



Aboriginal Impact Benefit Agreements: Negotiation and Implementation

Co-Chaired by

Robert Freedman
JFK Law Corporation

Paul C. Wilson
Fasken Martineau DuMoulin LLP

March 4th & 5th, 2015 • UBC Robson Square • Vancouver, BC
Live Webinar also available!



CO-CHAIRS



Robert Freedman, Principal, Janes Freedman Kyle Law Corporation, Vancouver, BC. Mr. Freedman practises Aboriginal law with a focus on advising clients in consultation processes and assisting them in litigation to protect their Section 35 rights. His practice focuses primarily on advising First Nations and First Nation organizations on a variety of matters including environmental assessments, treaty negotiations, treaty and Aboriginal rights, environmental issues, oil and gas related matters, hydro-electric matters, and water rights. He has particular expertise assisting First Nations in their consultations with federal and provincial governments and industry, and in negotiating consultation/accommodation agreements. Mr. Freedman has appeared at all levels of court in Canada, including the Supreme Court of Canada. Since 2008, he has been recognized by Lexpert as a leading lawyer in Canada in the field of Aboriginal law.



Paul C. Wilson, Partner, Fasken Martineau DuMoulin LLP, Vancouver, BC. Mr. Wilson's practice focus is energy, mining and other projects. He is active in relation to Aboriginal matters including negotiating impact benefit agreements and joint ventures with First Nations. Mr. Wilson has negotiated and prepared agreements with First Nations in relation to a range of projects in the mining, energy, pipeline, forestry, real estate, transportation and infrastructure sectors. Mr. Wilson chairs Fasken Martineau's Energy practice group and is listed in the *Chambers Global, Best Lawyers in Canada, Who's Who Legal* and *Lexpert* guides.

FACULTY



Andrea Decore, GM Commercial Services, Suncor Energy, Calgary, AB.



Dr. Ginger Gibson, PhD., is the President and Founding Director of Firelight Group Research Cooperative. She works as a negotiator and implementation coordinator for First Nations on land use and mining issues. Her research is on impact assessment, negotiation and implementation of Impact Benefit Agreements. She is the co-author of *The Community Toolkit for Negotiation of Impact Benefit Agreements*. As a Trudeau Scholar, she completed her PhD in Mining Engineering at the University of British Columbia and is now an Adjunct Professor there.



Mark Gustafson, Associate, Janes Freedman Kyle Law Corporation, Victoria, BC. Mr. Gustafson practises Aboriginal law with a focus on advising clients on issues related to Crown consultation, natural resource and energy law, Aboriginal and Treaty rights litigation, and other matters relating to their section 35 rights. His practice focuses primarily on advising First Nations and First Nation organizations on matters including Crown and Industry consultation, federal and provincial environmental assessments, oil and gas and other environmental related-matters, Crown policy and legislative development, and land use planning initiatives. He also advises clients in regulatory hearings in matters from exploratory programs to large development projects, such as major oil sands mines and pipelines. In addition, he also assists First Nations in negotiating consultation and impact benefit agreements.



Melody Lepine, Director, Government & Industry Relations (GIR), Mikisew Cree First Nation. Ms. Lepine is a member of the Mikisew Cree First Nation and was raised in the beautiful community of Fort Chipewyan, Alberta. Her family and community traditional teachings in environmental stewardship at a young age motivated her to advance studies in environmental conservation sciences at the University of Alberta. Melody is now currently enrolled in the Masters of Science program at Royal Roads University. This balance of teachings in both traditional environmental knowledge and western science has become Melody's key strength in her professional career. Melody has worked for her community and First Nation for the past eleven years as the Director of Government and Industry Relations. She is responsible for overseeing all government and industry consultation pertaining to resource development that may impact the Mikisew Cree. During her time with the GIR, she has been managing hundreds of government and industry consultation files some of which include six oil sands regulatory interventions and judicial reviews. Melody has led the development of consultation protocols and guidelines, numerous traditional land use studies and is one of the key negotiators of impact benefit agreements. Ms. Lepine is also quite proud to have initiated a community based environmental monitoring program, cultural impact assessments, land use plans and indigenous knowledge studies. Ms. Lepine serves as a board member for the Cumulative Environment Management Association and as a trustee for the MCFN IBA trust.

Trish Merrithew-Mercredi, Senior Advisor to the Chief and Council of the Mikisew Cree First Nation. Trish has spent many years working in a variety of capacities in First Nations communities across Canada and is a former Regional Director

General of AANDC in the NWT. Trish's expertise includes extensive experience in the areas of consultation and negotiations, governance and organizational development. In her current capacity, Trish is a member of the MCFN Impact Benefits Negotiating Team. Originally from Inuvik, Trish now resides in Fort Chipewyan, Alberta.



Krista Robertson, Associate, JFK Law Corporation, Victoria, B.C. Krista Robertson advises Aboriginal governments on a broad range of Aboriginal rights and governance matters. A core area of Krista's practice is negotiating and drafting consultation and accommodation agreements between Aboriginal groups, governments and industry. She also represents Aboriginal groups in regulatory review processes ranging from environmental assessments to judicial reviews of regulatory permits. Krista is experienced in designing and managing research projects to support the advancement of Aboriginal rights through consultations, specific claims, and litigation. Her experience encompasses diverse resource areas including forestry, fisheries, mining, oil and gas, tourism and parks.

