer, Attorney General, State of Oregon

The speaker, Chairman of the National Association of Attorneys General, will provide an update of NAAG's discussions with Indian leaders on improving state-tribal relations.

1:30 Environmental Regulation In Indian Country: Federal, Tribal, and State Pollution Laws
Kevin Gover, Gover, Stetson & Williams, Albuquerque

Indian tribes have authority to regulate resource development activity under their inherent sovereignty and under the Clean Water Act, Safe Drinking Water Act, and other federal environmental statutes. This presentation will survey existing law and discuss the burgeoning tribal regulatory programs.
2:15 Financing Development in Indian Country
Thomas N. Tureen, Tribal Assets Management, Portland, Maine

A few Indian tribes have begun to use highly sophisticated financing mechanisms. The speaker will describe these mechanisms and explain how tribes can obtain financing that was historically unavailable for resource development.

3:00 Break

3:20 The Making of Tribal Resource Policy: Balancing Economics, the Environment, and Tribal Traditions
Philip S. Deloria, American Indian Law Center, Albuquerque

Traditionally tribal resource issues usually have been the result of a particular proposal to develop resources. Tribal values and traditions may be strong, but often have been ignored or inadequately considered in the context of individual decisions. Tribes, perhaps more than other governments, need to adopt comprehensive resource policy.

Respondents:
Dave Warren, Institute of American Indian Arts, Santa Fe
David Lester, Director, Council of Energy Resource Tribes, Denver
John Echohawk, Director, Native American Rights Fund, Boulder
Jerry Bathke, Director of Indian Affairs, Arco, Los Angeles

5:00 Adjourn for day

6:15 Cookout on Flagstaff Mountain

Thursday, June 9, 1988

9:00 Mineral Leasing in Indian Country
Reid Chambers, Sonosky, Chambers & Sachse, Washington, DC

The options for Indian mineral development include varied opportunities for tribal involvement in ownership, management, and leasing. The speaker will discuss alternative methods for developing coal, oil and gas, and other minerals in Indian country.

9:45 The Industry Perspective: The Pros and Cons of Mineral Development In Indian Country
William A. White, Dechert Price & Rhoads, Washington, DC

This presentation will describe the process for obtaining mineral development rights on Indian lands and the practical problems encountered by industry.

10:15 Break

10:35 Navajo Resource Economic Development: The Dineh Power Project
Donald R. Wharton, Assistant Attorney General, Natural Resources, Navajo Nation, Window Rock, Arizona

Indian tribes are going through a transition from being treated as, and behaving as, passive resource proprietors to assuming the posture of active governments and resource developers. The Dineh Project is one case study of how the Navajo Nation has considered a proposed major project as a resource owner, developer, and sovereign government.

Respondents:
Joseph Browder, Browder & Associates, Washington, DC
Maggie Fox, Sierra Club, Boulder
Elmer Lincoln, Jr., Dineh Service Co., Albuquerque

12:00 Lunch (on your own)
1:30 **Recreational Development at Mescalero Apache**  
Wendell Chino, President, Mescalero Apache Tribal Council

The Mescalero Apache Tribe has been a leader in developing a recreational economic base. This presentation, by the long-time tribal chairman, will discuss the principal tribal operations: the Inn of the Mountain Gods, Ski Apache, and the tribal wildlife management system.

2:00 **Cooperative Agreements Between the Tribes and the States: Licensing at Leech Lake**  
Prof. Bernard P. Becker, William Mitchell School of Law and United States Magistrate

This presentation will review both the legal framework (statutes, regulations, and common law precepts) and the political framework (limitations on what agreements can accomplish within the existing political realities) influencing tribal-state cooperative agreements.

2:30 Break

2:50 **Wildlife Management: State and Tribal Jurisdiction at Umatilla**  
Douglas Nash, Attorney, Umatilla Tribe, Pendleton, Oregon

Decades of litigation and histrionics in the Northwest are giving way to successful tribal efforts to regulate fishing and hunting activity. Jurisdictional tensions between states and tribes continue but the implementation of tribal codes and the use of trained personnel have replaced theoretical legal concepts with practical wildlife management achievements.

3:20 **Federal Taxation of Resort Development, Commercial Fishing, and Reindeer**  
Steve Moore, Attorney, Native American Rights Fund, Boulder

Immunity from state taxation has helped tribes overcome the disadvantages of distance, lack of financing, and inexperience. But federal taxation attempts have been made with renewed vigor as some economic development schemes, including those supported by federal initiatives, have begun to show success.

