

The Canadian Institute's

ENVIRONMENTAL LAW & REGULATION IN ALBERTA

Essential Updates for Navigating the Regulatory Framework

June 2 – 3, 2015 * TELUS Convention Centre * Calgary

Co-Chairs:



Peter Miller
Senior Counsel
Imperial



John Olynyk
Partner
Lawson Lundell LLP

Keynote From:



Rick Brown
Executive Vice President of Corporate Services
Alberta Energy Regulator

Leading industry, government and private practice experts will guide you through the major developments, and offer practical guidance on key environmental areas.

- Hear the perspectives and priorities from key bodies, such as the **AER** and **AEMERA**
- Realize best practices for conducting **aboriginal consultation** under the latest government guidelines
- Gain insights on public consultation, **stakeholder engagement** and maintaining your social license
- Find out more about the Government of Alberta's updated **water conservation policy** and receive direction on how water is used for **hydraulic fracturing**
- Hear directly from the AESRD on the Government of Alberta's new policy framework for **managing tailings ponds**
- Explore remediation of **contaminated sites and wells**
- Learn about risk mitigation strategies for environmental **crisis situations**

Gain best practices directly from these key organizations:

- * Alberta Energy Regulator (AER)
- * Alberta Environmental Monitoring, Evaluation and Reporting Agency (AEMERA)
- * Imperial
- * Ferus Inc.
- * Alberta Ministry of Aboriginal Relations
- * Alberta Environment and Sustainable Resource Development (AESRD)

Supplement your learning experience and bolster your key foundational skills with the following in-depth and interactive workshops!

A The Fundamentals of Environmental Law in Alberta: Successfully Navigating the Regulatory Maze

B Mastering the Essentials of Aboriginal Law

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The Canadian Legal Network



This conference and workshop count toward CPD hours for lawyers in various provinces.

Please see inside for details.



Now that Alberta has moved toward a single regulator, the “AER” and significantly expanded this entity’s jurisdiction, everyone involved with energy resource activities has to develop a new understanding of the regulatory structure, as well as know the latest environmental laws and regulations under this new regime. Industry stakeholders need to closely monitor regulatory practices and key policy updates to avoid costly delays to projects, potential litigation and criminal prosecution, or reputational damage.

Another major development is the Alberta government’s Consultation Guidelines, which clarifies consultation processes with First Nations. Stakeholders will need to rigorously comply with their duty to consult and also stay cognizant of the latest decisions and implications.

Most recently, the Government of Alberta released the *Tailings Management Framework for the Mineable Athabasca Oil Sands*, steering the industry on the issue of long-term tailings management.

The Canadian Institute’s Environmental Law & Regulation in Alberta event will give you the legal updates and insights you need to meet your obligations under Alberta’s environmental framework. Our expert faculty of speakers will give you the information you need to address the top environmental issues you are facing today:

- Hear directly from **AER Executive Vice President of Corporate Services, Rick Brown** on the AER’s progress, accomplishments and recent developments
- Get up-to-date on the Government of Alberta’s Consultation Guidelines on Consultation with First Nations and hear about the impact from recent decisions
- Gain **insights directly from AEMERA** about this newly operational agency
- Take a look at the **Water Act** and **Wetlands Policy** and what you need to know to comply
- Be privy to the latest biodiversity developments and find out more about Alberta’s **caribou management** policy and **land management** framework
- Expedite the **environmental approvals** process and hear industry insights on how to get your **stakeholders** on board

and much more!

PLUS! Be sure to enhance your learning experience by attending the pre-conference workshops:

The Fundamentals of Environmental Law in Alberta: Successfully Navigating the Regulatory Maze

Mastering the Essentials of Aboriginal Law

Register now to ensure you don’t miss this valuable opportunity to hear from leading industry and private practice experts as well as government representatives on the **latest environmental legal and regulatory developments in Alberta**. Call The Canadian Institute toll free at **1-877-927-7936** or register online at **www.CanadianInstitute.com/EnviroAB**.

We look forward to seeing you in June!

