



Wally Braul

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FRASER MILNER CASGRAIN LLP

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Wally has 20 years of expertise in environmental law and aboriginal law. He has been recognized by both Lexpert and Euromoney Legal Media Group's Guide of the World's Leading Environmental Lawyers as one of Canada's leading environmental lawyers.

Most of Wally's practice is devoted to regulatory approvals and litigation in environmental and aboriginal law matters. He is frequently retained to negotiate solutions to complex liability, regulatory, and aboriginal law issues.

AREAS OF EXPERTISE

- Environmental
- Aboriginal

EDUCATION

- Year of call to the Bar: 1987 (British Columbia)
- University of Ottawa, LL.B., 1985
- University of British Columbia, M.A., 1985
- Brock University, B.A. (Honours), 1975

REPRESENTATIVE WORK

- Preparation of industry proponent strategies for engaging First Nations
- Opinions on application of Treaty 8 judicial decisions on natural resources development (particularly rights to water, hunt and fish)
- Advice on how Crown duty to consult may be incorporated within environmental assessment and National Energy Board processes
- Advice to industry on developing Indian Reserve lands
- Representation of First Nations seeking government approval for Independent Power Project
- Advice to First Nations respecting compensation for Indian Reserve cut-offs

REPRESENTATIVE WORK CONT'D

- Negotiation of compensation for flooded Indian Reserves
- On behalf of a group of professional bodies, developed British Columbia's new 'contaminated sites approved professional' body to perform reviews formerly conducted by civil servants
- Acted in numerous contaminated sites civil actions and appeals
- Frequently retained to obtain regulatory approvals, particularly with respect to contaminated sites, fisheries and independent power projects
- Provided environmental and aboriginal law advice to buyers and sellers of assets and shares
- Negotiated impact and benefit agreements on behalf of both industry and First Nations groups (e.g., diamond mines, pipelines, national park, protected areas)
- Preparation of regulatory approval plans and strategies for industry
- Legal opinions on application of aboriginal law decisions
- Often retained to give law reform advice to governments on matters such as contaminated sites, shipments of hazardous waste, environmental assessment, environmental emergencies, and dispute resolution
- Successfully acted for a client with respect to liability for damages attributable to a municipal landfill. Arranged for mediation and entered into a settlement agreement which covered damages, and disposal of the property, thus allowing the client to establish a new business on uncontaminated property.
- Successfully represented a landlord who faced a \$2.5 million dollar bill to clean up his facility after a tenant abandoned toxic chemical drums

RECOGNITION

- Recognized by Lexpert and Euromoney Legal Media Group's Guide of the World's Leading Environmental Lawyers as one of Canada's leading environmental lawyers

PUBLICATIONS

- "Aboriginal Consultation - Risk Mitigation Strategies", Focus on FMC Vancouver, May 2007
- "The State of Contaminated Sites Dispute Resolution in Canada", Environmental Law, September 2005
- "British Columbia's New Licensed Environmental Professional Framework", presented to Roster Steering Committee, December 15, 2005
- "Shipping News From Ottawa: A New Era of Hazardous Waste Controls", August 2002
- "Considering Aboriginal Rights: Emerging Issues Regarding the Jurisdiction of Administrative Tribunals", January 2002
- Contributing Editor, Environmental Law Journal, Federated Press
- "Liability of Contaminated Sites: New Practical Considerations for Realtors, Buyers and Sellers", BC Real Estate Board Association, November 2006
- Professional Development Seminar – Update and Discussion Forum for Review of the Revised Contaminated Sites Regulatory Regime (Vancouver), February 2006
- "International Parent–Subsidiary Liability for Environmental Damage", Metropolitan Corporate Counsel (New York), January, 2002
- "Environmental Law", Continuing Legal Education, Society of British Columbia, Annual Review of Law and Practice, 2000-03

