FRIDAY, NOVEMBER 1, 2019

CO-CHAIRS:
Heather Beaton (General Counsel and Executive Director, NRCan Legal Services)
Hélène Sheedy (Executive Director and Senior General Counsel, Environment Legal Services)
Alexandria Pike (CBA NEERLS Past Chair, Davies Ward Phillips & Vineberg LLP)

8:30 REGISTRATION

8:50 WELCOME REMARKS & INTRODUCTIONS

9:00 – 11:15 RECENT DEVELOPMENTS IN CONSTITUTIONAL LAW AND DIVISION OF FEDERAL AND PROVINCIAL POWERS (2.25 hours of substantive law)

Experts on issues of constitutional division of powers review the recent high profile references addressing the boundaries of constitutional jurisdiction over environmental protection: (1) the Carbon Pricing references decided by the Saskatchewan and Ontario Courts of Appeal and (2) the BC Heavy Oil reference decided by the British Columbia Court of Appeal. The discussion will include a look ahead to the implications of such cases on the exercise of federal and provincial authorities.

Topics will include: lessons for future regulatory charges, changes in scoping matters of National Concern for the purposes of Peace, Order and Good Government, exclusive jurisdiction and impacts on provincial powers.

Moderator: Jennifer L. King, Gowlings WLG (Toronto, ON)

Speakers: Nathalie Chalifour, University of Ottawa & Centre for Environmental Law and Global Sustainability (Ottawa, ON)
Grant Bishop, C.D. Howe Institute (Calgary, AB)

11:15 – 11:30 NETWORKING BREAK

11:30 – 12:30 RECENT CHANGES TO THE FISHERIES ACT: HABITAT AND OTHER PROVISIONS (1 hour of substantive law)

An in-depth discussion of the recent amendments to the Fisheries Act, which received Royal Assent on June 21, 2019, including general modernization amendments, amendments relating to the habitat-protection provisions, expanded provisions relating to indigenous peoples, prohibitions relating to shark finning, capturing cetaceans and the import and export of shark fins and living cetaceans.

Speakers: Peter Davidson, Department of Justice Canada, Fisheries and Oceans Canada Legal Services (Ottawa, ON)
Heather Olson Department of Justice Canada, Fisheries and Oceans Canada Legal Services (Ottawa, ON)
12:30 – 13:45  LUNCHEON SPEAKER: US ENVIRONMENTAL AND NATURAL RESOURCE UPDATE
(0.50 hour of substantive law)

As US EPA powers are dismantled, the Chair of the ABA SEER highlights state and local initiatives being implemented to preserve environmental protections regarding water, air emissions and endangered species.

Speaker: Karen Mignone, American Bar Association – Section of Environment, Energy, and Resources (Providence, RI)

13:45 – 15:15  CANADA ENERGY REGULATOR ACT AND ITS INTER-RELATION WITH THE IMPACT ASSESSMENT ACT (1.50 hours of substantive law)

Two central pieces of federal environmental regulatory legislation – the National Energy Board Act and the Canadian Environmental Assessment Act, 2012 – have received major overhauls. The panel will discuss the structural and substantive changes to the assessment of resource projects that have been brought about through the introduction of the Canadian Energy Regulator Act and the Impact Assessment Act.

Moderator: Jean-Sébastien Rochon, Department of Justice Canada, Environment Legal Services (Ottawa, ON)

Speakers:
- Charles Birchall, Willms & Shier Environmental Lawyers LLP (Ottawa, ON)
- Alex Ross, Canada Energy Regulator, Legal Services (Calgary, AB)
- Bernard J. Roth, Dentons Canada LLP (Calgary, AB)
- Kurt Saunders, Impact Assessment Agency of Canada (Ottawa, ON)

15:15 – 15:30  NETWORKING BREAK

15:30 – 17:05  HOT TOPICS (1.50 hours of substantive law)

In a rapid-fire review of cutting edge issues from various jurisdictions, learn the ways in which endangered species will be protected as Ontario streamlines its legislation, hear about IJC’s report on the evolution of its role and current issues facing Canada’s Great Lakes and support for scaling of renewable power through virtual agreements.

Moderator: Martin Thiboutot, Resolute Forest Products, (Montreal, QC)

Endangered Species Act, 2007: Implications of Changes to Ontario’s Regime
Speaker: Joshua Ginsberg, Ecojustice Environmental Law Clinic at the University of Ottawa (Ottawa, ON)

Virtual Power Purchase Agreements
Speaker: Jeremy Barretto, Cassels Brock & Blackwell LLP (Calgary, AB)

IJC: 110 Years of Resolving American and Canadian Boundary Waters Issues
Speaker: Christine Blanchet, International Joint Commission (Ottawa, ON)

17:05  CLOSING REMARKS