

COMMUNITY CONSULTATION AND LAND DEVELOPMENT

*A Regulatory and Strategic Summit for the Oil & Gas and
Other Resource-based Industries*

PROGRAM CHAIR

Paul Jeffrey
Partner
Blakes, Cassels & Graydon LLP

OFFICIAL MEDIA PARTNER



insIGHT
Meeting Your Evolving Information Needs

February 17 – 18, 2005 • The Metropolitan Centre • Calgary

In Alberta, the boom in oil and gas and other resource-based industries, coupled with unprecedented population growth, has resulted in a push for greater community input and consultation relating to development issues in the province.

Expert speakers will address:

- Ensuring your project approvals within the regulatory framework
- Latest Alberta EAB decisions on public consultation
- New ADR programs from provincial and federal regulators
- Engaging landowners in the ADR process: latest techniques
- Best practices for consulting with community groups from industry
- Creating win-win partnerships with Aboriginal groups
- Alberta's reclamation and remediation regime: liability update
- Lessons learned from representing landowners: implications for industry
- Emerging issues in surface rights compensation
- Industrial development and its impact on land values

and much more...

LUNCHEON ADDRESS

Glenn Selland, Executive Director
Land Use and Operations Branch, Alberta Sustainable Resource Development

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WHO SHOULD ATTEND

From Oil and Gas, Energy and Other Resource Sectors:

- *Presidents, Vice-Presidents, Directors and Senior Managers of:*
 - *Environment, Health and Safety*
 - *Sustainable Development*
 - *Regulatory and Government Affairs*
 - *Land Use and Planning*
 - *Project Development*
- And*
 - *Real Estate Developers*
 - *Property Managers and Owners*
 - *Environment Lawyers and Consultants*
 - *Urban Planners*
 - *Municipal Officials*
 - *Provincial and Federal Government Representatives*
 - *ADR Specialists*
 - *Aboriginal Groups*

Dear Colleagues:

Public interest and involvement in new projects have intensified, elevating the importance of effective community consultation. Recent high profile projects have run aground as a consequence of strategic public opposition. Project proponents proceed without factoring public input at their peril.

Appropriate consultation varies according to the different constituents, interests, impacts and stakeholders. It is imperative to consult effectively with municipalities, aboriginals, neighbours with differing and sometimes competing land uses, and, of course, with due regard for the implications on environmental and human health.

Recent regulatory decisions are raising the bar. Previously accepted business practices are no longer sufficient. Project economics can be undermined by delays in the approvals processes. Those considering capital investments for new projects or expanding existing operations should assess the implications of the increasing expectations around effective public consultation.

These developments and others will be explored at **Insight Information Co.'s** two day conference scheduled for February 17 and 18, 2005 in Calgary. This conference will enable you to learn of the changes to the regulatory expectations, the possible implications of recent developments for your interests and how to succeed in the face of the new challenges.

Insight Information has assembled a comprehensive and timely program involving experts experienced with what works and what doesn't. You will be able to hear directly from the regulators on what they are looking for in an effective consultation and from leading legal practitioners explaining the latest requirements. You will also learn some very practical lessons in designing and implementing effective community consultations.

I hope you can join us.

Sincerely,

Paul R. Jeffrey
Blake, Cassels & Graydon LLP

Delegates will receive a set of original materials that will serve as a valuable reference source after the program.

THURSDAY

FEBRUARY 17, 2005

8:15 Registration and Continental Breakfast

9:00 Welcoming Remarks From Insight Information Co.

9:05 Opening Remarks From the Conference Chair

Paul Jeffrey

Partner

Blake, Cassels & Graydon LLP

9:10 Consulting and Approvals: The Legal Context

Paul Jeffrey

Partner

Blake, Cassels & Graydon LLP

- Equipping your regulators to say "Yes"
- Is public opposition fatal to your project?
- Contending with adverse decisions
 - limitations on legal recourse
 - effective alternate strategies

10:00 Latest Alberta EAB Decisions on Public Consultation

Gilbert Van Nes

General Counsel and Settlement Officer

Alberta Environmental Appeals Board

This presentation will provide a brief overview of the regulatory framework in Alberta:

- EAB decisions on public consultation
- Identify opportunities for public consultation
- Development and evolution of public consultation
- Benefits of public consultation to industry

10:45 Coffee Break

11:00 Impact on Industry of the Latest Duty to Consult Cases

Lars H. Olthafer

Partner

Fraser, Milner, Casgrain LLP

In this session, recent regulatory decisions and their impact on industry will be explored. How does the increasing duty to consult with both regulators and other stakeholders impact your company's bottom line?

