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energy law  
foundation

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## Canadian Energy Law Foundation presents the 4th East Coast Seminar



Wednesday, September 28 to Saturday, October 1, 2011  
Fairmont Algonquin Hotel & Resort,  
St Andrews by-the-Sea, New Brunswick

[www.energylawfoundation.ca](http://www.energylawfoundation.ca)  
[seminars@energylawfoundation.ca](mailto:seminars@energylawfoundation.ca)



## Dear Canadian Energy Law Foundation Member:

I would like to personally invite you to the 4th installment of the CELF East Coast Seminar at St. Andrews by-the-Sea, New Brunswick on September 28 to October 1, 2011.

This year's conference, to be held at the beautiful and historic Fairmont Algonquin Hotel & Resort, promises to be exciting and rewarding, and includes 10 papers covering major opportunities and challenges affecting the energy industry. Presentation of papers will be moderated by the former Dean of Dalhousie Law School, Philip Saunders.

Atlantic Canada's abundance of natural resources has made the energy sector a major factor in the region's economic prosperity. From the offshore oil and gas industry in Newfoundland and Labrador, to hydroelectric development proposed at Muskrat Falls, Labrador, to non-traditional biomass and wind electricity generation in Nova Scotia, to oil refining and nuclear generation in New Brunswick, the timeliness of this year's conference could not be better.

The 2011 CELF East Coast Seminar provides an unequalled opportunity to see old friends, meet new ones, and learn about and discuss recent opportunities and challenges facing the energy sector. Come and enjoy traditional East Coast hospitality and activities that include whale watching, golf, lobsters at the beach, shopping, museums, art galleries, sightseeing and experience the world famous Bay of Fundy. Please take a minute to review this package as it includes schedules and other important information.

See you in St. Andrews!

Greg Connors  
Chairperson  
2011 East Coast Seminar Chair

# Canadian Energy Law Foundation

The Canadian Energy Law Foundation is a non-profit organization which has fostered improvement of knowledge and understanding of petroleum and natural gas law since its inception in 1961. Earlier this year, the Foundation broadened its scope to embrace energy practice generally. One of the primary functions of the CELF is its Annual Research Seminar.

The East Coast Seminar is a premier event for energy practitioners, combining the presentation of papers of high academic quality on topics of current interest with an opportunity to enjoy leisure activities with other members of the energy bar.

The Seminar attracts both presenters and participants from across Canada and has a mandate to address all areas of energy-related law of current interest, including the practice of energy law internationally.

The members of the 2011 East Coast Seminar and Papers Committees are:

Greg Connors (Chair), McInnes Cooper  
Kevin Archibald, Chevron Canada  
John Andrews, Canada-Newfoundland and Labrador  
Offshore Petroleum Board  
Elizabeth Butt, ExxonMobil Canada  
Amy Crosbie, Curtis Dawe  
Nick Crosbie, Cox & Palmer  
Stephanie Hickman, Cox & Palmer

Rose McGrath, Ottenheimer Baker  
Greg Moores, Stewart McKelvey  
Stacey O'Dea, Imperial Oil Limited  
Steve Penney, Stewart McKelvey  
Van Penick, McInnes Cooper  
David Reid, Cox & Palmer  
Jim Thistle, McInnes Cooper  
Robert Vincent, Stewart McKelvey



## Seminar Registration

Registration is limited to 75 registrants including speakers. The Seminar is an all inclusive format and the registration fee covers all Seminar sessions and meals (but does not include the golf tournament or accommodations, which are the responsibility of registrants). The registration fee for a guest covers all events other than the Seminar sessions and the golf tournament. Children are welcome at all events except the Friday night reception & dinner. Each registrant must be a member of the CELF, or a partner in, or an associate of, or employed by, a firm, company or organization that is a member.

*You must register electronically on our secure site at [www.energylawfoundation.ca](http://www.energylawfoundation.ca)*

Should you need to cancel your registration, you must notify us no later than September 16, 2011 otherwise your registration fee and golf fees will be forfeited. Substitutions are permitted.

**Your registration fee must be paid to guarantee your attendance.  
Register early to avoid disappointment.**

# Paper Topics and Speakers

**Thursday, September 29**  
**8:30am - 9:20am**

**Liability for Marine Pollution from Offshore Operations  
- Redux 2011**  
*Cecily Strickland and Richard Southcott (Stewart McKelvey)*

The original version of this paper was prepared for the 2003 CPLF East Coast conference. By popular demand it has been revisited, revised and updated. It describes the complex legislative framework relevant to East Coast of Canada offshore marine pollution which, in turn, spawns equally complex issues of compliance and liability. The paper summarizes the primary legislative requirements pertaining to marine pollution originating from offshore oil and gas operations and the penalties for non-compliance. It also explores the extent of civil liability for such marine pollution. Finally, it provides commentary on new legislative developments and legislative uncertainties.

