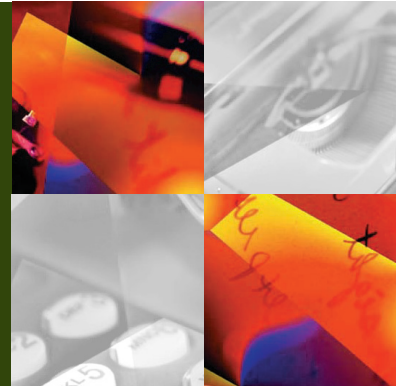




THE CANADIAN BAR ASSOCIATION  
L'ASSOCIATION DU BARREAU CANADIEN

## The 2009 National Environmental, Energy and Resources Law Summit

### VANCOUVER AND THE 2010 OLYMPIC AND PARALYMPIC WINTER GAMES: SUSTAINABILITY, BROWNFIELDS AND FIVE OTHER HOT AND EMERGING TOPICS



Presented by the Canadian Bar Association's  
National Environmental, Energy and Resources  
Law Section (NEERLS) and Continuing Legal  
Education Committee

**May 1-2, 2009 at the Hyatt  
Regency Vancouver, Vancouver,  
B.C.**

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#### Program Co-Chairs:

- **Tony Crossman**, *Miller Thomson LLP, Vancouver*
- **Patricia Houlihan**, *Houlihan & Associates, Vancouver*

We look forward to welcoming you to the 2009 NEERLS Law Summit! This year we bring together private practice, in-house, government and ENGO lawyers from across Canada and we warmly welcome our friends from south of the border. Day one of the conference will focus on five hot and emerging issues in environmental, energy and resources law: climate change, water, waste, enforcement and cross border litigation. Day two of the conference will explore the integration of sustainability practices into planning for the 2010 Olympic and Paralympic Winter Games and beyond. We will also explore brownfield redevelopment challenges met by Olympic organizers along the way.

Social and networking evening receptions will be held on May 1st at the Vancouver Aquarium and on May 2 at the Museum of Anthropology at University of British Columbia.

This program offers long-standing and new members alike with the best possible opportunity to learn from leading Canadian and U.S. experts in the field and to network with colleagues in the beautiful City of Vancouver.

#### **VANCOUVER ET LES JEUX OLYMPIQUES ET PARALYMPIQUES D'HIVER 2010 : DURABILITÉ, FRICHES INDUSTRIELLES ET CINQ AUTRES THÈMES D'ACTUALITÉ**

Bienvenue au Sommet 2009 de la SNDEER! Cette année, nous réunissons les avocats de la pratique privée, les conseillers juridiques d'entreprises, les juristes du gouvernement et d'organisations non gouvernementales à vocation écologique d'un peu partout au Canada et nous accueillons chaleureusement nos voisins américains. Au cours de la première journée de la conférence, nous traiterons de cinq thèmes d'actualité en droit de l'environnement, de l'énergie et des ressources : le changement climatique, l'eau, les déchets, l'application de la loi et les litiges transfrontaliers.

Au cours de la deuxième journée, nous examinerons l'intégration des pratiques de durabilité dans la planification des Jeux olympiques et paralympiques d'hiver 2010, entre autres. Nous analyserons également les enjeux liés au réaménagement des friches industrielles auxquels sont confrontés les organisateurs des Jeux olympiques.

Des réceptions de réseautage auront lieu le 1er mai à l'Aquarium de Vancouver et le 2 mai au Musée d'anthropologie de l'Université de la Colombie-Britannique. Ce programme offre aux nouveaux membres, ainsi qu'aux membres de longue date, une excellente occasion de tirer les enseignements de l'expérience de chefs de file américains et canadiens dans le domaine et de réseauter avec des collègues dans la magnifique ville de Vancouver.

Ce programme est offert uniquement en anglais.

