

Steven C. Moore

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» Experience

Native American Rights Fund, Boulder, CO

Senior Staff Attorney, 1983 – present

Confederated Salish and Kootenai Tribes of Montana

Contract Attorney, 1981 – 1983

Indian Law Unit, Idaho Legal Aid Services

Managing Attorney, 1979 – 1983

SUBSTANTIVE WORK » Indian Reserved Water Rights

Agua Caliente Band of Cahuilla Indians

Agua Caliente Band of Cahuilla Indians v. Coachella Valley Water District, et al., Case No. 5:13-cv-00883-JGB-SP. Co-counsel in affirmative litigation brought against two local water districts, the Coachella Valley Water District and the Desert Water Agency, to establish the Tribe's right to groundwater under the federal reserved *Winters* doctrine. Action filed in May 2013. Favorable summary judgment ruling in March 2015. On appeal to Ninth Circuit Court of Appeals.

Nez Perce Tribe

In re Snake River Basin Adjudication, Case No. 39576 (D. Idaho), and numerous consolidated subcases contained therein. Since 1995, Moore represented the Tribe in the Snake River Basin Adjudication in Idaho, perhaps the largest general stream adjudication in the United States. The Tribe achieved a major settlement of its on and off-reservation water rights, with the signing into law in November 2004 of the Snake River Water Rights Settlement Act. Co-author with K. Heidi Gudgell and Geoffrey Whiting of "The Nez Perce Tribe's Perspective on the Settlement of Its Water Right Claims in the Snake River Basin Adjudication," 42 Idaho Law Review 563 (2006).

Kickapoo Tribe of Kansas

Kickapoo Tribe v. Arlen Lancaster, James Cason and Other Named Federal Officials, Case No. 06-2248-CM-JJ, United States District Court for the District of Kansas, filed June 14, 2006. Since 2005, Moore has represented the Tribe in an effort to establish, quantify and protect its water rights in the Upper Delaware River and tributaries watershed in northeast Kansas. A federal court action was filed against various federal, state and local entities in June of 2006 to accomplish these goals. Litigation stayed and settlement negotiations proceeding.

» Experience (cont.)**» Indian Reserved Water Rights (cont.)**

Tule River Tribe of California

Since 2007, Moore represented the Tribe in the completion of a water settlement agreement with the Tribe's downstream neighbors on the South Fork 2 Tule River, in Tulare County, California. The Tribe is currently working to achieve the quantification and settlement of its federally reserved water rights through the enactment of federal legislation.

Consulting with other tribes considering whether to initiate action to advance and protect their reserved water rights, and whether to file litigation requests with the United States.

» Enforcement of the Federal Trust Responsibility

Kauley, et al. v. United States of America, No. CIV-84-3306-T (1991), 1991 WL 1281535
Litigation (with Oklahoma Indian Legal Services) and successful settlement of federal court action filed on behalf of a class of Oklahoma allottees with interests in oil and gas leases.

Karmun v. Commissioner of Internal Revenue, 749 F.2d 567 (9th Cir.1984)(taxability of trust reindeer income in Alaska)(successful amendment to U.S. Tax Code).

McNabb for McNabb v. Bowen, 829 F.2d 787 (9th Cir.1987)(authored amicus brief and actively consulted with Montana Legal Services in federal court action, and on appeal, to enforce the trust obligation to provide health care to Indian members of Montana tribe).

Pawnee v. United States, 830 F.2d 187 (Fed. Cir. 1987)(authored amicus brief concerning trust responsibility to Oklahoma Tribe).

Muckleshoot Indian Tribe v. U.S. Forest Service, 177 F.3d 800 (9th Cir. 1999)(authored amicus brief concerning trust responsibility pertaining to a Forest Service land exchange in Washington).

» Experience (cont.)**» Sacred Lands Protection****Kootenai Falls, Montana**

Successfully represented with NARF co-counsel the Kootenai people of Montana, Idaho and Canada in opposing the licensure by the Federal Energy Regulatory Commission of a dam at sacred waterfall in northwest Montana.