3:50 **Fisheries Management in the Regional and International Contexts: The Columbia River Basin**  
Howard Arnett, Marceau, Karnopp, Petersen, Noteboom & Hubel, Bend, Oregon

Perhaps the single most far-flung set of issues in Indian resource development involves salmon and steelhead management in the Pacific Northwest. The tribes have become principals in the decision-making process through court cases, the Northwest Power Act of 1980, and the 1985 U.S.-Canada Salmon Interception treaty.

4:30 Reception

Friday, June 10, 1988

9:00 **Survey of Recent Developments in Indian Water Cases: Litigation and Negotiation**  
Jeanne Whiteing, Whiteing, Thompson & White, Boulder

Nearly every Indian tribe in the West is involved in addressing water issues in some manner, either in litigation or in negotiation of their water rights. This presentation will describe recent developments in Indian water cases as reflected by both litigation and negotiations.
10:00 The Wind River Litigation  
David Dornbusch, Dornbusch & Co, San Francisco  
Gordon W. Fassett, Wyoming State Engineer, Cheyenne  

In early 1988, the Wyoming Supreme Court decided the first Indian reserved water rights quantification case pursuant to the McCarran Amendment. The presenters will address the practical problems of water use on and off the reservation and the prospects for successful implementation of the decision.

10:30 Break

10:50 The Montana Reserved Water Rights Compact Commission  
Marcia Beebe Rundle, Counsel, Montana Reserved Rights Compact Commission, Helena  

Montana, through the Compact Commission, was the first state to institutionalize water rights negotiations with Indian tribes. This presentation will explain the Commission’s charter; analyze the terms of the comprehensive Fort Peck-Montana Compact of 1985; and assess implementation of the Compact.

11:20 Instream Flows and Tribal Wildlife Management: The Flathead Litigation  
Daniel F. Decker, Managing Tribal Attorney, Confederated Salish and Kootenai Tribes of the Flathead Reservation, Pablo, Montana  

Attempts to protect tribal fisheries on Indian reservations can conflict with on-reservation Indian and non-Indian consumptive uses. A recent Ninth Circuit decision concerning the Flathead Indian Reservation upheld instream flows over the objections of water users served by federal irrigation projects.

12:00 Lunch Speaker: Congressman Ben Nighthorse Campbell (invited)

1:30 Marketing of Indian Water  
Steven J. Shupe, Shupe & Associates, Santa Fe  

Indian tribes have begun to explore the marketing of tribal water rights. Although there are obvious advantages for both tribes and others who would use their water, such proposals have raised a variety of practical and legal objections.

Respondents:  
Myron B. Holburt, Assistant General Manager, Metropolitan Water District of Southern California  
Scott B. McElroy, Greene, Meyer & McElroy, Boulder  
Robert S. Pelcyger, Fredericks & Pelcyger, Boulder  
Steve Reynolds, New Mexico State Engineer

3:00 End of conference
NATURAL RESOURCE DEVELOPMENT IN INDIAN COUNTRY
June 8-10, 1988

CONFERENCE ORGANIZERS

DAVID H. GETCHES (A.B. 1964, Occidental College; J.D. University of Southern California Law School, 1967) is a Professor at the University of Colorado School of Law. From August 1983 - January 1987 he was on leave from the School of Law to serve as Executive Director of the Colorado Department of Natural Resources. Previously he practiced law in Boulder and San Diego, and for several years was an attorney for the Native American Rights Fund, of which he was the Founding Director. He was also a staff attorney at California Indian Legal Services in Escondido. His publications include Water Resources Management (with Meyers, Tarlock and Corbridge); Cases and Materials on Federal Indian Law (with Wilkinson); Water Law in a Nutshell; and Felix S. Cohen's Handbook of Federal Indian Law (1982 ed) (member of Board of Authors and Editors).

