



# ROCKY MOUNTAIN MINERAL LAW FOUNDATION

[www.rmmlf.org](http://www.rmmlf.org)

## 56TH ANNUAL ROCKY MOUNTAIN MINERAL LAW INSTITUTE

**July 22-24, 2010  
Banff, Alberta, Canada**

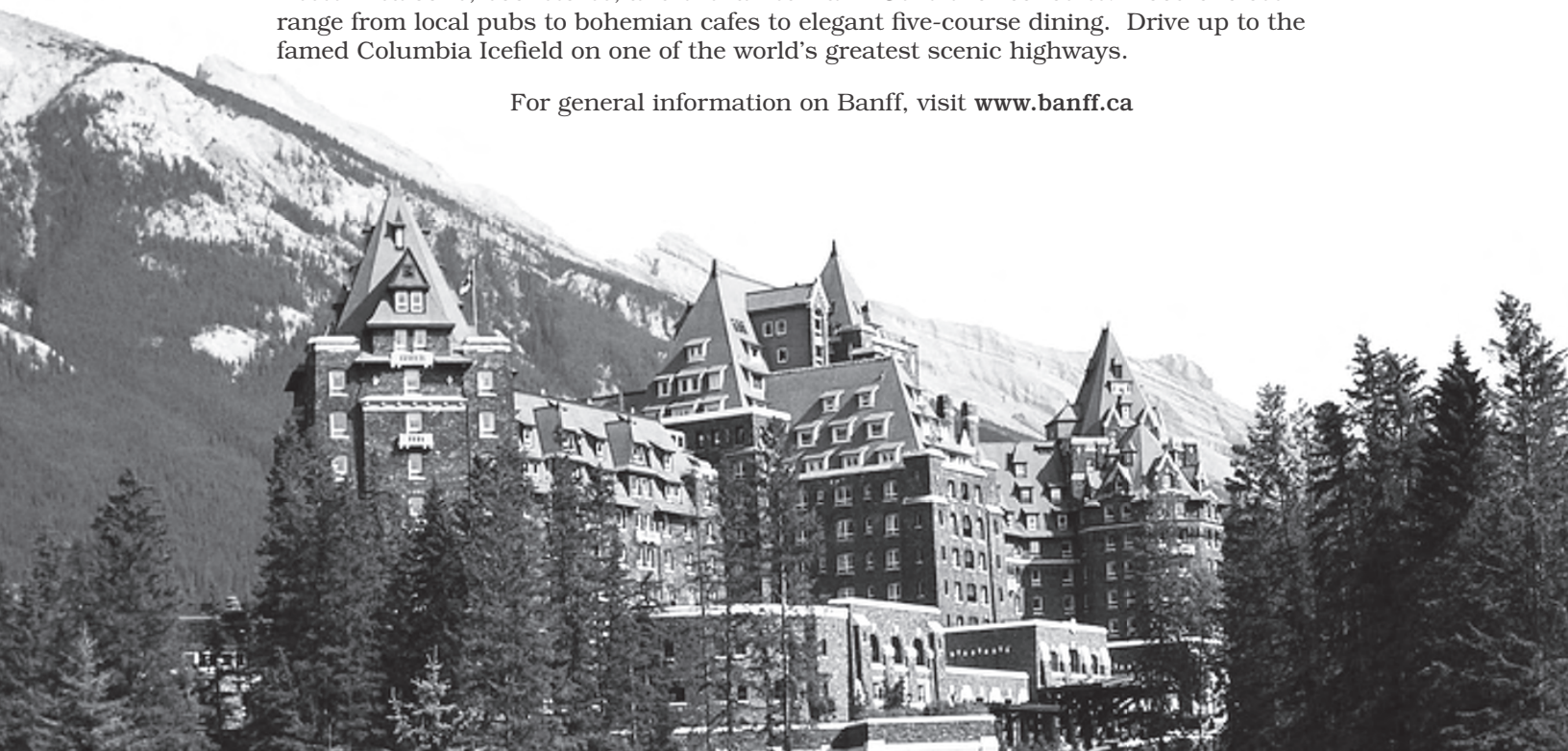
Join us this summer for our first institute in Banff, Canada, for the 56th Annual Rocky Mountain Mineral Law Institute. All sessions will be held in Banff National Park at the Fairmont Banff Springs Hotel, a majestic property built in 1888 to accommodate adventurous railway travelers in the Canadian Rockies.

