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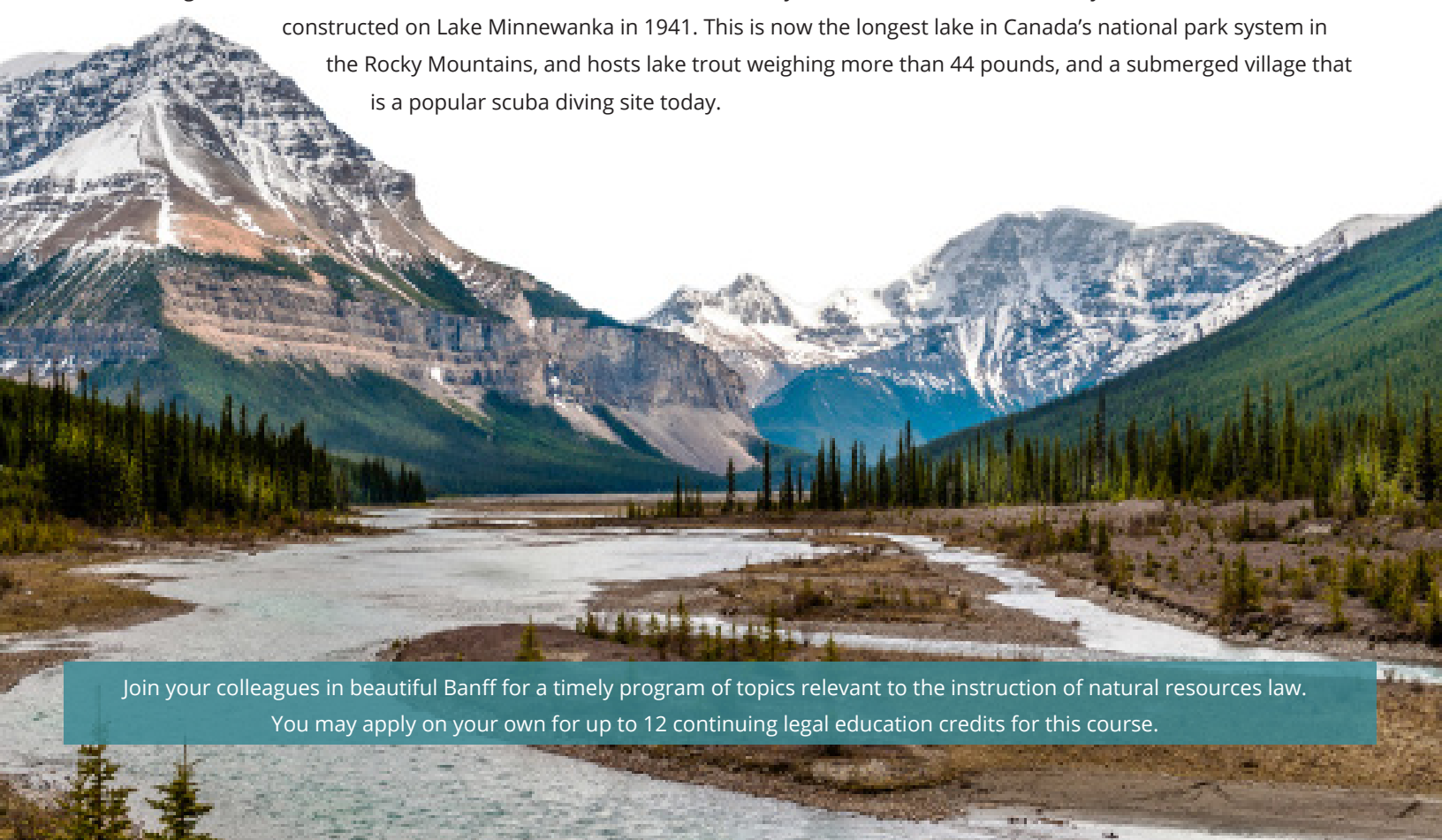
# Natural Resources Law Teachers

