



## Ethan G. Shenkman

### Partner

ethan.shenkman@apks.com  
tel: +1 202.942.5267

601 Massachusetts Ave, NW  
Washington, DC 20001

### Areas of Focus

- Air Quality & Climate Change
- Environmental Enforcement
- Land Use, Natural Resources and Permitting
- Native American/Indian Law

### Education

- JD, University of Virginia School of Law, 1994, Order of the Coif, Hardy Cross Dillard Scholar
- BA, Yale University, 1989, *summa cum laude*, Phi Beta Kappa

### Admissions

- District of Columbia

### Indian Law Experience

Ethan G. Shenkman is a partner in the environmental practice group at Arnold & Porter Kaye Scholer. He brings to his practice more than 16 years of government experience relating to Native American communities and Indian Tribes. He most recently served as Deputy General Counsel at the US Environmental Protection Agency, where he supervised legal work relating to all aspects of EPA's tribal programs. Prior to that, he served as Deputy Assistant Attorney General at the US Department of Justice's Environment and Natural Resources Division, where his responsibilities included overseeing the Indian Resources Section, which litigates to protect tribal rights and resources.

Mr. Shenkman has expertise in all facets of federal Indian law, including implementation of Clean Air Act, Clean Water Act and other environmental statutes on Indian lands; water rights; land claims; land-into-trust decisions (25 CFR Part 151); tribal energy and natural resources development; Indian Gaming Regulatory Act (IGRA); treaty rights; tribal sovereign immunity; reservation boundary disputes; and tribal court jurisdiction.

Highlights of Mr. Shenkman's Indian law experience include:

- **Litigation:** Briefed, argued, and/or supervised litigation leading to a number of landmark victories on behalf of Native Americans and Indian tribes, including:
  - Enforcing treaty fishing rights in the Pacific Northwest: *United States v. Washington*, 853 F.3d 946 (9th Cir. 2017)
  - Affirming land-into-trust decisions under the new post-*Carcieri* framework: *Confederated Tribes of the Grand Ronde Community of Oregon v. Jewell*, 830 F.3d 552 (D.C. Cir. 2016)
  - Confirming reservation boundaries: *Nebraska v. Parker*, 577 U.S. \_\_\_\_ (2016) (Omaha Tribe)
  - Validating tribal employment preferences under the Civil Rights Act: *EEOC v. Peabody Western Coal Co.*, 773 F.3d 977 (9th Cir. 2014)
  - Upholding tribal court jurisdiction: *Water Wheel Camp Recreational Area, Inc. v. LaRance*, 642 F.3d 802 (9th Cir. 2011)

- Recognizing Alaska Native villages: *John v. Baker*, 982 P.2d 738 (Alaska 1999)
- **Supreme Court advocacy:** contributed to (and listed as counsel) on 10 Supreme Court Indian law briefs filed by the U.S. Solicitor General
- **John Marshall Award:** Received Department of Justice's highest-level award for provision of legal advice for developing policy, announced by Attorney General Holder, protecting possession and use of eagle feathers by tribal members
- **EPA treaty rights policy:** lead initiative to issue EPA's first-ever policy on integrating treaty rights into tribal consultations
- **Speeches:** frequent speaker on Indian law topics, including at conferences sponsored by the National Congress of American Indians; Federal Bar Association; U.N. Permanent Forum on Indigenous Rights; University of Colorado Indian Law Program; University of Washington Indian Law Symposium; and Tribal Renewable Energy Conference (NREL).

### Professional and Community Activities

- Adjunct Professor of Environmental Law, Georgetown University Law Center

### Government / Military Service

- Deputy General Counsel, US Environmental Protection Agency
- Deputy Assistant Attorney General, US Department of Justice, Environment and Natural Resources Division
- Counsel to the Assistant Attorney General, US Department of Justice, Environment and Natural Resources Division
- Honors Attorney, Appellate Section and Law & Policy Section, US Department of Justice, Environment and Natural Resources Division
- Bristow Fellow, Office of the Solicitor General, US Department of Justice

### Perspectives

- Progress in Strengthening Our Government-to-Government Relationship with Tribal Nations, *EPA Leadership Blog, January 2017 (with Joann Chase)*<sup>1</sup>

---

<sup>1</sup> <https://blog.epa.gov/blog/2017/01/progress-in-strengthening-our-government-to-government-relationship-with-tribal-nations/>