



ROCKY MOUNTAIN
MINERAL LAW FOUNDATION

WHAT IS ENVIRONMENTAL JUSTICE IN INDIAN COUNTRY? THE CHACO CANYON CASE STUDY

November 17, 2020

10:30am-NOON PST, 11:30am-1pm MST, 12:30pm-2pm CST, 1:30pm-3pm EST

1.5 Hours of CLE

Pricing:

Free for all attendees!



PILAR THOMAS



MARIO ATENCIO

Speakers:



BRIAN LEWIS



KATHLEEN SGAMMA

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President Clinton issued Executive Order 12898 (EO) and its accompanying Presidential Memorandum on February 11, 1994, incorporating the concept of “environmental justice” (EJ) into considerations for federal agencies in the environmental review and decision-making process. This EJ consideration has been further incorporated into CEQ and federal agency guidance.

The focus of the federal EJ policy is to reduce “disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority and low-income populations.” While this policy covers Indian Country, the policy does not explicitly take into consideration the unique political and legal relationship between the federal government and Indian tribes and tribal members. Because of these relationships, EJ must not only exceed “fair treatment” but also comply with tribal sovereignty, treaty rights and government-to-government relationships.

The unique nature of EJ in Indian Country has been playing out in the battle over oil and gas leasing and development in the checkerboard lands adjacent to the Chaco Culture National Historic Park (CCNHP) in New Mexico’s San Juan Basin. Individual tribal members, Indian allottees, the Navajo Nation, and the All Pueblo Council of Governors are on opposing sides in ongoing litigation. See e.g. *Dine C.A.R.E. v. Bernhardt*, 923 F.2d 381 (10th Cir. 2019). This panel will explore environmental justice considerations in this complex context.

Pilar Thomas, Partner, Quarles & Brady LLP (chair and moderator)

Mario Atencio, Board Member at Large, Diné C.A.R.E.

Brian L. Lewis, Attorney, Brian Lewis Legal LLC

Kathleen Sgamma, President, Western Energy Alliance

Speaker Biographies



PILAR THOMAS

PILAR THOMAS is a partner in the Energy, Environment & Natural Resources Practice Group at Quarles & Brady LLP. She focuses her practice on tribal renewable energy project development and finance, tribal economic development, federal Indian Law, and natural resource development. Pilar assists clients with strategic legal advice on tribal energy policy and planning; clean energy and infrastructure project development and finance; federal and state energy regulatory, programs, and policy efforts; and federal requirements for tribal lands development. She has negotiated or assisted with agreements related to transmission lines, landfill gas, solar projects, a natural gas power plant, and mineral development on tribal lands. She serves as general counsel for several tribes, Section 17 and tribal business entities.



MARIO ATENCIO

MARIO ATENCIO is Hásht'íishnii; born for Tódichíinii; Táneezháanii are his cheiis and Tłaaasch'í are his nálís. He has been involved in oil and gas development issues facing the Diné communities of the far eastern Diné Nation. Mario became involved with Diné CARE by starting the work around the Colorado River water rights struggle that the Diné Nation is still facing. He joined Diné CARE in 2017 as board member at large.



BRIAN LEWIS

BRIAN LEWIS focuses his practice on American Indian economic development and financial growth. He represents tribal governments, tribally-owned commercial instrumentalities, and Indian-owned private corporations. His practice includes representing several Navajo Nation enterprises and governmental subdivisions. He has served as a government attorney, worked in corporate law, and is the founder and principal attorney for Brian Lewis Legal LLC. He is committed to improving standards of living in Indian Country and his practice is—and has always been—dedicated to this end. He is an enrolled member of the Choctaw Nation of Oklahoma and a Navajo in-law, as his wife and children are enrolled members of the Navajo Nation.



KATHLEEN SGAMMA

KATHLEEN SGAMMA is the President of Western Energy Alliance, which engages in public affairs, federal legislative, public lands, environmental, and regulatory issues on behalf of companies involved in all aspects of environmentally responsible oil and natural gas exploration and production in the West. Kathleen has testified before several Congressional Committees on energy and environment topics, and is regularly quoted on western issues in national, international and regional media including the Wall Street Journal, New York Times, BBC, Fox News, NPR, E&E News, National Journal, and Denver Post. Prior to joining Western Energy Alliance in 2006, she spent eleven years in the Information Technology sector, including establishing the European consulting practice and a German subsidiary for a software company; and three years as an intelligence officer in the U.S. Army. She holds a BS in Political Science/Defense and Arms Control Studies from the Massachusetts Institute of Technology and an MS in Information Technology from Virginia Tech.