

CURRICULUM VITAE

University of Idaho

NAME: Dylan R. Hedden-Nicely

DATE: May 14, 2020

RANK OR TITLE: Associate Professor

DEPARTMENT: College of Law

Affiliated Faculty: Water Resources

Affiliated Faculty: American Indian Studies

Core Faculty: Environmental Science

OFFICE LOCATION AND CAMPUS ZIP:

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DATE OF FIRST EMPLOYMENT AT UI: August, 2017

DATE OF TENURE: Pending (expected Spring, 2021)

DATE OF PRESENT RANK OR TITLE: August, 2017

CITIZENSHIP: United States of American; Cherokee Nation

EDUCATION BEYOND HIGH SCHOOL

J.D., 2011, *Magna Cum Laude*, University of Idaho, College of Law

Emphasis: Native American Law, Natural Resource & Environmental Law

University of Idaho Alumni Award for Excellence, 2010

Member and Symposium Editor, Idaho Law Review, 2010

M.S., 2012, Water Resources (Science and Engineering), University of Idaho

Thesis: *A Water Balance Model to Assess the Technical, Legal, and Administrative Constraints of Lake Coeur d'Alene, ID.*

B.S., 2009, Combined Honours Physical Geography and Geology (Honours Geomorphology), University of British Columbia,

Honours Thesis: *Verification of the Canadian Climate Model for Use in Snow Melt Models*

Certificates and Licenses

Idaho State Bar No. 8856 (active)

Federal District Court, District of Idaho

Coeur d'Alene Tribal Court

EXPERIENCE:

Teaching, Extension and Research Appointments

Associate Professor, University of Idaho College of Law, 2017-present

Academic Administrative Appointments

Lead, Native American Law Program, 2017-present

Lead, Natural Resources & Environmental Law Program, 2020-present

Co-Lead, Natural Resources & Environmental Law Program, 2018-2019

Non-Academic Employment

Attorney, Howard Funke & Associates, P.C., 2012-2017

Legal Intern, Howard Funke & Associates, P.C., 2010, 2011

Legal Intern, Nevin, Benjamin, McKay & Bartlett, LLP, 2009

Research/Field Assistant, Dr. Michael Church, University of British Columbia, Vancouver, BC, 2006

TEACHING ACCOMPLISHMENTS:

Areas of Specialization

Native American law
Water law
Climate change and the law
The interrelationship of law and science

Courses Taught

Water Law I, Law 942, Fall 2020
Water Law II, Law 969, Fall 2020
Native American Law, Law 949, Spring 2018; Fall 2018; Fall 2019; Fall 2020
Civil Procedure II, Law 806, Spring 2018; Spring 2019; Spring 2020; Spring 2021
Native American Natural Resources Law, Law 979, Spring 2019; Spring 2021
Tribal Nation Economics and Law, Law 928, Spring 2020
Public Lands & Resources Law, Law 948, Fall 2019
Civil Procedure and Introduction to Law, Law 805, Fall 2017; Fall 2018

Students Advised

Professional Degree Students

Jack Wagner, (Upper Division Writing Requirement), *Pine Ridge: The Past, Present, and Legal Battles of the Oglala Lakota and their Reservation* (2020)

Winter Hayes (Native American Law Emphasis/Upper Division Writing Requirement), *Sovereignty-ish; the Encroachment of Taxation* (2020)

Lewis Harrington (Native American Law Emphasis/Upper Division Writing Requirement), *Solving Tribal Jurisdiction: a Return to Indian Canons, Judicial Minimalism, and a Consistent Approach to Tribal Sovereignty* (2020)

Gaylen Edmo (Native American Law Emphasis/Upper Division Writing Requirement), *Reflections of a Treaty Hunter* (2020)

Garrett Brown (Native American Law Emphasis/Upper Division Writing Requirement), *The Indian Child Welfare Act and the Economic Consequences of Child Removal Policies* (2020)

Jack Wagner (Upper Division Writing Requirement), *Pine Ridge: The Past, Present, and Future of the Oglala Lakota and their Reservation* (2020)

Darrel Aubrey (Native American Law Emphasis/Upper Division Writing Requirement), *Yurok Societal Laws* (2019)

Jessica Boone (Native American Law Emphasis/Upper Division Writing Requirement), *The American Indian Probate Reform Act: The Illusion of Tribal Probate Codes* (2019)

