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- California Department of Fish & Game
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- The Center for Resource Solutions

The Second Annual Two-Day Conference on

# Tribal Energy in California

New opportunities for Tribal projects, new policies, regulations and markets

June 22 & 23, 2009

Cabazon, California

Morongo Casino Resort & Spa

Credits: CA MCLE 13 (call about others)

Quick when/where: 8:30 a.m., 49500 Seminole Drive

### Tribal Energy in California Conference

June 22 & 23, 2009 | Cabazon, California  
Morongo Casino Resort & Spa

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- 8:00 Registration and Continental Breakfast**
- 8:30 Introduction and Overview**  

**Donald M. Clary, Esq., *Program Co-Chair***  
 Holland & Knight LLP ~ Los Angeles, CA

**Ralph E. Hitchcock, *Program Co-Chair, President***  
 Ralph E. Hitchcock & Associates ~ Cathedral City, CA
- 8:40 Invocation**  

**Ernest Siva, *Tribal Historian***  
 Morongo Band of Mission Indians ~ Banning, CA
- 8:45 California's New One-Stop Permitting Process for Renewables**  

Provisions of Executive Order S 14-08; implementation efforts and priorities; what to expect in terms of processes and time-lines; applicability to projects under development such as the tribal ones in the San Bernardino and Riverside areas

**Kevin Hunting, *Deputy Director, Ecosystems Conservation Division***  
 California Department of Fish & Game ~ Sacramento, CA
- 9:30 The Current Market for New Generation: Impact of California's New Renewables Targets**  

How Executive Order S 14-08 changes California's demand profile; new Renewable Energy Action Team; how tribal energy fits into the new targets

**Jan Smutny-Jones, *Executive Director***  
 Independent Energy Producers Association ~ Sacramento, CA
- 10:15 Break**
- 10:30 What Type of Generation Would the State and Utilities Like to See, Where, and When?**  

A statewide look at locations in need of more power and what is currently coming down the pike

**Arthur J. O'Donnell, *Executive Director***  
 The Center for Resource Solutions ~ San Francisco, CA

What influences the purchasing criteria for the various utilities?

**Manuel Alvarez, *Director - Strategic Policy & Regulation***  
 Southern California Edison ~ Sacramento, CA

- 11:45 Lunch (on your own)**
- 1:00 Financing Tribal Energy Projects in an Era of Tight Money**  

Overview of who is getting funding for what energy projects, and how they're doing it

**Sandra Ringelstetter Ennis, *Vice President***  
 NERA Economic Consulting ~ Westminster, CO

What the money people want to see in a project proposal for the California market

**Douglas MacCourt, Esq.**  
 Ater Wynne LLP ~ Portland, OR
- 2:15 Leveraging Government Programs to Promote Tribal Energy Development**  

How tribes are utilizing and leveraging tribal capital and non-monetary assets in development partnerships, as well as employing federal programs and vehicles, to add value to joint ventures

**Sandra Begay-Campbell, Ph.D.**  
*Principal Member of the Technical Staff*  
 Sandia National Laboratories ~ Albuquerque, NM
- 3:00 Break**
- 3:15 Nuts and Bolts of Structuring the Project**  

Assembling the right team, setting up the right relationships among the participants, and putting together an attractive proposal for the current financial climate; feed in tariffs

**Randolph A. DeFranco, Esq., *Moderator***  
 Holland & Knight LLP ~ New York, NY

**Lloyd J. MacNeil, Esq.**  
 Chadbourne & Parke LLP ~ Los Angeles, CA

**Michael L. Connolly, *Principal***  
 High Pass Energy, Inc. ~ Campo, CA

**Karin Corfee, *Senior Consultant***  
 Kema Inc. ~ Oakland, CA
- 5:00 Continue the Exchange of Ideas: Reception for Faculty and Attendees Sponsored by Holland & Knight LLP**



## About the Conference

### LAW SEMINARS INTERNATIONAL

We dedicate all of our efforts to producing high-quality professional education programs.

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*The President's stimulus package and other economic development efforts are causing California tribes to transition from merely providing land, energy or rights of way, to becoming active entrepreneurial participants in energy projects. Tribal leaders are faced with choices of developing and operating their own utilities, power generation, forming joint ventures and building new alliances with other tribal entities, utility and energy companies, or other strategic business partners.*

*This conference focuses on specific market opportunities for tribal energy projects in California and energy sales from projects outside the state. We will discuss federal and state policies, practicalities of funding projects and structuring deals with both development partners and the buyer of the power, tools for overcoming regulatory hurdles, transmission for getting your power to market, and more. The conference concludes with a discussion of ways for tribes to act collectively and to leverage energy project investments to further promote economic development.*

*Our distinguished faculty will provide attorneys, tribal representatives, industry executives and consultants with key information on successful energy development. Don't miss this opportunity to explore the ever-expanding opportunities for tribal energy and economic development in California and its regional neighbors.*

*~Program Co-Chairs: Donald M. Clary, Esq. and Ralph E. Hitchcock*



- 8:00 Registration and Continental Breakfast**
- 8:30 Introduction and Overview**  

**Donald M. Clary, Esq., *Program Co-Chair***  
**Ralph E. Hitchcock, *Program Co-Chair***
- 8:45 What Project Planners Need to Know Early-On About Environmental Protection Regulations to Avoid Permitting Problems**  

Federal statutes (including Clean Water Act, Clean Air Act and Endangered Species Act): What provisions apply to tribal projects?