Who Should Attend

- Federal, Provincial and Municipal Governments with responsibility for environmental, resource, energy, and aboriginal matters:
 - Legal Counsel/Solicitors
 - Risk Managers
 - Directors and Directors General
 - Policy Advisors
 - Environmental Analysts/Specialists/ Coordinators
 - Environmental Compliance Managers
 - Environmental Assessment Coordinators
- Private practice partners and lawyers advising on environmental, natural resources, energy, and oil and gas law
- Industry representatives from the oil & gas, energy, power, other resource, chemical and agriculture sectors:
 - Legal/General Counsel
 - Environmental Compliance Officers
 - Regulatory Compliance Officers
 - Environmental Coordinators
 - Directors/Managers of Environmental Affairs
 - Environmental Engineers
 - EH&S Specialists
- Environmental Consultants
- Aboriginal officials and representatives
- Environmental service providers

DISTINGUISHED SPEAKER FACULTY

Co-Chairs:

Peter Miller
Senior Counsel
Imperial

John Olynyk
Partner
Lawson Lundell LLP

Speakers:

Dario Alvarez
Manager of Communications
Ferus Inc.

Rick Brown
Executive Vice President of Corporate Services
Alberta Energy Regulator (AER)

Cindy Chiasson
Principal, **CLF Chiasson Consulting**
Former Executive Director
Environmental Law Centre

Shailaz Dhalla
Associate
Lawson Lundell LLP

Sander Duncanson
Associate
Osler, Hoskin & Harcourt LLP

Trevor Ference
Regulatory Counsel
Nexen

Bradley Gilmour
Partner
Bennett Jones LLP

Julia C. Loney
Associate
McMillan LLP

Michael G. Massicotte
Partner
Borden Ladner Gervais LLP

Ron Maurice
Senior Partner
Maurice Law Barristers and Solicitors

Drew Mildon
Managing Partner
Woodward & Company LLP

Scott Milligan
Executive Director
Land-use Framework Regional Planning Branch
Alberta Environment and Sustainable Resource Development (AESRD)

Stanley H. Rutwind, Q.C.
Assistant Deputy Minister,
Consultation and Land Claims
Alberta Ministry of Aboriginal Relations

Richard C. Secord
Partner
Ackroyd LLP

Judy Stewart
PhD Candidate
Barrister & Solicitor

Chidinma B. Thompson, Ph.D
Barrister and Solicitor
Borden Ladner Gervais LLP

Prasad Valupadas
Program Director, Oil Sands Monitoring
Alberta Environmental Monitoring, Evaluation and Reporting Agency (AEMERA)

Edith Vanderpuye
Section Head
Water Resource Coordination, Water Policy Branch
Alberta Environment & Sustainable Resource Development (AESRD)

Steve Wallace
Section Head
Groundwater Policy Section
Alberta Environment and Sustainable Resource Development (AESRD)

DAY 1 – TUESDAY, JUNE 2, 2015

8:00 Registration Opens and Refreshments Served

9:00 Opening Remarks from the Co-Chairs



Peter Miller
Senior Counsel
Imperial



John Olynyk
Partner
Lawson Lundell LLP

9:15 Critical Updates — A Year in Review



Peter Miller
Senior Counsel
Imperial

- Status update on the latest environmental regulations
- How Alberta's current energy market is influencing project development — reconciling the need to be cost-efficient with environmental regulatory compliance
- An examination of the potential impact of lower oil prices on proposed regulations and policies
- Overview of structural changes in Alberta's regulatory landscape
- Update on where we are at after government delays on releasing new GHG regulations
- Recent developments in regulatory appeals under the Responsible Energy Development Act (REDA)
- Changes with AER and Alberta Environment (AESRD) and AEMERA — how they are working together?

- Practical application and interpretations of guidelines under the AESRD — clarifying the relationship between the AER and AESRD from surface leases to mineral leases
- Understanding the need to ensure meaningful consultation with aboriginals in the legislative process
- Dealing with discrepancies in laws when not fully consistent
- Update on rules — the Government of Alberta put out a new policy paper for water use and fracking in December 2014
- Changes to the federal legislation, changes to the fisheries act and CEAA (Canadian Environmental Assessment Act)
- Latest policies and legislation relating to the oil sands

10:00 What You Need to Know About AEMERA — Hear Directly From This Newly Operational Agency



Prasad Valupadas
Program Director, Oil Sands Monitoring
Alberta Environmental Monitoring, Evaluation and Reporting Agency (AEMERA)

- Who is AEMERA and what is its mandate?
 - What are its legislative and regulatory authorities?
 - How will it govern?
 - What will be the science capacity of the organization?
- What products and services will AEMERA offer?
- How will AEMERA support data and information needs of regional planning and regulatory agencies?
 - How will AEMERA support the needs of regional plans?
 - What role will AEMERA have advising on management actions?
 - Insights on the capacity AEMERA will have in developing environmental triggers and thresholds

- A look at the role AEMERA will have with respect to regulatory EIAs, approvals and hearings
- How is AEMERA working with stakeholders, including external monitoring organizations across Alberta?
 - What will be the role of existing monitoring organizations?
 - How can stakeholder organizations and aboriginal communities influence the monitoring programs?

