

# EPA Guidance on Indian Tribe Consultation:

## *What it Means and Why it Matters*



### LIVE AUDIO CONFERENCE

April 15, 2013

1:00 PM – 2:00 PM EST

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Did you know that the enactment of every federal policy may require consultation with one or more of the hundreds of sovereign Native American nations that exist within the boundaries of the United States? Indian tribes are distinct legal entities and must be consulted before federal agencies take any action that could affect a tribe's interests. The Environmental Protection Agency, with a mission encompassing the entire U.S. and all tribal sovereigns within it, is often required to engage in consultation with tribes. This live audio conference will describe the legal significance of the federal-tribal consultation process, provide a practical account of how the consultation process affects potential regulatory and business decisions, and equip you with tools for staying up to date on the EPA's current proceedings. This information is useful to a broad audience, ranging from business people concerned about the effects of consultation procedures on project development, to federal government officials interested in revising or implementing consultation procedures, to tribal leaders seeking information about legal rights and avenues for advocacy.

#### **Learning Objectives:**

- You will be able to discuss legal principles underlying consultation.
- You will be able to explain environmental statutes requiring consultation.
- You will be able to review the history of EPA's policy.
- You will be able to identify Environmental Protection Agency's Consultations.

#### **AUDIO CONFERENCE AGENDA**

##### **Significance of Federal Consultation With Indian Tribes**

- Legal Principles Underlying Consultation
- Difference Between Tribal Consultation and Public Participation
- Why Do Consultations Matter
- Environmental Statutes Requiring Consultation

##### **Environmental Protection Agency's Consultation Policy**

- History of EPA's Policy
- Current Policy
- Activities That Trigger Consultation

##### **Environmental Protection Agency's Consultations**

- Overview: Number and Topics of Consultations
- Case Studies: Energy Project Development Consultations
- How to Stay Informed of and/or Participate in Consultations

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### Meet The Presenter:



#### Blaine I. Green

*Pillsbury Winthrop Shaw Pittman, LLP*

- Partner in the San Francisco office of Pillsbury Winthrop Shaw Pittman, LLP
- National leader of Pillsbury's Indian Law practice, which has been recognized by Chamber USA for six consecutive years
- Member of the firm's nationally acclaimed Environmental Practice
- Has wrote several articles, including chapters and white papers, covering a broad spectrum of Indian Law matters
- Serves as the outside general counsel for several Native American tribes, counsel to tribal joint ventures, and counsel to companies doing business with tribes
- Has successfully argued significant cases for Native American tribes in federal courts, resulting in published decisions from Ninth Circuit Court of Appeals and Interior Board of Indian Appeals
- Recipient of the Keta Taylor Colby Award, Lawyers' Committee for Civil Rights
- J.D. degree, Harvard Law School; B.A. degree, Harvard University
- Can be contacted at 415-983-1476 or [blaine.green@pillsburylaw.com](mailto:blaine.green@pillsburylaw.com)

**“The ability to learn  
faster than your  
competitors may be  
the only sustainable  
competitive  
advantage.”**

— Arie de Geus



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### Who Will Be There?

This live audio conference is designed for attorneys, engineers, environmental professionals, presidents, vice presidents, architects, developers, contractors, subcontractors, government officials, planners, public works professionals, land use officials and real estate professionals.

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