**David M. Ivester, Esq.**  
 Briscoe Ivester & Bazel LLP ~ San Francisco, CA

NEPA and state statutes (including CEQA; AB 32)

**Nicholas C. Yost, Esq.**  
 Sonnenschein Nath & Rosenthal LLP ~ San Francisco, CA

Consultant's perspective on incorporating environmental protection considerations into early project planning

**Steven Branoff, Senior Manager**  
 ENVIRON International Corporation ~ Emeryville, CA
- 10:45 Break**
- 11:00 Tribal Environmental Protection Acts as a Way to Ensure that Projects Comply with Tribal Environmental Objectives**  

Enacting and enforcing environmental codes to ensure that energy projects meet a Tribe's environmental objectives; balancing development and resource use with the protection and preservation of the reservation environment

**Connie Sue M. Martin, Esq.**  
 Bullivant Houser Bailey, PC ~ Seattle, WA
- 11:30 Updating Other Tribal Codes to Facilitate Electric Energy Projects**  

Update on current developments; Section 368 DOE declaration of National Interest Corridors in the Region; the interplay between DOE and FERC and the roles of tribal codes

**Donald M. Clary, Esq., *Program Co-Chair***

- 12:00 Lunch (on your own)**
- 1:15 Franchise and Rights-of-Way Agreements as Tools for Facilitating Development Projects on Tribal Lands**  

Franchise fees as a source of revenue; current best thinking on terms and negotiating approaches

**Ralph E. Hitchcock, *Program Co-Chair***  
**Joel F. Zipp, Esq.**  
 Holland & Knight LLP ~ Washington, DC
- 2:15 The Critical Issue of Transmission**  

Statewide Transmission Corridor Designation; Purpose and progress of the stakeholder driven Renewable Energy Transmission Initiative (RETI); What projects have been proposed, which are likely to get built, and when?

**Roger E. Johnson, Manager,**  
*Transmission Corridor Designation Office*  
 California Energy Commission ~ Sacramento, CA

**Patricia L. Arons, Manager,**  
*Transmission & Interconnection Planning*  
 Southern California Edison ~ Rosemead, CA
- 3:15 Break**
- 3:30 Collective Action to Meet Broad Tribal Needs**  

Consideration of multi-tribe activities (such as power pool formation, project development and regulatory activities) to promote tribal goals

**Donald M. Clary, Esq., *Program Co-Chair***
- 4:30 Evaluations and Adjourn**



## Registration & Other Conference Information

### To Register:

Call us at: 800-854-8009 or 206-567-4490

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Walk-ins are welcome, subject to space availability.

Registration is complete when we receive payment or agree to later payment.

**Tuition:** Regular tuition for this program is \$995 with a group rate of \$845 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$695. For students and people in their job for less than a year, our rate is \$497.50. All rates include admission to all seminar sessions, food and beverages at breaks, and all course materials. Make checks payable to Law Seminars International.

**Substitution & Cancellation:** You may substitute another person at any time. We will refund tuition, less a \$50 cancellation fee, if we receive your cancellation by 5:00 p.m. on Tuesday, June 16, 2009. After

that time, we will credit your tuition toward attendance at another program or the purchase of a Homestudy. There is a \$25 cancellation fee for Course Materials orders and \$50 for Homestudy orders.

**Seminar Location:** The conference will be held at the Morongo Casino Resort & Spa at 49500 Seminole Drive in Cabazon, CA 92230. Call the hotel directly at (800) 252-4499 for reservations at the special negotiated rate of \$99 plus a \$16 resort fee and mention that you are attending a Law Seminars International conference. Rooms are on a first come, first served basis.

**Continuing Education Credits:** Law Seminars International is a State Bar of California approved MCLE provider. This program qualifies for 13 California MCLE credits. Upon request, we will apply for CLE credits in other states and other types of credits.

**If You Cannot Attend:** Our complete Homestudy Course, consisting of a DVD recording and the written course materials, is available for \$1005. The written course materials or searchable CDs of the course materials are available for \$100. We will ship your Homestudy order via UPS ground within two weeks after the seminar or from the date we receive payment.

## Faculty: Tribal Energy in California Conference

**Donald M. Clary**, *Program Co-Chair*, partner with Holland & Knight LLP, assists tribes and developers on utility related matters including formation of utilities, and renewable energy projects. He negotiated agreements for power projects such as Hoover Dam and San Onofre Nuclear Generating Station.

