



**LAW SEMINARS
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The Seventh Annual Advanced Conference on
Tribal Water in California

*A comprehensive update on current critical issues and tips for
effective Tribal water strategies*

October 19 & 20, 2020

Via Interactive Zoom Broadcast

Agenda—Day 1

8:00 Registration Opens

8:30 Introduction & Overview

Colin Cloud Hampson, Esq., *Program Co-Chair*
Sonosky Chambers Sachse Endreson & Perry
San Diego, CA

Kimberly A. Cluff, Esq., *Program Co-Chair,
General Counsel*
Morongo Band of Mission Indians
Banning, CA

8:45 Judicial Update: Recent Tribal Water & Treaty Rights Decisions

Federal courts

Catherine F. Munson, Esq.
Kilpatrick Townsend & Stockton ~ Washington, DC

At the state level

Vanessa L. Ray-Hodge, Esq.
Sonosky Chambers Sachse Endreson & Perry
Albuquerque, NM

10:00 Break

10:15 Federal Administrative and Legislative Policy Developments Affecting Tribal Water Rights

Recent Trump Administration developments and areas of concern for Tribes about water rights and quality; early signals on what we might expect from the Democratic candidates

Michael L. Connor, Esq.
WilmerHale ~ Washington, DC

Prospects for continued federal funding for water rights settlements: Update on activities taking place at the key Congressional committees

Katie Brossy, Esq.
Akin Gump Strauss Hauer & Feld ~ Washington, DC

11:30 Colorado River Streamflows

Update on drought contingency plans for upper and lower Colorado basins

Brett Bovee, *Rocky Mountain Regional Director*
WestWater Research ~ Fort Collins, CO

12:15 Lunch (on your own)

1:30 Creative Augmentation of Water Supplies: Reclaimed and Recycled Water

Technical and operational update: New developments in augmentation through reclaimed or recycled water, aquifer recharge, and stormwater capture projects

Don Bunts, *Deputy General Manager*
Santa Margarita Water District
Rancho Santa Margarita, CA

AB 658 and its ramifications for Tribes

Vanessa Racehorse, Esq.
Sonosky Chambers Sachse Endreson & Perry
Bonita, CA

2:45 Break

3:00 Water Project Case Studies

Agua Caliente's water development initiatives

Margaret E. Park, AICP,
Director of Planning and Natural Resources
Agua Caliente Band of Cahuilla Indians
Palm Springs, CA

The proposed Cadiz water project to draw enough water from the aquifer under the Mojave Desert to supply 100,000 homes a year and transport it to urban Southern California: Potential impacts on the desert and new review requirements

Lisa T. Belenky, Esq., *Senior Attorney*
Center for Biological Diversity ~ Los Angeles, CA

4:15 Environmental Review of Tribal Resource Development

Evolving standards and pragmatic approaches for Tribes as project proponents and opponents

Michael Newland
Environmental Science Associates ~ Petaluma, CA

5:00 Continue the Exchange of Ideas: Virtual Reception for Faculty and Attendees

Grab your favorite beverage and snack for a moment of comradery and a less structured discussion of what is happening with Tribal water in California

Agenda—Day 2

8:30 Update on State Implementation of the Sustainable Groundwater Management Act (SGMA) and the Impact on Tribes

The Department of Water Resources implementation activities with a focus on the areas of greatest interest to Tribes including Tribal status as sovereigns with treaty rights to water that may supersede Groundwater Sustainability Agency plans

Anecita Agustinez, *Tribal Policy Advisor*
California Department of Water Resources
Sacramento, CA

What Tribes need to know about state regulations for Groundwater Sustainability Plan contents and planning timelines; minimum thresholds; what happens if the minimum thresholds are below state standards; coordination requirements; other provisions

Vera H. Nelson, PE, *Vice President*
EKI Environment and Water, Inc. ~ Burlingame, CA

Planning and operational tips for Tribes

John Covington,
Reservation Services Administrator
Morongo Band of Mission Indians
Banning, CA

10:15 Break

10:30 Tribal Consultations: Requirements and Strategies for Addressing Water Issues

Consultation when federal agencies are involved: How the process might differ depending on the statute and agency; the most effective approaches from a best practice standpoint

Thane D. Somerville, Esq.
Morisset Schlosser Jozwiak & Somerville
Seattle, WA

Consultation regarding Groundwater Sustainability Plan development and project permitting at the local level

Holly A. Roberson, Esq.
Kronick Moskowitz Tiedemann & Girard
Sacramento, CA

Development of a Memorandum of Understanding (MOU) as the end game: What an MOU should contain; practical tips for injecting consultations into CEQA, NEPA, and SGMA processes

Art Bunce, Esq.
Law Offices of Art Bunce ~ Escondido, CA

12:30 Evaluations and Adjourn

Who Should Attend

Attorneys, Tribal, local, state and federal governmental representatives, environmental professionals, business executives, water users and their representatives

About the Conference

Climate change and its impacts are occurring more rapidly than anticipated, and water supplies are feeling the impacts and will continue to do so in the future. At the same time the Trump administration is moving aggressively to speed up environmental review of water infrastructure projects and limit protections of endangered fish populations. That will be one of many critical federal and state policy topics we will cover during this program.