In re the Application for a License to Construct by Northern Lights, et al., Project No. 2752-000, Federal Energy Regulatory Commission, 27 FERC 63,024 (1983), affirmed 39 FERC 61,352 (1987).

Wao Kele O'Puna Rainforest, Hawai'i

Successfully represented, with local counsel, the Pele Defense Fund of the Island of Hawai'i in blocking the development of geothermal energy resources in the sacred rainforest area near the volcano of Kileaua. Land transferred to the State of Hawaii in trust for Hawaiian Natives.

Pele Defense Fund v. Paty, 73 Haw. 578, 837 P.2d 1247 (Hawai'i 1992).

Ulaleo v. Paty, 902 F.2d 1395 (9th Cir. 1990).

Dedman v. Board of Land and Natural Resources, 69 Haw. 255, 740 P.2d 28 (Hawai'i 1987).

» Other Sacred Sites Work

Authored for national Indian organizations and tribes several amicus briefs in the Supreme Court and lower federal courts in cases involving the protection of sacred land areas. Also actively participated in litigation strategy in most of the listed cases. Moore also consults with numerous other tribes and tribal attorneys in matters relating to the protection of sacred land forms and areas.

Lyng v. Northwest Indian Cemetery Protective Ass'n, 485 U.S. 439, 108 S.Ct. 1319, 99 L.Ed.2d 534 (1988)

Means v. United States, 858 F.2d 404 (8th Cir. 1988), cert denied, 429 U.S. 910 (1989)

Wyoming Sawmills Inc. v. U.S. Forest Service, 383 F.3d 1241 (10th Cir. 2004)

Bear Lodge Multiple Use Ass'n v. Babbitt, 175 F.3d 814 (10th Cir. 1999)

Bear Lodge Multiple Use Ass'n v. Babbitt, 2 F.Supp.2d 1448 (D.Wyo. 1998)

Navajo INation v. U.S. Forest Service, 535 F.3d 1058 (2008), cert denied, 556 U.S. 1281 (2009)

» Experience (cont.)**» Religious use of Peyote**

Represented for over 25 years, with co-counsel, the Native American Church of North America and its local affiliated chapters in litigation and settlement efforts to protect the Church's possession, transportation and use of the sacred sacrament peyote, under federal, state and local law. He has represented the Church's interests in numerous state and federal actions in New Mexico, Arizona, Utah, Washington, Michigan, Wisconsin, Nebraska, and other states.

Employment Div., Dept. of Human Resources of State of Oregon v. Smith, 485 U.S. 660, 108 S.Ct. 1444, 99 L.Ed.2d 753 (1988)(Smith I)(amicus).

Employment Div., Dept. of Human Resources of State of Oregon v. Smith, 494 U.S. 872, 110 S.Ct. 1595, 108 L.Ed.2d 876 (1990)(Smith II)(amicus).

» Repatriation of Human Remains and Grave Offerings

Pawnee Tribe of Oklahoma

Co-represented the Tribe in the repatriation and reburial of ancestral remains and associated grave offerings from the Nebraska Historical Society.

Colorado Commission of Indian Affairs

As an at-large member, worked with the Commission and the Colorado Historical Society in the repatriation and reburial of human remains from the Society..

» Religious Rights of Indian Prisoners

Litigated and successfully settled federal court cases in Utah and Idaho pertaining to matters such as access to sweat lodge, the wearing of long hair, and the possession of religious objects and materials. He also consults with numerous attorneys in other states on related matters.

Sample v. Borg, 675 F. Supp. 574 (E.D. Cal. 1987)

Roybal v. Deland, Civ. No. 87-0208 (D. Utah 1987)

Brown v. Arave, Civ. No. 85-1722 (D. Id. 1985)

O'Lone v. Estate of Shabazz, 482 U.S. 342, 107 S.Ct. 2400, 96 L.Ed.2d 282 (1987)(amicus)

» Indian Student Religious Expression

Represented individual students over the years, most recently in 2014-15 in Colorado, California, Louisiana, North Carolina, and North Dakota, often with local counsel from the ACLU, in asserting the rights of American Indian students to wear their hair long in traditional ways and also to wear eagle feathers at high school graduation ceremonies.