May 31- June 2, 2017

Banff Centre for Arts and Creativity, Banff, Alberta

## FIELD TRIP – Banff National Park and the Columbia Icefield Wednesday, May 31, 2017

This all-day educational tour will provide an opportunity to observe glacial recession at close range. We will travel the scenic Icefield Parkway to the Athabasca Glacier, one of 8 significant glaciers within the 130 square miles of the Columbia Icefield. We will visit the Parks Canada Discovery Centre, walk on the glacier itself, and discuss the implications of climate change. To appreciate multiple use of public lands in a historical context, and the current park ecosystem protection and management challenges, we will discuss the activities of Indigenous peoples dating back at least 10,500 years. We will have interpretive visits at an abandoned coal mining town in Banff National Park that was established in the early 1900s, and view the second hydroelectric dam constructed on Lake Minnewanka in 1941. This is now the longest lake in Canada's national park system in the Rocky Mountains, and hosts lake trout weighing more than 44 pounds, and a submerged village that is a popular scuba diving site today.



Join your colleagues in beautiful Banff for a timely program of topics relevant to the instruction of natural resources law. You may apply on your own for up to 12 continuing legal education credits for this course.

# Natural Resources Law Teachers Institute

**DAY 1: Thursday, June 1, 2017**

**7:00 am – 8:15 am: Registration**

**7:15 am – 8:15 am: New Natural Resources Law Teachers Breakfast**

For all new natural resources law professors (adjunct, tenure track, tenured) who would like to meet their fellow colleagues and for those experienced natural resources law teachers who would like to introduce themselves to the newer teachers and offer advice or answer questions about academia, pedagogy, etc. Everyone is welcome!

**8:15 am – 8:30 am: Introduction and Opening Remarks**

STEVIA WALTHER, Executive Director, Rocky Mountain Mineral Law Foundation, Westminster, CO

MONIKA U. EHRMAN, Trustee, Energy & Mineral Law Foundation; Associate Professor of Law, University of Oklahoma College of Law, Norman, OK

JAY E. RAY, Director, The Center for American and International Law, Plano, TX

TRACY HESTER, Co-Chair, ABA-SEER Law Professors Committee; Lecturer, University of Houston Law Center, Houston, TX

ALASTAIR LUCAS, Professor of Law and Director, Sustainable Energy Development Program, University of Calgary, Calgary, AB

DAVID R. PERCY, Borden Ladner Gervais Chair in Energy Law and Policy, Professor, University of Alberta, Faculty of Law, Edmonton, AB

FEDERICO CHEEVER, Program Chair; Professor of Law, University of Denver Sturm College of Law, Denver, CO

**8:30 am – 9:45 am: Teaching Comparative Climate Law**

The Paris Agreement has put in place a highly flexible international legal framework to deal with climate change, leaving each country with much discretion to set its own greenhouse gas emissions reduction targets and climate change adaptation goals, and to establish law and policy approaches to their implementation. This has led, and will continue to lead, to a highly variable and diverse array of national commitments to climate change mitigation and adaptation—including the possibility that the U.S. or another country might renege on its commitments altogether. This panel will explore pedagogical and substantive issues involved in teaching comparative climate change law in the post-Paris Agreement years, focusing on the different nature of domestic climate policies, their distinct sectoral emphases, and the range and types of implementation strategies that are emerging.

MICHAEL BURGER, Moderator; Executive Director, Sabin Center for Climate Change Law, Columbia Law School, New York, NY

CINNAMON P. CARLARNE, Associate Dean for Faculty; Professor of Law, The Ohio State University Moritz College of Law, Columbus, OH

SHARON MASCHER, Professor, University of Calgary, Faculty of Law, Calgary, AB

DAMILOLA S. OLAWUYI, Associate Professor, College of Law and Public Policy, Hamad Bin Khalifa University, Doha, Qatar

MELISSA POWERS, Jeffrey Bain Faculty Scholar and Professor of Law, Lewis & Clark Law School, Portland, OR

**9:45 am – 10:00 am: Hosted Refreshment Break**

**10:00 am – 11:15 am: Corporate Social Responsibility (CSR) and Social License to Operate in the Natural Resources Industry**