You will also have an opportunity to hear practical tips for dealing with water quantity and quality issues. These include an update on the proposed Cadiz water project and a report on AB 658 which authorizes diversion permits allowing for excess surface water capture during high-flow events; Indian water rights settlements around the country; how to protect water quality through cultural water uses; tips for adapting Tribal water strategies to take advantage of opportunities arising from, or minimize the harm from, major recent court decisions; and how Tribes can most effectively influence the State of California's implementation of the Sustainable Groundwater Planning Act.

Throughout, we will explore ways in which Tribes, local governments, and water agencies can work cooperatively to ensure an adequate and sustained supply of water for mutually beneficial uses into the future. We hope you can join us.

~ Kimberly A. Cluff, Esq. of Morongo Band of Mission Indians and
Colin Cloud Hampson, Esq. of Sonosky Chambers Sachse Endreson & Perry, Program Co-Chairs

Registration & Other Conference Information

Tuition: Regular tuition for this program is \$895 with a group rate of \$805 each for two or more registrants from the same firm. For government employees and Tribal Members, we offer a special rate of \$670. For students, people in their job for less than a year, and public interest NGO's, our rate is \$447.50. All rates include admission to all program sessions and course materials. Make checks payable to Law Seminars International.

As an added value bonus, you'll receive access to audio and video recordings of the program at no extra charge.

Financial aid is available to those who qualify. Contact our office for more information.

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, October 13, 2020. After that time, we will credit your tuition toward attendance at another program or the purchase of an audio or video replay.

Continuing Education Credit: Live credits: Law Seminars International is a State Bar of California approved MCLE provider. This program qualifies for 10.50 California MCLE, 10.25 AICP planner, and 10.25 ABCEP environmental professional credits. Upon request, we will help you apply for CLE credits in other states and other types of credits.

Time Shift Your Content: Audio podcasts and video replays, with course materials, are available for download or on a flash drive at the same price as live attendance. The course materials alone are available for \$100. Replays will be available within five business days after the program or from the date we receive payment.

Faculty

Kimberly A. Cluff, *Program Co-Chair*, is General Counsel for the Morongo Band of Mission Indians. Since becoming a member of the California Bar, Kimberly has worked exclusively in the field of Indian law.

Colin Cloud Hampson, *Program Co-Chair*, is a partner at Sonosky Chambers Sachse Endreson & Perry. He represents tribes and tribal organizations on a wide range of Indian law matters.

Anecita Agustinez is the Tribal Policy Advisor for the California Department of Water Resources.

Lisa T. Belenky is a Senior Attorney at the Center for Biological Diversity. She works on protecting rare and endangered species and their habitats under state and federal law.

Brett Bovee is the Rocky Mountain Regional Director for WestWater Research. He has performed water right investigations for Federal, Tribal, and private clients, and has completed a variety of studies focused on water valuation, comprehensive water planning, irrigated agriculture, scenario modeling, and water project feasibility.

Katie Brossy is senior counsel to Akin Gump Strauss Hauer & Feld and focuses on representing Indian tribes, tribal governmental instrumentalities and tribally owned enterprises. This includes one of the largest Indian water rights settlements in U.S. history and the largest tribal trust claim settlement.

Art Bunce, Law Offices of Art Bunce, has represented many Tribes over the years, but primarily the Agua Caliente Band of Cahuilla Indians and the Barona Band of Mission Indians.

Don Bunts is Deputy General Manager of the Santa Margarita Water District.

Michael L. Connor is a partner at WilmerHale and focuses on natural resources, energy development, environmental compliance and Native American law. He previously served as Deputy Secretary of the US Department of the Interior.

John Covington is Reservation Services Administrator for the Morongo Band of Mission Indians. His expertise lies in the area of potable and non-potable water systems, design and distribution, water supply operations, water supply hydraulics, water treatment, quality, and water rights management.

Catherine F. Munson is co-leader of the Native American Affairs practice at Kilpatrick Townsend & Stockton. She specializes in water-related litigation and in advising clients on water matters, including water marketing, leasing, storage, protection of water quality, water regulation, and code drafting.

Vera H. Nelson, PE is Vice President at EKI Environment and Water, Inc. She has worked throughout her career on issues related to groundwater quality and sustainability.

Michael Newland is the Northern California Cultural Resources Director for Environmental Science Associates. He has focused his research on large-scale historic-era mining sites, Bay Area and Mojave Desert prehistory, and the effects of modern climate change on cultural resources.

Margaret E. Park is the Director of Planning and Natural Resources for the Agua Caliente Band of Cahuilla Indians. She is responsible for the day-to-day operations of a diverse team of planning and natural resource professionals tasked with managing land planning, natural resources, development entitlements/permitting and community development.

Vanessa Racehorse, Sonosky Chambers Sachse Endreson & Perry. Prior to joining Sonosky, she worked as a Deputy Attorney General for the Colorado River Indian Tribes.

Vanessa L. Ray-Hodge is a partner at Sonosky Chambers Sachse Endreson & Perry. Prior to rejoining Sonosky, she served as the Senior Counselor to Solicitor Hilary Tompkins at the Department of the Interior.

Holly A. Roberson is a shareholder at Kronick Moskowitz Tiedemann & Girard. Prior to joining the firm, she served as Land Use Counsel at the California Governor's Office of Planning and Research (OPR).

Thane D. Somerville, Morisset Schlosser Jozwiak & Somerville, exclusively represents tribal governments and enterprises. His special emphasis on preservation of natural and cultural resources.