» Experience (cont.)**» Possession of Eagle Feathers**

Over the past 25 years, Moore has, on occasion, represented individual American Indians regarding their right to possess and use the feathers and other parts of eagles and other protected species of birds for traditional ceremonial purposes.

United States v. Dion, 476 U.S. 734, 106 S.Ct. 2216, 90 L.Ed.2d 767 (1986). (Amicus, South Dakota eagle taking prosecution)

» Peacemaking

Beginning in 1992, Moore worked with a core group of Indian traditional peacemakers, tribal judges, and attorneys from the National Native American Bar Association, in developing national training events for and about peacemaking. This group convened national training events in 1992 and 1993, and resumed the momentum with several events between 2005 and 2008. NARF formed the Indigenous Peacemaking Initiative and is moving forward with the initiative on a national scale..

» Indian Law Support Center

From 1970 to 1995, NARF received funding from the federal Legal Services Corporation to provide national support services to the three dozen Indian legal services programs around the United States. Moore served as the Director of the Indian Law Support Center from 1983 to 1995, until Congress cut the funding LSC for all national support centers. In that capacity he provided litigation support, national training, and the development of legal materials to assist Indian legal services attorneys and advocates in representing Indian tribes, organizations and individuals. NARF and Moore have continued to assist ILS programs with training and fundraising, most recently securing about \$10 million in funding from the Department of Justice between 2004 and 2015 with which the ILS programs have helped over 100 tribal courts around the country with court development projects.

» Other Litigation

Matter of Custody of S.E.G., 521 N.W.2d 357 (Minn. 1994)(amicus; Minnesota ICWA)

Lincoln v. Vigil, 508 U.S. 182 (Sup.Ct. 1993)(amicus; challenge to closure by the Indian Health Service of handicapped Indian children health program)

State ex rel. R.G. v. W.M.B., 159 Wis.2d 662, 465 N.W.2d 221 (Wis.App. 1990)(amicus; litigation challenging court jurisdiction in Wisconsin)

Carson-Truckee Water Conservancy Dist. v. Secretary of the Interior, 748 F.2d 523 (9th Cir. 1984)(attorney's fees appeal in ESA case)

» Volunteer and Pro Bono

Colorado Commission on Indian Affairs

Since 1999, Moore has served as an At-Large member of the Commission appointed on an annual basis by the Colorado Lt. Governor, who serves as the Commission's Chair.

National Association of Indian Legal Services, National Steering Committee

Ex-officio member of the Steering Committee of the National Association of Indian Legal Services since 1983.

Advisory Committee, Indian Law Clinic, University of Colorado School of Law

Since its inception in the 1980s, Moore has served as a member of the Clinic's Advisory Committee. He was selected to serve as the Co-Chair of the Committee in 2008.

Valmont Butte Heritage Alliance

Moore has served as a founding member of the Alliance's Board. Formed in 2005, the purpose of the Alliance is to engage the City of Boulder in land use decisions relating to the Valmont Butte property. The city owns the butte property, a natural landmark considered sacred by several Indian tribes which have indigenous historic and prehistoric ties to Boulder Valley.

National Indian Rights Advisory Committee, American Civil Liberties Union

In the 1980s, Moore served for several years on the Committee, which provided advice and consultation to the attorney staff of the ACLU on matters relating to Native rights.

» Education

University of Colorado, School of Law, 1979

University of Colorado, B.A., *magna cum laude* 1975

» Admissions and Affiliations

Member of National Native American Bar Association.

Court Admissions: Colorado Supreme Court; Idaho Supreme Court; United States District Court for the District of Colorado; United States District Court for the District of Idaho; United States District Court for the Central District of California-Eastern Division (*Pro Hac Vice*); United States District Court for the District of Kansas (*Pro Hac Vice*); United States District Court for the District of Hawaii (*Pro Hac Vice*); Hawaii Supreme Court (*Pro Hac Vice*); Ninth Circuit Court of Appeals; Tenth Circuit Court of Appeals; U.S. Tax Court; U.S. Supreme Court.