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Economic Reconciliation Agreements / Impact Benefit Agreements

Chaired by

Michael McDonald, KC
McDonald Senior Counsel

Keynote by

The Honourable Murray Rankin
Minister of Indigenous Relations
and Reconciliation

February 24th, 2023 • UBC Robson Square (800 Robson Street) • Vancouver, BC
Live Webinar also available!



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PORT DE RETOUR GARANTI

CHAIR



Michael McDonald, KC, Partner, McDonald Senior Counsel, Vancouver, BC. Mike McDonald was a partner with Clark Wilson LLP, with their Indigenous Law Group and Business Law Group. Over the course of his 30+ year career, Michael

has been a principal proponent of Indigenous economic reconciliation and growth, leading many of Canada's most intricate and complex precedent-setting development projects totaling more than \$20 billion in the mining, oil & gas, energy and infrastructure sectors, including various business ventures and wealth management structures flowing from these deals. A member of the Peguis First Nation in Manitoba, Michael couples his broad business experience with distinct cultural understanding to serve his Indigenous and Business clients from a holistic and practical perspective, crafting solutions that unite legal, commercial, governance and social interests. Mike has also served on numerous boards and volunteer positions with the Indigenous Bar Association, World Vision Canada and the Law Society of BC and is currently serving on the Board of Governors at Simon Fraser University.

KEYNOTE



The Honourable Murray Rankin, Minister of Indigenous Relations and Reconciliation, Victoria, BC. Murray Rankin was elected the MLA for Oak Bay-Gordon Head in 2020. He is the Minister of Indigenous Relations and Reconciliation. Murray is a lawyer with

expertise in environmental, Indigenous, and public law. He holds law degrees from the University of Toronto and Harvard Law School. He was elected as the Member of Parliament for Victoria and served from 2012 until 2019. During this period, he was appointed Justice and Attorney General critic, Health critic and also served as NDP House Leader. From 2019 to 2020 he was the Chair of Canada's National Security and Intelligence Review Agency, overseeing all national security and intelligence activities carried out by the Government of Canada. Previously he was a University of Victoria professor of law and taught environmental and administrative law. During this period, he helped develop groups such as the West Coast Environmental Law Association and the BC Public Interest Advocacy Centre. More recently, he served as community co-chair of the Environmental Law Centre at the University of Victoria, a student-run legal clinic doing public interest work in environmental law. Throughout his career he has been a dedicated advocate for climate action, accessible health care and child-care and has worked extensively to advance reconciliation with Indigenous peoples.

Economic Reconciliation Agreements / Impact Benefit Agreements

First Nations are now entering into Reconciliation Agreements - commercial agreements that engage communities in economic activities that are much broader than the original models of Impact Benefit Agreements. These activities are essential for Crown, industry and First Nations seeking to maximize the certainty and economic benefits of development, and advance reconciliation of Crown, proponent and Indigenous interests. An in-depth understanding of these agreements is vital for anyone interested in resource development and working with First Nations.

This program assembles expert faculty to discuss key negotiation issues and the current standards leading to reconciliation and prosperity. Our speakers will share their knowledge and experience in negotiating, drafting, and implementing agreements, as well as how to best maximize the benefits that flow from these agreements and relationships.

We will explore the impact and implementation of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and how these agreements can benefit Indigenous communities.

Practical advice on overcoming common issues will be shared and discussed. Attendees will gain useful insights into the ways Indigenous laws can influence the process. Delegates will leave better prepared to protect and advance their interests in a mutually beneficial way.

Who Should Attend?

- Indigenous government leaders and negotiators
- Treaty and consultation/accommodation negotiators
- Owners, managers and negotiators of resource development companies
- Federal, provincial and municipal government officials involved in Indigenous relations and/or resource development
- Investment managers and professionals
- Consultants
- Lawyers practising in the areas of Aboriginal law, Indigenous law and/or resource development
- Accountants, business development professionals, financial planners, and others assisting First Nations with negotiations and business operations

FACULTY



Chief Heidi Gravelle, Nasuᓃkin (Chief), Yaᓃit ᓃa-knuᓃᓃi'it First Nation (Tobacco Plains Indian Band), Grasmere, BC. Heidi Gravelle was elected as Nasuᓃkin of Yaᓃit ᓃa-knuᓃᓃi'it First Nation in 2019. As a Yaᓃit ᓃa-knuᓃᓃi'it elected Chief, her commitment is to community not only the people, but the land, the water, the animals and all elements, that it thrives for

the benefit of our children and future generations. Prior to her election, Heidi worked as a Community Wellness Manager for Yaᓃit ᓃa-knuᓃᓃi'it First Nation. Previous to that she held a seven-year tenure as the Executive Director White Buffalo Youth Lodge under the Saskatoon Tribal Council in the inner city of Saskatoon, SK. Heidi is a graduate of Lethbridge College's Bachelor of Applied Arts in Correctional Studies program and has over 15 years of experience working with First Nations children, youth, and families. As an ᓃakanuxunik woman Heidi holds Ktunaxa language, ceremony and cultural practices in the highest regard. She is the proud mother of three sons, and an auntie to many. When Heidi has down time, she enjoys watching her sons play basketball, playing softball, spending any time outdoors in nature and on the water with her dog and travelling.