**Ralph E. Hitchcock**, *Program Co-Chair*, is Founder and President of Ralph E. Hitchcock & Associates (REH&A), a utility consulting, operations and management firm that assists tribal, utility and industry clients with renewable and conventional power projects, transmission rights-of-way, utility services and tribal utilities.

**Randolph A. DelFranco**, partner at Holland & Knight LLP, practices corporate, public and tribal finance, securities, mergers, acquisitions and investment management funds.

**Manuel Alvarez**, Director - Strategic Policy & Regulation, Southern California Edison directs company activities before the State policy and regulatory agencies. He previously was a Principal policy advisor for the California Energy Commission.

**Patricia L. Arons**, Manager, Transmission & Interconnection, Southern California Edison, is responsible for planning electric grid facilities with operating voltages up to 500 kV and works extensively on transmission matters in power systems engineering.

**Sandra Begay-Campbell**, Principal Member of the Technical Staff of Sandia National Laboratories, leads their technical efforts in the Renewable Energy Program to assist tribes with renewable energy development.

**Steven Branoff**, Senior Manager at ENVIRON International Corporation, does regulatory reviews and impact analyses under the Clean Air Act, state and local programs, including PSD and NSR permits, Title V permits, risk management plans, local permitting and toxics emissions analyses.

**Michael L. Connolly**, Principal of High Pass Energy, Inc., focuses on Native American energy project evaluations and support and establishing environmental offices on reservations including wind energy.

**Karin Corfee**, Senior Principal, Kema Inc., in the Sustainable Market Solutions business area, has expertise in strategic planning, renewable energy, energy efficiency, demand-side management (DSM), load management, demand response, and greenhouse gas policy initiatives. She is a Convener on behalf of the California Public Utilities Commission (CPUC) for the 2009-2020 California Energy Efficiency Strategic Plan.

**Kevin Hunting**, Deputy Director, Conservation Planning and Water Resources Division, California Department of Fish & Game, is responsible for regulatory and planning conservation incentives, water resources, planning and assessment programs.

**David Ivester**, partner at Briscoe Ivester & Bazel LLP, practices land use, environmental, and natural resource law. He focuses on environmental review and permitting under NEPA and CEQA and regulation of water quality, wetlands, and wildlife

**Roger Johnson** is the Manager of the newly created Transmission Corridor Designation Office of the California Energy Commission. He previously managed the Power Plant Siting and Compliance Office and the Environmental Protection Office.

**Douglas MacCourt**, partner at Ater Wynne LLP and Co-Chair of the firm's Tribal Business Practice, represents public, private, and tribal clients on land use, natural resources, environmental and energy matters.

**Connie Sue M. Martin**, of counsel at Bullivant Houser Bailey, PC, focuses on environmental and natural resource litigation. She is experienced in matters involving Indian tribes, especially natural resource damages claims.

**Arthur J. O'Donnell** is Executive Director for The Center for Resource Solutions (CRS). Previously he was an independent business, energy and environmental writer as well as founding editor and associate publisher of the award-winning California Energy Markets newsletter.

**Sandra Ringelstetter Ennis**, Vice President of NERA Economic Consulting, focuses on wholesale power markets, regulation and evolution of competitive markets, and the simulation of electric systems.

**Ernest Siva** is Tribal Historian and Cultural Advisor for the Morongo Band of Mission Indians, as well as Founder and President of the Board of Directors of Dorothy Ramon Learning Center, Inc. and Ushkana Press.

**Jan Smutny-Jones**, Executive Director of the Independent Energy Producers Association (IEP), was Chair of the Governing Board of the California Independent System Operator and on the Governing Board of the Power Exchange.

**Nicholas C. Yost**, partner at Sonnenschein Nath & Rosenthal LLP, practices environmental law, including compliance, permits and authorizations, due diligence and litigation. He was the principal draftsman of the NEPA Regulations.

**Lloyd J. MacNeil**, Counsel at Cahdbourne & Parke LLP, focuses on project development, project financing, and mergers and acquisitions in the energy and infrastructure sector, with particular emphasis on renewable energy.

**Joel F. Zipp**, Senior Counsel, Holland & Knight LLP, focuses on energy transactions, energy markets and regulation, project development, and the acquisition of energy assets and capacity. Previously he was an attorney at the FERC's Office of General Counsel and the Office of Enforcement.

June 22 & 23, 2009

Cabazon, California

### Morongo Casino Resort & Spa

49500 Seminole Drive  
(800) 252-4499

### Who Should Attend:

*Attorneys, tribal, industry and government representatives, energy decision makers, consultants and financial institution executives*

### You Will Learn About:

- *California's new One-Stop permitting process for renewable generation*
- *Impacts of Executive Order S 14-08 on California's demand profile*
- *State government and utility perspectives on generation*
- *Who is getting funding for tribal energy projects*
- *How tribes are leveraging capital to add value to joint ventures*
- *The nuts and bolts of structuring a project*
- *Compliance with tribal environmental objectives and tribal codes*
- *Franchise fees as a source of revenue*
- *The critical area of transmission*
- *Multi-tribe activities to meet tribal goals*

### To Register:

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