# Program Agenda

FRIDAY, MAY 1, 2009

8:00 - REGISTRATION  
8:30

8:30 – WELCOME AND INTRODUCTION

8:45 **Tony Crossman**, *Miller Thomson LLP, Vancouver, B.C.*

8:45 – KEYNOTE OPENING ADDRESS

10:00 *Speaker to be confirmed*

## GLOBAL WARMING AND THE ECONOMIC MELTDOWN: WILL A CARBON CONSTRAINED FUTURE HAVE TO WAIT?

Speakers: **Dennis Mahony**, *Torys LLP, Toronto, Ont.*  
**Gray Taylor**, *Bennett Jones LLP, Toronto, Ont.*  
**Roger Martella**, *Sidley Austin LLP, Washington, D.C.*

Recent global economic turmoil has caused governments around the world to re-think what just months ago were viewed as sacrosanct priorities and principles. The panel will focus on what the economic crisis has done to the relative priority of climate change initiatives in Canada and around the world, and what we can expect in the foreseeable future. The panel will lead a lively discussion of, among other things, the current state of the evolving regulatory framework, the possibility of a North American cap and trade regime, and carbon taxes.

10:00 – REFRESHMENT BREAK

10:15

10:15 – PUTTING THE PLUG IN SUSTAINABLE WATER USE:  
11:15 CAN THE U.S. AND CANADA GET IT RIGHT?

Moderator: **Charles J. Birchall**, *Fogler, Rubinoff LLP, Ottawa, Ont.*

Speakers: **Jamie Benidickson**, *Faculty of Law, University of Ottawa, Ottawa, Ont.*

**Tim Weston**, *K&L Gates LLP, Harrisburg, PA*

North America is fortunate to be home to many of the world's largest sources of freshwater but concern continues to grow that we are draining our rivers and lakes at an unsustainable rate. As a continent wide problem, both American and Canadian public policy will play a key role in reconciling the competing needs of residential, industrial and agricultural users. The panel will look at how public policy and legal instruments have and continue to be used to protect this valuable resource while ensuring its availability for sustainable economic development.

11:15 – TIME TO GET WASTED!

12:15 Moderator: **Jonathan W. Kahn**, *Blake, Cassels & Graydon LLP, Toronto, Ont.*

Speakers: **Michael Weedon**, *BC Bioenergy Network, Vancouver, B.C.*

**Alexandria Pike**, *Davies Ward Phillips & Vineberg LLP, Toronto, Ont.*

**John Sinclair**, *Natural Resources Institute, University of Manitoba, Winnipeg, Man.*

Faced with the increased cost and scarcity of disposal options, pressure for more responsible stewardship and a growing understanding that waste can present opportunities, all levels of government and various sectors of industry have been active in the waste legislative and policy arena. The panel will explore some of the hottest topics in waste management including the need for harmonization in stewardship regimes, problems and solutions in managing e-waste and the growing use of waste in the generation of energy.

12:15 – LUNCH FOR ALL ATTENDEES WITH KEYNOTE

1:45 SPEAKER:

**John Cruden**, *Acting Assistant Attorney General, Environmental and Natural Resources Division, U.S. Department of Justice, Washington, D.C.*

2:00 – ENFORCEMENT LITIGATION: THE RISE (AND  
3:15 SHINE?) OF PRIVATE PROSECUTIONS AND CLASS ACTIONS AS ENFORCEMENT TOOLS

Moderator: **Elizabeth Rowbotham**, *Ministry of the Attorney General, Vancouver, B.C.*

Panelists: **Susan Coristine**, *Coristine Woodhall, Vancouver, B.C.*

**Dalton McGrath**, *Blake, Cassels & Graydon LLP, Calgary, Alta.*

**Lara Tessaro**, *ECOJustice Canada, Vancouver, B.C.*

Beyond inspections and investigations, enforcement has traditionally involved some form of court action (such as injunctions, prosecution, court orders or civil suits for costs). Recently there has been a renewed interest by individuals and advocacy groups to use litigation as a tool to enforce environmental laws and regulation. From judicial reviews filed against governments seeking enforcement of environmental laws to the use of private prosecutions and class actions to compel compliance and seek redress, the experienced speakers on this panel will cover latest developments.

