

## American Indian Law & Policy

Brownstein's Indian law attorneys and policy advisors represent tribes and those doing business with tribes, leveraging decades of unparalleled experience in Congress, the executive branch and private practice. We serve as a conduit between businesses investing in Indian country and tribes and their regulatory agencies to facilitate mutually beneficial relationships and ensure that projects move forward. We understand and appreciate tribal sovereignty and complex jurisdictional, legal, legislative, regulatory and contractual issues that arise as part of the relationship between tribes and the United States. We engage the spectrum of stakeholders involved in tribal matters, from executive branch officials in the Department of the Interior, the National Indian Gaming Commission, the Department of Health and Human Services, the Federal Communications Commission and the Department of Justice to Congress and state representatives.

Brownstein's bipartisan Indian Law and Policy practice encompasses a broad range of services, including legal, legislative and administrative matters relating to:

- Natural Resources, including Endangered Species Act, treaty rights and Alaska issues
- Tribal Water Rights, including water settlements
- Tribal Lands, including fee-to-trust, rights of way, jurisdiction, HEARTH Act and leasing
- Tribal Gaming, including IGRA, Class III gaming compacts and management agreements
- Energy and Project Development, including traditional and alternative energy sources, mineral leases and TERA
- Tribal Sovereignty and Self-Determination, including self-governance compacting, 638 contracting, tribal labor sovereignty and tax matters
- Tribal Financial Services, including lending and Community Development Financial Institutions
- Indian Health Care
- Broadband availability on tribal lands
- Tribal Law Enforcement, including the Tribal Law and Order Act, Violence Against Women Act and PL 280
- Indian Child Welfare Act
- Cultural Patrimony, including NAGPRA, historical preservation and sacred sites

With offices throughout the West and in Washington, D.C., we apply our understanding of the political, economic and social ramifications of federal and state governmental actions on Indian tribes to our work for tribes and their business partners.

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### Contacts

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### Representative Matters

- Represent gaming entities in tribal-gaming related matters.
- Act as outside financial services regulator for federally-recognized American Indian Tribes. Tribes are sovereigns that must have their own government regulators to make sure business operations within their boundaries are legal and safe. Sarah and her team use her experience standing up the CFPB to stand-up regulatory commissions with similar supervision and enforcement authorities as the CFPB and state departments of finance. This work ensures that tribal lender consumers receive the same regulatory protections as state-licensed lenders and that tribal governments exercise control and direction of their economic development projects.
- Advise three federally-recognized American Indian Tribes' regulatory commissions on the supervision and

enforcement of Tribal Financial Services Codes for financial technology and lending firms under Tribal jurisdiction.

- Counsel to the an American Indian Tribe on matters relating to tribal gaming, lands into trust and tribal sovereignty.
- Represented the Navajo Nation in federal legislation to authorize the Navajo Nation's water settlement with the U.S. and Utah.
- Successfully represented an Indian tribe in securing federal legislation that would authorize the completion of its several hundreds of millions of dollars federal water supply project.
- Counsel to an American Indian Tribe in legislation placing land into trust for the Tribe that was wrongfully terminated.
- Successfully represented a non-profit entity in endangered species litigation.
- Successfully represented the Blackfeet Nation in the Blackfeet Water Rights Settlement Act, which Congress authorized in 2016. The Act ratifies the Tribe's water compact and authorized over \$420M in federal funding for the Tribe's water-related infrastructure projects.
- Organized and led coalition of third parties to successfully block a federal decision that would have negatively impacted tribal client's business interests.
- Counsel to an Indian tribe in federal legislation which ratifies the tribe's water compact and authorizes federal funding for the tribe's water-related infrastructure projects.
- Counsel to a Native American tribe before the Bureau of Indian Affairs on an issue related to off-reservation policy and gaming. Also worked with Congressional appropriators to secure support for loan guarantees of economic development projects.
- Water rights counsel for a resort and golf courses in the Coachella Valley leasing tribal lands in state and federal litigation involving the golf courses' use of groundwater, payment of groundwater replenishments to a local groundwater agency and exercise of Indian reserved water rights.
- Counsel to bwin party digital entertainment in the California online poker services agreement with United Auburn Indian Community.
- Counsel to Global Cash Access in its acquisition of Western Money Systems, a manufacturer and distributor of redemption kiosk devices to more than 200 casinos nationwide. We handled the corporate due diligence materials, drafted and negotiated the stock purchase agreement and also handled the gaming and licensing process in more than 20 states and 60 Native American tribal nations.
- Outside general counsel to a Nevada Indian tribe in a number of large scale development projects, including the development of a 200 MW concentrated solar project in southern Nevada. Work includes the negotiation of lease and other agreements with a large renewable energy developer, development of water rights for the project, negotiation with the U.S. Bureau of Indian Affairs and other federal agencies and guiding the tribe through the NEPA process. Legal work also included the development of a sales and use tax regulatory structure for the tribe.
- Counsel to Hard Rock Hotel Holdings in the licensing of the Hard Rock Hotel and Casino Tulsa, an Indian casino owned by the Cherokee Nation, and the Hard Rock Hotel and Hard Rock Casino Albuquerque, an Indian casino owned by the Pueblo of Isleta.
- Counsel to a town with substantial groundwater rights in Nevada's Carson River Valley in water rights litigation brought by the Pyramid Lake Paiute Tribe of Indians. Litigation included challenges to State Engineer rulings on water right change applications for new development. Cases were filed in both federal district and state district courts and involved issues of jurisdiction and venue in addition to substantive water law. Appeals were filed by the Tribe in the Ninth Circuit Court of Appeals and the Nevada Supreme Court.
- Representation of city in the negotiation and drafting of special legislation to amend the Sustainable

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Groundwater Management Act to address unique local circumstances. The legislation was adopted. The matter involved complex water rights, tribal rights and groundwater management issues.

### **News & Events**

- The Challenge of Increasing Broadband Access on Tribal Lands
- Firm to focus on issues facing Native Americans
- Brownstein Launches American Indian Law & Policy Group
- Possible Impacts of Trump Administration on Tribal Recognition
- How Will the Trump Administration Address Acquiring Off-Reservation Land for Gaming?
- Bishop Criteria: The Future Of Indian Water Settlements
- Flawed Federal Oversight Hinders Tribal Energy Development

### **Publications**

- The Challenge of Increasing Broadband Access on Tribal Lands
- Possible Impacts of Trump Administration on Tribal Recognition
- How Will the Trump Administration Address Acquiring Off-Reservation Land for Gaming?
- Bishop Criteria: The Future Of Indian Water Settlements
- Flawed Federal Oversight Hinders Tribal Energy Development

### **Meet The Team**

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