10:45 **Networking Refreshment Break**

11:00 **AER Keynote Address: Regulation, Transformation, and the Path to Best in Class**



Rick Brown
Executive Vice President of Corporate Services
Alberta Energy Regulator

AER Executive Vice President of Corporate Services Rick Brown will provide an update on the AER's progress as it completes its first full year of operations as the province's single regulator for oil, gas, oil sands and coal development. Mr. Brown will discuss the accomplishments made on the AER's 2014-17 Strategic Plan, share insights into lessons learned from recent proceedings on air emissions and the Grand Rapids Pipeline and recent developments in the liaison between the AER and the Aboriginal Consultation Office. As the AER works to transform itself into a best-in-class regulator, Mr. Brown will discuss how the AER has made significant changes in how the regulator conducts its business with a focus on being a protective, effective, efficient and credible regulator.

11:45 **The Latest on Policies and Water Use Surrounding Hydraulic Fracturing**

Steve Wallace
Section Head
Groundwater Policy Section
Alberta Environment and Sustainable Resource Development (AESRD)

- Government of Alberta's updated water conservation policy and its application to hydraulic fracturing
 - Evaluation of alternative water sources
 - Evaluating environmental net effects
 - Water management planning
- Water use for hydraulic fracturing operations in Alberta
- Next steps for water conservation and management

12:30 **Networking Luncheon for Speakers and Delegates**

1:45 **Panel Discussion: Spotlight on Aboriginal Consultation — Getting Up-To-Date on Alberta's Evolving Policy and Ensuring Meaningful Engagement**

Moderator:



Peter Miller
Senior Counsel
Imperial

Speakers:



Stanley H. Rutwind, Q.C.
Assistant Deputy Minister, Consultation and Land Claims
Alberta Ministry of Aboriginal Relations

Ron Maurice
Senior Partner
Maurice Law Barristers and Solicitors



Drew Mildon
Managing Partner
Woodward & Company LLP

- Critical update on Alberta's consultation policy, Alberta's Policy on Consultation with First Nations on Land and Natural Resources Management
- A duty to consult — a look at the Federal Court of Canada, December 19, 2014 decision, *Mikisew Cree First Nation v. Canada (Governor General in Council)* and the implications
- What the aboriginal title decision, *Tsilhqot'in Nation v. British Columbia* means for the oil and gas industry and aboriginal groups in Alberta
- The status of The Aboriginal Consultation Levy Act — where do we stand now?
- Exploring the First Nations Financial Transparency Act (FNFTA) and its impact
- Best practices for gaining and maintaining your social license
- Clarification of the role of the Aboriginal Consultation Office (ACO)

3:00 **Best Practices for Handling Major Environmental Crisis Situations**



Bradley Gilmour
Partner
Bennett Jones LLP

- Understanding legal risks and risk mitigation strategies
- Stresses and strains on organizations from major environmental incidents
- Prevention and ways to protect your organization from potential criminal prosecutions
- Liaising with the communications department — how to ensure that legal services aligns its message with the communications division
 - Ways to properly communicate status of incidents, including on social media
- Legal and communications emergency response plans — hear about the best processes

3:45 **A Guide to Public Consultation, Stakeholder Engagement and Maintaining Your Social License — How to Expedite the Environmental Approvals Process and Get Your Stakeholders On Board**

Dario Alvarez
Manager of Communications
Ferus Inc.