CHARLES F. WILKINSON (B.A. Denison University; LL.B. Stanford University) joined the law faculty at the University of Colorado Law School in June 1987. He was formerly Professor of Law at the Oregon Law School and has been Visiting Professor at the Michigan and Minnesota Law Schools. He has written numerous books and articles on western resources law and on Indian law. A former staff attorney with the Native American Rights Fund, his books include Federal Public Land and Resources Law (1987) (with Coggins); Cases and Materials on Federal Indian Law (1986) (with Getches); Felix S. Cohen's Handbook on Federal Indian Law (1982) (managing editor); American Indians, Time, and the Law -- Native Societies in a Modern Constitutional Democracy (1987). He was the 1982 recipient Oregon's University-wide Ersted Distinguished Teaching award. In 1986, he received the University of Oregon's Faculty Excellence Award for distinguished research and teaching.
LAWRENCE J. MacDONNELL (B.A. University of Michigan, 1966; J.D. University of Denver College of Law, 1972; and Ph.D. Colorado School of Mines, 1974) became Director of the Natural Resources Law Center in November 1983. Prior to that he was a research economist at the Denver Research Institute and Adjunct Professor at the Graduate School of Business and Public Management at the University of Denver, 1980-83. He has worked as Assistant Professor in the Dept. of Mineral Economics at the Colorado School of Mines, as a Special Consultant to the Interior and Insular Affairs Committee of the U.S. House of Representatives, and as an instructor and course director for the Colorado Outward Bound School. He edited the recent Natural Resources Law Center publication, Tradition, Innovation, and Conflict: Perspectives on Colorado Water Law (1987).

CONFERENCE FACULTY

HOWARD G. ARNETT has been with the law firm Marceau, Karnopp, Petersen, Noteboom & Hubel in Bend, Oregon, since 1980. As Warm Springs tribal attorney he has sole responsibility for treaty fishing rights litigation and has conducted numerous FERC licensing proceedings for small hydro projects affecting treaty-protected salmon stocks, among other duties. From 1977-80 he was a staff attorney with the DNA-People's Legal Services in Chinle, Arizona. His A.B. in Political Science is from Stanford University; M.Sc. in International Relations from the London School of Economics; and his J.D. from the University of Oregon School of Law.

JERRY S. BATHKE is Director of External Affairs at ARCO, where he began his career in 1980 as Director of Indian Affairs. In this position he drew upon his community development experience with the U.S. Dept. of Energy, the Dept. of Health, Education & Welfare, and the Dept. of Interior, in addition to service for several non-profit minority organizations and as a VISTA volunteer on the Navajo Reservation. At ARCO he has held positions addressing constituency relations and minority affairs, including present responsibilities for ARCO's Minority Business Development Program. His B.A. in political science ('63) and Doctor of Laws ('66) are from the University of Chicago.
BERNARD BECKER graduated from the University of Minnesota Law School in 1965. He practiced in New York for a year and then returned to Minnesota where he worked for the Legal Aid Society of Minneapolis. In 1970 he became Chief Counsel for the Society, during the period that the Leech Lake cases were being litigated. In 1973 he joined the faculty at the William Mitchell College of Law, where he has taught Civil Procedure, Federal Jurisdiction, Indian Law, Children's Law, and Property. In 1976 he argued Bryan v. Itasca County in the United States Supreme Court. Since 1986 he has been a half-time Magistrate in the U.S. District Court for the District of Minnesota.

JOSEPH BROWDER is the principal resource negotiator with the Navajo Nation in behalf of corporate participants in the Dineh Power Project. As an Interior Department official in the Carter Administration, in addition to helping guide development of the Federal Coal Leasing Program, he played a key role in resolving conflicts over coal lease claims on the Northern Cheyenne Reservation. In the 1960s, working on Everglades protection for the National Audubon Society, Sierra Club and other conservation organizations, he was instrumental in establishing a principle that all Park concession opportunities be offered to local Indian Tribes. While working on Navajo resource development, he and his firm have also been involved in project planning, environmental, marketing and legislative strategies for U.S. and European mining, utility, aerospace, chemical, energy and industrial companies, and for the California Energy Commission.

REID PEYTON CHAMBERS is a founding partner of the Washington, DC, law firm Sonosky, Chambers & Sachse, which represents Indian tribes and organizations before Congress, federal agencies, and in Federal court litigation involving land and water rights, hunting and fishing, oil gas and mineral leases, among others. He is also an Adjunct Professor at the Georgetown Law School, teaching Federal Indian Law (since 1977). From 1973-76 he was Associate Solicitor in the Department of Interior, with responsibility over Indian and Alaska native matters. He has a B.A. from Amherst College ('62) a second B.A. from Balliol College, Oxford, England ('64); and a J.D. from Harvard Law School ('67). He is on the Board of Editors of Felix S. Cohen's Handbook of Federal Indian Law (rev. ed. '82).
WENDELL CHINO is President of the Mescalero Apache Tribe in the state of New Mexico. He is a former chairman of the National Tribal Chairmen's Association and is currently one of its officers. He has long been active in Indian affairs on a national basis and has held numerous positions, including serving as President of the National Congress of American Indians.