Aboriginal Impact Benefit Agreements

Impact Benefit Agreements ("IBAs") are essential for both industry and First Nations seeking to maximize the economic benefits of development. IBAs increase certainty for project proponents and provide economic and social benefits to First Nation communities. An in-depth understanding of IBAs is vital for anyone interested in resource development and working with First Nations.

This two-day program assembles expert faculty to discuss key issues and steps in the IBA process. Faculty will share their knowledge and experience in negotiating, drafting, and implementing IBAs. Practical advice on overcoming common issues will be shared and discussed. Attendees will gain useful insights into ways to maximize the potential benefit of IBAs.

This Forum Will Focus On The Following:

- An intensive overview of the key elements involved in negotiating and structuring an IBA
- Drafting advice
- The effective use of implementation agreements
- Building capacity while implementing IBAs
- Effectively implementing a human resource strategy
- Generating and sustaining wealth in First Nation communities

Who Should Attend:

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

ABORIGINAL IMPACT BENEFIT AGREEMENTS

MARCH 4TH, 2015

— NEGOTIATION —

- 9:00 Welcome and Introduction by PBLI**
- 9:05 Chairs' Welcome and Introduction to Day One**
Robert Freedman
 JFK Law Corporation
Paul C. Wilson
 Fasken Martineau DuMoulin LLP
- 9:10 Key Elements in IBAs: First Nations Perspective**
Mark Gustafson
 JFK Law Corporation
Melody Lepine
 Mikisew Cree First Nation Government and Industry Relations Office
- 10:20 Questions and Discussion**
- 10:30 Refreshment Adjournment**
- 10:45 Key Elements in IBAs: Industry Perspective**
Paul C. Wilson
 Fasken Martineau DuMoulin LLP
- 11:55 Questions and Discussion**
- 12:05 Networking Luncheon**
- 1:05 Drafting IBAs: First Nations Perspective**
Krista Robertson
 JFK Law Corporation
- 2:05 Questions and Discussion**
- 2:20 Refreshment Adjournment**
- 2:35 Drafting IBAs: Industry Perspective**
Andrea Decore
 Suncor Energy
- 3:35 Questions and Discussion**
- 3:50 Chairs' Closing Remarks**
- 4:00 Program Concludes for Day One**

MARCH 5TH, 2015

— IMPLEMENTATION —

- 9:00 Welcome and Introduction by PBLI**
- 9:05 Chairs' Welcome and Introduction to Day Two**
Robert Freedman
 JFK Law Corporation
Paul C. Wilson
 Fasken Martineau DuMoulin LLP
- 9:10 Implementation: Key Issues**
Robert Freedman
 JFK Law Corporation
- 10:10 Questions and Discussion**
- 10:25 Refreshment Adjournment**
- 10:45 Practical Issues for Implementation**
Trish Merrithew-Mercredi
 Mikisew Cree First Nation
- 11:45 Questions and Discussion**

12:00 Networking Luncheon

- 1:00 The Importance of Implementation**
Dr. Ginger Gibson
 Firelight Group Research Cooperative
- 2:00 Questions and Discussion**
- 2:15 Refreshment Adjournment**
- 2:30 Faculty Round Table:
Your Toughest Questions**
- 4:00 Chairs' Closing Remarks**
- 4:05 Program Concludes**

Youth Sponsorship Program

We are pleased to offer our successful sponsorship program for First Nation, Métis and Inuit youth to attend forums offered by Pacific Business & Law Institute. For further information about applying to attend this or other programs, please go to www.pbli.com/aboriginal-youth-sponsorship.

INFORMATION

Four Ways to Register:

1. Telephone us: 604-730-2500 or toll free: 1-877-730-2555
2. Fax us: 604-730-5085 or toll free: 1-866-730-5085
3. Mail your registration form with payment
4. Register at www.pbli.com/1140

Registration: The registration fee is \$1,195.00 plus GST of \$59.75 totalling **\$1,254.75** for both days. Registration covers your attendance at the program (in person or by live webinar), written materials, a light breakfast, a networking luncheon and refreshments on each day.

Early Bird Discount: Register by February 4th, 2015 and receive a \$200 discount on registration fee (\$995.00 plus GST).

Group Discounts: Register four persons from the same organization at the same time and you are entitled to a complimentary fifth registration. Early Bird and Group Discount 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.** 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. Materials will be available for pick up at the program. Please contact us at registrations@pbli.com if you are unable to attend the program and wish to purchase a set of 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: Full 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 25th, 2015**). 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 for this event.

Course Accreditation: Attendance at this course can be listed for up to **11 hours** of continuing professional development with the Law Societies of BC and Upper Canada. For Alberta lawyers, consider including this course as a CPD learning activity in your mandatory annual Continuing Professional Development Plan as required by the Law Society of Alberta.

Registration Form

Pacific Business & Law Institute

305 – 1681 Chestnut Street
Vancouver, BC Canada V6J 4M6
Telephone: 604-730-2500; Fax: 604-730-5085
Email: registrations@pbli.com

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March 4th & 5th, 2015
UBC Robson Square, Vancouver, BC

In person Live webinar

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

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Register today at www.pbli.com/1140

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