

CBA ENVIRONMENTAL, ENERGY & RESOURCES LAW SUMMIT

May 31 – June 1, 2018 | WINNIPEG, MB

THURSDAY, MAY 31

8:00-8:45

Registration & Breakfast | Wellington Ballroom, Fairmont Winnipeg

8:45-9:00

Welcome & Introductions

Co-Chairs: **Stuart Chambers**, McLennan Ross LLP
Andrew H. MacSkimming, A.H. MacSkimming Law Office

9:00-10:30

Tectonic Shifts in Environmental Assessment

(1.5 hours – Substantive Content)

An in-depth discussion on environmental assessment under the Federal Government's proposed Impact Assessment Act and a case study of an indigenous-led assessment for a major project from those on the front line of change and development. Learn about the most recent developments in the Federal environmental assessment regime. Find out what is happening in the development and application of indigenous-led assessments and processes. Hear from recognized presenters at the forefront of these changes.

Moderators: **Bryan J. Buttigieg**, Miller Thomson LLP

Sarah D. Hansen, Miller Thomson LLP

Speakers: **Sheryl Rosenberg**, Thompson Dorfman Sweatman LLP

Rod Northey, Gowling WLG

Robert Simon, Stk'emlups Te Secwepemc First Nation

John Pratt, NRCan Legal Services

10:30-11:15

 **ENVIRONMENT & ENERGY FUNDAMENTALS**

Environment and Energy Fundamentals: Environmental due diligence tool kit

(0.75 hours – Substantive Content)

Identifying, mitigating and allocating risks related to environmental matters is part of the environmental lawyer's role in transactions. Today, the panel will focus on risk identification and will address the due diligence aspects of

transactions: from drafting and updating environmental due diligence questionnaires, accessing the relevant information, mandating environmental consultants, understanding Phase I & II ESA reports and environmental compliance reports, to preparing a legal environmental due diligence report for clients.

◆ *Environment & Energy Fundamentals are intended to provide high-level practise updates and introduce new practitioners to key concepts.*

Moderators: **Mira Gauvin**, Dentons Canada LLP
Janet Bobechko, Norton Rose Fulbright Canada LLP
Speakers: **Martin Kelly**, B.Sc., LL.B., Golder Associates
Oliver Moore, Norton Rose Fulbright Canada LLP

11:15-11:30

Networking Break

11:30-12:30

Bioproducts, biorefining and biofuels

(1 hour – Substantive Content)

As environmental and energy lawyers, our practices can often focus on the pollution prevention and operational impacts from the extraction and refining of natural resources. Less obvious, but perhaps just as impactful on the environment, is our role on the supporting the renewable resources or biomass sector. This panel will provide some technical background on how the conversion of biomass and waste to fuels, energy and industrial products works. We will also explore the economic drivers and regulatory challenges specific to this sector. Finally, by showcasing some of the work the panelists are currently involved in, we will see some of the exciting commercial applications of biomass conversion in action.

Moderators: **Carole Chan**, Connors Stilwell LLP
Françoise Aubin, Martin Aubin C.P. Inc.
Speakers: **Dr. Lin-P'ing Choo-Smith**, Composites Innovation Centre
Rashid Islam, HD Petroleum
John Stefaniuk, Thompson Dorfman Sweatman LLP

12:30-1:30

Networking Lunch | Lombard Room, Fairmont Winnipeg

1:30-3:15

Redwater —The Responsibility for End of Life Environmental Obligations

(1.75 hours – Substantive Content)

Parties close to the Alberta-based litigation discuss this oil field conflict between environmental liabilities and insolvency laws, particularly the paramountcy issues arising between the *Bankruptcy and Insolvency Act* and Alberta legislation governing oil and gas licensing and rehabilitation. Discussion will include the courts' interpretation of *AbitibiBowater* and the potential implications for

resource based industries across Canada. Consideration will be given to industry response to the pending SCC decision.

Moderator: **Hazel Saffery**, Dentons Canada LLP
Speakers: **Carolyn Wright**, Burnet Duckworth & Palmer LLP
Keely Cameron, Alberta Energy Regulator
Tom Cumming, Gowling WLG (Canada) LLP

3:15-3:30

Networking Break

3:30-4:30

ENVIRONMENT & ENERGY FUNDAMENTALS

Investigations 101 – Co-operation, Disclosure and Ethics

(1 hour – Ethics, Professionalism, Practice Management content)

Our expert panel will discuss your role in an environmental investigation and explore ethical duties owing to clients (whether internal or external) and to regulatory authorities. The issue of transparency in your dealings with a government entity will be considered as well as topics such as client confidentiality and document retention. Come learn how to help your client navigate the investigative process.

