

EVENT CHAIRS

CBA: **Michael Hebert**, Beament Hebert Nicholson LLP
Mira Gauvin, Gowling WLG

DOJ: **Caroline Clark**, Acting Executive Director & Senior General Counsel, Legal Services Environment
Boris Uléhla, Executive Director and General Counsel, Natural Resources Canada

PROGRAM

THURSDAY, NOVEMBER 2, 2017

Location: Fourth Floor Gallery West, Canadian Museum of Nature

12:00 – 12:30 **Registration & Refreshments**

12:30 – 1:45 **Welcome**, Michael Hebert, Beament Hebert Nicholson LLP
Acknowledgement Algonquins of Ontario, Michael Hebert, Beament Hebert Nicholson LLP
Memorial tribute to Paul Gavrel
Gordon Hill, Senior Counsel Department of Justice
Janet Bobechko, Norton Rose Fulbright Canada LLP

Federal Initiatives to Protect Marine Areas *(1.25 hours – substantive content)*

This panel will present recent initiatives undertaken by the Federal government to fulfill its engagements under the Convention of Biological Diversity by 2020. Each panelist will provide an overview of their departments' objectives and legal authorities they rely on to enable these projects.

Chair: **Jeff MacDonald**, Director General, Oceans and Fisheries Policy, DFO

Speakers: **Jeff MacDonald**, Director General, Oceans and Fisheries Policy, DFO
Kevin McNamee, Director, Parks Establishment, Parks Canada
Grant Hogg, Director, Canadian Wildlife Services, ECCC

1:45 – 2:30 **Environmental Issues from Our American Neighbours' Perspective**
(0.75 hours – substantive content)

The past two hundred fifty days have been a tumultuous time in the United States. So what is it like practicing environmental, energy and resources law in the United States under these circumstances? Where do the new Administration's regulatory reforms stand? Come hear from leaders of the American Bar Association's Section of Environment, Energy and Natural Resources (SEER) to learn more.

Speakers: **John Milner**, American Bar Association, SEER
Amy Edwards, Chair Elect, American Bar Association, SEER

2:30 – 3:00 **Public Proceedings at a Science-based Administrative Tribunal** *(0.5 hours – substantive content)*
The presenters will provide an overview of the legal considerations that inform the hearing

process at Canada's nuclear regulator. Discussion topics will include, among others, public participation and the specialized expertise of decision-makers.

Speakers: **Denis Saumure**, Senior Counsel CNSC Legal Services
Anna Mazur, Counsel CNSC Legal Services

3:00 – 3:15 **Refreshment Break**

3:15 – 5:15 **Climate Change and Climate Risk, Adaptation & Resilience** (2 hours – substantive content)

- Carbon Pricing and Recent Updates on Quebec, Ontario and California Compact
- National and Provincial Issues on Adaptation / Climate Risk
- Climate Risk from a Global Perspective

Chairs: **Mira Gauvin**, Gowling WLG
Janet Bobechko, Norton Rose Fulbright Canada LLP

Speakers: **John Moffet**, Acting Associate ADM, Environmental Protection Branch
Environment and Climate Change Canada
Stéphane Legros, Coordinator, Carbon Market, Ministry of Sustainable
Development, Environment and Fight against Climate Change
Laniel Bateman, Executive Director, Strategic Policy Directorat, Environment and
Climate Change
Dr. Susan Kemball-Cook, Principal, Ramboll Environ
Jean Piette, Norton Rose Fulbright Canada LLP

5:30 – 7:00 **Networking Reception** | Canadian Museum of Nature | *RSVP required*

7:30 – 10:00 **Informal Dinner** | Metropolitan Brasserie, 700 Sussex Drive | *RSVP Required*

FRIDAY, NOVEMBER 3

8:00 – 8:30 **Continental Breakfast & Networking**

8:30 – 9:30 **The Environment and Trade & Implementation, Paris Agreement, NAFTA**
(1 hour – substantive content)

This panel will cover provisions on climate change in international trade agreements, alongside an overview of the main objectives of environmental provisions in free trade agreements. This will include an overview of how negotiations of climate in international trade agreements is linked to Canada's domestic implementation of the Paris Agreement through the Pan-Canadian Framework and the role trade agreements can play in supporting the Government's climate change objectives.

The panel will also focus on how trade agreements and climate change implementation measures might intersect, and the legal issues that arise from that intersection. It will include a brief overview of major trade principles and concepts, such as non-discrimination and

unnecessary obstacles to international trade, a review of key domestic policy instruments available to governments to tackle climate change, and a discussion of friction points between these instruments and the trade rules.

Chair: **Janet Bobeckho**, Norton Rose Fulbright Canada LLP

Speakers: **Yannick Mondy**, Director Trade and Investment International Affairs Branch, Environment and Climate Change Canada
Kevin Gray, General Counsel, Trade Law Bureau, Global Affairs Canada

9:30 – 10:15 **Pipeline Projects in Canada: A Caselaw Update** (0.75 hours – substantive content)

Terri-Lee Oleniuk and Katie Slipp will discuss recent developments in the world of federally-regulated pipelines. In addition to a pipeline project update, they will examine greenhouse gas scoping issues in the context of National Energy Board pipeline proceedings, as well as the evolution of social licence.