Our discounted room block at the Fairmont is almost full, but we also have rooms available at a number of different hotels and condominiums nearby. See inside for complete details.

The program opens on Thursday morning with a General Session. In the afternoon, participants can choose between a joint Mining and Oil & Gas Section or a Water Section. Friday will feature concurrent morning sections on Public Lands and International Mineral Development, with the afternoon split between Landman's and Environmental Sections. The Institute concludes on Saturday morning with split sections on Mining and Oil & Gas. We will have our traditional hosted and sponsored Thursday evening reception for registrants and guests, and on Friday evening, an optional family function including music by a band drawn from RMMLF ranks.

Banff is a marvelous place. Unwind at the world-famous Willow Springs Spa and the Banff Upper Hot Springs. In this mountain village, you can enjoy unique shops, golf, wildlife viewing, biking, hiking, canoeing, fishing, art galleries, museums, dance clubs, western saloons, bookstores, and the famed Banff Centre for concerts. Food choices range from local pubs to bohemian cafes to elegant five-course dining. Drive up to the famed Columbia Icefield on one of the world's greatest scenic highways.

For general information on Banff, visit [www.banff.ca](http://www.banff.ca)



# 56TH ANNUAL ROCKY MOUNTAIN MINERAL LAW INSTITUTE

## PROGRAM

Program Chair: JUDITH M. MATLOCK, Davis Graham & Stubbs LLP, Denver, CO

### Thursday Morning, July 22, 2010 - General Session

#### 1. Enterprise Risk Management—Penetrating the Layers

RICH SCHWARTZENBERGER, Director - Risk Services, Hein & Associates, LLP, Denver, CO

#### 2. Implementing a Program to Avoid Corrupt Business Practices and Promote Honest Dealings: Just Say “No”

SHARIE A. BROWN, Attorney, DLA Piper (US), LLP, Washington, DC

#### 3. Emerging Ethical and Legal Issues in the Brave New World of Social Media and Corporate Transparency

ALEXIS CAIRO, Lecturer, Department of Communications, University of Utah, Salt Lake City, UT; former Vice President, Communications and External Relations, Rio Tinto

RANDY L. DRYER, Attorney, Parsons, Behle & Latimer, Salt Lake City, UT

### Thursday Afternoon, July 22, 2010 - Split Sections

#### Mining and Oil & Gas Section

#### 4. ROFR Madness: Rights of First Refusal in Mining and Oil & Gas Agreements

FRED R. PLETCHER, Attorney, Borden Ladner Gervais LLP, Vancouver, BC

ANTHONY A. ZOOBKOFF, Senior Counsel and Assistant Secretary, Teck Resources Limited, Vancouver, BC

#### 5. Mineral and Energy Development on Native American and First Nation Lands: Strategies for Addressing Sovereignty, Regulation, Rights, and Culture

LYNN H. SLADE and JOAN D. MARSAN, Attorneys, Modrall, Sperling, Roehl, Harris & Sisk, P.A., Albuquerque, NM

CAROLINE FINDLAY, Attorney, Blake, Cassels & Graydon LLP, Vancouver, BC

#### 6. Disclosure Best Practices for Dual Listed Canadian Companies: Mineral Reserve and Resources Estimates and Oil and Gas Reserves

KEVIN D. CRAMER, New York, NY  
MARC A. KUSHNER, New York, NY  
EDEN M. OLIVER, Toronto, ON  
FRANK TURNER, Calgary, AB  
ANDREA WHYTE, Calgary, AB

Attorneys, Osler Hoskin & Harcourt LLP

#### Water Section

#### 7. Municipal Priorities and Preferences in Times of Scarcity: The Impact of Urban Demand on Natural Resources Industries

ROBERT E. BECK, Professor of Law Emeritus, Southern Illinois University School of Law, Carbondale, IL

#### 8. Water Recycling: A Water Resource Option in a Scarce Region

WILLIAM E. RINNE, Director of Surface Water Resources, and JOHN J. ENTSMINGER, Deputy General Counsel, Southern Nevada Water Authority, Las Vegas, NV

#### 9. Instream Flow Water Rights: Fish or Foul?

MICHAEL F. BROWNING, Attorney, Porzak, Browning & Bushong, Boulder, CO

#### RMMLF Hosted Reception

Thursday, July 22 – 6:00pm-7:30pm  
Hosted by the Foundation and Sponsors  
for registrants, spouses, and guests.