Moderator: **Hazel Saffery**, Dentons Canada LLP
Speakers: **Marianne (Chuck) Davies**, Nexen Energy ULC
Danielle Meuleman, Ontario Ministry of the Attorney General - Environment & Climate Change
Jennifer Fairfax, Osler, Hoskin & Harcourt LLP

4:30-5:15

Keynote Address: Peter Wood, David Suzuki Foundation

Environmental Rights as Human Rights: Canada's Path Forward

(0.75 hours – Substantive Content)

Peter Wood, PhD, National Campaign Manager for Environmental Rights with the David Suzuki Foundation, will discuss the growing international movement towards legal recognition of environmental rights, and emerging opportunities to recognize these rights in Canada. In particular, protection of procedural rights regarding the environment has not protected against incursions on environmental rights, particularly with respect to vulnerable populations. Dr. Wood makes the case for a substantive right to a healthy environment being recognized in Canadian legislation, a position shared by the Standing Committee on Environment and Sustainable Development in its June 2017 report regarding the *Canadian Environmental Protection Act, 1999*.

5:30-7:00

Cocktail Reception | Canadian Museum for Human Rights

FRIDAY, JUNE 1

8:00-8:30

Registration & Breakfast | Wellington Ballroom, Fairmont Winnipeg

8:30-9:30

Environment and Financial Markets

(1 hour – Substantive Content)

This panel will look at the role of legal counsel on the frontiers of environmental finance, including structuring impact investments, green or climate bonds, tradable credits, renewable energy certificates and other environmental innovations. Environmental finance is an area that brings the environment together with securities and other “economic” areas of the law. This panel is designed for the lawyer that can think across multiple boundaries to solve the most pressing problems of environmental law and policy.

Moderator: **Andrew H. MacSkimming**, A.H. MacSkimming Law Office

Speakers: **Larry Markowitz**, CoPower Inc. & Redpath Holdings

Barbara Hendrickson, BAX Securities Law

Alastair Handley, Carbon Credit Solutions Inc.

9:30-10:30

Climate Change Compliance in the Energy Sector

(1 hour – Substantive Content)

This session will review the carbon pricing structure imposed under the federal Pan Canadian Framework, including the *Greenhouse Gas Pollution Pricing Act*. Counsel to the energy sector will consider implications of compliance with this regime and provincial systems exempt from the federal backstop. Alberta’s Climate Leadership Plan requirements will be reviewed and compared with mechanisms under the federal Framework to reveal challenges to the oil industry, including in overlapping regulations. Opportunities for industry support are considered in the face of competitiveness concerns.

Moderator: **Alexandria Pike**, Davies Ward Phillips & Vineberg LLP

Speakers: **Cairns Price**, MEG Energy Corp

John C. Goetz, EnerNEXT

10:30-10:45

Networking Break

10:45-11:30

Aviation and Aerospace

(0.75 hours – Substantive Content)

This panel will provide an overview and update on the environmental and energy law challenges facing the aviation and aerospace sectors including CORSIA (the Carbon Offsetting and Reduction Scheme for International Aviation), biofuel targets, air pollutant aspects of the Convention on International Civil Aviation and global efforts towards worldwide standards for

CO₂ emissions and non-volatile particulate matter, as well as other issues affecting aviation and aerospace.

Speakers: **Andrew H. MacSkimming**, A.H. MacSkimming Law Office
Teresa Ehman, P.Eng., Environmental Affairs, Air Canada

11:30-12:00

Environmental Issues from Our American Neighbours' Perspective

(0.5 hours – Substantive Content)

Our speaker will update us on the practice of environmental, energy and resources law in the United States in the last year. Where do the new Administration's regulatory reforms stand? What are the recent and upcoming developments? Come hear from the Chair-elect of the American Bar Association's Section of Environment, Energy and Resources (SEER) to learn more.

Moderators: **Mira Gauvin**, Dentons Canada LLP
Janet Bobechko, Norton Rose Fulbright Canada LLP

Speaker: **Amy L. Edwards**, SEER Chair-elect

12:00-1:15

Lunch & Keynote Speaker

The Honourable James Gordon Carr, Minister of Natural Resources

(0.5 hours – Substantive Content)

The Honourable Jim Carr, Minister of Natural Resources, will discuss a range of topics surrounding the shifting energy landscape in Canada. This will include discussions on the federal government's proposed Impact Assessment Act, as well as the importance of supporting Indigenous peoples' involvement in resource development. Minister Carr will also speak to Canada's role in the global transition to a low-carbon economy, and the ways in which bolstering the competitiveness of our natural resources will support this transition.