3:15 – REFRESHMENT BREAK

3:30

3:30 – CANADA/U.S. ENVIRONMENTAL DISPUTES: REACHING  
4:45 ACROSS THE 49TH PARALLEL

Moderator: **Marc McAree**, *Willms & Shier Environmental Lawyers LLP, Toronto, Ont.*

Speakers: **Dr. Shi-Ling Hsu**, *University of British Columbia Faculty of Law, Vancouver, B.C.*

**Richard A. Du Bey**, *Short Crossman & Burgess PLLC, Seattle, WA*

**Barry Appleton**, *Appleton & Associates International Lawyers*

*Toronto, Ont. and Washington, D.C.*

Environmental disputes across the 49th parallel are not new. In

years past disputes about environmental harm were often filed with the International Joint Commission (Canada/U.S.A.) and more recently with the North American Commission on Environmental Cooperation (Canada/Mexico/U.S.A.). Until recently, these disputes were by-and-large resolved amicably – often through negotiation or diplomacy. Increasingly, however, parties are resorting to the Courts to resolve legal friction. Cross-border environmental disputes have and continue to arise in the context of treaties/agreements, civil claims and prosecutions for breach of environmental statutes. Our speakers will briefly review the history of U.S./Canada environmental disputes and then focus on current cases involving parties seeking redress across the border.

**4:45 – DAY ONE CONCLUDING REMARKS**

**5:00**

**Patricia Houlihan**, *Houlihan & Associates, Vancouver, B.C.*

**6:30 – EVENING NETWORKING RECEPTION**

**11:00 Vancouver Aquarium**

Join us at the Vancouver Aquarium for an exceptional networking experience. This reception will serve as an excellent opportunity to meet speakers and other conference participants.

**SATURDAY, May 2, 2009**

**9:00 – WELCOME AND INTRODUCTION**

**9:15 Patricia Houlihan**, *Houlihan & Associates, Vancouver, B.C.*

**9:15 – THE 2010 OLYMPIC AND PARALYMPIC WINTER GAMES: ENVIRONMENTAL SUSTAINABILITY AND BROWNFIELD REDEVELOPMENT AT PLAY**

**11:30 Moderator:** **Tony Crossman**, *Miller Thomson LLP, Vancouver, B.C.*

**Speakers:** **Ann Duffy**, *Sustainability, VANOC, Vancouver, B.C.*

**Roger Bayley**, *Merrick Architecture, Vancouver, B.C.*

**Bill Donald**, *Keystone Environmental, Vancouver, B.C.*

**Scott Bailey**, *B.C. Ministry of Agriculture and Lands, Victoria, B.C.*

Sustainability is the cornerstone of the 2010 Olympic and Paralympic Winter Games to be held in Whistler and Vancouver, B.C. In 1999, the IOC adopted its version of the United Nations Agenda 21 for Sustainable Development called Sport for Sustainable Development. The 2010 Olympic and Paralympic Winter Games organizers have and will incorporate sustainability into all aspects of the games.

The 2010 Olympic and Paralympic Winter Games have also influenced and generated sustainable brownfield redevelopment. Southeast False Creek will be a model sustainable community built on the last remaining large tract of undeveloped waterfront land near downtown Vancouver. The site comprises 32 hectares (80 acres) of which about 20 hectares (50 acres) are owned by the City of Vancouver. A village with over 600 units will accommodate over 2,800 athletes, coaches and officials during the 2010 Olympic and Paralympic Winter Games. Afterwards, the village will convert to residential housing, a community centre, daycare, retail, and service spaces?

**11:30 – CLOSING REMARKS**

**11:45 Tony Crossman**, *Miller Thomson LLP, Vancouver, B.C.*

**12:15 – NATIONAL ENVIRONMENT, ENERGY & RESOURCES LAW SECTION BUSINESS MEETING**

Conference attendees are welcome to attend the NEERLS business meeting (Grouse Room, Hyatt Regency Vancouver) immediately following the CLE. This is a terrific opportunity to get to know more about how NEERLS works and to the meet the Section Executive Committee.

**6:00 – EVENING NETWORKING RECEPTION**

**8:30 Museum of Anthropology at UBC**

Join us for an exclusive reception at the Museum of Anthropology at the University of British Columbia.

**Law Firm Receptions Sponsors:**

Blake, Cassels & Graydon LLP  
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This program has been accredited by the Law Specialty Committee of the Law Society of Upper Canada for 9 hours towards the professional development requirement for certification.



This program has been approved for LawPro CLE Premium Credit. For more information, please consult the following LawPro web page: <http://www.lawpro.ca/CLECredit/default.asp>

This program has been approved for 9 hours of Continuing Professional Development (CPD) by the Law Society of British Columbia.