## Friday Morning, July 23, 2010 - Split Sections

### International Section

- 10. Managing Disputes in International Energy Transactions: What You Need to Know & Do Before, During, and After You Have One**  
A. TIMOTHY MARTIN, Principal, adr.governance.inc, Calgary, AB
- 11. Model Community Development Agreement Regulations/Guidelines: A World Bank Initiative**  
JAMES OTTO, Attorney and Economist, Boulder, CO  
BOUBACAR BOCOUM, Senior Mining Specialist, Oil, Gas, and Mining Policy Division, World Bank Group, Washington, DC  
CHARLES E. DI LEVA, Chief Counsel, Environmental and International Law Practice Group, World Bank Legal Dept., Washington, DC
- 12. Finding Common Ground in Changing Political Environments**  
JOHN D. FOGNANI, Attorney, Fognani & Faught, PLLC, Denver, CO

### Public Lands Section

- 13. Evolution of Onshore Oil and Gas Leasing Policy: The Interplay Between Secretarial Discretion and Lease Rights**  
PHIL LOWE, Attorney, Office of the Regional Solicitor, U.S. Department of the Interior, Lakewood, CO  
ANDREW C. EMRICH, Attorney, Holland & Hart LLP, Cheyenne, WY
- 14. Digging In: An In-Depth Look at the Archaeological and Paleontological Resources Protection Acts**  
CONSTANCE (CONNIE) L. ROGERS, Deputy Solicitor for Energy and Mineral Resources, U.S. Department of the Interior, Washington, DC  
CHRISTOPHER D. DORE, Consulting Archaeologist, Denver, CO
- 15. Along the Trammeled Road to Wilderness Policy on Federal Lands**  
WILLIAM G. MYERS III, Attorney, Holland & Hart LLP, Boise, ID  
JENNIFER HILL, Attorney, Eagle, CO

## Friday Afternoon, July 23, 2010 - Split Sections

### Landman's Section

- 16. Yours, Mine, and Ours – Documenting the Farmout Transaction**  
MARK K. BOLING, Executive Vice President, General Counsel, and Secretary, Southwestern Energy Company, Houston, TX
- 17. Acquisition of Distressed Properties**  
RHETT G. CAMPBELL, Attorney, Thompson & Knight, LLP, Houston, TX
- 18. Unleased and Unjoined Owners – Forced Pooling and Cotenancy Issues**  
PATRICK H. MARTIN, Professor of Law, Louisiana State University Law Center, Baton Rouge, LA

### Environmental Section

- 19. Clean Water Act Developments**  
AMY J. WILDERMUTH, Professor of Law, University of Utah College of Law, Salt Lake City, UT
- 20. Source Aggregation Determinations for Oil & Gas Facilities Under the Clean Air Act**  
SHERRY H. BURSEY, Senior Attorney, Denver, CO and NATALIE A. EADES, Senior Counsel, Anadarko Production Company, The Woodlands, TX – Co-Authors;  
WILLIAM (BILL) W. GRYGAR II, Director of Environment, Health & Safety, The Woodlands, TX, and JEFFREY R. FISKE, Regional Senior Counsel, Anadarko Production Company, Denver, CO – Co-Presenters
- 21. Give PECE a Chance: Conservation Programs to Avoid Endangered Species Act Listings**  
HADASSAH (DESSA) M. REIMER, Attorney, Holland & Hart LLP, Jackson, WY

## Family Night

Rocky Mountain BBQ at the Banff Donut - Friday, 6:00pm – 10:00pm

Join us for an evening of down-home BBQ and fun near the outskirts of Banff at the famous Banff Donut. We'll have a hearty BBQ dinner, cash bar, and some great entertainment with a native hoop dancer, the Calgary Fiddlers, and a special folk/rock band drawn from our own RMMLF ranks. Drive yourself or reserve a seat on the shuttle bus.