- Understanding timelines for major projects — from application to implementation
- Alignment between high level land use planning and regulations versus on the ground activities — ensuring key stakeholders are on the same page
- Insights on negotiating with stakeholders on crossing private land
- Engaging with local communities with conflicting goals and interests
- Controlling your message in the era of social media
- Insights on the Alberta land title system — easements, right of ways, pipeline crossing agreements
- Municipal Government Act — how to manage municipal land with designated environmental reserve

4:30 **Closing Remarks from Co-Chairs**

4:40 **Conference Adjourns**

DAY 2 – WEDNESDAY, JUNE 3, 2015

9:00 **Refreshments Served**

9:30 **Opening Remarks from Conference Co-Chairs**



Peter Miller
Senior Counsel
Imperial



John Olynyk
Partner
Lawson Lundell LLP

9:35 **The Latest on Policies for Tailings Management**

Edith Vanderpuye
Section Head
Water Resource Coordination, Water Policy Branch
Alberta Environment & Sustainable Resource Development (AESRD)

- Overview of the Tailings Management Framework
 - Thresholds and management approach
 - Expectations for industry
 - Insights on technology
- Update on legislation
- Next steps for tailings management

10:40 **A Look at Integrated Resource Management and the Alberta Wetlands Policy and Implementation Plan**



Judy Stewart
PhD Candidate
Barrister & Solicitor

- Alberta’s Integrated Resource Management System
- Alberta’s Wetland Policy Implementation Plan and timelines
- SSRP and the Surface Water Quality Management Framework
- The concept of “no-net-loss” in wetland management in Alberta

11:40 **Networking Refreshment Break**

11:55 **Remediation of Contaminated Sites and Wells**

Moderator:



Richard C. Secord
Partner
Ackroyd LLP

Speakers:



Chidinma B. Thompson, Ph.D
Barrister and Solicitor
Borden Ladner Gervais LLP



Michael G. Massicotte
Partner
Borden Ladner Gervais LLP

- Liability for contaminated sites in Alberta — which rules govern?
- Contaminated oil and gas sites — EPEA or the OGCA?
- Insolvency rules versus chain of liability in provincial legislation
- System of closure and strategies for efficiency — financial assurance or legacy fund?
- Availability and adequacy of the orphan funds
- Liability in redevelopment — regulatory or contractual issue?
- Need for risk management for the private sector (including lenders)
- Innovative policies by municipal and provincial governments

12:45 **Networking Luncheon for Speakers and Delegates**

2:00 **Managing Land Use and Its Impact to Species at Risk**



Scott Milligan
Executive Director
Land-use Framework Regional Planning Branch
Alberta Environment and Sustainable Resource Development (AESRD)

- Insights on regional plans
 - Land management framework for biodiversity
- A review of the Federal Species at Risk Act and how it relates to caribou
- An update on planning and actions related to the recovery of Alberta’s caribou, including habitat measure and other tools
- Implementation of regional plans and Caribou Range Plans

“Diverse, well-informed speakers”
- Jesse Moe, Contracts Manager and In-House Counsel
TERRA Environmental Consultants

3:00 **Projects That Attract Federal, Provincial and Municipal Regulation**

Moderator:



Judy Stewart
PhD Candidate
Barrister & Solicitor

Panelists:



Cindy Chiasson
Principal, **CLF Chiasson Consulting**
Former Executive Director, **Environmental Law Centre**



Sander Duncanson
Associate
Osler, Hoskin & Harcourt LLP

- Best management practices to ensure compliance
- Alberta’s Municipal Government Act subject to “enactments”
 - potential effects
- Updating Alberta’s Municipal Government Act to address legal pluralism
- Impact of regional land use plans on multi-jurisdictional projects
- Case study: Alberta’s regulatory system for pipeline development
- Applicability of provincial and municipal permitting requirements to federally-regulated pipelines
- Case study: The Kinder Morgan Expansion in BC

3:45 **Chair’s Closing Remarks**

4:00 **Conference Concludes**

PRE-CONFERENCE WORKSHOPS – MONDAY, JUNE 1, 2015

A 9:00 am – 12:00 pm (Registration opens at 8:30 am)

The Fundamentals of Environmental Law in Alberta: Successfully Navigating the Regulatory Maze

Julia C. Loney
Associate
McMillan LLP

The regulatory framework that governs environmental matters in Alberta is complex and constantly changing and it remains a challenge to navigate the maze of rules and departments. Whether you are new to this area or have considerable experience and can benefit from a refresher course, this workshop will ensure you are up-to-date on the fundamentals of environmental law in Alberta. This workshop will give you the information and guidance you need to successfully navigate the framework of Alberta’s environmental laws and regulations. It will provide up-to-date coverage of key issues including:

- New legal developments and how they affect you
- Understanding the interaction between laws, regulations, standards, objectives, policies and guidelines
- Where to start if you have a question about water, air, waste or land?
- Defining the role of federal and provincial legislation and agencies
- What is the role of municipalities in environmental regulation?
- Dealing with investigations, enforcement and prosecutions and best practices for avoiding environmental prosecutions