This panel will focus on developments in the natural resources industries related to CSR and the concept of a “social license to operate” that companies must obtain beyond government permits and approvals. For example, Canadian mining companies operating in Latin America have faced resistance by locals, and allegations of human rights abuses against Indigenous protestors have reached the courts in Canada. These developments raise the question of whether companies should comply with norms of operation and best practices even where laws may be less stringent in host countries. The robust development of CSR demands attention particularly where laws regulating unsustainable development are absent or unenforceable. The definition of CSR is contested, with some advocating the triple bottom line theory of businesses self-regulating to take into account impacts on the environment and social well-being. Other definitions of CSR focus more on the participation of corporations in socially beneficial initiatives. The panel will explore how a rights-based approach, drawing upon the Ruggie Guiding Principles and informed by international law, can help to move beyond the contested definition of CSR and provide practical guidance to mining companies and the lawyers that advise them.

RACHAEL SALCIDO, Moderator; Professor of Law, Director, Environmental Concentration, McGeorge School of Law, Sacramento, CA

MICHAEL DIXON, Partner, Blake, Cassels & Graydon LLP, Calgary

SARA SECK, Associate Professor, Faculty of Law, Western University, London, ON

MARCIA NARINE WELDON, Assistant Professor of Law, St. Thomas University School of Law, Miami Gardens, FL

**11:15 am – 12:30 pm: Comparative Energy Production and Delivery Panel**

New technology has transformed oil, gas, and coal markets across North America, with increased production of oil and gas and lower prices for all three commodities. At the same time, improved technology and new policies are creating a boom in renewable power sources such as solar and wind. These rapidly changing markets have created a demand for new energy transport facilities—pipelines, power transmission, rail—that can connect new sources of supply with areas of increased demand. This flux in markets is creating unique opportunities for policy makers to shape the future of North American energy markets for decades to come. This panel will explore connections, tensions, and common themes between how courts, regulators, and other stakeholders are addressing these issues and opportunities across North America.

JAMES W. COLEMAN, Assistant Professor of Law, Southern Methodist University Dedman School of Law, Dallas, TX

MONIKA U. EHRMAN, Associate Professor of Law,  
University of Oklahoma College of Law, Norman, OK

ALEXANDRA B. KLASS, Distinguished McKnight University  
Professor, University of Minnesota Law School, Minneapolis, MN

FENNER STEWART, Assistant Professor, University of Calgary  
Faculty of Law, Calgary, AB

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**12:30 pm – 2:00 pm: Hosted Lunch & Keynote Presentation –  
The Law of Takings in Canada *et Ailleurs***

The Honourable JUSTICE RUSSELL S. BROWN,  
Supreme Court of Canada, Ottawa, ON

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**2:15 pm – 3:30 pm: Cross-Border Perspectives  
on Environmental Governance**

Globalization has had a profound impact on boundary-crossing commercial practices and environmental management, and has led to increasing interdependencies between nations. This panel will explore differences in environmental governance between the U.S., Canada, China, Mexico, and Central and South America. Differences in environmental governance manifest in fundamental structure, organization, and enforcement. To promote and measure environmental protection across different countries, an understanding of the points of similarity and differences is necessary. This understanding is also relevant for promoting sustainable trade and environmental capacity building.

RACHAEL SALCIDO, Moderator; Professor of Law, Director,  
Environmental Concentration, McGeorge School of Law,  
Sacramento, CA

ERIC BIBER, Professor of Law, University of California, Berkeley,  
School of Law, Berkeley, CA

CLAUDIA S. DE WINDT, Senior Legal Specialist; Chief Environmental  
Law, Policy and Good Governance, Department of Sustainable  
Development, Organization of American States, Washington, DC

ROBERT MOYER, Director, Submissions on Enforcement Matters,  
Commission for Environmental Cooperation, Montreal, QC

ERIN RYAN, Elizabeth C. & Clyde W. Atkinson Professor,  
Florida State University College of Law, Tallahassee, FL

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**3:30 pm – 3:45 pm: Hosted Refreshment Break**

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**3:45 pm – 5:00 pm: New Projects Panel**

FEDERICO CHEEVER, Moderator; Professor,  
University of Denver Sturm College of Law, Denver, CO

**Nixon's Environment**

BRIGHAM DANIELS, Professor of Law, J. Reuben Clark  
Law School, Brigham Young University, Provo, UT