Christopher Murray (Native American Law Emphasis/Upper Division Writing Requirement), *Tribal Goals for Remediation and Reclamation of Hanford Superfund Site May Be Better Accomplished Through Delayed Action* (2019)

Brianna Revis (Native American Law Emphasis/Upper Division Writing Requirement), *Domestic Violence on Native American Reservation After the Reauthorization of the Violence Against Women Act of 2013* (2019)

Matthew Ryan (Idaho Law Review), *The Doctrine of Discovery: Reversing its Expansion and Returning to Internal Tribal Sovereignty* (2019)

Heather Olson (Idaho Law Review), *The Judicial Treatment of the Indian Child Welfare Act: Noncompliance, "Indianness," and What Makes an "Indian Child"* (2019)

Hayden Marotz (Idaho Law Review), *No Trust in the Process: The Need for Consent in Tribal Consultations* (2019)

Committee Member, M.S.

Dakota Goodman, M.S., UI Water Resources, expected spring 2021.

SCHOLARSHIP ACCOMPLISHMENTS:

Publications

Major Law Review Publications

Federal Indian Law at the Crossroads. Publication forthcoming, 50 N.M. L. REV. ____ (2021) (co-authored with Dean Emeritus Stacy Leeds).

Indigenous Rights and Climate Change: The Influence of Climate Change on the Quantification of Reserved Irrigation Water Rights for American Indian Tribes. Publication forthcoming, 2020 UTAH L. REV. 1 (2020) (co-authored with Dr. Lucius Caldwell).

The Contemporary Methodology for Quantifying Reserved Instream Water Rights for American Indian Tribes. 50 ENVTL. L. REV. 257 (2020).

The Historical Evolution of the Methodology for Quantifying Federal Reserved Instream Water Rights for American Indian Tribes. 50 ENVTL. L. REV. 205 (2020).

Cultural Linguistics and Treaty Language: A Modernized Approach to Interpreting Treaty Language

to Capture the Tribe's Understanding. Publication forthcoming, 50 ENVTL. L. REV 101 (2020) (co-authored with Samuel Matsaw and Barbara Cosens).

The Legislative History of the McCarran Amendment: An Effort to Determine Whether Congress Intended for State Court Jurisdiction to Extend to Indian Reserved Water Rights, 46 ENVTL. L. REV 845 (2016).

New Developments for Conjunctive Management in Idaho: Why Our Expanding Understanding of Science Should Expand How We Address the Doctrine Against Waste in Idaho Water Right Transfers, 47 IDAHO L. REV. 147 (2010).

Peer Reviewed/Evaluated Publications

Who Participates in Nation Building in Higher Education and How Do We Make it Recognizable? Publication forthcoming, Journal of American Indian Education Special Issue: *Higher Education and Tribal Nation Building: Reimagining Priorities, Collaborations, and Pathways for Indigenous Peoples* (2021) (co-authored with Vanessa Anthony-Stevens, Philip Stevens, and Chris Hamilton).

Development of a system-based water balance model to assess interrelated physical and anthropogenic constraints in lake and reservoir watersheds, applied to Coeur d'Alene Lake, Idaho, USA, Lakes and Reservoirs: Research and Management, Vol. 22, Issue 3 (2017) (co-authored with Dr. Fritz Fiedler).

Books Authored

Supplement to American Indian Law: Native Nations and the Federal System, 7th Edition (2020) (co-authored with Rebecca Tsosie).

American Indian Law: Native Nations and the Federal System, 8th Edition (publication pending) (co-authored with Rebecca Tsosie and Stacy Leeds).

Professional Publications

The Civil Jurisdictional Landscape in Eastern Oklahoma Post McGirt v. Oklahoma, Rocky Mountain Mineral Law Foundation Natural Resources Law Network, August 2020 (co-authored with Monte Mills).

The Tenth Anniversary of the University of Idaho's Native Law Program, The Advocate, September 2018.

Welcome from the Chair of the Indian Law Section, The Advocate, September 2018.

The Coeur d'Alene Tribe's Claims in the Coeur d'Alene-Spokane River Basin Adjudication, The Advocate, October 2014.

The Coeur d'Alene Tribe's Enduring Relation to Water - A Legal History, The Advocate, October 2014.

Gauging the Success of the Coeur d'Alene Lake Management Plan: An Example of Tribal-State Cooperation, The Advocate, August 2013.