**Thursday, September 29**  
**9:30am - 10:20am**

**The implications of Deepwater Horizon for future drilling in the Canadian Arctic, including the NEB review of its Arctic drilling policy and the nature of the regulatory regime appropriate for the Arctic.**  
*Wylie Spicer (McInnes Cooper)*

This paper considers the complex regulatory structure in place in the offshore in light of Deepwater. It looks at the role of the flag state, the vessel classification societies, the role of an International Convention, continuing concerns about who is in charge, the role of the Coastal state and its regulator.

**Thursday, September 29**  
**10:30am - 11:20am**

**Alternative Energy Sources: Regulatory and other issues associated with Development of Alternative Energy Projects in Atlantic Canada.**  
*David Henley and Chris Stewart (Stewart McKelvey)*

Alternative energy sources present both opportunities and challenges for future energy development across the country. This paper addresses regulatory and other issues associated with development of alternative energy projects in Atlantic Canada. We comment briefly on the extent of current renewable energy projects in the Atlantic Provinces, including the tidal power, biomass energy generation and wind power. To the extent available, experiences and lessons learned with respect to the regulatory process applicable to these types of projects will be canvassed. For each of the four Atlantic Provinces, the paper outlines the policies and regulatory regime for alternative energy projects. The applicable federal regulations and policies are also considered.

**Thursday, September 29**  
**11:30am - 12:20pm**

**Recent Developments in East Coast Offshore Royalties:  
From Hibernia to Hebron and Back**  
*Jack Thrasher and Simon Baines (Osler Hoskin & Harcourt LLP)*

This paper considers developments in the royalties applicable to petroleum produced from the Newfoundland and Labrador offshore area, from the Hibernia Royalty Agreement through the royalty regimes applicable to the Terra Nova and Hebron Development Projects to the Hibernia Southern Extension Project. It examines the legal nature of the royalty arrangements, from private contract to regulation to a hybrid of both. It also considers the Province's Energy Plan and the subsequent evolution in royalty structures, eligible costs and cost allocation procedures, as well as developments in relation to legislative stability provisions, dispute resolution and the treatment of transportation costs. Finally it examines the instances where the Province, through a Provincial Crown corporation, has acquired an ownership interest in a project and the status of such an interest under the applicable royalty regime.

**Friday, September 30**  
**8:30am - 9:20am**

**Competitive Impacts of Access Information Legislation: What Can Happen when Government has you or your Competitor's Information, how to manage the risks of working with a Public Body.**  
*Steve Burns (Bennett Jones) and Todd Newhook (Nalcor Energy)*

The new Oil and Gas Activities Act (British Columbia) has ushered in many changes in shale gas development, including new notification and consultation regulations, substantive changes to well and drilling requirements and a new appeal tribunal. Three other contemplated changes will also have significant consequences for development. These are the introduction of a new groundwater licensing regime, the replacement of Crown-First Nation "consultation process agreements" that are set to expire in 2011, and new requirements governing the remediation of contaminated soil and groundwater. This paper will survey these changes and discuss the political and legal themes driving regulatory reform in the area.

# Paper Topics and Speakers

**Friday, September 30**  
**9:30am - 10:20am**

**Land Tenure System in Newfoundland and Labrador Offshore Area: Review, Analysis and Recommendation on Current Issues.**

*Sandy MacDonald and Nick Crosbie (Cox & Palmer)*

This paper describes the land tenure system found offshore of Newfoundland and Labrador, and addresses current issues in that land tenure system. The authors describe the process and legal thresholds by which each type of interest in land can be obtained. The discussion includes a review of the relevant case law, legislation, regulations, and guidelines. The authors provide commentary with respect to common issues arising with respect to the land tenure system.

**Friday, September 30**  
**10:30am - 11:20am**

**Onshore Hydrocarbon Exploration and Production in Atlantic Canada: The Current Regimes and Future Directions.**

*Colin Michael Simms and Carole Chan (McInnes Cooper)*

This paper provides an overview of the current legal regimes for onshore oil and gas exploration and production in the Atlantic Provinces. It points out some important differences between the Atlantic Canada regimes and the more familiar regimes of Western Canada, and offers some thoughts on potential gaps that may need to be addressed if oil and gas exploration and production expands in the Atlantic Provinces.

**Friday, September 30**  
**11:30am - 12:20pm**

**Ten years since the Supreme Court of Canada's decision in Haida Nation v British Columbia - Refining the Duty to Consult Aboriginal Peoples.**

*Sandra Gogal (Miller Thomson LLP)*

*Harvey Morrison (McInnes Cooper)*

Do all good things come to those who wait? The principle of reconciliation has long been echoed by the Supreme Court of Canada in cases which address the adequacy of consultation and accommodation. However, the persistence of protests, blockades, injunctions and acts of civil disobedience across Canada cast doubt on whether we are any closer to achieving reconciliation. This expert panel will examine the latest developments in the case law on consultation, how industry, governments and aboriginal people have applied these principles in their daily practice and the role regulatory tribunals have in assessing and perhaps, conducting consultation, roles thrust upon them by the Supreme Court.

