

Bernie (Bernard) J. Roth, KC Partner



Partner

Calgary

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Overview

Bernard practices in the Firm's **Energy Regulation** practice group in Calgary. His experience in this area has focused on administrative law.

Experience

- **Confidential clients:** Acting as counsel before the Alberta Energy Resource Conservation Board (ERCB), Alberta Energy Utilities Commission (AUC), the Alberta Environmental Appeal Board (EAB), the National Energy Board (NEB) and the British Columbia and Utilities Board (BCUC) on various energy facility and utility proceedings.
- **Confidential clients:** Advising before Alberta and Federal Courts on judicial review and appealing from these and other regulatory tribunals.
- **Enbridge Inc.:** Advising with respect to its CA\$538 million acquisition of Tupper Main and Tupper West gas plants and associated sales gas pipelines in northeastern BC from the Canadian subsidiary of Murphy Oil Corporation, and associated long term Midstream Services Agreement for processing and transportation of Murphy's produced gas.
- **Confidential clients:** Representing clients regarding the construction and operation of unregulated electrical transmission and generation facilities which form industrial systems and advising in connection with facilities integrate with the regulated transmission system.
- **Confidential clients:** Representing upstream oil and gas producers and oil sand producers on a variety of facility applications and using a detailed understanding of how this industry operates.
- **Confidential clients:** Representing a number of clients regarding oil and gas exporting and permitting both federally and provincially. Also representing clients in legal proceedings in both Canada and the United States regarding the enforcement of long-term national gas supply contracts.
- **Confidential clients:** Advising in connection with NAFTA provisions relating to trade in energy goods and protection of investments made by US investors in Canadian energy projects.

- **Confidential clients:** Obtain regulatory approvals for hazardous and non-hazardous waste management facilities.

Recognition

First recognized in 2009, Bernard has been commended for his extensive knowledge and experience in a variety of respected publications, including:

- *Thomson Reuters Stand-out Lawyer:* Independently rated lawyer (formerly Acritas)
- *Acritas as an Acritas Star™*
- *The Legal 500 Canada:* Energy - Oil and Gas; Energy Natural Resources – Oil and Gas; Environment; Aboriginal Law
- *Chambers Canada:* Energy - Oil & Gas (Regulatory) (Nationwide–Canada); Energy - Provincial Regulatory & Litigation (Alberta)
- *The Best Lawyers in Canada:* Energy Law Regulatory Law; Administrative and Public Law; Environmental Law; Aboriginal Law; Oil and Gas Law; Natural Resources Law
- *Named "Lawyer of the Year" by Best Lawyers for Administrative and Public Law, Calgary*
- *The Canadian Legal Lexpert Directory:* Energy – Oil & Gas; Environmental Law
- *The Canadian Legal Lexpert Directory:* Energy – Electricity
- *The Canadian Legal Lexpert Directory:* Environmental, Social & Governance (ESG)
- *Lexpert Special Edition – Canada's Leading Lawyers:* Energy
- *Lexpert Special Edition – Canada's Leading Lawyers:* Global Mining
- *Who's Who Legal (Global) :* Energy
- *Who's Who Legal (Canada) :* Energy
- *Benchmark Litigation Canada:* Future Star (Alberta); Litigation Star in Product Liability
- *Martindale-Hubbell:* BV Distinguished Peer Review Rating
- *The Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada:* Energy (Oil & Gas)

In the Media

- Quoted, "**Construction of \$1.2B biofuels plant on edge of southeast Calgary slated for next spring,**" *Calgary Herald*, December 2023

Insights

- Co-author, "**The Alberta Carbon Capture Incentive Program,**" *Dentons Insights*, April 23, 2024
- Co-author, "**Energy regulatory trends to watch in 2024: Power struggles,**" *Dentons Insights*, January 18, 2023
- Co-author, "**Boosting carbon capture: Federal and provincial incentives propel CCUS project development in Alberta,**" *Dentons Insights*, November 29, 2023
- Co-author, "**Stick a (plastic) fork in it: Canadian federal plastics designation declared unlawful,**" *Dentons Insights*, November 24, 2023