Journals Edited

Guest Editor, *Higher Education and Tribal Nation Building: Reimagining Priorities, Collaborations, and Pathways for Indigenous Peoples*. Publication forthcoming, Journal of American Indian Education (2021) (co-edited with Vanessa Anthony-Stevens, Philip Stevens, and Chris Hamilton).

Grants and Contracts Awarded

Philip Stevens, Karla Eitel, Vanessa Anthony-Stevens, Diane Bowman, and Dylan Hedden-Nicely, *National Science Foundation INCLUDES Alliance: CIRCLES Cultivating Indigenous Research Communities for Leadership in Education and STEM*: Awarded August 2020; \$700,000 awarded (across all participating schools); \$75,000 awarded to the University of Idaho.

Dylan Hedden-Nicely and Michele Bartlett, *Steele-Reese Idaho And Montana Grant Program*; Steele Reese Foundation; Awarded July 2020; \$25,000 awarded.

Dylan Hedden-Nicely and Michele Bartlett, *Coeur d'Alene Tribe Education Grant*; Coeur d'Alene Tribe; Requested May 2020.

Dylan Hedden-Nicely and Michele Bartlett, *Coeur d'Alene Tribe Education Grant*; Coeur d'Alene Tribe; Awarded June 2019.

Philip Stevens, Vanessa Anthony-Stevens, Dylan Hedden-Nicely; *Higher Education and Tribal Nation Building*; The Spencer Foundation; Awarded May 2019; \$72,153 awarded.

Dylan Hedden-Nicely and Michele Bartlett, *Coeur d'Alene Tribe Education Grant*; Coeur d'Alene Tribe; Awarded June 2018.

SERVICE:

Major Committee Assignments:

University of Idaho

Member, University of Idaho Tribal Relations Administrator Group, 2019—Present.

Participant, University of Idaho President's Native American Advisory Council, 2017-present

Member, College of Natural Resources Tribal Visiting Scholar Hiring Committee, 2020

Member, Water Resources Program Director Hiring Committee, 2019

Member, University of Idaho Research Council, 2018

University of Idaho College of Law

Member, College of Law Dean Search Committee, 2020

Chair, College of Law Diversity and Human Rights Committee, 2020-present

Chair, College of Law Family Law/Mediation Faculty Hiring Committee, 2020

Member, College of Law Clinical Professor of Academic Success Hiring Committee, 2020

Faculty Advisor, University of Idaho Native American Law Students Association, 2017-present

Faculty Advisor, University of Idaho Environmental Law Society, 2018- present

Coach, National Native American Law Student Association Moot Court, 2017-present

Member, College of Law Diversity and Human Rights Committee, 2018-Present

Member, College of Law Marketing-Communication Hiring Committee, 2019

Member, University of Idaho College of Law Dean Search Committee, 2018

Member, University of Idaho College of Law Dean's Advisory Committee, 2018-2019

Chair, University of Idaho College of Law Moscow Strategic Implementation Committee, 2018

Professional and Scholarly Organizations

Board member, Northwest Indian Bar Association, 2015-Present

Vice-Chair, Northwest Indian Bar Association, 2020-Present

Board member, Arizona Transformative Law and Social Justice Center, 2015-Present

Chair, Indian Law Section, Idaho State Bar, 2016-2018

Vice-Chair, Indian Law Section, Idaho State Bar, 2013-2016

OUTREACH:**Judicial Appointments**

Coeur d'Alene Tribal Appellate Court, *pro tem* judge, 2018-present

Events Attended

Federal Bar Association Indian Law Conference, 2018, 2019
Washington State Bar Indian Law Section Conference, 2018
Northwest Indian Bar Association Annual Banquet, 2017, 2018
Center for Environmental Law & Policy Water Conference, 2018
Affiliated Tribes of Northwest Indians Annual Meeting, 2017, 2018
Prelaw Summer Institute 50th Anniversary, 2017.

Presentations Provided

"*McGirt v. Oklahoma* Panel." 17th Annual Michigan State University Indigenous Law and Policy Center/Tribal In-House Counsel Association Indigenous Law Conference. *Via Zoom* (Nov. 12, 2020).

"Law School Admissions." Guest Lecture, Northeastern Oklahoma State Virtual Graduate School Workshop. *Via Zoom* (Oct. 22, 2020).