**Saturday, October 1**  
**9:00am - 9:50am**

**Nova Scotia's approach to Carbon: A Mix of Hard Emission Caps, Voluntary Carbon Offset Market, Renewable Energy Portfolio Standards and Community Feed-in-Tariffs.**

*Jeff Larsen (McInnes Cooper)*

Many economists and academics support pricing carbon through market-based mechanisms such as a carbon taxes or cap-and-trade systems. These mechanisms are often viewed as the best, most economically efficient approaches for reducing greenhouse gas emissions. However, there may be several reasons why command-and-control mechanisms and subsidies that increase the deployment of energy efficiency and renewable energy may be important policy approaches to be considered as alternatives or complementary initiatives to market-based carbon-pricing mechanisms. This paper will explore these and other mechanisms designed to mitigate market failures caused by greenhouse gas emissions, energy security risks and costs, and underinvestment in energy efficiency and renewable energy in terms of economic efficiency and other practical issues.

**Saturday, October 1**  
**10:00am - 10:50am**

**Nova Scotia's approach to Carbon: A Mix of Hard Emission Caps, Voluntary Carbon Offset Market, Renewable Energy Portfolio Standards and Community Feed-in-Tariffs.**

*Greg Anthony (Cox & Palmer)*

This presentation will examine several issues related to labour and employment challenges facing major projects in the oil and gas and energy sector in Atlantic Canada. We will provide a review of: demographic changes affecting the construction industry, the current state of unions within the construction trade in Canada including efforts being made to improve value and productivity from unionized trades, legislative provisions which allow for "Special Project" or "Major Project" agreements and the advantages and disadvantages of utilizing such agreements for large build projects, and finally, we will review the development and implementation of labour strategies to minimize risks, attract a competent and productive work force and ensure that the project is done right the first time, on time, safely and within budget.

# Schedule of Events



## Wednesday, September 28, 2011

6:00 pm - 10:00 pm Registration and President's Reception with a casual buffet dinner for registrants, guests and families

## Thursday, September 29, 2011

7:30 am Breakfast  
8:30 am - 12:30 pm Welcome followed by Seminar Presentations  
12:30 pm - 2:00 pm Luncheon for registrants, guests and families  
1:00 pm - 6:00 pm Golf Tournament  
6:00 pm - 10:00 pm Dinner buffet for registrants, guests and families at Katy's Cove Beach

## Friday, September 30, 2011

7:30 am Breakfast  
8:30 am - 12:30 pm Seminar Presentations  
12:30 pm - 2:00 pm Luncheon for registrants, guests and families

## Afternoon

2:00 pm - 5:00pm Free time or join us for one of the scheduled sightseeing tours  
The Huntsman Aquarium  
2:00 pm - 5:00pm Jolly Breeze TallShip  
6:30 pm - 7:30 pm Reception for registrants and guests  
7:30 pm - 11:00 pm Dinner & Entertainment

## Saturday, October 1, 2011

8:00 am Breakfast  
9:00 am - 11:00 am Seminar Presentations  
11:00 am Seminar Ends

*More details on the schedule and room locations will be provided in the seminar binder.*



## Accomodations

**Please note: All hotel bookings and cancellations are the responsibility of the registrant. Cancellations or early departures require at least 72 hours prior notice.**

A block of rooms has been set aside at special rates for attendees on a *first come, first served basis*.

Please book by phone

Fairmont Algonquin

184 Adolphus Street, St. Andrews by-the-Sea, NB E5B 1T7

Phone (506) 529-8823 Fax (506) 529-7190

[www.fairmont.com/algonquin](http://www.fairmont.com/algonquin)

Room Type	Rate
Fairmont	\$159.00
Fairmont View	\$199.00
Deluxe	\$234.00
Studio	\$234.00
Signature	\$309.00
Small Suite	\$259.00
Medium Suite	\$359.00
Large Suite	\$459.00
Executive Suite	\$459.00

- Does not include applicable taxes (13% HST, 2% Destination Marketing Fee)

## Golf Tournament

On Thursday afternoon, players of all skill levels are invited to join in a Texas Scramble format golf tournament to be held at the Fairmont Algonquin. A seaside jewel! For over 100 years, golfers have traveled to this charming seaside spot to test their skills, yet golf has changed and so has The Fairmont Algonquin Golf Course in New Brunswick. Redesigned in 2000 by the renowned Thomas McBroom, the course will delight and challenge golfers of every level.

Register for the golf tournament online [www.energylawfoundation.ca](http://www.energylawfoundation.ca). Be sure to include the requested information on your golfing ability. The tournament is open to all registrants and guests. Space is limited.

Golf fee: \$150/per person

Golf club rentals: \$45/per person

Additional golf tee times are available for Friday and Saturday afternoon by booking directly with the Fairmont Algonquin.

As a reminder, please try to get your registration for the golf tournament in early so we can secure a shotgun start.

## Contact Information

Kate Cheney, Seminar Coordinator  
t. 403.244.7821 or 1.800.267.9180  
e. [seminars@energylawfoundation.ca](mailto:seminars@energylawfoundation.ca)







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