Price: \$59 Adults, \$29 Children (ages 5-11). Shuttle bus ticket: \$12 per person

### Mining Section

**22. Mining and Public Land Law Update: Views from the U.S. and Canada \***

SARAH A. STRUNK, Attorney, Fennemore Craig, P.C.,  
Phoenix, AZ

HELLEN SIWANOWICZ, Attorney, Lang Michener LLP,  
Toronto, ON

**23. Financial Assurances for Mined Land Reclamation: Current Initiatives**

WILLIAM T. GORTON III, Attorney, Stites &  
Harbison, PLLC, Lexington, KY

**24. Whose on Top? Comparison of Mining Joint Venture Models**

R. CRAIG JOHNSON, General Counsel, U.S. and South  
America, Rio Tinto, South Jordan, UT

STEVE POTTER, Senior Associate, Allens Arthur  
Robinson, Melbourne, Australia

BRIAN E. ABRAHAM, QC, Fraser Milner Casgrain LLP,  
Vancouver, BC

**25. Status of Mining Form 5 LLC Agreement \***

RANDALL E. HUBBARD, Attorney, Davis Graham &  
Stubbs LLP, Denver, CO - Chair

Committee:

ALEX RITCHIE, Suncor Energy (U.S.A.) Inc., Denver, CO

JAMES F. CRESS, Holme Roberts & Owen LLP, Denver, CO

BRUCE C. KIRCHHOFF, Royal Gold, Inc., Denver, CO

STEPHEN HULL, Parsons Behle & Latimer,  
Salt Lake City, UT

SARAH A. STRUNK, Fennemore Craig P.C., Phoenix, AZ

THOMAS P. ERWIN, Erwin & Thompson LLP, Reno, NV

### Oil & Gas Section

**26. Oil and Gas and Public Land Law Update: Views from the U.S. and Canada \***

W. ERIC WEST, Attorney, McDavid, Noblin & West  
PLLC, Jackson, MS

ALASTAIR R. LUCAS, Dean and Professor of Law,  
University of Calgary Faculty of Law, Calgary, AB

**27. Impact of Bankruptcy on Joint Operations**

CHARLES R. GIBBS and SARAH LINK SCHULTZ,  
Attorneys, Akin Gump Strauss Hauer & Feld LLP,  
Dallas, TX

**28. Construction of New Midstream Infrastructure: Perils and Pitfalls of Federal Regulatory Jurisdiction**

WILLIAM F. DEMAREST, JR. and ELISABETH R.  
MYERS, Attorneys, Husch Blackwell Sanders LLP,  
Washington, DC