Michael Gray, CEO and MD, Jameson Resources Limited, Brisbane, Australia. Michael is an experienced resource executive with over 30 years' experience in resource and infrastructure development. Michael has extensive experience in the planning and construction of greenfield coking coal projects and has substantial expertise in permitting, capital markets, financing including development and implementation of product marketing and customer development, stakeholder engagement, and mine construction and operations. He was the Chief Executive Officer responsible for the acquisition and successful development and operation of the Middlemount Coal Project and more recently has provided consulting advice within the resource industry including involvement in the development of the Bluff PCI project in Central Queensland and the successful acquisition of the Colton Coal Project. Michael was previously a Director of the Queensland Resources Council, the Wiggins Island Coal Export Terminal Pty Ltd and Dalrymple Bay Coal Terminal Pty Ltd. He is currently a non-executive director of Resource Generation Limited (ASX: RES) and New Colton Coal Pty Ltd. He holds a Bachelor of Engineering (Civil) from the University of Queensland, a Masters of Business Administration from Deakin University, is a graduate of the Australian Company Directors' Course and was the inaugural winner of the Talbot Family Foundation International Company Directors Scholarship.



Dr. Thomas Gunton (PhD, MCIP, RPP), Professor and Founding Director of the Resource and Environmental Planning Program, Simon Fraser University, Burnaby, BC. Dr. Gunton has had extensive professional experience including holding the positions of Deputy Minister of Environment, Lands and Parks, Deputy Minister of Cabinet

Policy Secretariat and Deputy Minister of Finance (Treasury Board) for the Government of British Columbia. He has also held senior positions with the Government of Manitoba, including Assistant Deputy Minister of Energy and Mines where he was in charge of major natural resource project development and Senior Economic Analyst in the Ministry of Economic Development. Dr. Gunton regularly provides advice to Indigenous Communities and private sector and public sector clients and has been an expert witness for various regulatory agencies. His work includes evaluation of

resource development projects, negotiation of community and impact benefit agreements, economic development strategies and negotiation and collaborative models for resolving resource and environmental conflicts. He is Co-Chair of the Community Benefits and Impact Assessment Lab at Simon Fraser University which provides advice on community and impact benefit agreements to Indigenous Communities and local governments.



Matt Hammond R.P.Bio, Senior Environmental Consultant, Team Lead - Environmental Planning, PGL Environmental Consultants, Victoria, BC. Matt is a biologist (R.P.Bio.) and environmental assessment specialist, based in Victoria, BC. Over the last 20 years, his work has taken him from managing community-based conservation projects in the Mediterranean and Central America

to assessing impacts of major projects throughout Canada to supporting dozens of Indigenous clients in their governance of lands and waters. He has become a trusted advisor for clients involved in EA process, including the negotiation of benefits for Indigenous Nations. He has delivered papers to international conferences, presented expert evidence to regulatory panels, and currently serves as President of the Western & Northern Canada affiliate for the International Association for Impact Assessment.



Saul Joseph, Partner, Clark Wilson LLP, Vancouver, BC. Saul is of Coast Salish descent and is a member of the Squamish First Nation (Skwxwú7mesh). With his legal practice focused on developing and implementing economic development initiatives, Saul helps affirm Aboriginal and treaty rights, support sustainable environmental management, and create comprehensive policy and governance

structures. Prior to law school, Saul earned a Bachelor's Degree in Geography at the University of Victoria, with a specialization in coastal studies. His education and experience assists in negotiating, drafting and implementing agreements that are effective and result in environmentally sustainable outcomes. With extensive experience in all aspects of Indigenous business, Saul is passionate about protecting and advancing the rights of Indigenous peoples and generating socio-economic opportunities for positive change.



Rosanne Kyle, Managing Partner, Mandell Pinder LLP, Vancouver, BC. Rosanne has been a trusted advisor to Indigenous clients for 30 years, representing Indigenous clients at all levels of court, including the Supreme Court of Canada, and regulatory processes such as environmental assessments. She also represents First Nations in reconciliation agreement and treaty negotiations,

including Tahltan Nation in relation to the first consent-based decision-making agreement under British Columbia's *Declaration on the Rights of Indigenous Peoples Act*. Rosanne has been recognized as a leading lawyer in the Aboriginal law field in the Canadian Legal Expert Directory, Best Lawyers in Canada, the Doyle Guide and Chambers Canada. In 2022, *Canadian Lawyer* named Rosanne in its list of the *Top 25 Most Influential Lawyers 2022*.



Zach Romano, Partner, Fasken Martineau DuMoulin LLP, Vancouver, BC. Zach is a corporate commercial lawyer in Fasken's Global Mining, Indigenous Law and Global Energy and Climate practice groups. Zach assists clients with a broad spectrum of project development matters, including environmental approvals, consultation issues, acquisitions and divestitures of resource

assets and Indigenous equity participation transactions. He has particular expertise negotiating and drafting agreements involving Indigenous nations, including impact benefit, joint venture and other project-related agreements. Zach is Métis and a descendant of the historic Métis community at Lac St. Anne.