RICHARD BENJAMIN COLLINS has taught at the University of Colorado School of Law since 1978, as Associate Professor since 1982. From 1975-82 he was a staff attorney with the Native American Rights Fund in Boulder. From 1971-75 he was Director of Litigation for DNA Legal Services in Window Rock, Arizona, and from 1967-71 served as staff attorney and Deputy Director, California Rural Legal Services and California Indian Legal Services in Santa Rosa and Berkeley. He has a B.A. in chemistry from Yale ('60), and an LL.B. from Harvard Law ('66). Recent publications include "American Indians and the Bicentennial," 16 Colo. Lawyer 1579 (1987), and "Indian Reservation Water Rights," 78 Amer. Water Works Association Journal (1986).

DANIEL F. DECKER (Confederated Salish and Kootenai Tribes), was born and raised on the Flathead Reservation, Montana. His B.A. is from the University of Montana ('75) and Master's in Education from the University of South Dakota ('76). He has taught at Dawson Community College, Montana, and the University of Montana. He worked for Montana's Office of Public Instruction for two years as manager of the Equal Learning Opportunities Division before entering law school. He graduated from the University of Montana School of Law in 1982, and returned to his native home to work for the Salish and Kootenai Tribes. He is currently the Managing Tribal Attorney for the Tribe's Legal Department, and has been primarily involved with water related issues.

PHILIP S. (SAM) DELORIA has been at the American Indian Law Center at the University of New Mexico School of Law since 1971. The Center, an Indian controlled not-for-profit corporation, is in the business of developing political, administrative, and leadership capabilities of tribal governments. It offers legal research, policy analysis, and technical assistance to tribes, organizations, and individuals. He came initially as the Center's Special Scholarship Program director, then became Director of the Center in 1972. He took time off in 1980-81 to serve as Deputy Assistant Secretary for Indian Affairs Policy with the Department of Interior and for a sabbatical in 1985. In 1985-86 he was a partner with Tribal Assets Management. He has a B.A. ('64) from Yale, and attended Yale Law School (1968-71).
DAVID M. DORNBUSCH is an economic consultant, focusing especially on water and related land use development planning and protection issues. He has been the president of his own firm in San Francisco since 1971, where he has performed analyses of water use potentials, presented expert witness testimony, and prepared land use development and facilities re-use studies for more than a dozen Indian reservations. He was the United States' principal economic expert witness in the Wind River case and has testified for the U.S. and Indian tribes in other water rights cases as well. He has been a guest lecturer at the Stanford University Law School, the University of California at Berkeley. His Bachelor in Engineering is from Cornell University ('64) and M.B.A. from Harvard ('66).

JOHN E. ECHOHAWK (Pawnee) is the Executive Director of the Native American Rights Fund. He was the first graduate of the University of New Mexico's special program to train Indian lawyers, and was a founding member of the American Indian Law Students Association while in law school. He has been with NARF since its inception. He has lectured on Indian law at the University of California at Berkeley and the University of Colorado at Denver. He serves on the Boards of the American Indian Lawyer Training Program, the Association on American Indian Affairs, and the National Committee for Responsive Philanthropy. He also served on the Task Force on Trust Responsibilities and the Federal-Indian Relationship, including Treaty Review for the U.S. Senate's American Indian Policy Review Commission in 1976-77. His B.A. ('67) and J.D. ('70) are from the University of New Mexico.

