

John M. Schultz

Seattle, Washington
Portland, Oregon
Of Counsel

P (503) 329-2051
F (503) 226-0079
jschultz@buchalter.com

Areas of Practice & Industry Specialties

Environmental Law Practice; Litigation; Energy & Natural Resources Law



John M. Schultz has focused his legal practice for the over 33 years on regulatory, contractual, energy and environmental law for private and municipal clients. Since 1996, Mr. Schultz 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 one dozen tribes in gaming regulatory, environmental, and casino financing matters. Mr. Schultz served on an advisory committee to the National Indian Gaming Commission (“NIGC”) regarding environmental, public health and safety regulations for tribal casinos. He also works with Bureau of Indian Affairs (“BIA”) personnel in Washington, D.C., and in Western regional BIA offices on NEPA compliance, and on gaming and energy projects. In addition, he also works closely with NIGC personnel on the approval of management contracts and tribal gaming ordinances, as well as other tribal gaming regulatory issues.

Mr. Schultz 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.

Mr. Schultz has been AV rated by *Martindale-Hubbell* since 2005 and has been listed in *Best Lawyers in America* for his expertise in Native American Law since 2008.

Representative Matters

Tribal NEPA counseling and litigation experience:

- Wilton Rancheria (Sacramento County, California): Since 2013, has served as 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 \$500 million resort and casino on 36 acres of land in Elk Grove, California; this land was taken into trust by BIA/U.S. Department of Interior in 2017; also negotiated MOUs with the local City of Elk Grove and Sacramento County.
- 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 \$450 million resort and casino on 305 acres of land in Madera, California; served as lead environmental litigator in successfully defiance challenge to BIA’s fee-to-trust process, in litigation that went all the way to the U.S. Supreme court; this land was taken into trust by an IGRA two-part” determination by BIA/U.S. Department of Interior in 2013.
- Diné Power Authority of the Navajo Nation (New Mexico and Arizona)/EIS for Desert Rock Power Project: From 2004-2010, provided timely and cogent NEPA advice relating to the EIS for the Desert Rock Power Project proposed to be located on 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, has 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 Santa Ynez Band of Chumash Indians (California), the Scotts Valley Band of Pomo Indians (California), the Siletz Tribe (Oregon), the Stillaguamish Tribe (Washington), the Taos Pueblo (New Mexico), and the Tuolumne Band of Me-Wuk Indians (California).

Non-tribal counseling and litigation experience:

- Teck American Incorporated/Superfund Removal Actions: Since 2005 have served as Chairman of Steering Committee for group of five large mining companies in complying with EPA-ordered Superfund time-critical and non-time-critical removals of lead-affected soils in the Viburnum Trend area of Missouri and U.S. Forest Service-ordered investigation of effects of lead smelter emission of National Forest lands in the same area of Missouri.
- 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: Worked with lead counsel for Golden Valley Electric Association, to prepare for 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.

Education

Mr. Schultz earned his J.D. from the University of Virginia School Of Law in 1977, and his B.A. from Yale University in 1973.

Bar Admissions

- Oregon
- Washington
- District of Columbia
- New Mexico

Community

- Oregon State Bar, Executive Committee, Environmental and Natural Resources Section, 1995 to 1999;
Indian Law Section, Executive Committee, 2002 to present, Chair 2009
- American Bar Association, Section on Environment, Energy, and Resources, 1987 to present