1:15-2:30

Agriculture and the Environment

(1.25 hours – Substantive Content)

Canadian agriculture and agri-food producers face diverse measures aimed at protecting human, animal or plant life or health. These issues arise in the domestic, international and private supply chain context. At home, new legislation has been introduced under the *Safe Food for Canadians Act*. This complex area highlights the nexus between science, law and policy; the difficulty of distinguishing between valid and trade-restrictive overseas measures; and the challenge of achieving workable and widely-accepted rules. Similar issues face producers for GMOs. This panel will explore possible solutions and provide practitioners with a roadmap to navigating the complexity of these issues.

Moderator: **Andrew H. MacSkimming**, A.H. MacSkimming Law Office
Speakers: **Don Buckingham**, Canadian Agri-Food Policy Institute
Laura Anderson, Canadian Grain Commission
Janne Duncan, Norton Rose Fulbright Canada
Kelly Harris, Miller Thomson LLP
Brian Innes, Canola Council of Canada

2:30-3:15

Technical Hot Topics

(0.75 hours – Substantive Content)

Our expert panel will explore the art of effectively communicating technical evidence to a court or tribunal, and the importance of net present valuation of environmental liabilities when addressing the financial liability associated with environmental impacts.

Getting the Most from Your Expert in Court (Dan Bunner, Ramboll)

Most expert witnesses have spent very little time in any form of proceeding whether it is a trial, tribunal or hearing setting. Getting the most from your witness takes effort. We will explore some ways to increase the experts effectiveness and see some practical example of court room aids to help educate the trier(s) of fact.

The Importance of Net Present Valuation of Environmental Liabilities (Trevor Carlson, Geosyntec)

Understanding the financial liability associated with environmental impacts at contaminated sites requires the use of appropriate accounting practices. As remediation projects shift away from reliance on short-term “dig and dump” approaches and toward longer term in-situ remediation or risk management, there is a need to use Net Present value accounting. NPV liability calculations, on long term projects, are often dramatically lower than liability calculations using more simplistic estimation approaches.

Moderator: **Alexandria Pike**, Davies Ward Phillips & Vineberg LLP
Speakers: **Dan Bunner**, Ramboll Canada Inc.
Trevor Carlson, Geosyntec Consultants, Inc.

3:15-3:30

Networking Break

3:30-5:00

Cross-Canada “Hot Topics”

(1.5 hours – Substantive Content)

This perennially popular addition to the annual Summit is back for another year. Conclude your conference with a potpourri of topics engaging the British Columbia perspective on the ongoing pipeline debate, an update on insecticides,

and expert commentary on various aspects of the recent overhaul to the federal environmental regulatory regime.

- BC Pipeline Opposition: Update on Provincial and Stakeholder Resistance
- The Insecticide Frontier: What Lies Ahead with Neonicotinoids
- Federal Update: Fisheries and Navigable Waters
- Update on the Nova Scotia Marine Renewable Energy Program
- Update on Saskatchewan's Position on Carbon

Moderators: **Stuart Chambers**, McLennan Ross LLP
Alexandria Pike, Davies Ward Phillips & Vineberg LLP

Speakers: **Selina Lee-Andersen**, McCarthy Tétrault LLP
James H. Devries, Ph.D., Ducks Unlimited Canada
JoAnn Jamieson, McLennan Ross LLP
Michael Simms, McInnes Cooper
Angela Stolz, McDougall Gauley LLP

5:00-5:15

Closing Remarks

5:30-7:00

Closing Cocktail Reception | Lombard Room, Fairmont Winnipeg

ORGANIZING COMMITTEE MEMBERS

Stuart Chambers, McLennan Ross LLP (Co-Chair)

Andrew H. MacSkimming, A.H. MacSkimming Law Office (Co-Chair)

Mira Gauvin, Dentons Canada LLP

Carole Chan, Connors Stilwell

Françoise Aubin, Martin Aubin C.P. Inc.

Alexandria Pike, Davies Ward Phillips & Vineberg LLP

Hazel Saffery, Dentons Canada LLP

Angela Stolz, McDougall Gauley LLP

Janet Bobechko, Norton Rose Fulbright Canada LLP

Mara Pollock, Pollock Law

William Cahill, Cox & Palmer.

Jennifer Danahy, Gowling WLG (Canada) LLP

John Stefaniuk, Thompson Dorfman Sweatman LLP

Sarah D. Hansen. Miller Thomson LLP

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