

Professional Experience

Ater Wynne LLP, Portland, Oregon, Partner, 1994 to present; Chair, Regulated Industries Department, 2007 to 2011; Associate, 1991 to 1993 Dickstein, Shapiro LLP, Washington, D.C., Associate, 1987 to 1991 Georgetown Day School, Washington, D.C., English and History Teacher, 1980 to 1987 Wald, Harkrader & Ross, Washington, D.C., Summer Associate and Law Clerk, 1976 & 1977 Environmental Defense Fund, Washington, D.C. and Denver, Colorado, Summer Legal Intern, 1975; Associate Attorney, 1978 Public Advocates, San Francisco, California, Legal Extern, 1976 Wilmer, Cutler & Pickering, Washington, D.C., Paralegal, 1973 to 1974

Education

University of Stockholm School of Law, Diploma Student, 1978 to 1979
University of Virginia School of Law, J.D., 1977
Yale University, B.A., History, 1973

Admitted to Practice

Oregon
Alaska
District of Columbia
Washington
Virginia (inactive)

Professional Activities

Oregon State Bar, Environmental and Natural Resources Section, Executive Committee, 1995 to 1999; Indian Law Section, Executive Committee, 2002 to present, Chair, 2009
District of Columbia Bar
American Bar Association, Section on Environment, Energy and Resources, 1987 to present
SME (Society on Mining, Metallurgy & Exploration), 2003 to 2007
Northwest Mining Association, 2011



John M. Schultz

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John Schultz has focused his legal practice for the last 25 years on regulatory, contractual, energy and environmental law for tribal and non-tribal clients. For many years, John was Chairman of the firm's Regulated Industries Department, which includes Ater Wynne's Environmental, Energy, Telecommunications and Indian Law practice groups. John also has served as founding co-chair of the firm's Indian Law Practice Group.

Since 1996, John has advised tribal clients throughout the United States on federal and state regulatory issues, including environmental issues, NEPA document preparation and compliance, gaming regulation, cultural resources, water rights, forestry, employment, fee-to-trust, and construction matters. He has represented over three dozen tribes in gaming regulatory, environmental, and casino financing matters. He served on an advisory committee to the National Indian Gaming Commission regarding environmental, public health and safety regulations for tribal casinos. John also works with BIA personnel in Washington, D.C. and in Western regional BIA offices on NEPA compliance, and on gaming and energy project land-related issues.

John also advises manufacturers, real estate developers, mining companies, lending institutions, municipalities, and energy project developers regarding permitting and compliance with federal, state and local environmental and occupational safety and health laws. His environmental, energy, and regulatory experience includes work in all areas of environmental and natural resources law, including air, water and waste permitting as well as cleanup issues and water rights.

John has been AV rated by Martindale-Hubbell since 2005 and has been listed in Best Lawyers in America since 2008 for his expertise in Indian Law.

Representative Matters

TRIBAL NEPA COUNSELING AND LITIGATION EXPERIENCE

North Fork Rancheria of Mono Indians, California/EIS for Proposed Casino: Since 2008, has served as NEPA counsel to tribe during Bureau of Indian Affairs (“BIA”) Environmental Impact Statement (“EIS”) and fee-to-trust processes and subsequent litigation for proposed \$350 million resort and casino on 305 acres of land in Madera, California.

Diné Power Authority of the Navajo Nation (New Mexico and Arizona)/EIS for Desert Rock Power Project: From 2004 to 2010, with Doug MacCourt of Ater Wynne, provided timely and cogent NEPA advice relating to the EIS for the Desert Rock Power Project proposed to be located in Navajo lands and worked on NEPA issues related to the completed EIS for separate 470-mile high voltage transmission system.