- EUB and NEB consultation decisions, requirements and expectations
- Expectations versus statutory requirements and reality on the ground

11:45 Reviewing Alternate/Appropriate Dispute Resolution Programs From Provincial and Federal Regulators

David Hill

Section Leader, Facilitation Team

Alberta Energy and Utilities Board

Bill Remmer, P. Eng

ADR Coordinator

Alberta Energy and Utilities Board

Karla Reesor

ADR Coordinator

National Energy Board

This presentation will provide an update on the activity and structure of the Alberta Energy and Utilities Board (EUB) and National Energy Board's (NEB) ADR work. It will supply an historical perspective on the work undertaken to date and offer a discussion on key findings and observed success factors in the experience of these programs. Emphasis is placed on how energy applicants can experience greater success in dealing with potential conflicts prior to application as well as once a conflict has been identified.

- Process for EUB and NEB ADR work
- How and when to engage the EUB program
- How and when to engage the NEB program
- Results and feedback
 - updates to EUB/NEB ADR program
 - historical perspective of the activity undertaken to date
 - feedback from participants to date
- How to minimize conflicts
 - key learnings
 - success factors
 - observations and guidance going forward

12:45 Networking Luncheon

1:30 Luncheon Address

Glenn Selland

Executive Director

Land Use and Operations Branch

Alberta Sustainable Resource Development

2:00 The Push for Community Consultation: The Industry Perspective

Moderator:

Lars H. Olthafer

Partner

Fraser, Milner, Casgrain LLP

Christine Burton

Manager of Regional Consultation

Suncor Energy

Glynn Davis

Manager of Community Engagement and

Corporate Social Responsibility

Trident Exploration Corp.

Alice Murray

Community Affairs Associate,

Central Alberta Region

Shell Canada Limited

In this session, each panelist will describe his/her company's best practices in creating successful

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relationships with various stakeholders in the community. Various case studies and lessons learned will be explored including:

- The power of synergy groups. Synergy groups are a network of community groups throughout Alberta working with the Alberta Energy and Utilities Board, which bring together industry, community and government to create winning solutions to conflicts that arise between development and communities.
- The importance of the relationship versus the content of public consultation
- The principle of allowing people to have a say in issues that affect them

3:00 Consulting With Local Municipalities

David Watson

General Manager

**Planning Development and Assessment
City of Calgary**

Karen West

Solicitor

City of Calgary

Representatives of the City of Calgary will discuss recent cases which illustrate the increasing conflict between industry and communities as the City of Calgary's boundaries continue to spread due to rapid population growth. Strategic opportunities brought to bear to address these concerns will be discussed.

3:45 Refreshment Break

4:00 Creating Win-Win Economic Development Partnerships With Aboriginal Groups

Strater Crowfoot

Chief

Siksika First Nations

Chair of the Indian Taxation Advisory Board

Barrie Robb

VP Aboriginal Relations

Encana

The issue of developing win-win partnerships with Aboriginal Groups will be explored from both an Aboriginal perspective and industry's perspective. The development of Aboriginal businesses as well as new initiatives such as the Indian Taxation Advisory Board have created new opportunities for industry to network and partner with Aboriginal communities.

- The role of the proposed First Nation Fiscal and Statistical Management Act in attracting private investment to First Nation lands. How the Indian Taxation Advisory Board has allowed over 100 First Nations to provide property tax certainty to potential investors on their lands.
- Good governance that provides the necessary certainty to support economic growth on First Nation lands
- How Encana has developed partnerships with Aboriginal communities which have encouraged the development of Aboriginal businesses.
- By encouraging Aboriginal business which then contract business with Encana, the company has

established successful relationships with Aboriginal communities as the company has expanded its business in new areas

- This presentation will illustrate how the program has brought together various interests within the community to work towards successful community economic development

4:45 Navigating the Duty to Consult and Accommodate for Successful Project Development

Barbara Fisher

Partner

Blakes, Cassels and Graydon LLP

- What is the industry's role in regards to the obligation to consult?
- What is the range of Aboriginal rights and what does this mean for industry?
- What are the consequences of inadequate consultation with Aboriginal people in the case of projects that may infringe treaty and Aboriginal rights?
- What is the relationship between the duty to accommodate and the duty to consult?
- What does the relationship between the duty to accommodate and the duty to consult mean for partnership and joint venture stakeholders?

5:30 Conference Adjourns for the Day

FRIDAY

FEBRUARY 18, 2005

8:30 Continental Breakfast

9:00 Opening Remarks From the Conference Chair

Paul Jeffrey

Partner

Blake, Cassels & Graydon LLP

9:10 Alberta's Reclamation and Remediation Regime: Liability Update

Peter Miller

Barrister and Solicitor, **Imperial Oil Ltd
Legal Committee, Canadian Association
of Petroleum Producers**

- Development of previously reclaimed sites
- Allocation of liability for site remediation
- Rules for regulatory closure liability
- Rules respecting private (civil) liability
- How are the courts setting public policy for site remediation?