Economic Reconciliation Agreements / Impact Benefit Agreements

FEBRUARY 24TH, 2023

9:00 Welcome and Introduction by PBLI

9:05 Chair's Welcome and Introduction

Michael McDonald, KC
McDonald Senior Counsel

9:10 The Contents of an IBA

Zach Romano
Fasken Martineau DuMoulin LLP

- Employment
- Business Opportunities
- Environmental
- Financial
- Consent/Support
- General Terms
- Revenue Sharing

10:00 Questions and Discussion

10:10 Refreshment Adjournment

10:25 Environmental Assessment and Protection

Matt Hammond
PGL Environmental Consultants
Saul Joseph
Clark Wilson LLP
Chief Heidi Gravelle
Tobacco Plains Indian Band

11:25 Questions and Discussion

**11:35 Impact Benefit Agreements:
A Guidebook**

Dr. Thomas Gunton
Simon Fraser University

- Overview of IBAs
- Key revenue generating tools
- Financial models
- Guidelines for choosing best fiscal instruments

12:15 Questions and Discussion

12:25 Catered Lunch

1:30 Keynote Address

The Honourable Murray Rankin
Minister of Indigenous Relations and
Reconciliation

2:15 Questions and Discussion

2:25 Refreshment Adjournment

**2:40 Collaboration Agreements pursuant to
Sections 6 and 7 of DRIPA(UNDRIP)**

Rosanne Kyle
Mandell Pinder LLP

- What can we expect?
- New Directions

3:15 Questions and Discussion

**3:25 Impact Benefit Agreements in a Post-
UNDRIP World**

Michael McDonald, KC
McDonald Senior Counsel

4:00 Questions and Discussion

**4:10 Case Study on Free Prior and
Informed Consent in Mining – Just
Announced for Proposed Crown
Mountain Coking Coal Project**

Chief Heidi Gravelle
Tobacco Plains Indian Band
Michael Gray
Jameson Resources Limited

4:40 Questions and Discussion

**4:50 Chair's Closing Remarks – Program
Concludes**

INFORMATION

Two Ways to Register:

1. Telephone us: 604-730-2500
2. Register at www.pbli.com/agreements23

Registration: The registration fee is \$845.00 plus GST of \$42.25 totalling **\$887.25**. Registration fee covers your attendance at the program, electronic materials, a catered lunch and refreshments throughout the day.

Early Bird Discount: Register by January 24th, 2023 and receive a \$100 discount on the registration fee (\$745.00 plus GST). Discounts cannot be combined.

Group Discounts: Register four persons from the same organization at the same time and you are entitled to a complimentary fifth registration. Discounts cannot be combined.

Payment: You may pay by VISA, MasterCard or cheque. Cheques should be made payable to the Pacific Business & Law Institute. Registration fees must be paid prior to the program.

When and Where: Check-in begins at 8:30 a.m. The program starts at **9:00 a.m. (PST)**. UBC Robson Square is located at the basement level of **800 Robson Street** in Vancouver, BC. Please visit <http://robsonsquare.ubc.ca/find-us/> for directions.

Materials: The faculty will prepare papers and/or other materials explaining many of the points raised during this program. Please contact us at registrations@pbli.com if you are unable to attend the program and wish to purchase a set of electronic materials.

Your Privacy: We will keep all information that you provide to us in strict confidence, other than to prepare a delegate list containing your name, title, firm and city for our faculty and the program delegates. We do not share our mailing lists with any non-affiliated organization.

Cancellations/Transfers: Refunds will be given for cancellations (less a \$60.00 administration fee) if notice is received in writing five full business days prior to the program (**February 17th, 2023**). After that time we are unable to refund registration fees. Substitutions will be permitted. We reserve the right to cancel, change or revise the date, faculty, content, availability of webinar or venue and transfer in-person registration to webinar registration for this event.

Course Accreditation: Attendance at this course can be listed for up to **6.5 hours** of continuing professional development credits with the Law Societies of BC and Ontario. For practitioners in other jurisdictions, please check your governing body's CPD requirements.

Registration Form

Pacific Business & Law Institute

Unit 2 - 2246 Spruce Street
Vancouver, BC Canada V6H 2P3
Telephone: 604-730-2500; Fax: 604-730-5085
E-mail: registrations@pbli.com

Economic Reconciliation Agreements / Impact Benefit Agreements

February 24th, 2023

UBC Robson Square, 800 Robson Street, Vancouver, BC

- In person (\$845+GST)
- In person (Early Bird, \$745+GST)
- Live webinar (\$845+GST)
- Live webinar (Early Bird, \$745+GST)

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Please indicate your areas of interest for future notifications (select all that apply):

- Aboriginal Rights & Title Economic Development Environmental Law Aboriginal Real Estate Other _____

How did you hear about this program?

- Brochure Email Colleague PBLI Website Social Media Other _____

Register today at www.pbli.com/agreements23

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