**Capital, in Economic and Ecological Context**

SHI-LING HSU, D'Alemberte Professor and Associate Dean  
for Environmental Programs at Florida State University  
College of Law, Tallahassee, FL

**Curing Koontzphobia**

J.B. RUHL, David Daniels Allen Distinguished Chair of Law;  
Director, Program on Law and Innovation; and Co-Director,  
Energy, Environment and Land Use Program, Vanderbilt  
Law School, Nashville, TN

**Role-Play Simulations in Natural Resources Law Teaching**

MICHELE M. STRAUBE, Director, Environmental Dispute  
Resolution Program, Wallace Stegner Center, S.J. Quinney  
College of Law, University of Utah, Salt Lake City, UT

JAMES OWEN, JD 2017, S.J. Quinney College of Law,  
University of Utah, Salt Lake City, UT

**Combining Private Law and Public Accountability to Create  
Dynamic, Responsive Energy Policy**

KRISTEN VAN DE BIEZENBOS, Assistant Professor of Law,  
University of Calgary Faculty of Law, Calgary, AB

**Could Countries Unilaterally Ban High Seas Fishing?**

KATRINA WYMAN, Sarah Herring Sorin Professor of Law;  
Director, Environmental and Energy Law LLM Program;  
New York University School of Law, New York, NY

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**5:00 pm – 7:00 pm: Dinner – On Your Own**

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**7:00 pm – 8:00 pm: Animal Rights & Environmental and Natural  
Resources Law: Practical Bridge Building**

Currently, almost every law school in the U.S. and many in Canada offer a course in animal law. Often, the same students who are motivated to study environmental and natural resources issues are passionate about animal rights. At the same time, the mindset of most environmental regulators and natural resources managers is, to put it mildly, inconsistent with a strong animal-rights view of the world. How should we integrate animal rights into our curriculum? As teachers, how can we accommodate and take advantage of the diverse value systems that environmental regulation, natural resources management, and animal-rights advocacy embrace? At this informal evening discussion we will encourage you to share your thoughts and experiences.

Facilitators:

DAVID CASSUTO, Professor, Elisabeth Haub School of Law,  
Pace University, White Plains, NY

FEDERICO CHEEVER, Professor, University of Denver Sturm  
College of Law, Denver, CO

KATIE SYKES, Assistant Professor, Thompson Rivers University,  
Kamloops, BC

SANDRA ZELLMER, Robert B. Daugherty Professor of Law,  
University of Nebraska College of Law, Lincoln, NE

# Natural Resources Law Teachers Institute

DAY 2: Friday, June 2, 2017

## 8:15 am – 9:30 am: Indigenous Rights and North American Natural Resource Activity

"We are never going to allow pipelines as long as (the oil) can't be cleaned up ... We know what happened just to the north of us with the Exxon Valdez." —Art Sterritt, Executive Director of Coastal First Nations, an Alliance of British Columbia Aboriginal groups, speaking in 2015 about the Northern Gateway Pipeline, proposed to link the Alberta oil sands with the British Columbia north coast.

This panel will consider the rights of North American Indigenous peoples and communities in relation to natural resource development. Issues will include emerging Indigenous law and its application to energy and natural resource projects, particularly interjurisdictional pipelines and powerlines, as well as implications for Indigenous human rights, sovereignty, governance, social and economic development, natural resource management, and broader environment and trade matters.

ALASTAIR LUCAS, Moderator; Professor of Law and Director, Sustainable Energy Development Program, University of Calgary, Calgary, AB

TAIAWAGI HELTON, Professor, University of Oklahoma College of Law, Norman, OK

CHIEF RUSSELL MYERS ROSS, Yunesit'in Government, Tsilhqot'in Nation, Williams Lake, BC

JASON ANTHONY ROBISON, Associate Professor, University of Wyoming College of Law, Laramie, WY

NICOLE SCHABUS, Assistant Professor, Thompson Rivers University, Kamloops, BC

## 9:30 am – 9:45 am: Hosted Refreshment Break

## 9:45 am – 11:00 am: Comparative Water Law Session: Water and Climate Change

An adaptable water rights and management system will provide policy tools to deal with climate change impacts including floods, drought, supply shortages, instream flow diminution, changing ecosystems and land uses, and changing water demands. This session will explore evolving jurisdictional regulatory and policy approaches and their potential to make water management more climate change resilient.

