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Volume 28

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES IN THE CANADA/U.S. CONTEXT

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April 19-21, 2002

Conference Chairman
Henry T. King, Jr.
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EDITOR'S NOTES

Published in this issue of the Canada-United States Law Journal are the proceedings of a Conference held under the auspices of the Canada-United States Law Institute and Case Western Reserve University School of Law. The Conference, its theme being Energy, the Environment and Natural Resources in the Canada/U.S. Context, took place on April 19-21, 2002.

The articles and discussions printed here have been compiled from transcripts of the Conference and papers submitted by the speakers. Our editing process attempts to strike a balance between retaining the spirit of the Conference and maintaining the Journal's overall readability. Questions regarding factual assertions in the text should be addressed to the authors.

We have strived to make this volume of the Journal the best-edited and most carefully-researched volume in the Institute’s nearly 30-year history. As a default rule, footnotes in the Journal comply with the format suggested by The Bluebook: A Uniform System of Citation (17th ed.), and, when necessary, have been amalgamated with citation forms adapted from the Canadian Guide to Uniform Legal Citation (4th ed). The text generally conforms to the Chicago Manual of Style (14th ed.).

The creation of Volume 28 of the Canada-United States Law Journal has been a “labor of love,” but it would not have been accomplished without substantial contributions from everyone involved in the process. Special thanks go to Kelly Cusick, Executive Articles Editor for this Volume, who is one of the best text editors I have ever worked with, catching syntax errors that neither my authors nor I found or corrected. Many thanks also go out to Julianna Herrick, editor in chief of Volume 27, who taught me most of the things I know; to Julie Kraus, for being an ear for my concerns; to Professor Henry King, who has been extraordinarily patient with me and whose dedication to the Institute is an inspiration to all who follow his lead; to Alice Simon, for answering various and sundry questions; to Andy Dorchak, who assisted me in finding a few obscure references; and to all the members of the executive board of Case Western Reserve Journal of International Law, for putting up with my virtually continuous occupancy of the editing computer over these last few months. Of course, this Volume would have not been possible without the willingness of the many leaders in business, law and government from both sides of our vast northern border to come to the Conference and share their thoughts with those of us who were fortunate enough to have the opportunity to listen to them.

May all who read this book gain knowledge.

Donovan M. Steltzner
Editor In Chief
October 14, 2002
PROCEEDINGS OF THE CANADA-UNITED STATES LAW INSTITUTE CONFERENCE

on

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES IN THE CANADA/U.S. CONTEXT

Cleveland, Ohio
April 19-21, 2002

Canada-United States Law Institute Directors .............................................. vii

Conference Speakers ........................................................................................ ix

List of Conference Participants ..................................................................... xix

Letter from Bob Taft, Governor of Ohio ................................................... xxvii

History and Mission of the Canada/U.S. Law Institute

Sidney Picker, Jr. ..................................................................................... 1

Conference Introduction and Welcome

Henry T. King, Jr. .................................................................................... 5

Taking Stock of Where We Stand in Dealing with Environmental Problems in the Canada/U.S. Context:
The Choices to be Made

Introduction - Henry T. King, Jr. ............................................................. 9

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On a Collision Course? Two Potential Environmental Conflicts Between the U.S. and Canada

Frank E. Loy ................................................................. 11

Canada-U.S. Environmental Cooperation

Alan Nymark ................................................................. 27

Discussion Following the Remarks of Mr. Loy and Mr. Nymark .... 37


Introduction - Jonathan Adler ........................................... 41


Dale E. Stephenson .......................................................... 43

Kyoto and Emissions Trading: Challenges for the NAFTA Family

Robert Page ................................................................. 55

Discussion Following the Remarks of Mr. Stephenson and Dr. Page ................................................................. 67

NAFTA and the Environment: An Update

Introduction - Henry T. King, Jr. ........................................... 79

NAFTA and the Environment: An Update

Janine Ferretti ................................................................. 81

Discussion Following the Remarks of Ms. Ferretti ................. 91

Waste in North America (Detroit Incinerator, Toronto Landfill, PCB Disposal and Transport, Etc.), Hazardous and Non-Hazardous Wastes: Trade or Environmental Issue?

Introduction - James McIlroy ............................................ 101

Waste Management in the U.S. Context: Trade or Environmental Issue?