A light lunch will be served to those attending both workshops A and B

B 1:00 pm – 4:00 pm (Registration opens at 12:30 pm)

Mastering the Essentials of Aboriginal Law



Shailaz Dhalla
Associate
Lawson Lundell LLP



Trevor Ference
Regulatory Counsel
Nexen

This invaluable workshop will provide you with the essentials of Aboriginal Law so that you can make the most of your experience at the conference. Maximize complex issues and legal principles. At the end of this workshop, leave with a clear grasp of the concepts, cases and factors that will impact you throughout your consultation, regulatory proceedings and litigation, including:

- What is the “duty to consult” and where does “accommodation” fit into this framework?
- An overview of treaties in effect in Alberta
- Reviewing the basics of Aboriginal law as it pertains to the duty to consult
 - Understanding the difference between Aboriginal rights and Aboriginal titles
 - Exploring the legalities of treaties to understand their impact on consultations
- Clarifying the definitions of “Fiduciary Duty” and the “Honour of the Crown”
- Judicial review of government decisions impacting Aboriginal rights
- Distinguishing between specific and comprehensive claims
- Analyzing the concept of Aboriginal self-government

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“Integrated explanations of various legislation”
- Alex Kennedy, Associate
Duncan Craig LLP

“Excellent presentation material and discussion topics”
- Shawn Milligan, Manager, Regulatory Affairs
Penn West Exploration

Supporting Partner:



EnviroLine is western Canada's trusted business publication for the environmental industry. Launched in 1989, *EnviroLine* tells readers what they need to know about environmental developments in western Canadian resource industries and related sectors, with news that is timely, strategic and balanced. Managed by national award-winning journalist Mark Lowey. www.enviroline.ca



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This program contains the maximum total of 12.0 CPD Substantive Hours. Each workshop contains 3.0 CPD Hours. The hours are accredited by the **Law Society of Saskatchewan**.

Attendance at this program by members of the **Law Society of Alberta** may be submitted to the Law Society for Continuing Professional Development credits.

The same number of hours may be applied toward your continuing legal education requirements in **British Columbia**.

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Hotel Reservations

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For information on hotel room availability and reservations, contact the **Marriott Calgary Downtown**. To book online, please go to <http://bit.ly/1uwoQTR> where our Corporate/Promotional Code "KN8" will automatically populate for your search. For additional assistance, please contact the Marriott Calgary Downtown at 1-800-896-6878 and request the 'The Canadian Institute's Preferred Corporate Rate'.

Registration Fee

The fee includes the program, all program materials, coffee breaks and lunches.

Payment Policy

Payment must be received in full by the program date to ensure admittance. All discounts will be applied to the Program Only fee (excluding add-ons), cannot be combined with any other offer, and must be paid in full at time of order. **Group discounts available to 4 or more individuals employed by the same organization, who register at the same time. For more information on group rates, please call 1-877-927-7936.**

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You must notify us by email at least 48 hrs in advance if you wish to send a substitute participant. Delegates may not "share" a pass between multiple attendees without prior authorization. If you are unable to find a substitute, please notify **The Canadian Institute** in writing no later than 10 days prior to the program date and a credit voucher will be issued to you for the full amount paid. Credit Vouchers are valid for 1 year and are redeemable against any other program by **The Canadian Institute**. If you prefer, you may request a refund of fees paid less a 25% service charge. No credits or refunds will be given for cancellations received after 10 days prior to the program date. **The Canadian Institute** reserves the right to cancel any program it deems necessary and will, in such event, make a full refund of any registration fee, but will not be responsible for airfare, hotel or other costs incurred by registrants. No liability is assumed by **The Canadian Institute** for changes in program date, content, speakers or venue.



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Keynote From:



Rick Brown
Executive Vice President
of Corporate Services
Alberta Energy Regulator

TOP REASONS TO ATTEND

- ✓ **ENSURE** compliance with the latest environmental policies and regulations
- ✓ **DEFINE** the structural changes, post-transition with the AER, AESRD and ACO
- ✓ **MANAGE** and **MITIGATE** liability associated with the remediation of contaminated sites and wells
- ✓ **GET INSIGHTS** on the newly operational agency, AEMERA
- ✓ **PROTECT** your organization in dealing with major environmental incidents and gain risk mitigation strategies
- ✓ **GAIN CLARITY** on Alberta's aboriginal consultation policy and relevant case law