ARLENE KWASNIAK, Moderator; Professor Emerita of Law, Canadian Institute of Resources Law, University of Calgary, Calgary, AB

ROBERT W. ADLER, Jefferson B. and Rita E. Fordham Presidential Dean, College of Law, University of Utah, Salt Lake City, UT

MICHELLE BRYAN, Professor, University of Montana School of Law, Missoula, MT

DAVID PERCY, Borden Ladner Gervais Chair in Energy Law and Policy, Professor, University of Alberta, Faculty of Law, Edmonton, AB

## 11:00 am – 12:15 pm: Risk, Innovative Technology, and Climate Change (the Law of Climate Engineering)

In light of the Paris Agreement's tentative initial commitments and the election of Donald Trump, the prospects seem dim that global temperature increases will remain below 2 degrees (much less 1.5 degrees). With the likelihood of accelerating climate change, the lock-in of current CO<sub>2</sub> levels, and the risks of unwittingly exceeding abrupt and irreversible tipping points, many scientists and policy makers have grown increasingly interested in researching "Plan B"—direct and large-scale engineering of the climate to offset anthropogenic climate change effects. These proposed technologies include deployment of aerosol particles in the stratosphere to scatter incoming sunlight, industrial-scale mechanical direct removal of CO<sub>2</sub> from ambient air, broad-scale spreading of finely ground minerals or biochar to withdraw massive amounts of CO<sub>2</sub>, and other technologies. These technologies share another characteristic: Some of them are tremendously controversial (particularly solar radiation management), and each will have to navigate a growing web of ad-hoc policies and environmental laws that might apply to research and deployment. They also create the specter of surprise liabilities if these technologies cause unexpected and damaging side effects, or if they wreak unexpected harm because of poor implementation or ill-timed termination. This workshop will bring in leading experts on climate engineering technologies and research, assess possible legal challenges and pitfalls that might face proponents and opponents, and offer an opportunity to review some of the first corporate start-ups devoted to developing direct CO<sub>2</sub> removal technologies for climate engineering.

TRACY HESTER, Moderator; Lecturer, University of Houston Law Center, Houston, TX

ANTHONY E. CHAVEZ, Professor of Law, Northern Kentucky University Chase College of Law, Highland Heights, KY

MICHAEL B. GERRARD, Andrew Sabin Professor of Professional Practice, Columbia Law School, New York, NY

DAVID KEITH, Gordon McKay Professor of Applied Physics, John A. Paulson School of Engineering and Applied Sciences; Professor of Public Policy, Harvard Kennedy School; Harvard University, Cambridge, MA

## 12:15 pm: Course Adjournment

Thanks to the Environmental Law Section (South), Alberta Branch, of the Canadian Bar Association, for being a supporting organization.

EIGHTEENTH INSTITUTE FOR NATURAL RESOURCES LAW TEACHERS

May 31- June 2, 2017

TRAVEL REIMBURSEMENT FORM

We are offering a \$250 (USD) travel reimbursement to one registrant from each paid 2017 Rocky Mountain Mineral Law Foundation, Institute for Energy Law, or Energy & Mineral Law Foundation Member Law School. Speakers and panelists are eligible for this same reimbursement, in addition to the one registrant from each school. If you or your school can absorb your expenses, please accept our thanks. Requests for reimbursement (receipts for airfare and hotel required) must be received by the Foundation no later than June 19, 2017. Reimbursement cannot be provided without documentation.