Matthew Schaefer ............................................................ 103
Regulatory Framework for Hazardous Waste Management in Canada

Kanai (Ken) De ................................................................. 115

Discussion Following the Remarks of Dr. Schaefer and Mr. De ................................................................. 137

Fresh Water: Environment or Trade?

Introduction - Chios Carmody ............................................................... 143

Trade Regulation of Fresh Water Exports: The Phantom Menace Revisited

Milos Barutciski ................................................................. 145

Fresh Water: Environment or Trade?

Sanford E. Gaines ................................................................. 157

Discussion Following the Remarks of Mr. Barutciski and Mr. Gaines ................................................................. 169

The Press Looks at the Problem of Reconciling the Meeting of Energy Demands with Environmental Protection: Background on the Issues

Peter Janson ................................................................. 179

The Press Looks at the Problem of Reconciling the Meeting of Energy Demands with Environmental Protection: An American Reporter’s Perspective

Emilia Askari ................................................................. 183

The Press Looks at the Problem of Reconciling the Meeting of Energy Demands with Environmental Protection: A Canadian Journalist’s Perspective

Christopher Waddell ................................................................. 187

Discussion Following the Remarks of Ms. Askari and Dr. Waddell ................................................................. 195
The Environmental Implications of the Discovery and Delivery of New Energy Resources in the Canada/U.S. Context

Introduction - James McIlroy .............................................................. 207

The Environmental Implications of the Discovery and Delivery of New Energy Resources in the Canada/U.S. Context

James E. Hickey, Jr ............................................................................... 209

The Environmental Implications of the Discovery and Delivery of New Energy Resources in the Canadian Context

David Luff .............................................................................................. 219

Discussion Following the Remarks of Dr. Hickey and Mr. Luff ................................................................................... 227

New Electricity: Generation, Pricing, Wheeling & Regulation

Introduction - J. Michael Robinson, Q.C. ........................................... 237

New Electricity: Generation, Pricing, Wheeling & Regulation

David J. Manning ................................................................................. 241

New Electricity: Generation, Pricing, Wheeling & Regulation

David W. Drinkwater ........................................................................... 267

Discussion Following the Remarks of Mr. Manning and Mr. Drinkwater ........................................................................... 301

An Energy Policy for the 21st Century

Introduction – Davis Robinson .............................................................. 313

An Energy Policy for the 21st Century

David J. Jhirad ...................................................................................... 315

Discussion Following the Remarks of Dr. Jhirad ................................ 329

State and Provincial Regulation of Natural Resource Exploitation

Introduction – Katharine Braid .............................................................. 337

iv
U.S. Electric Restructuring: A Lesson for Canada
William A. Mogel ................................................................. 339

Provincial Regulation of Natural Resource Exploitation
Martin Kaga ........................................................................... 357

Discussion Following the Remarks of Mr. Mogel and Mr. Kaga ........................................................................ 369

Fish and Other Migrating Species in the Canada/U.S.
Context
Introduction - Dorinda Dallmeyer ........................................... 377

Great Lakes Fisheries Ecology and Management: A Presentation
to the Canada-U.S. Law Institute
William W. Taylor ................................................................... 381

Governing Human Interactions with Migratory Animals, With a
Focus on Humans Interacting with Fish in Lake Erie: Then,
Now, and in the Future
Tracy Dobson, Henry A. Regier & William W. Taylor .............. 389

Discussion Following the Remarks of Dr. Taylor, Dr. Regier and Ms. Dobson ......................................................... 447

The Great Lakes: A Report Card
Introduction – John Groetzinger, Jr .......................................... 455

The Great Lakes: A Report Card
Michael J. Donahue .................................................................. 457

The Great Lakes: A Report Card
John Mills .................................................................................. 465

Discussion Following the Remarks of Dr. Donahue and Mr. Mills .............................................................................. 477

The Economics of Energy and the Environment
Introduction - David Runnals ................................................... 485
Reflections on North American Environmental Cooperation
Steve Charnovitz ................................................................. 489

The Economics of Energy and the Environment: The Potential
Role of Market-Based Instruments
John H. Sargent ........................................................................... 499

Reconciling Energy and Environmental Policy
F. Michael Cleland ........................................................................ 511

Discussion Following the Remarks of Mr. Charnovitz, Mr. Sargent and Mr. Cleland ................................................................... 521

