

Rights of Way Over Indian Land

February 29–March 1, 2012 – Las Vegas, NV

CLASS ID: LW022LASVE

REGISTRATION FORM

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HOW TO REGISTER

Phone: Call 1-800-992-4489, Monday-Friday, 9:00 a.m.-5:30 p.m. EST.

Fax: Complete the registration form and fax to 703-352-2323 anytime. Payment must be received at our office prior to the start of the session.

Mail: Return registration form and payment to:
Falmouth Institute
3702 Pender Dr., Suite 300
Fairfax, VA 22030.

Online: At www.falmouthinstitute.com

E-mail: info@falmouthinstitute.com

For complete registration policies, please visit www.falmouthinstitute.com or call 1-800-992-4489.

Advanced payment by credit card or check is required. Purchase orders do not constitute payment. Registrations must be received 10 business days before the class start date. After this date, registrations will be taken on a space-available basis and a \$25 late registration fee will be charged.

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FALMOUTH INSTITUTE
3702 Pender Dr., Suite 300
Fairfax, VA 22030



With the increasing demand for utilities, you must protect your tribe's rights and make sure that you get your fair share.

Rights of Way Over Indian Land

FEBRUARY 29–MARCH 1, 2012 • LAS VEGAS, NV

Attend this comprehensive course and discuss:

- › Strategies for negotiation/renegotiation of rights of way
- › Uses of real property
- › Traditional rights of way — railroads, highways and utilities
- › Rights of way laws and regulations
- › Condemnation issues
- › Remedies for addressing trespassers on tribal land
- › Ways to regulate and tax rights of way activities

Find out how to protect your tribe's real estate.

To register, visit www.falmouthinstitute.com or call 1-800-992-4489.



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Rights of Way Over Indian Land

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Perfect for tribal planners, realtors, tax managers, community planners, natural resources managers and tribal councils.

Rights of way over Indian lands are not like other rights of way. Recent U.S. Supreme Court rulings illustrate how they are granted as well as determine whether a tribe will be able to retain its jurisdiction to regulate and tax activities. Understanding the recent court decisions regarding rights of way is crucial to maintaining control of your land and resources.

This class provides an historical overview of rights of way on reservation lands. It covers the laws that govern their creation, including condemnation, and provides solutions for situations when proper

rights of way requirements are not followed. It also discusses remedies for addressing trespassing issues. In addition, it explores how tribes can regulate and tax activities on rights of way.

Rights of way are one of the most important, but often least understood, facets of managing and protecting tribal real estate. You can't afford to rely on someone else: This issue is too critical. Register now. Get ready to unlock the mystery surrounding rights of way over Indian lands.

TOPICS INCLUDE

Overview of Federal Indian Land Law

- Historical perspective
- Territorial powers of tribes
- Aboriginal title
- Recognized title
- Trust, restricted fee and fee title

Rights of Way Fundamentals

- Overview of real property interests
- Discussion of terminology
- Traditional rights of way:
 - Railroads
 - Highways
 - Utilities

This class is the perfect way to update your knowledge. When it comes to protecting your tribe's resources, you can never be too prepared.

Rights of Way Over Reservation Lands

- Statutes:
 - 25 USC, Sec. 312 and Sec. 319 (e.g., railway, telegraph and telephone lines)

- 25 USC, Sec. 323-28 (e.g., all purposes, consent, compensation, rules and regulations)
- 43 USC, Sec. 961 (e.g., power and communications facilities)
- Regulations:
 - 25 CFR, Part 169 (rights of way over Indian lands)
- Treaty rights

Condemnation for Rights of Way

- When is condemnation used?
- Condemnation process
- Condemnation of Indian lands:
 - State authority

- Federal authority
- Tribal authority

Remedies for Trespass

- Proper rights of way procedures
- Damages:

- *United States v. Navajo Nation*
- *United States v. White Mountain Apache Tribe*
- Ejectment
- Injunction

Regulation and Taxation

- Tribes' rights and jurisdiction
- U.S. Supreme Court cases:
 - *Strate v. A-1 Contractors*
 - *Atkinson Trading v. Shirley*
 - *Nevada v. Hicks*
- Other taxation and regulation issues

Practical Issues

- Strategies for negotiation/renegotiation of rights of way
- Working with outside entities
- Issues of current interest
- Learning the value of your tribe's right of way
- State road and utility negotiations

Topics subject to change.

ON-SITE TRAINING AND TECHNICAL ASSISTANCE

Falmouth can provide on-site training and technical assistance to help with all of your tribal Law needs. By providing customized answers to the issues and challenges your leadership faces, we'll be able to create solutions that increase your knowledge and strengthen your community

Looking to provide this information to your entire team? Bring this session or any combination of our other tribal law sessions right to your office. Spend less time on the

road, cut back on travel costs and give everyone the knowledge they need to succeed. Our team is also able to provide technical assistance and hands-on support to help guide you through the complex legal challenges you're facing. Do you have questions about compliance and regulatory issues? Does your tribal council need strategic planning sessions? Are you facing jurisdiction or tax challenges? Are you considering making changes to your tribal constitution or bylaws?

Visit www.falmouthinstitute.com or call 1-800-992-4489 x119 for more information on our customized on-site training and technical assistance solutions.

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