**Speakers are confirmed, but may change due to unforeseen circumstances**

# Registration Form

## MEETING VENUE & ACCOMMODATION

Hyatt Regency Vancouver  
655 Burrard Street, Vancouver BC  
Telephone: 1-800-233-1234  
Website: <http://vancouver.hyatt.com>

## HOTEL RESERVATION

Please contact the hotel directly at 1-800-233-1234 and mention the Canadian Bar Association to obtain the preferred rate. Alternatively, rooms can also be booked by using the following <https://resweb.passkey.com/go/cdnbar>. The preferred room rate is available until **Wednesday, April 8, 2009**.

## TRAVEL

Air Canada is the official carrier for all our CBA meetings. In order to receive a 10% discount, you must book your flight on-line at [www.aircanada.ca](http://www.aircanada.ca) and indicate the promotion code **TP493WK1**. The discount is not available if you call Air Canada directly.

## CAR RENTAL

AVIS, the official rental car supplier of the CBA, offers several special rates. Call 1-800-331-1600 or visit [www.avis.com](http://www.avis.com) to reserve your car. You must quote discount number **C136498**.

## REGISTER

Pay by credit card (AMEX, Mastercard or Visa), or send cheque or money order made payable to the Canadian Bar Association together with this registration form to:

**Nancy Fullerton**  
CLE Program Coordinator  
Canadian Bar Association  
865 Carling Ave., Suite 500  
Ottawa, ON, K1S 5S8 or  
fax information to 613-237-0185

**PAYMENT MUST BE RECEIVED PRIOR TO THE ACTUAL CONFERENCE TOGETHER WITH YOUR COMPLETED REGISTRATION FORM. ALL RECEIPTS ARE MAILED OUT AFTER THE CONFERENCE**

## CANCELLATION POLICY:

There will be a 20% administrative charge for any cancellation received in writing prior to **April 1, 2009**. No refund will be given after **April 1, 2009**.

There will be no refunds for 'no-show' registrants.

## INFORMATION

For further information about this program, please contact **Nancy Fullerton** at the CBA National Office by telephone at **613-237-2925** or **1-800-267-8860 ext. 190**, or by e-mail at [nancyf@cba.org](mailto:nancyf@cba.org).

*We encourage limited use of scented product during the conference in consideration of scent-sensitive participants. Thank you.*

**For updates on the program, please visit our web site at [www.cba.org/CBA/CLE](http://www.cba.org/CBA/CLE)**

## The National Environmental, Energy and Resources Law Summit

May 1-2, 2009 - Hyatt Regency Vancouver Hotel

	FEE	GST (5%)	TOTAL
<input type="checkbox"/> CBA Members	\$580.00	\$29.00	\$609.00
<input type="checkbox"/> Students (CBA Members)	\$210.00	\$10.50	\$220.50
<input type="checkbox"/> Non-Members	\$745.00	\$37.25	\$782.25

### Payment due with registration application.

- Yes**, I will be attending the networking reception on **Friday, May 1** at the Vancouver Aquarium.
- Yes**, I will be attending the networking reception on **Saturday, May 2** at the Museum of Anthropology.
- Yes**, I would like to join the CBA now and pay the member fee to attend this program. I understand that a membership representative will be contacting me.

Materials will be available for sale online following the conference. Please visit [www.cba.org/store](http://www.cba.org/store) for prices and ordering information.

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Given Names

Firm or Organization

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Province

Postal Code

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Fax No.

Email (Required)

Please indicate special needs (dietary, wheelchair access, etc.)

### Method of Payment (payment due with registration application)

Cheque  Visa  Mastercard  Amex

Card No.

Expiry Date

Authorized Signature

### PERSONAL INFORMATION CONSENT

CBA's programs are supported by preferred suppliers, sponsors, and exhibitors. Subject to the following paragraph, I understand that the provision of contact information on this form constitutes my consent to such information being disclosed to the preferred suppliers, sponsors, and exhibitors of this program. For further information about the CBA's treatment of personal information, see members' Privacy Policy at [www.cba.org](http://www.cba.org).

By checking this box  I do not wish my contact information disclosed to the preferred suppliers, sponsors and exhibitors of this program. I understand my name will not appear on the delegates list.