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# \_\_\_\_\_

Application Approved \_\_\_\_\_

Total: \$ \_\_\_\_\_ (RECEIPTS REQUIRED)

SUBMIT THIS FORM WITH YOUR RECEIPTS

Name on the check - Individual or Law School: \_\_\_\_\_

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JUNE 19, 2017 - DEADLINE TO SUBMIT RECEIPTS

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FAX: 303-321-7657 EMAIL: mholland@rmmlf.org

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# Natural Resources Law Teachers Institute

REGISTER ONLINE  
at [www.rmmlf.org](http://www.rmmlf.org)

## PROGRAM COMMITTEE

FEDERICO CHEEVER, Program Chair;  
Professor, University of Denver Sturm  
College of Law, Denver, CO

MICHAEL BURGER, Executive Director,  
Sabin Center for Climate Change Law,  
Columbia Law School, New York, NY

JAMES W. COLEMAN, Assistant Professor  
of Law, Southern Methodist University  
Dedman School of Law, Dallas, TX

PATRICK A. DUNN, VP & Deputy General  
Counsel-Gas, Pennsylvania Land  
Resources, LLC, Austin, TX

MONIKA U. EHRMAN, Associate Professor  
of Law, University of Oklahoma College of  
Law, Norman, OK

TRACY HESTER, Lecturer, University of  
Houston Law Center, Houston, TX

ALLAN INGELSON, Associate Professor;  
Executive Director-Canadian Institute  
of Resources Law; University of Calgary  
Faculty of Law, Calgary, AB

JOHN R. JACUS, Partner, Davis Graham &  
Stubbs LLP, Denver, CO

CAMERON JEFFERIES, Assistant Professor  
and Borden Ladner Gervais Bowker  
Fellow, University of Alberta Faculty of  
Law, Edmonton, AB

ARLENE KWASNIK, Professor Emerita of  
Law, Canadian Institute of Resources Law,  
University of Calgary, Calgary, AB

ALASTAIR LUCAS, Professor of Law and  
Director, Sustainable Energy Development  
Program, University of Calgary,  
Calgary, AB

DAVID PERCY, Borden Ladner Gervais  
Chair in Energy Law and Policy, Professor,  
University of Alberta, Faculty of Law,  
Edmonton, AB

JAY E. RAY, Director, The Center for  
American and International Law, Plano, TX

RACHAEL SALCIDO, Professor of Law,  
Director, Environmental Concentration;  
University of the Pacific McGeorge School  
of Law, Sacramento, CA

## REGISTRATION

### 1. Registrant Information – Please type or print legibly

Name \_\_\_\_\_

Badge Name (if different from above) \_\_\_\_\_

Employer \_\_\_\_\_

Employer Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Phone (\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_) \_\_\_\_\_

Attendee Email \_\_\_\_\_

*(required for confirmations, advance registration list, and program updates)*

### 2. Registration Category – Please pay in U.S. Dollars

	Registrations Received	
	thru 4/17/17	after 4/17/17
Registration Fee	<input type="checkbox"/> \$265	<input type="checkbox"/> \$365
Field Trip (optional) Subsidized by the course sponsors	<input type="checkbox"/> \$85	<input type="checkbox"/> \$105
TOTAL	\$ _____	\$ _____

- I wish to reserve \_\_\_\_ place(s) on the field trip for my guest(s).

*You will be notified about two weeks before the  
conference if seats for guests are available.*

### 3. Payment Information – Prepayment Required

- Check drawn on a U.S. bank in U.S. Dollars (Payable to RMMLF)

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- Electronic Funds Transfer: Contact the Foundation at [info@rmmlf.org](mailto:info@rmmlf.org)

The Rocky Mountain Mineral Law Foundation is a non-profit, tax-exempt corporation (Tax ID #84-6037688).

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**Rocky Mountain  
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9191 Sheridan Blvd., Ste. 203  
Westminster, CO 80031 USA

Tel: (303) 321-8100

Fax: (303) 321-7657

[info@rmmlf.org](mailto:info@rmmlf.org)

Questions: [info@rmmlf.org](mailto:info@rmmlf.org)

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# NATURAL RESOURCES LAW TEACHERS INSTITUTE

## Housing

Banff Centre for Arts and Creativity  
107 Tunnel Mountain Drive  
Banff, AB T1L 1H5  
Canada  
[www.banffcentre.ca](http://www.banffcentre.ca)

Problems or Questions?  
Email [info@rmmlf.org](mailto:info@rmmlf.org)