GORDON W. (JEFF) FASSETT was appointed State Engineer of Wyoming in March 1987, with general supervision of the waters of the State. Previously he served three years as Deputy State Engineer for Wyoming, and before that was a principal and vice-president with Leonard Rice Consulting Water Engineers, Denver, a firm which played an active role of technical service and testimony in the Big Horn River General Adjudication. His B.S. in Civil Engineering ('74) is from the University of Wyoming. He serves as President of the State Board of Control, is a member of the Colorado River Basin Salinity Control Forum, and is Wyoming's representative on the Bear River Compact Commission, the Upper Colorado River Commission, and others.
MARGARET L. FOX has been the Sierra Club Southwest Regional Representative with an office in Boulder since 1983. In 1982 she was a Legal Intern with the National Wildlife Federation Clinic at the University of Colorado School of Law, and she interned with the Native American Rights Fund, 1982-82. She has a B.A. (English Literature) from the University of North Carolina ('71); Teaching Certification and Graduate Work in Teaching English as a Second Language, Northern Arizona University ('75); a Masters in Education, University of Colorado ('76), and a J.D. with Environmental Law Specialty, Lewis & Clark Law School ('82). She has done community organizing and lobbying, including advising 50 Navajo and Hopi Indian medicinemen and elders in preparing testimony for county, state, and federal land use hearings.

DAVID B. FROHNMAIER has served as Oregon Attorney General since 1981. Before that he was Professor of Law and Special Assistant to the University President for Legal Affairs, University of Oregon. During the same time he was serving in the Oregon Legislative Assembly, elected for three terms, from 1975-81. He has an A.B. from Harvard ('62) and a B.A. ('64) and M.A. ('71) from Oxford University, England, where he was a Rhodes Scholar; his J.D. is from the University of California School of Law (Boalt Hall), Berkeley. He is president of the National Association of Attorneys General (1987-88), and won that organization's Wyman Award for Outstanding Service in 1987.

B. KEVIN GOVER (Pawnee) is one of the three founders (in 1986) of the Indian-owned law firm Gover, Stetson & Williams in Albuquerque, whose practice is primarily limited to representing tribes and tribal agencies. He graduated from the Woodrow Wilson School of Public and International Affairs at Princeton University in 1978, having taken time off from Princeton to serve on the Task Force on Trust Responsibilities and the Federal-Indian Relationship of the American Indian Policy Review Commission. His J.D. ('81) is from the University of New Mexico School of Law where he won a prize in the National Indian Law Writing Competition. After clerking for the Honorable Juan G. Burciaga, U.S. District Judge, Gover was an Associate with Fried, Frank, Harris, Shriver & Jacobson in Washington, DC, ('83-86), representing numerous tribal governments before Congress, federal agencies and courts.
MYRON B. HOLBURT has been Assistant General Manager of the Metropolitan Water District of Southern California since 1984. From 1965-84 he served with the Colorado River Board of California as Assistant Chief Engineer, then Chief Engineer. From 1951-65 he was with Leeds, Hill & Jewett, Inc., Consulting Engineers. He served in the military, as Planning Officer for the Naval Construction Battalion Center, Gulfport, Mississippi (1952-54) and as a Communications Officer, Navy Attack Transport (1945-46). He attended UCLA, the University of Southern California, and the University of California, Berkeley, and received a Bachelor of Engineering and M.S. in Civil Engineering.

ELMER J. LINCOLN, JR., (Navajo) has been associated for eight years with the Navajo Nation, serving as Tribal Attorney; Counsel to the Chairman, Navajo Tribal Council; and as the Tribe’s representative on the Dineh Power Project, where he currently serves as Executive Vice President, Secretary and Treasurer. Earlier he worked for the State of California as a Public Defender and in regulatory matters for the General Telephone Co. of California. His B.A. is from Ft. Lewis College ('68); M.S. from Northern Arizona University (’74); and J.D. from the University of California, Los Angeles, School of Law ('78). Prior to attending UCLA, he spent several years as a secondary teacher at Window Rock High School on the Navajo Reservation. He was honorably discharged from the U.S. Marine Corps Reserve in 1970.

SCOTT BOWNE McELROY has been part of the Boulder law firm Greene, Meyer & McElroy since November 1987, where he represents the Southern Ute Tribe in their ongoing water rights matters. He worked with the Native American Rights Fund from 1982-83 and again from 1985-87. In between he worked for Cogswell & Wehrle in Denver ('84-85), and for Fredericks & Pelcyger in Boulder ('83-84). Before that he worked for eight years with the federal government, first in the Office of the Solicitor, Dept. of Interior ('74-78) and in the Land and Natural Resources Division, Dept. of Justice ('78-82). His B.A. is from Washington & Lee University ('70) and J.D. from the University of Toledo College of Law ('74).
STEVEN C. MOORE graduated in 1979 from the University of Colorado School of Law and served as a staff and directing attorney of the Indian Law Program of the Idaho Legal Services from 1979-83. He also worked half-time ('82-83) for the Confederated Salish and Kootenai Tribes of Montana. He joined the Native American Rights Fund in 1983 as a Senior Staff Attorney and Director of NARF's Legal Services Corporation-funded Indian Law Support Center. His practice has emphasized religious and cultural rights of Indian people, and at NARF he helped represent the Kootenai Indians of Idaho to successfully defeat the FERC licensing of a dam and hydroelectric project at Kootenai Falls in northwest Montana.

