

INTERNATIONAL INSTITUTE FOR INDIGENOUS RESOURCE MANAGEMENT

ANNOUNCES A WORKSHOP ON VALUATION OF TRIBAL LANDS AND RESOURCES: THE OPPORTUNITY COST DOCTRINE AND NON-TRADITIONAL VALUATION TECHNIQUES

12-13 November 2003
Red Lion Hotel Denver--Central
4040 Quebec Street
Denver, Colorado

In a copyrighted article earlier this year, Indian Country Today reported that a special report to the court in the Cobell litigation over federal mismanagement of Indian trust funds charges that Navajo land allottees are being short-changed by undervalued rights-of-way appraisals. Alan L. Balaran, the special master in the long-running case provided a handful of examples showing that tribes and private landowners have obtained up to \$575 per rod for permitting oil and gas pipelines to traverse their land. By contrast, individual Navajo allottees may have received \$25 to \$40 per rod for permitting similar rights-of-way on similarly situated land.

Tribal lands and resources are valued not only for rights-of-way or leases but also for risk management, natural resource damage assessments, and other environmental cost-benefit studies. Learn why valuation disparities such as those reported in Indian Country Today exist and how to properly value rights-of-ways in Indian country at the International Institute for Indigenous Resource Management's workshop on Valuation of Tribal Lands and Resources. This workshop reviews traditional valuation techniques and why they are not appropriate for valuating tribal lands and resources. The opportunity cost doctrine, contingent valuation methodologies, and non-traditional valuation techniques are explained and demonstrated via case studies. The workshop is designed for tribal officials including tribal chairmen, tribal council members, attorneys, tribal planners and resource managers as well as officials of the Bureau of Indian Affairs, U.S. Geological Survey, Bureau of Land Management, Department of Energy, Department of Defense, and Environmental Protection Agency.

WORKSHOP AGENDA

DAY ONE, 12 NOVEMBER 2003

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| 9:00—9:15 a.m. | Introduction and Background
<i>Mervyn L. Tano</i> |
| 9:15—10:15 a.m. | Traditional Valuation Methods
<i>Tom Tulk</i> |
| 10:15—10:45 a.m. | Break |
| 10:45—12:00 pm | What's Good, Bad and Indifferent about Traditional Valuation Methods
<i>Tom Tulk, Mervyn L. Tano, and Ray Givens</i> |
| 12:00—1:00 p.m. | Lunch (On Your Own) |
| 1:00—2:00 p.m. | Origins of Opportunity Cost Doctrine
<i>Tom Tulk</i> |
| 2:00—3:30 p.m. | Opportunity Cost Doctrine Applications: Rights-of-Way and Natural Resource Development
<i>Tom Tulk</i> |
| 3:30—3:45pm | Break |
| 3:45—5:00pm | Opportunity Cost Doctrine Case Studies
<i>Tom Tulk</i> |

DAY TWO, 13 NOVEMBER 2003

9:00—10:15 a.m.	Contingent Valuation Methodologies <i>Tom Tulk and Ray Givens</i>
10:15—10:45 a.m.	Break
10:45—11:30 a.m.	Applications of Contingent Valuation Methodology <i>Tom Tulk and Ray Givens</i>
11:30—12:30 p.m.	Lunch (On your own)
12:30—3:00 p.m.	Tribal Natural Resource Valuation Issues under Natural Resource Damage Actions Ray Givens and Mervyn L. Tano

FACULTY

Tom Tulk, Ph.D.

Thomas K. Tulk is an economist/engineer with more than 20 years of business and consulting experience. He began his career by establishing an Operations Research capability for Stearns-Roger, Inc., an international engineering and construction firm. He has held executive positions with energy and environmental organizations and has consulted on energy and resource development projects throughout the United States. Recently, his assignments have focused on developing statistical and risk management business models to optimize capital efficiency. This includes establishing knowledge transfer systems for US West (now Qwest) and asset management models for the US Postal Service.

Recent consulting assignments have been broad-based. He served as Principal Economist for establishing damages in a \$100-million temporary takings case by assessing business interruption losses. Using Global Positioning System (GPS) technology, he conducted mining audits for the Wind River Indian Reservation to support royalty payment litigation. For the US Postal Service he developed a Monte Carlo simulation model to evaluate fleet strategies for converting to alternate fuel vehicles. He also advised the Colorado Gaming Commission on studies to quantify and monitor the impacts of casino gambling. Using the Opportunity Cost methodology, he has successfully evaluated and negotiated rights-of-way for pipeline, utility, and transmission facilities. In the field of risk management he developed risk assessment methodologies for determining landfill risks and drafted "Municipal Solid Waste Landfill Insurance Underwriting Guidelines". He also determined liability limits for financial assurances necessary for a RCRA facility to comply with pre- and post-closure regulations.

Ray Givens.

Mr. Givens has practiced law for 28 years. He attended law school at the University of Idaho after serving in the Army during the Viet Nam Era. His law career has had three distinct phases. After law school Mr. Givens worked in and ran legal services offices for four years, providing free civil law representation for low-income clients. For 11 years Mr. Givens had a civil rights/public interest private practice, litigating high-profile voting rights, utility, water rights and employment rights cases. For 13 years Mr. Givens represented the Coeur d'Alene Tribe in many areas including lake ownership, Superfund natural resource damages actions, environmental protection, gaming and taxation.

Mervyn L. Tano.