Speakers: **Terri-Lee Oleniuk**, Osler, Hoskin & Harcourt LLP
Katie Slipp, Blake, Cassels & Graydon LLP

10:15 – 10:30 **Refreshment Break**

10:30 – 12:00 **Indigenous Legal Traditions** (1.5 hours – professionalism content)

This panel will include discussion about how colonialism has impacted Indigenous communities and how lawyers can ensure that there is respect for Indigenous societies' and their laws. It will also examine the best approaches to incorporate and introduce Indigenous law into legal matters.

In addition, the use of Indigenous Traditional Knowledge in regulatory proceedings (some founded in modern settled land claims) will be discussed. The unique lessons that can be learned from Indigenous decision makers and their application to non-Indigenous decision making will be considered.

This session will provide lawyers with valuable understanding of Indigenous social and cultural realities within the context of the practice of law.

Speakers: **Adam Chamberlain**, Gowling WLG
Sara Mainville, OKT | Olthuis Kleer Townshend LLP

12:00 – 1:00 **Luncheon Presentation - Historical Research at the Museum of Nature**

Speaker: **Dr. Jeff Saarela**, Vice-President of Research and Collections, Canadian Museum of Nature

1:00 – 1:45 **Keynote Address by Dr. Dianne Saxe, Environmental Commissioner of Ontario**
(0.75 hours - substantive content)

Dr. Saxe will speak about the role of environmental 'watchdogs' across the country and that the positions exist federally and in only two provinces/territories including Ontario and Quebec. Dr.

Saxe will discuss her mandate as Environmental Commissioner of Ontario including to whom and how she reports, key environmental issues that she is exploring as Ontario's Environmental Commissioner, and challenges and opportunities that government has in improving its environmental performance.

1:45 – 2:30 **Indigenous Co-Management of Canada's Parks** (0.75 hours – substantive content)
This presentation will look at a model of working to consensus with Indigenous groups, including governance structures. It will discuss how the courts have viewed these arrangements, covering case law including judicial reviews and an injunction. In addition to examining lessons learned, the session will suggest best practices for lawyers working in this area

Speaker: **Daphne Porter**, Counsel, Justice Canada, Parks Canada Legal Services Unit

2:30 – 3:00 **Moving forward with recognition - Impacts of the Principles Respecting Canada's Relationship with Indigenous Peoples and the UNDRIP** (0.5 hours – substantive content)
In July 2017, the Minister of Justice on behalf of the Government of Canada, publicly released the Principles respecting the Government of Canada's Relationship with Indigenous Peoples. These ten Principles are rooted in s. 35 of the Constitution Act, 1982, and are informed by the United Nations Declaration on the Rights of Indigenous Peoples. In addition, the Principles are inspired by the Royal Commission of Aboriginal Peoples and the Calls to Action of the Truth and Reconciliation Commission. The ten Principles are based on the recognition of Indigenous peoples, governments, laws and rights. This presentation will discuss the historical background of the Principles, what they mean in practice, and the possible future directions of the Principles.

Speaker: **Diana Kwan**, Senior Counsel, Department of Justice, Review of Laws and Policies Secretariat

3:00 – 3:15 **Refreshment Break**

3:15 – 4:00 **Implications of the Chippewas of the Thames and Hamlet of Clyde River Supreme Court of Canada Rulings** (0.75 hours – substantive content)

Two recent rulings from the Supreme Court of Canada have further clarified the scope of the duty of Crown to consult and accommodate Indigenous communities in the context of project developments. Both decisions make it clear that the Crown can delegate its duty to consult to boards and tribunals that have decision-making powers provided certain conditions are met. The panel will discuss these conditions and what they mean for government, industry, Indigenous communities as well as boards and tribunals.

Chair: **Charles Birchall**, Willms & Shier Environmental Lawyers LLP

Speakers: **Adam Chamberlain**, Gowling WLG
John Pratt, Senior Counsel NRCAN, Legal Services

4:00 – 4:45 **Regional Hot Topics – Roundtable on Recent Developments in Environmental, Energy and Resources Law Across Canada** (0.75 hours – substantive content)

Chair: **Sarah Powell**, Davies Ward Phillips & Vineberg

Back by popular demand, this roundtable ensures that practitioners are kept apprised of recent developments on a broad range of issues including:

- Emerging trends in climate-related financial disclosures, **Sarah Powell**, Davies Ward Phillips & Vineberg
- Federal review of environmental and regulatory processes, **Charles Birchall**, Willms & Shier Environmental Lawyers
- *Chevron Corp v. Yaiguaje*, **Barry Weintraub**, Reuters
- *Control Chem Canada*, **Marc McAree**, Willms & Shier Environmental Lawyers
- *Redwater Energy Corporation*, **Alexandria Pike**, Davies Ward Phillips & Vineberg

4:45 – 5:00 **Closing Remarks**

2017 ORGANIZING COMMITTEE MEMBERS

Sarah Powell, Davies Ward Phillips & Vineberg LLP
Chuck Birchall, Willms & Shier Environmental Lawyers LLP
Emily Dandy, Canada Nuclear Safety Commission
Janet Bobechko, Norton Rose Fulbright Canada LLP
Michelle Sanders, Director, Clean Water Policy Division, Transport Canada
Alexandria Pike, Davies Ward Phillips & Vineberg LLP
Marc McAree, Willms & Shier Environmental Lawyers LLP
Jean-François Roman, Legal Counsel, Natural Resources Canada
Chantal Poirier, Legal Counsel, Legal Services Environment

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