2011 ANNUAL
NATIONAL ENVIRONMENT, ENERGY AND RESOURCE LAW
SUMMIT
WATER AND THE LAW: ALLOCATION, TRADE, USE AND
PROTECTION

April 7-9
The Fairmont Banff Springs, Banff, AB

THURSDAY APRIL 7

12:00 | 12:30  REGISTRATION

12:30 | 12:35  WELCOME AND OPENING REMARKS FROM THE CO-CHAIRS
Dufferin Harper, Blake, Cassels & Graydon LLP, Calgary
John Stefaniuk, Thompson Dorfman Sweatman LLP

12:35 | 1:20  KEYNOTE ADDRESS:
Andy Nikiforuk, Author/Environmentalist

1:20 | 3:20  PLENARY SESSION – THE OWNERSHIP AND ALLOCATION OF WATER
As Mark Twain is reported to have said, “Whisky is for drinking; water is for fighting over.”
Learn from a panel of leading Canadian and international experts about the history, issues
and trends surrounding the allocation of this increasingly scarce and valuable resource.
Speakers:
David Percy, Professor, University of Alberta Faculty of Law
John Peck, Professor, University of Kansas
Robyn Glindemann, Allens Arthur Robinson, Australia
Jamie Benidickson, Professor, University of Ottawa Faculty of Law
Chair:
Patricia Houlihan, Houlihan & Associates Environmental Legal Services

3:20 | 3:30  REFRESHMENT BREAK

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3:30 | 4:45  
**PLENARY SESSION – WATER AND COMMERCIAL DEVELOPMENTS**

Scarcely and commercial or industrial development takes please without some impact upon or use of water resources. Get a better understanding of the nature of those impacts, the required permitting and approvals, legal and practical challenges and hear real-world case studies.

**Speakers:**
- Bill Berzins, Engineer, Fossil Water
- Jennifer Danahy, Gowling Lafleur Henderson LLP

**Chair:**
- Alan Harvie, Macleod Dixon LLP

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4:45 | 5:45  
**PLENARY SESSION – SPECIFIC WATER ISSUES INVOLVING SHALE GAS AND COAL-BED METHANE**

Certain industries create insatiable demand for or unique challenges related to water and water protection. None are more topical then the extraction of natural gas from coal beds and shale deposits. Can the demand for energy be safely balanced against the protection of vast volumes of groundwater? Attend and find out about the risk, opportunities and whether the regulatory frameworks and common law and civil law protections are up to the task.

**Speakers:**
- Sander Duncanson, Osler Hoskin & Harcourt LLP
- Mark Boling, Executive Vice-President of Southwestern Energy Corporation

**Chair:**
- Jim Thistle Q.C., McInnes Cooper

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6:00 | 7:30  
**RECEPTION ON THE HILLS**

**FRIDAY APRIL 8**

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8:20 | 8:30  
**INTRODUCTORY REMARKS BY CO-CHAIRS**

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8:30 | 10:00  
**PLENARY SESSION – TECHNICAL UPDATE: WASTEWATER REGULATION, WATER ANALYSES AND REMEDIATION OF CONTAMINATED WATER**

Lawyers who deal with water issues, whether related to contamination, remediation, treatment or distribution, do so in the midst of changing standards and technologies. Contaminants that were measured in the parts per thousand are now regulated in parts per billion and membranes can filter down to virus-size particles. Stay up to date (and out of trouble).

**Speakers:**
- Ken Johnson, Engineer and Planner
- Marcus Maguire, AGAT Laboratories
- David Simpson, Golder

**Chair:**
- Tony Crossman, Miller Thomson LLP

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10:00 | 10:15  
**REFRESHMENT BREAK**

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10:15 | 11:45  
**PLENARY SESSION – WATERSHED MANAGEMENT AND CUMULATIVE EFFECTS**

Where regulators once looked at point sources emissions and individual tributaries, the management of surface and groundwater has moved to the management of overall watersheds and counting up all of the current and potential impacts. Canadian and American lawyer and regulators will give their expert insights and give you a better understanding of how these changes affect the developments that are proposed by or that may impact upon your clients.

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Speakers: 
Bev Yee, Assistant Deputy Minister- Strategy Division, Alberta Environment  
Lawrence J. Caster, Fennemore Craig, Phoenix  
Judy Stewart, Sole Practitioner  
Chair: 
Laura Bowman, Environmental Law Centre

11:45 | 1:00  
LUNCH WITH KEYNOTE SPEAKER  
IN THE WAKE OF THE BP DEEPWATER HORIZON DISASTER  
Steve McKinney, Balch & Bingham LLP  
Steve McKinney is a partner in the Birmingham, Alabama office of the 250 lawyer firm of Balch & Bingham LLP and is Chair of the American Bar Association’s Section on Environment, Energy and Resources. A man with “true grits”, Steve will combine his first-hand involvement in the aftermath of one of America’s greatest man-made environmental disasters with his energetic and engaging speaking style to make for an enlightening and entertaining presentation that will not be soon forgotten.