DOUGLAS ROGER NASH (Nez Perce Tribe of Idaho) has practiced law in Pendleton, Oregon, since 1975, serving as a consultant to the Confederated Tribes of the Umatilla Reservation on matters relating to water rights and tribal police. From 1972-75 he was a Staff Attorney with the Native American Rights Fund in Boulder, while teaching undergraduate Indian Law at the University of Colorado in Denver. He earned an A.B. ('69) from the University of Idaho, where he took his first year of law school, completing his J.D. from the University of New Mexico ('71). He was Executive Director of the American Indian Law Students Association ('69-70). Recently he worked with the Nez Perce Tribe of Idaho to prepare draft water code, and with the Shoshone-Paiute Tribe of the Duck Valley Reservation to prepare an environmental protection code.

ROBERT S. PELCYGER is with the Boulder law firm Fredericks & Pelcyger. He was a Fulbright Scholar in London, and formerly served as Directing Attorney for the California Indian Legal Services. He has been Research Director for Navajo Indian Legal Services and worked as an attorney for the Native American Rights Fund in Boulder. His publications include "Indian Water Rights: Some Emerging Frontiers" and "The Winters Doctrine and the Greening of the Reservations." He is contributing author for the Felix S. Cohen's Revised Handbook of Indian Law.
STEPHEN E. REYNOLDS has been State Engineer of New Mexico since August 1955. He also serves as Secretary of the New Mexico Interstate Stream Commission, as New Mexico Commissioner for several River Compact Commissions, including the La Plata, the Rio Grande, the Upper Colorado, the Canadian River, and Costilla Creek. Among many other duties, he is a member of the Colorado River Basin Salinity Control Advisory Council, and the New Mexico representative to the Arkansas-White-Red River Interagency Committee, the Pacific Southwest Interagency Committee, and the Western States Water Council. Previously he was a Research Physicist with the New Mexico Institute of Mining and Technology (1946-55), serving as Project Supervisor for the Thunderstorm Research Program, sponsored by the U.S. Army Signal Corps ('47-55). He has a B.S. in Mechanical Engineering from the University of New Mexico (1939).

MARCIA BEEBE RUNDLE is a Special Assistant Attorney General for the State of Montana. Since 1984 she has served as counsel to the Montana Reserved Water Rights Compact Commission. In 1986 she became program manager for the Commission, responsible for supervision of development of the technical, legal and historical information upon which the Commission bases negotiations with the tribes and federal agencies claiming federal reserved water rights within the state. Her publications include "Regulation of Hydropower Development in the Northwest After Passage of the Regional Power Act: Who Controls the Waters?" Her B.A., M.P.A. and J.D. are from the University of Montana.

STEVEN J. SHUPE is president of Shupe & Associates, Inc., Santa Fe, where he combines a legal and engineering background as a water policy consultant. His B.S., Civil Engineering, '74; and M.S., Environmental Engineering '75, are from Stanford University; and J.D. from the University of Oregon School of Law, '82. Previously he has been an Assistant Attorney General for Colorado, representing the state in various areas of water law, and an attorney with the Denver law firm of Davis, Graham & Stubbs. He has also worked in the Water and Land Resources Department of Battelle Northwest. Shupe and his associates help private and public sector clients to find solutions to water management, protection, and marketing. They produce the monthly newsletter, Water Market Update.
THOMAS TSO (Navajo) has been Chief Justice of the Navajo Nation Judicial Branch since July 1985, responsible for the administration of the Judicial Branch and supervising the work of 16 justices and judges. He is also the presiding justice of the Navajo Nation Supreme Court. Previously his legal experience included District Court Judge ('81-85); Director of Tribal Law Development and Litigation Unit of DNA - People's Legal Services, Inc. ('77-81); Court Advocate, Interpreter and Investigator for Navajo Legal Aid and Defender Services (first in '70-73 and again in '84); and Court Advocate and Equal Opportunity Assistant for the Navajo Housing Authority ('73).