Founded in 1933 by the University of Alberta, with a grant from the U.S.-based Carnegie Foundation, Banff Centre for Arts and Creativity began with a single course in drama. Its success generated additional arts programs and the Centre became known as The Banff School of Fine Arts in 1935. While arts programming continued to grow and flourish, conferences were introduced in 1953 and management programs in 1954. In 1978, Alberta government legislation granted The Banff Centre full autonomy as a non-degree granting educational institution under the governance of an appointed board. In the mid-1990s, The Banff Centre launched a successful capital campaign to raise funds for state-of-the-art conference facilities, as well as a new Music & Sound complex. In 1999, The Banff Centre was recognized as a National Training Institute by the federal government, and in 2016, changed its name to Banff Centre for Arts and Creativity. The Banff Centre has become a recognized leader in the development and promotion of creative work in the arts, sciences, business, and the environment. A perfect venue for the 18th Institute for Natural Resources Law Teachers!

## Room Reservations

The following single/double rooms are available at The Banff Centre:

- Lloyd Hall (standard): CAN \$140/night (about USD \$110/night)
- Professional Development Centre (superior): CAN \$190/night (about USD \$148/night)

These rates do not include taxes or a CAN \$15 per person per night facility fee. They do include parking, wireless internet access, and use of the fitness centre. These rates can be extended up to 3 days before and after the conference, based on availability. If you are not staying at the Banff Centre, you will be charged an individual facility charge of CAN \$30 per person per day plus tax for two days of the conference.

You can make reservations at the Banff Centre:

Online: <http://tinyurl.com/rmmbanff>

Tel: 1-800-884-7574

Email: [reservations@banffcentre.ca](mailto:reservations@banffcentre.ca)

Please reference "RMM1705" or "Natural Resources Law Teachers Institute" when making reservations by phone or email. If you have any difficulties at all, please email [info@rmmlf.org](mailto:info@rmmlf.org).

## Travel

Fly into Calgary International Airport (YYC) in Alberta for a 1½-2 hour drive west to Banff on the Trans-Canada Highway. Access to Banff National Park, where the Banff Centre is located, is free in 2017 in celebration of Canada's 150<sup>th</sup> anniversary.

**Taxis:** Approximate cost from the airport to Banff is \$160 one-way.

- Associated Cabs: 1-403-299-1111
- Checker Cabs: 1-403-299-9999
- Yellow Cabs: 1-403-974-1111

**Shuttles:** The Banff Airporter is offering our group a 15% discount on their scheduled shuttle service between the Calgary Airport and Banff. Go to [www.banffairporter.com](http://www.banffairporter.com). Proceed through the reservation and type "teachers" in the Promo Code section on the final payment page to receive the discounted rate of CAN \$56.22 for one-way travel. Or call (888) 449-2901 and mention you are attending the Natural Resources Law Teachers Institute.

**Rental Cars:** Hertz is offering special discounts for this conference (10%-34% off their regular rates) by referencing Meeting CV#03NJ0012.

- Online <http://tinyurl.com/hertz2017>
- Tel 800-654-2240 (U.S.); 800-263-0600 (Canada); 405-749-4434 (International).

## Materials

In the spirit of environmental consciousness, all available papers, PowerPoint presentations, and speaker bios will be accessible online starting two weeks before the conference. Some brief handouts may be distributed.

## General Information

**Registration Fees:** Include course materials, refreshments, and hosted functions as listed in this brochure. These fees do not include hotel costs or transportation. Registrations will be accepted only when accompanied by a check, money order, government purchase order or training form, credit card information, or wiring information. No registrations can be processed without payment.

**Registration Cancellations:** Refunds, less a \$50 administrative fee, will be given for cancellations received by 3:00pm on Monday, May 8, 2017. No refunds will be given thereafter, although substitution of attendees may be made by contacting the Foundation. Cancellations must be made in writing or email to [info@rmmlf.org](mailto:info@rmmlf.org). Registrants not entitled to a refund will receive a link to the written materials.

**CLE Credit:** The course sponsors will supply a CLE form and agenda to attendees who wish to submit this Institute for CLE credit or other credit.

**Recording:** Audio and video recording, streaming, or other types of live or stored dissemination are not permitted without express authorization from the course sponsors.

**Special Needs:** If you have special needs, please notify us at least one month before the program.