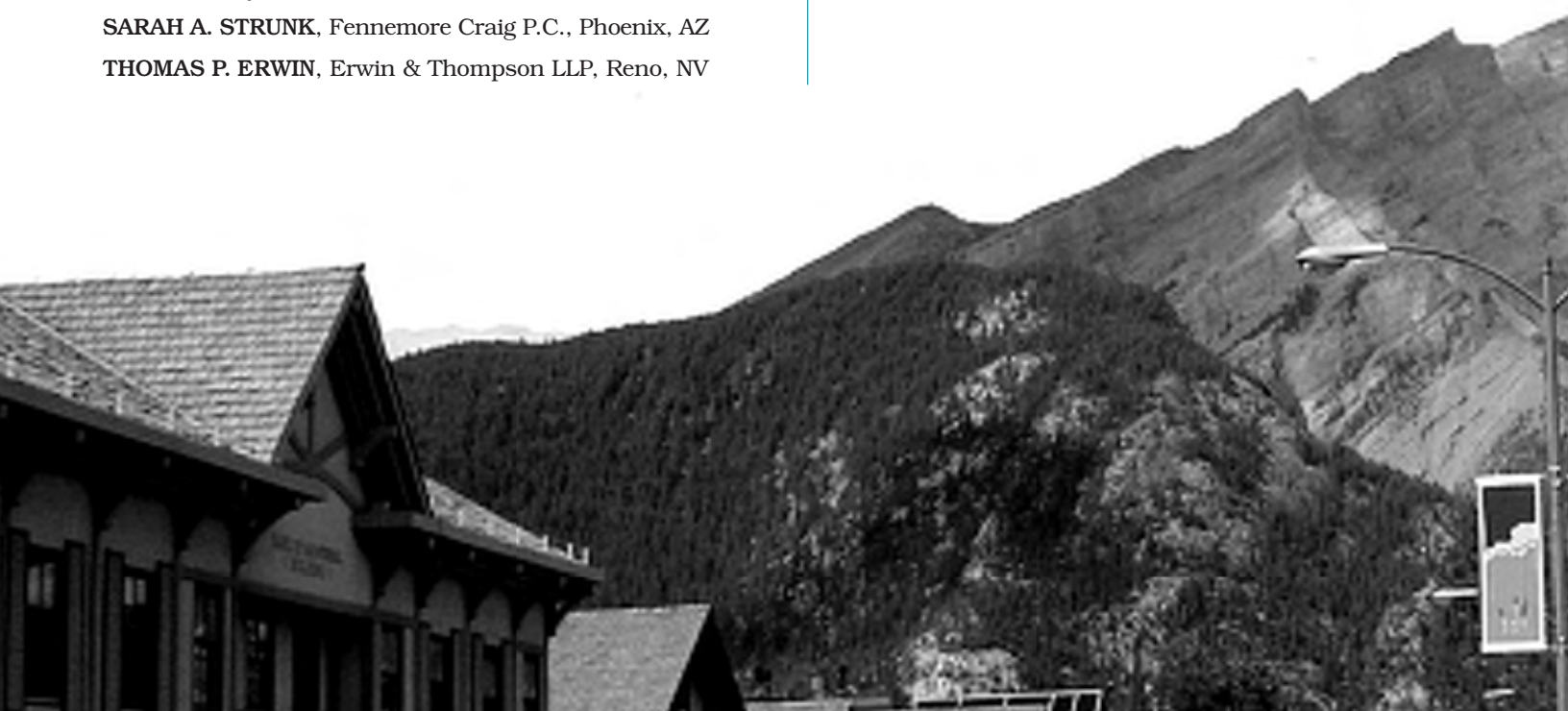
**29. Transfers of Aging Federal Oil & Gas Properties**

THOMAS BERON, Attorney, Liskow & Lewis, New  
Orleans, LA

T. CALDER EZZELL, JR., Attorney, Hinkle, Hensley,  
Shanor & Martin, L.L.P., Roswell, NM

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\* No paper will be included in the *Proceedings* of the 56th Annual Institute.



## PROGRAM CHAIRS

Program Chair:	JUDITH M. MATLOCK, Davis Graham & Stubbs LLP, Denver, CO
Environmental Co-Chairs:	JOSEPH H. BAIRD, Baird Hanson Williams LLP, Boise, ID MARY A. THRONE, Throne Law Office, Cheyenne, WY
International Co-Chairs:	FLORENCIA HEREDIA, HOLT Abogados, Buenos Aires, Argentina CRAIG SPURN, Blake, Cassels & Graydon LLP, Calgary, AB
Landman's Chair:	SHERYL L. HOWE, Welborn Sullivan Meck & Tooley, P.C., Denver, CO
Mining Co-Chairs:	ROBERT A. BASSETT, Holland & Hart LLP, Denver, CO DARRELL W. PODOWSKI, Lang Michener LLP, Vancouver, BC
Oil & Gas Co-Chairs:	JANA L. GRAUBERGER, Liskow & Lewis, Houston, TX GREGORY J. NIBERT, Hinkle, Hensley, Shanor & Martin, L.L.P., Roswell, NM
Public Lands Chair:	ROBERT C. MATHES, Bjork Lindley Little PC, Denver, CO
Water Co-Chairs:	LEE KAPALOSKI, Parsons Behle & Latimer, Salt Lake City, UT AMY K. KELLEY, Gonzaga University School of Law, Spokane, WA