THOMAS N. TUREEN is Chairman of Tribal Assets Management, an investment bank which specializes in Indian financial transactions, and a partner in the Portland, Maine law firm Tureen & Margolin, which also specializes in Indian financial transactions. A graduate of Princeton (A.B. '66) and George Washington University (J.D. '69), he was lead counsel in a number of Eastern Indian land claims, including those of the Passamaquoddy Tribe and the Penobscot Nation which resulted in an $81.5 million award in 1980. He was of counsel to the Native American Rights Fund from 1972-80. He arranged the first leveraged buyout by an Indian tribe, and the first issue of tax exempt debt Act. Since 1984, he and his colleagues have raised nearly $200 million for Indian tribes in private credit markets.

DONALD R. WHARTON is the Assistant Attorney General for Natural Resources of the Navajo Nation's Department of Justice. Prior to that he was Director of Oregon Legal Services Native American Program ('79-83), served as a solicitor in the Indian Affairs Division of the Dept. of Interior, Washington, DC ('77-79), was Special Counsel to the American Indian Policy Review Commission (a joint Congressional commission on federal-Indian policy) ('75-79), and was General Counsel to the Klamath Indian Tribe, Oregon ('73-75). He has been a regular trainer for the National Indian Justice Center, and its predecessor, the American Indian Lawyer Training Program, since 1979 and has been a guest lecturer on Indian law at several law schools. He is a 1973 graduate of the University of Colorado School of Law.
WILLIAM A. WHITE is Managing Partner of the Washington office of Dechert Price & Rhoads and a member of the firm's Policy Committee. He first joined the Philadelphia office of the firm in 1971. Relocating to the Washington office in 1974, he began to represent clients in the coal mining industry in EIS litigation, coal lease negotiations with an Indian Tribe and the federal government, and federal land use planning, coal leasing and permitting matters. He has also represented electric utilities and coal companies in rail transportation matters. More recently, while continuing his work on natural resources and transportation matters, he has engaged in the defense of class action litigation brought under the Home Owners' Loan Act and the federal securities laws. His B.A. and J.D. are from the University of Wisconsin.

JEANNE WHITEING is a partner in the Boulder law firm of Whiteing, Thompson & White, which specializes in the representation of Indian tribes. Jeanne served as Deputy Director of the Native American Rights Fund from 1981-85 and as a staff attorney from 1975 to 1981. She successfully argued the case of Montana v. Blackfeet Tribe before the U.S. Supreme Court in 1985, challenging state taxation of tribal oil and gas royalties. Jeanne received her bachelors degree from Stanford University in 1972 and her law degree from the University of California, Berkeley in 1985.

ROBERT A. WILLIAMS, JR. became a Professor of Law at the University of Arizona School of Law in 1987. His B.A. is from Loyola College ('77), and J.D. from Harvard ('80). He was an instructor at Boston College, 1980-81; an Assistant Professor at Rutgers, Law School, Camden, 1981-84; an Assistant Professor at the University of Wisconsin, 1984-86; and was Marks Visiting Professor at the University of Arizona in the fall of 1986. Recent publications include Jefferson, the Norman Yoke, and American Indian Lands (1987; and The Algebra of Indian Law: The Hard Trail of Decolonizing the White Man's Indina Jurisprudenc (1986).
SUSAN M. WILLIAMS is one of the three founding members of the Indian owned firm Gover, Stetson & Williams in Albuquerque. Prior to that she served from 1981-86 in the Washington, DC office of Fried, Frank, Harris, Shriver & Jacobson, working on various Indian issues, with a specialty in tax law. Her B.A. (magna cum laude, 1977) is from Radcliffe, and her J.D. ('81) from Harvard. She is a chairman of the Navajo Tax Commission (1983- ); a member of the Board of Directors of the Conservation Foundation (1986- ); and a member of the Board of Directors of Western Network (1984- ). She is a member of the District of Columbia Bar, the American Indian Bar Association, and the Federal and American Bar Associations. She is co-Vice Chair, of the ABA Committee on Individual Rights/Responsibilities (1986- ). She is also a member of the Natural Resources Law Center's Advisory Board.