

## RESUME

### **ALICE ELIZABETH WALKER**

Attorney at Law

#### **McELROY, MEYER, WALKER & CONDON, P.C.**

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#### **LEGAL EXPERIENCE**

I am the managing partner of the law firm of McElroy, Meyer, Walker & Condon, P.C., exclusively representing Indian tribes and their members in complex litigation in the areas of natural resources, tribal jurisdiction and administrative law.

I represent the Kaibab Band of Paiute Indians in Arizona regarding issues associated with the proposed development of a pipeline by the State of Utah to transport water from Lake Powell to St. George and Cedar City, Utah. This work requires substantial expertise in environmental law and administrative law relative to the Federal Energy Regulatory Commission and the Bureau of Land Management, as well as the National Environmental Policy Act, the National Historic Preservation Act, the Native American Graves Protection and Repatriation Act, and many other applicable federal, state and tribal laws.

I represent the Navajo Nation in its dispute regarding Navajo uses of the Hopi Partitioned Lands. I am involved in the representation of the Navajo Nation in the assertion of its water rights claims in the Little Colorado River and Gila River general stream adjudications, and to claim water rights from the mainstem of the Colorado River. Additionally, I have worked with the Navajo Nation on environmental issues such as endangered fish and particulate concentration in the Little Colorado River and Gila River. I also represented the Navajo Nation in litigation opposing the State of Arizona's claim for federal reserved water rights to serve its state trust lands. I also worked extensively on *Arizona v. California* litigation, representing the Colorado River Indian Tribes in both the United States Supreme Court as well as the Court of Federal Claims.

I represent the Cheyenne River Sioux Tribe Telephone Authority, a tribal entity wholly owned and operated by the Cheyenne River Sioux Tribe, in matters related to the provision and expansion of telecommunications services within the Cheyenne River Indian Reservation. I was involved in the representation of the Telephone Authority in its jurisdictional dispute with the South Dakota Public Utilities Commission regarding the Telephone Authority's desire to purchase three telephone exchanges from Qwest Communications, Inc. and the State of South Dakota's actions to prevent that purchase. That dispute required litigation in state and federal court, as well as the prosecution of an administrative action before the Federal Communications Commission. I have also represented the Cheyenne River Sioux Tribe Telephone Authority in

the development of the tribal telecommunications code, and continue to represent the Telephone Authority in telecommunications and other regulatory matters.

I represented the Walker River Paiute Tribe in ongoing water litigation in federal district court in Nevada, entitled *United States v. Walker River Irrigation Dist.* That matter involved complex civil litigation over the allocation of water from the Walker River and its tributaries, in which the Tribe and the United States asserted water rights from the river in addition to certain rights that were decreed in 1936. I represented the Tribe in its challenge to proposed increases in the operation and maintenance fees charged to individuals receiving water from the Walker River Indian Irrigation Project. In addition, I participated extensively in the preparation of environmental compliance documents in accordance with the National Environmental Policy Act on behalf of the Walker River Paiute Tribe. In particular, I was substantially involved in the compilation of an environmental impact statement for a project to repair and modify a dam located on the Walker River Indian Reservation, pursuant to the Indian Dams Safety Act. That work included negotiations with the United States Fish and Wildlife Service and the Bureau of Indian Affairs in order to ensure that the Tribe's interests were protected in the dam repair and modification process on the Tribe's reservation. I also analyzed the environmental, economic and cultural impacts of a Navy bombing range that encroaches on the Walker River Indian Reservation. I have worked for the Southern Ute Indian Tribe in its efforts to ensure environmental compliance for the Animas-La Plata Project. This work required substantial familiarity with the National Environmental Policy Act, the Clean Water Act, the Native American Graves Protection and Repatriation Act, and the Endangered Species Act.

I was involved in the representation of the Sault Ste. Marie Tribe of Chippewa Indians in the inland phase of *United States v. Michigan* in which the Tribe, along with four other Michigan Indian tribes, asserted off-reservation hunting, fishing, trapping and gathering rights reserved under an 1836 treaty. I was also involved in the representation of the Sault Ste. Marie Tribe of Chippewa Indians in litigation challenging the Sault Tribe's ability to conduct gaming, pursuant to the Indian Gaming Regulatory Act, on lands taken into trust for the Sault Tribe's benefit after the effective date of the Act. In November of 2008, we prevailed on behalf of the Sault Tribe, and the Tribe is now conducting its gaming on after-acquired lands in St. Ignace, Michigan. I also worked substantially on the Colville Tribes' gaming litigation, again involving litigation before the federal district courts and courts of appeals, as well as an administrative rulemaking proceeding before the Secretary of the Interior. The issues associated with the tribal gaming activities also have included matters related to local regulatory jurisdiction, employment issues, and tribal jurisdiction on trust lands.

I was involved in the representation of the Eastern Pequot Tribal Nation in the appeal by the State of Connecticut of the decision by the Bureau of Indian Affairs and the Assistant Secretary -- Indian Affairs to acknowledge the Nation under federal law. The appeal involved substantial familiarity with the federal acknowledgment regulations, which set forth mandatory criteria for federal acknowledgment, as well as the administrative appeals process. I also represented the Nation in the development of its tribal constitution, and provided the Nation with legal analyses

addressing other federal acknowledgment proceedings, and the effect of changes in state law upon the Nation.