- Co-author, "**Navigating the path to small-scale and remote carbon sequestration in Alberta: An overview of the Mineral Rights Information Bulletin 2023-01**," *Dentons Insights*, October 26, 2023
- Co-author, "**Lost focus: Supreme Court finds Impact Assessment Act unconstitutional**," *Dentons Insights*, October 18, 2023
- Author, "**The importance of land-use planning in adherence to treaty rights**," *Canada Regulatory Review*, April 6, 2023
- Author, "**Energy regulatory trends to watch in 2023: Electrification, sequestration and friction**," *Dentons Insights*, January 16, 2023
- Co-author, "**Provinces amend carbon pricing legislation to maintain federal equivalency**," *Dentons Insights*, December 19, 2022
- Co-author, "**Alberta's Bill C-12: A perfectly constitutional answer to BC's Trans Mountain intransigence?**" *Dentons Insights*, April 26, 2018
- Author, "**Reconciling the Irreconcilable: Major Project Development in an Era of Evolving Section 35 Jurisprudence**" in Dwight Newman, ed, *Business Implications of Aboriginal Law*, Markham: LexisNexis Canada, 2018
- Co-author, "**The maturation of the duty to consult: Top ten developments of 2017 in Canadian Aboriginal law**," *Dentons Client Alert*, February 9, 2018
- Co-author, "**Renewal, roadmaps—and rhetoric? Top ten developments of 2016 in Canadian Aboriginal law**," *Dentons Client Alert*, January 31, 2017
- Bernard J. Roth, Laura K. Estep, "**Making a constitutional case out of constructing pipelines**," *Dentons Insights*, August 8, 2017
- Bernard J. Roth, Laura K. Estep and Dan Collins, "**Update on Canada's environmental and regulatory review process**," *Dentons Insights*, July 11, 2017
- Bernard J. Roth, Laura K. Estep and Dan Collins, "**Highlights from the National Energy Board Modernization Report**," *Dentons Insights*, May 23, 2017
- Bernard J. Roth and Laura K. Estep, "**A CEAA Change**", Commentary on the Environmental Assessment Expert Panel's Report, *Dentons Insights*, April 10, 2017.
- **Trends in Energy Regulatory Law** (Presentation)
- "**Responsible Energy Development Act – A Sea Change in Energy Project Regulation? Stay Tuned**," Focus on Energy, January 2013
- "**Aboriginal Consultation and Project Development**," *inSIGHT*, May 2012
- Bernard J Roth and Rachel A Howie "Land-Use Planning and Natural Resource Rights: The Alberta Land Stewardship Act" (2011) 29 *Journal of Energy & Natural Resources Law* 471
- *Alberta Land Stewardship Act* Revisited, Focus on Energy | Real Estate, April 2011
- "Brave New World, Animal Farm and the Lorax: A Literary Analysis of the *Alberta Land Stewardship Act* from a Practitioner's Perspective," May 2010
- Determining the Public Interest and What Constitutes Sustainability in the Development of Canada's Oil Sands
- *Alberta Land Stewardship Act*: This Land is Your Land?
- Focus on Climate Change and Emissions Regulation

- Meeting the Expectations for Public Consultation Under Guide 56
- Has prepared and presented numerous papers for energy conferences on regulatory issues and has a number of papers published in law journals, including papers on NAFTA and the trade in energy between Canada and the United States

Activities and Affiliations

- Member of the Law Society of Alberta
- Member of the Canadian Bar Association
- Member of the Legislative Review Committee of the Alberta Branch, Canadian Bar Association
- Member of the National Resources Sub-Section of the Calgary Branch, Canada Bar Association
- Director on the Board of the Alberta Chamber of Resources

Community Involvement and Pro Bono

- Has given pipeline transportation, energy regulation and indigenous law lectures at the University of Calgary and University of Saskatchewan law schools

Presentations

- Presenter, “Review of New and Amended Legislation in 2016 Across Canada”, delivered to in-house counsel, Calgary, Alberta, February 2017
- Has given pipeline transportation lectures at the University of Calgary and University of Saskatchewan law schools

Areas of focus

Practices

- **Indigenous (Canada)**
- **Environment and Natural Resources**
- **Environmental Regulation**

Industry sectors

- **Energy**
- **Energy Project Approval**
- **LNG**
- **Mining**
- **Mining Public Policy, Regulation, Community Relations and Disclosure**
- **Mining Regulation and Compliance**
- **Oil and Gas**
- **Oil Sands**

- **Pipelines**
- **Unconventional Oil and Gas**
- **Renewable Energy**
- **Biofuels**
- **Biomass**
- **Solar**
- **Waste to Energy**
- **Wind**

Education

- Columbia University, 1992, LL.M.
- University of Saskatchewan, 1988, LL.B. (Great Distinction and Gold Medalist)
- University of Saskatchewan, 1985, BA (Honours)

Admissions and qualifications

- Alberta, 1989

Languages

- English