NEPA Work for other Tribal Clients: Since 1996, have served as environmental counsel for several other tribes undergoing (or for lenders concerned with) NEPA approvals related to proposed construction or expansion of tribal casinos. This work included NEPA Environmental Assessments for BIA gaming fee-to-trust applications, BIA lease approvals, and/or state transportation department approvals to allow the construction or expansion of casinos for the following tribes: the Coquille Indian Tribe (Oregon), the Grand Traverse Band of Ottawa/Chippewa Indians (Michigan), the Klamath Tribes (Oregon), the Pascua Yaqui Tribe of Arizona, the Quinault Tribe of the Quinault Reservation (Washington), the Robinson Rancheria of Pomo Indians (California), the San Ynez Band of Chumash Indians (California), the Scotts Valley Band of Pomo Indians (California), the Stillaguamish Tribe (Washington), the Taos Pueblo (New Mexico), and the Tuolumne Band of Me-Wuk Indians (California).

NON-TRIBAL COUNSELING AND LITIGATION EXPERIENCE

TransCanada/Iroquois Pipeline U.S. Army Corps of Engineers EIS, New York and Connecticut: While working with Nick Yost at Dickstein Shapiro LLP, in Washington, D.C., from 1987 to 1991, as attorney for developer, TransCanada Pipelines, played important legal role in development of Federal Energy Regulatory Commission NEPA EIS for energy, wetlands and other federal permits needed to build approximately 280-mile natural gas pipeline from Canada to Long Island.

Golden Valley Electric Association/U.S. Department of Energy (“DOE”) EIS Development and Litigation for Healy Clean Coal Project: At Ater Wynne, worked with partner Pete Haller, lead counsel for Golden Valley Electric Association, to prepare of the U.S. Department of Energy’s EIS under NEPA for the Healy Clean Coal Project, a \$300 million DOE-funded project involving the construction of a 50 MW coal-fired power plant within several miles of Denali National Park.

British Columbia Hydro/Return of Canadian Entitlement Negotiation and NEPA EIS Process: Served as NEPA counsel to British Columbia Hydro, a Canadian Crown corporation, during the scoping and preparation of the Bonneville Power Administration's EIS that evaluated the alternative transmission line routes through the State of Washington to return electric power to Canada as required by previous U.S.-Canada treaty.

Environmental Defense Fund Oil Shale NEPA EIS Litigation, Denver, Colorado: As attorney for the Environmental Defense Fund in Denver, Colorado, served as second chair litigation counsel for Friends of the Earth in NEPA litigation against the U.S. Bureau of Land Management ("BLM"), Occidental Petroleum, and energy companies to require BLM to prepare a supplemental EIS to evaluate environmental impacts from the major change in shale oil extraction technology for proposed project in western Colorado.

Representative Presentations and Publications

November 10, 2011 and November 7, 2012, Portland, OR – Program Co-Chair, The Seminar Group Conference: "Tribal Tax and Business Development."

July 14-15, 2011, Washington, D.C. – Presentation at Law Seminars International Tribal Energy Development Conference: "Regulatory Hurdles Including NEPA: Challenges and Solutions to Acquiring Land for Tribal Energy Projects."

Editor: January 2011 Edition of Renewable Energy Development in Indian Country; A Handbook for Tribes, a project for the U.S. Department of Energy's National Renewable Energy Laboratory (NREL) and The Alliance for Sustainable Energy, LLC.

December 2009, Albuquerque, NM – Presentation at Law Seminars International Tribal Energy in the Southwest Conference: "Taking Advantage of Opportunities for Tribes in Renewable Energy."

December 10-11, 2009, Portland, OR – Program Chair, CLE International NEPA Conference; Presentation: "NEPA and Environmental Justice."

March 2008, Keystone, CO – American Bar Association Annual Environmental Law Winter Conference: Participant in Roundtable Discussion on Sustainability Practices within Law Firms and for Law Firm Clients.

Author – 2013 Edition and 2006 Supplement, Oregon State Bar Deskbook on Environmental and Natural Resources Law, updated chapter on "Reporting Releases of Hazardous Substances, Petroleum, and Other Contaminants."

February 1, 2004, The Oregon Insider, co-author of article entitled: "Electric Equipment Disposal – Sweeping Changes Occurring."

Editor – 2002 Edition, Oregon State Bar Deskbook on Environmental and Natural Resources Law, "Site Assessments" and "Indian Law and Protection of Cultural Resources;" editor of Deskbook section on Transactional Issues;" co-author of updated chapter on "Reporting Releases of Hazardous Substances, Petroleum, and Other Contaminants."