I was substantially involved in the litigation of the Southern Ute Indian Tribe's claim to coalbed methane associated with the Tribe's coal reserves underlying the Southern Ute Indian Reservation. I participated in all aspects of that litigation, from the district court level through the conclusion of the proceedings in the United States Supreme Court.

I have represented the Sault Ste. Marie Tribe of Chippewa Indian on taxation matters between the Tribe and the State of Michigan. I have participated in the analysis of certain potential land claims of the Siletz Tribe in Oregon. I also assisted in the development of environmental codes for the Walker River Paiute Tribe as well as a water code and water quality standards program for the Tribe. I helped establish and currently represent a non-profit organization dedicated to the protection of American Indian sacred sites. I successfully applied for tax exempt status pursuant to § 501(c)(3) for that foundation, as well as for the Colorado Indian Bar Association.

**EMPLOYMENT  
HISTORY**

McElroy, Meyer, Walker & Condon, P.C.  
Boulder, Colorado  
July 1992 to Present

Hobbs, Straus, Dean & Walker  
Washington, D.C.  
August 1991 to May 1992  
Law clerk

Sonosky, Chambers, Sachse & Endreson  
Washington, D.C.  
September 1989 to August 1991  
Law clerk

Georgetown University Law Center  
Washington, D.C.  
June 1989 to September 1989  
Research assistant

**EDUCATION**

Georgetown University Law Center  
Washington, D.C.  
Juris Doctor, 1992

Georgetown University School of Foreign Service  
Washington, D.C.  
Master of Science, 1992

Earlham College  
Richmond, Indiana  
Bachelor of Arts, 1987

**PROFESSIONAL  
ASSOCIATIONS**

Colorado Indian Bar Association  
President, 1996 to 2000; Vice-President, 1994-1996  
Member, 1992 to Present

Colorado Law Firm Pledge to Diversity Group  
1999 to Present

**BAR  
ADMISSIONS**

State of Colorado; United States Supreme Court; United States Courts of Appeals for the Sixth, Ninth, Tenth and Federal Circuits; United States District Courts for the District of Colorado, Eastern District of Washington, District of Oregon, Western District of Michigan, and Southern District of California; United States Court of Federal Claims.

**SPEECHES  
AND  
PRESENTATIONS**

April 2012: Presented paper entitled Lake Powell Pipeline Project: Traditional Cultural Properties Designation and Protection of Kaibab Paiute Tribal Resources at the 2012 Conference for the Rocky Mountain Mineral Law Institute, Denver, Colorado.

April 2010: Presented paper entitled Lake Powell Pipeline Project: Section 106 Consultation and Cultural Resources Protection Without a Lead Agency at the Federal Bar Association, Indian Law Conference, Santa Fe, New Mexico.

February 2009: Participated in the National Native American Law Students Association Moot Court Competition, judging four arguments as an appellate judge, at the University of Colorado School of Law, Boulder, Colorado.

November 2007: Delivered speech addressing Kaibab Band of Paiute Indians and Utah's Lake Powell Pipeline, and the Law of the Colorado River, at the 2007 Tri-State Southern Paiute Water Rights Conference.

January 2004: Delivered speech addressing Navajo Nation's *Complaint for Declaratory and Injunctive Relief* (D. Ariz.) on the Colorado River at The Great Plains Tribal Water Alliance Organizational Meeting, Rapid City, South Dakota.

February 2001: Delivered speech addressing *United States v. Walker River Irrigation Dist.*, No. C-125 (D. Nev.), at the Nevada Water Resources Association Annual Conference, Reno, Nevada.

October 2000: Delivered speech addressing Tribal Environmental Issues, Walker River Basin, at the Nevada Water Law Conference, Reno, Nevada, cited by Supreme Court of Nevada in *Mineral County v. State of Nevada*, 20 P.3d 800, 803 n.8 (Nev. 2001).

April 1999: Delivered speech addressing *United States v. Walker River Irrigation Dist.*, No. C-125 (D. Nev.) at the Federal Bar Association, Indian Law Conference, Tribal Water Rights Panel, Albuquerque, New Mexico.

August 1998: Delivered speech addressing Tribal Code Development at the Natural Resource and Environmental Law on the Reservation Conference, Phoenix, Arizona.

April 1997: Delivered guest lecture entitled "Native American Water Rights: The Animas-La Plata Settlement," for seminar on New Perspectives on Western Water Resources Management in the 21<sup>st</sup> Century at University of Wyoming, Lander, Wyoming.

June 1995: Delivered speech addressing *Southern Ute Indian Tribe v. Amoco Prod. Co.* (D. Colo.) and *Southern Ute Indian Tribe v. United States* (Ct. Cls.) at Eastern Mineral Law Foundation, Nashville, Tennessee.

**OTHER**

Fluent in Spanish