10:00 Lessons Learned From Representing Landowners: Implications for Industry

Richard Secord

Partner

Acroyd, Piasta, Roy and Day LLP

- Why landowners object to industrial development
- When to begin consultations with landowners
- How not to approach community consultation
- How to educate the local community
- EUB Guide 56 and recent decisions from the EUB

10:45 Coffee Break

11:00 Coalbed Methane/Natural Gas From Coal and the Community Consultation Process

Gord Robinson

Manager, Production and Projects
MGV Energy Inc.

- Creating an open environment for sustainable development of NGC
- Developing and managing processes that resolve issues raised by stakeholders
- Public stewardship responsibilities

11:45 Engaging Landowners in the ADR Process: Latest Techniques for Arbitration, Mediation and Dispute Resolution

Steven Critchley

Principle
Mediation Management Services

Nancy Love

Principle
Pulse Institute

This session will examine how to:

- Involve stakeholders sooner rather than later
- Depolarize objector concerns
- Focus on future solutions
- Gather input
- Maintain neighbourly relations

12:30 Networking Luncheon

1:30 Contaminated Lands – A Litigation Update

Dalton McGrath

Partner
Blake, Cassels & Graydon LLP

This session will provide background information as to what's involved in litigating claims concerning contaminated lands:

- Developments in class actions
- Developments in injunctive relief in environmental claims
- Interplay between statutory obligations and civil actions

2:15 Refreshment Break

2:30 Emerging Issues in Surface Rights Compensation

John Logan

Vice-Chair
Alberta Surface Rights Board

Brian Gettel

President
Gettel Appraisals Ltd.

With the increasing urbanization of Alberta and society's changing values with regards to land and land development, new issues are arising with regards to new industrial developments in previously undeveloped areas of the province.

This session will include both the perspective of the Surface Rights Board regarding new issues in surface rights and compensation, and that of an expert in surface rights who works with developers and industry in appraising new projects.

- Impact of pipelines on urban land development projects
- Impact of pipelines on subdivided and serviced urban lots
- Impact of wellsites on urban land development projects
- Impact of sour gas wellsite setback requirements on urban land development projects
- Areas of compensation for pipelines and wellsites impacting urban land development projects

3:30 Industrial Development and its Impact on Land Values - Economic and Legal Analysis

Peter Boxall

Professor, Rural Economy
University of Alberta

Brian K. O'Ferrall Q.C.

Barrister and Solicitor
McLennan Ross LLP

The presentation will highlight some recent research regarding the impacts of some oil and gas development, particularly sour gas developments, on property values of rural acreages in Alberta. The results suggest that the presence of these facilities depress acreage property values.

The possible reasons for this and some implications for improving land-owner energy relations will be discussed in light of this empirical information.

- Is it possible to ascertain whether oil and gas facilities devalue land?
- If injurious affection can be established, is it possible to make any generalizations or predictions about the amount of such impacts on value?
- Is devaluation susceptible to so-called market-based statistical analysis or even to paired sales analysis?
- Burdens of proof in injurious affection cases
- How does one compensate for such devaluation if it is established? Cost to cure? Or, loss in land value?
- Giving notice of potential devaluation with caveats and restrictive covenants
- Remedies for devaluation: are principles of nuisance or expropriation principles more appropriate?

4:30 Chair's Summation and Conference Concludes

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Conference Code: OGC05768

FIVE EASY WAYS TO REGISTER

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3. Mail:  *Insight Information Co., 214 King Street West, Suite 300,
Toronto, Ontario M5H 3S6*
4. E-mail:  order@insightinfo.com
5. Internet:  www.insightinfo.com

HOTEL RESERVATIONS:

The Metropolitan Centre is conveniently located at 333 Fourth Ave. S.W., Calgary, AB, T2P 0H9. For overnight accommodation please contact the Westin Calgary Hotel at (403) 266-1611, or fax (403) 508-5240. Please note, a block of rooms has not been held for this event. Delegates are advised to contact the hotel directly to secure overnight accommodation.

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Refunds will be given for cancellations received in writing by **January 27, 2005** subject to an administration fee of \$200.00 plus \$14.00 GST for a total of \$214.00.

If your fees have not been paid and you are cancelling, you are still liable for the cancellation fees of \$200.00 plus \$14.00 GST for a total of \$214.00. Please note that if you register for the conference and do not attend, you are liable for the full registration fee unless you cancel within the period stated above.

If you register after **January 27, 2005**, your order is firm. A refund will not be given, however a delegate substitution is welcome at any time.

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