1:00 | 2:30  
PLENARY SESSION – WATER AS A TRADE COMMODITY  
The saying goes, “Water runs uphill, towards money.” Canada and the Provinces and Territories have taken legislative action to restrict the bulk export of water and prevent its free flow southward. Will this be enough to hold the dyke? Learn about the opportunities, legal challenges and pitfalls in the commoditization of Canada’s water resources in the context of international trade obligations.  
Speakers:  
Andy Shoyer, SidleyAustin LLP  
Jon Johnson, Sole Practitioner  
Greg Somers, Ogilvy Renault  
Chair: 
Brenda Swick, McCarthy Tétrault LLP

2:30 | 3:00  
PLENARY SESSION – ETHICAL ISSUES ASSOCIATED WITH WATER LAW  
If water is essential to life and the right to life is a fundamental human right, how is that reconciled with the laws dealing with property in and the allocation and protection of water? Hear Dean Irma Russell, Chair-elect of the American Bar Association’s Section on Environment, Energy and Resources share her views on this universal and timely theme.  
Speaker:  
Irma Russell, Dean, University of Montana School of Law

3:00 | 3:15  
REFRESHMENT BREAK

3:15 | 4:30  
PLENARY SESSION – TRENDS IN WATER INFRASTRUCTURE IN CANADA  
Will public private partnerships prevent worrisome wastewater woes? Can municipal and regional delivery systems meet regulatory standards? Will the approvals process stretch the limits of local governments? Does precaution cost too much? Hear the views of our cross-Canada panelists.  
Speakers:  
John Stefaniuk, Thompson Dorfman Sweatman LLP  
Sean Foreman, Wickwire Holm  
Shawn C. Bunting, Vice-President & General Counsel, American Water Enterprises, Inc  
Charles Keizer, Torys LLP  
Chair:  
Dennis Mahony, Torys LLP

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4:30 | 5:45  PLENARY SESSION – ARCTIC JURISDICTION
From the Arctic Circle, to the Great Lakes waters, this session was made for you and me. Gain insights into the regulatory regimes of the North. Learn about the approaches taken by the Territories, Canada and the US in water protection and sovereignty.
Speakers:
Chuck Birchall, Folger Rubinoff LLP
John Donihee, Sole Practitioner
Owen Saunders, Canadian Institute of Resources Law
Chair:
Chuck Birchall, Folger Rubinoff LLP

6:00 | 7:30  WINE AND CHEESE RECEPTION

SATURDAY APRIL 9

8:15 | 8:30  INTRODUCTORY REMARKS BY CO-CHAIRS

8:30 | 9:45  PLENARY SESSION – DRINKING WATER
As Coleridge wrote, “Water, water everywhere, nor any drop to drink: How are our drinking water resources being protected? What obligations are imposed on delivers and suppliers or water and what immunities do they enjoy? What about water and First nations? Raise your glasses to this trans-national panel as they expound upon current drinking water regimes in our post-Walkerton/North Battleford Canada.
Speakers:
Juli Abouchar, Willms & Shier LLP
Marie-Ann Bowden, Professor, University of Saskatchewan Faculty of Law
John MacPherson, McInnes Cooper
Chair:
Juli Abouchar, Willms & Shier LLP

9:45 | 10:45  PLENARY SESSION – CONTAMINATED WATER AND TRANS-BOUNDARY POLLUTION
According to African proverb, dirty water cannot be washed. So what happens to it when it crosses a border? What can be done to deal with disputes and, more importantly, to put things right? An experienced, international panel will serve as your guides.
Speakers:
Katia Opalka, Blake Cassels & Graydon LLP
John Cruden, Former Chair, American Bar Association's Section of Environment, Energy and Resources
Ian Sampson, Shepstone & Wylie Attorneys, South Africa
Chair:
Eugene Smary, Warner Norcross Judd LLP, Grand Rapids

10:45 | 11:00  REFRESHER BREAK

11:00 | 12:15  PLENARY SESSION – ENVIRONMENTAL NON-WATER HOT TOPICS
Join the latest installment in the ever-popular environmental, energy and resource law hot-topics session. Things haven’t exactly been duck soup for Syncrude; what are the recent developments in enforcement? How will the new federal environmental penalties legislation apply? Go for broke: get the latest on insolvency and its effect on environmental liability; Vive la différence: hear about the latest developments in Quebec. All this and more...

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Speakers:
Charles Kazaz, Fasken Martineau DuMoulin LLP
Stuart Chambers, McLennan Ross LLP
Alexandria Pike, Davies Ward Phillips & Vineberg LLP
Chair:
Charles Kazaz, Fasken Martineau DuMoulin LLP

12:15 | 12:30  CLOSING REMARKS FROM CO-CHAIRS
Dufferin Harper, Blake, Cassels & Graydon LLP, Calgary
John Stefaniuk, Thompson Dorfman Sweatman LLP

12:30 – 17:00  NATIONAL ENVIRONMENT, ENERGY & RESOURCES LAW SECTION BUSINESS MEETING
Conference attendees are welcome to attend the NEERLS business meeting immediately following the CLE. This is a terrific opportunity to get to know more about how NEERLS works and to meet the Section Executive Committee.