Closing Remarks: Where Do We Go From Here?
Henry T. King, Jr. ......................................................................... 533

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SPEAKERS AT THE 26TH ANNUAL CANADA-UNITED STATES LAW INSTITUTE CONFERENCE

on
ENERGY, THE ENVIRONMENT, AND NATURAL RESOURCES IN THE CANADA/U.S. CONTEXT

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Matthew Schaefer is an Associate Professor at the University of Nebraska College of Law where he teaches courses in International Trade Law, International Law, International Business Transactions and International Trade Law and Policy. In 1999, he served as a director in the International Economic Affairs Office of the National Security Council and the White House, focusing on WTO and sanctions matters. From 1993 to 1995, he served as a consultant to the National Governors’ Association and Western Governors’ Association during the legislative implementation of the NAFTA and GATT Uruguay Round multilateral trade agreements. He recently became a term member of the Council on Foreign Relations (New York) and an editorial board member of the Journal of International Economic Law. Professor Schaefer has received a B.A. from the University of Chicago, a J.D. (magna cum laude, Order of the Coif) and an LL.M. from the University of Michigan Law School.

Dale E. Stephenson is a partner in the law firm of Squire, Sanders & Dempsey, and has experience in all aspects of environmental law, including state and federal litigation, international environmental law, and chemical regulatory law. Mr. Stephenson’s environmental litigation experience includes a variety of matters involving air, water, hazardous substances, noise, and the defense of companies and municipalities in actions brought pursuant to federal environmental law, including CERCLA (Superfund) and the Clean Water Act. He is a member of the American Bar Association’s Section of Environment, Energy, and Natural Resources. Mr. Stephenson received a B.A., summa cum laude, from Spring Arbor University and a J.D. from the University of Michigan.

William W. Taylor is the Chairperson and Professor of the Department of Fisheries and Wildlife at Michigan State University, where he has served as an instructor and professor for over two decades. An internationally recognized expert in fisheries ecology, population dynamics and Great Lakes fisheries management, he has received numerous accolades and has served in a number of leadership positions, including president of the American Fisheries Society, Associate Director of the Michigan Sea Grant College Program, and Chair of the Great Lakes Fisheries Commission’s Board of Technical Experts. Dr. Taylor helped create the Partnership for Ecosystem Research and Management, a cooperative agreement between MSU, the Michigan Department of Natural Resources, and the U.S. Geologic Survey, to use research talent at MSU towards the solution of natural resources management problems. Dr. Taylor received his B.A. from Hartwick College, an M.S. from West Virginia University, and a Ph.D. from Arizona State University.
Christopher Waddell, the Carty Professor of Business and Financial Journalism at Carleton University, is an associate professor in the School of Journalism and Communications. Prior to academia, Professor Waddell spent eight years as Parliamentary Bureau Chief for CBC Television News. Prior to television reporting, he spent seven years at the Globe and Mail covering business in Toronto and the free trade negotiations in Ottawa. Dr. Waddell received his B.A. from the University of Toronto and his M.A. and a Ph.D. in Canadian history from York University.
# CANADA-UNITED STATES LAW INSTITUTE CONFERENCE

**on**  
ENERGY, THE ENVIRONMENT, AND NATURAL RESOURCES IN THE CANADA/U.S. CONTEXT

*April 19-21, 2002*

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xxiii
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xxv
April 19, 2002

Professor Henry T. King, Jr.
U.S. Director
US-Canada Law Institute
Case Western Reserve University Law School
11075 East Boulevard
Cleveland, OH 44106

Dear Professor King:

I would like to extend a warm welcome to the participants of the US-Canada Law Institute Conference. During the conference, I understand you will be focusing on a number of issues, such as, environmental implications of new energy resources, NAFTA and the environment, energy policies for the 21st Century, and the Great Lakes' natural resources. These issues touch the livelihood of both the Canadian and the Ohio citizenry.

Your membership, which spans the United States from businessmen and women to government officials, is very impressive. Solving and resolving issues in a forthright manner for the quality of life that our citizenry expects, is also paramount here in Ohio. I just recently announced my initiative, the Third Premier Project for Ohio, which will focus on and address new emerging technology identification for energy sources, clean environments, boost the economy, and enhance our intellectual property.

We are working in parallel for the betterment of life's issues, and I wish you a most successful conference.

Regards,

Bob Taft
Governor

xxvii