"Quantifying Reserved Water Rights in an Era of Climate Change." CLE International Tribal Law Institute, *Tribal Water Law CLE*. *Via Zoom* (Sept. 14, 2020).

"WSU Native American Programs Environmental Education Panel." Coeur d'Alene Tribe High School Summer Internship Program – Environmental Education Track, *via* videoconference (June 30, 2020).

"The Adjudication of the Coeur d'Alene Tribe's Water Rights." Idaho State Bar Indian Law Section, *via* videoconference (June 5, 2020).

"Law School Admissions." Guest Lecture, Northeastern Oklahoma State Graduate School Workshop. Tahlequah, OK (Nov. 11, 2019).

"Water Rights: A Primer." Guest Lecture, Tribal Sovereignty, a University of Idaho American Indian Studies/Environmental Science Course. Moscow, ID (Oct. 30, 2019).

"The Adjudication of the Coeur d'Alene Tribe's Water Rights." CLE International Tribal Law Institute, *Tribal Water Law CLE*. Scottsdale, AZ (Sept. 27, 2019).

"Quiet Leaders." Keynote presentation, 2019 Idaho River Rendezvous. Cascade, ID (May 18, 2019)

"The Role of Federal Law in Indian Country." University of Idaho Native American Student Center Native American Heritage Month Lecture Series. Moscow, ID (Nov. 30, 2018).

"Water Rights: A Primer." Guest Lecture, Tribal Sovereignty, a University of Idaho American Indian Studies/Environmental Science Course. Moscow, ID (Nov. 28, 2018).

"Water Rights: A Primer." Guest Lecture, University of Idaho Water Resources 501. Moscow, ID (Oct. 9, 2018).

"Idaho Litigation Update." Consultant, Idaho Tribal Court—State Court Forum. Boise, ID (Oct. 7, 2018).

“United States v. Washington.” Idaho Constitution Day Lecture Series. Moscow, ID (Sept. 17, 2018)

“Effective Tribal Consultation.” Team Lecturer, United States Institute for Environmental Conflict Resolution, Morris K. and Steward L. Udall Foundation. Seattle, WA (Aug. 28-29, 2018).

“The Fundamentals of Indian Water Rights.” Guest Lecture, Tribal Sovereignty, a University of Idaho American Indian Studies/Environmental Science Course. Moscow, ID (Oct. 26, 2017).

“The Adjudication of the Coeur d’Alene Tribe’s Water Rights.” CLE International Tribal Law Institute, *Tribal Water Law* CLE. Las Vegas, NV (Oct. 13, 2017).

“Tribal Water Rights.” National Business Institute, *Negotiating Contracts on Tribal Lands* CLE. Boise, ID (May 11, 2017).

Conferences/Events Organized

2020 Convening on Tribal Nation Building in Higher Education, Moscow Idaho (three-day)
2019 Affiliated Tribes of Northwest Indians Water Summit, Moscow Idaho (two-day)
2019 Idaho Tribal Court-State Court Forum, Worley Idaho (Co-organizer)
2019 Bellwood Panel, *Federalism and Native American Lands*, Moscow, Idaho
Tribal Employment Rights Event (NALSA event)
Fort Bridger Treaty Seminar, Boise Idaho (NALSA event)
Sovereignty Series, Ernest Stensgar, Chair, Coeur d’Alene Tribal Council
2018 Idaho Tribal Court-State Court Forum, Boise Idaho (Co-organizer)

Honors and Awards

Allan G. Shepard Distinguished Professor (2020-2021) (awarded to “highly qualified persons with records of distinguished service to legal education, or to his or her area of expertise[.]”)

Recipient (on behalf of the Native American Law Student Association), 2018-2019 National NALSA Chapter of the Year. Albuquerque, NM (April 12, 2019)

Recipient (on behalf of the Native American Law Program), Northwest Indian Bar Association Champion of Indian Law Award. Seattle, WA (May 12, 2016)

Community Service

Supervisor, Student Legal Intern (x2), Coeur d’Alene Tribal Court, summer 2020
Supervisor, Student Legal Intern, Coeur d’Alene Tribe Office of Legal Counsel, summer 2020.
Silver Mountain Ski Resort Gondola Evacuation Team, Kellogg, ID, 2012-2017
Northwest Backcountry Rescue, Post Falls, ID, 2013-2015
Coeur d’Alene Tribal Court Appointed Special Advocate, 2009-2011