PUBLICATIONS CONT'D

- “New International Law for Shipping Waste: The Basel Ban and Liability Protocol”, Insight Conference, 2001
- “Biomedical Waste in Canada”, Canada Environmental Law Guide, 2001
- “Practical Tips for Conducting Appeals at the Environmental Appeal Board” Canadian Institute Conference, 1999
- “British Columbia’s New Liability Allocation Protocol”, Canadian Bar Association Environmental Section (Vancouver), 1999
- “CEPA’s 1999’s Citizen Enforcement Remedies”, Vancouver, 1999
- “The Implementation of Environmentally Sound Management: the Canadian Experience”, for Organization for Economic Cooperation and Development (OECD), 1999
- “The Essential Liability Questions”, Continuing Legal Education Conference, 1997
- “Survey of Canadian Contaminated Sites Legislation: Superfund of the North?”, Superfund Conference, Washington, DC, 1995
- “Liability Features of Bill 26”, Journal of Environmental Law and Practice, 1994
- “Managing Your Liability”, Environmental Law Update, British Columbia Continuing Legal Education Society, Vancouver, 1993
- “New Directions for Regulating Contaminated Sites: A Discussion Paper”, British Columbia Ministry of Environment, Lands and Parks, January 1991

TEACHING ROLES

- Adjunct Professor of Environmental Law, University of British Columbia, Faculty of Law
- Adjunct Professor of Environmental Law, University of Victoria, Faculty of Law

PRIOR SPEAKING ENGAGEMENTS

- “Liability for Contaminated Sites: New Practical Considerations for Realtors, Buyers and Sellers”, Vancouver Island Real Estate Board CPE course, Parksville, July 11, 2007
- Co-presenter, “Local Government Powers to Regulate Contaminated Sites”, Advanced Issues in Real Estate Development, Continuing Legal Society of BC Conference, Vancouver, June 8, 2007
- Frequent speaker at Environmental Law Conferences and Workshops
- Co-presenter, “Economic Development on First Nations Traditional Lands”, Annual Aboriginal Law Conference, CLE Society of BC, Vancouver, May 17, 2007
- Co-presenter, “BC Contaminated Sites Approved Professionals Society”, Pacific Business and Law Institute Conference, Vancouver, May 16, 2007
- “The New Role for Professional Biologists in Regulatory Approvals”, College of Applied Biology Annual General Meeting, Victoria, May 3, 2007
- “Recent Aboriginal Law Decisions on Consultation: Implications for Tax Law”, Insight Information Conference, Fundamentals of Canadian Taxation, March 30, 2007
- “Liability for Contaminated Sites: New Practical Considerations for Realtors, Buyers and Sellers”, BC Real Estate Association, Victoria, March 26, 2007
- “Recent Aboriginal Law Decisions on Consultation: Implications for Tax Law”, Insight Information, Fundamentals of Mining Taxation, Toronto, December 4, 2006

PRIOR SPEAKING ENGAGEMENTS CONT'D

- “Liability of Contaminated Sites: New Practical Considerations for Realtors, Buyers and Sellers”, BC Real Estate Association, Kelowna, November 30, 2006
- “Limiting Environmental Liability in Mining Deals”, FMC Vancouver Mining Session, November 8, 2006
- “Update and Discussion Forum for Review of the Revised Contaminated Sites Regulatory Regime”, Professional Development Seminar, Vancouver, February 15-16, 2006

PROFESSIONAL AFFILIATIONS

- Member, British Columbia Law Society, 1987-present
- Member at Large, Canadian Bar Association, Natural Environmental, Energy and Resources Law Section (NEERLS)
- Chairperson, Environmental Law Conference, held February 2004 by Continuing Legal Education of British Columbia
- Member, Canadian delegation to the United Nations Basel Convention and the Organization for Economic Cooperation and Development (OECD) respecting Trans-boundary Shipments of Hazardous Waste
- Chairperson, Canadian Bar Association Environmental Section (Victoria)
- Member, National Round Table on the Environment and the Economy Task Force on the Financial Services Sector, Ottawa, Canada, 1997-1998
- Contaminated Sites Liability Allocation Panel Member (appointed by B.C. Provincial Government)
- Contaminated Sites Liability Allocation Advisor to the Province of British Columbia (appointed by B.C. Provincial Government)
- Member, North American Commission on Environmental Cooperation (Substance Selection Task Force)
- President, West Coast Environmental Law, 1993-1996

PRO BONO

- Creation of Western Nordic Ski Development Centre Society, Vancouver
- Legal advice to Burnaby Lake Rowing Club

COMMUNITY INVOLVEMENT

- Director, Western Nordic Ski Development Centre Society, Vancouver
- Member, Burnaby Lake Rowing Club