Mr. Tano is an attorney and the president of the International Institute for Indigenous Resource Management. He earned his Bachelor of Arts Degree at the Church College Hawaii. He has a Masters Degree in Education from the University of Arizona and a Juris Doctor Degree from the J. Reuben Clark Law School at Brigham Young University.

Since the early 1970s, Mr. Tano has been actively working with Indian tribes and on Indian issues as the director of planning and budget for the Administration for Native Americans, as a private consultant and as the general counsel and director of environmental programs at the Council of Energy Resource Tribes. His extensive experience working with Indian tribes includes, as a small sample: writing the Tribal Decision-Makers Guide to Solid Waste Management for the National Congress of American Indians; helping the Nez Perce Tribe establish an environmental restoration and waste management department to oversee the cleanup of Department of Energy facilities at Hanford; advising the Nez Perce Tribe, Acoma Pueblo and Oglala Sioux Tribe on the development of integrated solid waste management programs; working with the Mescalero Apache Tribe on its Monitored Retrievable Storage project for spent fuel; assessing proposals to build regional landfills on the Pine Ridge Indian Reservation for the Oglala Sioux Tribe; and, assisting the Confederated Tribes of the Umatilla Indian Reservation establish a comprehensive water quality management system.

WORKSHOP LOGISTICS:

All workshop sessions will be held at the Red Lion Hotel/Denver Central, 4040 Quebec Street, Denver, Colorado. Rooms are available to workshop attendees at the special rate of \$65.00 (single and double) per night. For reservations, call the Red Lion Hotel/Denver Central at (303) 321-6666 or 1-800-REDLION. Be sure to mention the IIIRM Workshop to qualify for the special rate.

REGISTRATION INFORMATION:

Registration Fee: \$450 for registrants from tribes and indigenous organizations, \$475 for other registrants. Tuition includes morning and afternoon coffee service and one copy of the workshop materials. For information on multiple registrations from one tribe or other information call the International Institute at for Indigenous Resource Management at 303-733-0481. Please fill out the registration form and send it and your check or purchase order to: IIIRM, 444 South Emerson Street, Denver, CO 80209-2216.

**THE INTERNATIONAL INSTITUTE FOR INDIGENOUS RESOURCE MANAGEMENT
444 South Emerson Street, Denver, Colorado 80209-2216**

Workshop on Valuation of Tribal Lands and Resources: The Opportunity Cost Doctrine and Traditional Valuation Techniques

**Red Lion Hotel/Denver Central, 4040 Quebec Street, Denver, Colorado
November 12-13, 2003**

REGISTRATION INFORMATION: (Please print or type)

Name: _____

Title: _____

Tribe/Organization/Agency: _____

Mailing Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Phone:(_____) _____ FAX:(_____) _____

E-mail: _____

The International Institute for Indigenous Resource Management is pleased to announce a series of workshops on Negotiating Tribal Resource Management and Development Agreements. Check the Institute's website (www.iiirm.org) for more information and workshop schedules.

Workshop Series: Negotiating Tribal Resource Management and Development Agreements	
Workshop I	<p>Valuing Tribal Interests in Lands and Resources: The Opportunity Cost Doctrine and Non-Traditional Valuation Techniques</p> <p>This workshop reviews traditional valuation techniques and why they are not appropriate for valuating tribal lands and resources. The opportunity cost doctrine, contingent valuation methodologies, and non-traditional valuation techniques are explained and demonstrated via case studies.</p> <p>Audience: Tribal officials including tribal chairmen, tribal council members, attorneys, tribal planners and resource managers; BIA and EPA officials.</p>
Workshop II	<p>Structuring Tribal Land and Resource Agreements</p> <p>This workshop demonstrates how tribal land and resource agreements should be structure to protect tribal interests and ensure tribes receive maximum benefit from the agreement. The workshop incorporates the valuation techniques presented in Workshop I, but Workshop I is not a prerequisite.</p> <p>Audience: Tribal officials including tribal chairmen, tribal council members, attorneys, tribal planners and resource managers; BIA and EPA officials.</p>
Workshop III	<p>Negotiating Tribal Land and Resource Agreements</p> <p>This workshop provides attendees with negotiating techniques and strategies required to successfully negotiate tribal land and resource agreements. The workshop is third in a series directed at valuing tribal resources, structuring and negotiating agreements. Workshops I & II are not prerequisites for this workshop.</p> <p>Audience: Tribal officials including tribal chairmen, tribal council members, attorneys, tribal planners and resource managers; BIA and EPA officials.</p>
Workshop IV	<p>Doing Business on Tribal Lands: Understanding Tribal Needs and Structuring Tribal Land and Resource Agreements</p> <p>This workshop presents issues that are critical to doing business on tribal lands. Attendees will gain an understanding of tribal interests that must be addressed and incorporated in tribal land and resource agreements. In addition, the regulatory and cultural environment governing agreements will be presented.</p> <p>Audience: Corporate officials and developers including attorneys, land men, field personnel, environmental experts, and resource specialists.</p>

**Workshop Series:
Negotiating Tribal Resource Management and Development Agreements**

Workshop V

Assisting Tribes Structure and Implement Tribal Land and Resource Agreements

This workshop illustrates how governmental agencies and officials can best assist tribes structure and implement tribal land and resource agreements. Attendees are provided an understanding of pertinent tribal interests, valuation of tribal interests, and governmental support tribes need to structure, negotiate, and implement successful agreements.

Audience: BIA, EPA, USGS, and other governmental officials; tribal officials including council members, attorneys, tribal planners and resource managers.