Abstract
Despite the close geographic and economic ties between the United States and Canada, there are significant, and sometime subtle, differences in the energy markets and regulatory environments of the two countries. Understanding these distinctions can mean the difference between a successful and unsuccessful foray into Canadian markets for companies with primarily US-based wind energy development experience. Here, I focus on Canada-US differences in four key areas: one, the division of energy and environmental jurisdictional responsibilities between the federal and provincial/territorial governments; two, the availability and reliance on other renewable (e.g., water) and non-renewable (e.g., oil and gas) resources; three, the subtle differences in water- and fish-related legislation and regulations; and four, the critical role played by First Nations and Aboriginal Peoples in all facets of land use and development in Canada.

1. Jurisdictional Responsibilities
- The Constitution of Canada divides responsibilities between the federal government and the provinces and territories.
- Most commercial activity conducted in the context of wind energy development is regulated at the provincial or territorial level.

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2. Energy Availability
- Many provinces already obtain significant amounts of energy from renewable sources, which can reduce the potential to develop new renewable energy production centers.
  - For example, in British Columbia the provincial government requires that BC Hydro obtain 93% of its power from renewable sources.
  - Many provinces have access to significant amounts of relatively cheap fossil fuel reserves, which can reduce the potential to develop new renewable energy production centers.

3. Water and Fish
- Fisheries and Oceans Canada (DFO) is responsible for protecting fish and fish habitat.
  - A project that will result in the harmful alteration, disruption or destruction (HADD) of fish habitat will require DFO authorization, a process that can take several years.
  - Compensation for an authorized HADD generally involves habitat protection or creation.
  - Unlike in the US, the development of hatchery-based compensation plans is rarely, if ever, deemed acceptable.
  - The avoidance of impacts to fish and fish habitat is one of the best ways to avoid triggering a federal review process in Canada.

4. First Nations and Aboriginal Peoples
- Consulting with First Nations and Aboriginal Peoples is a legal obligation in Canada, as well as sound business strategy.
  - Section 35 of the Constitution of Canada recognizes treaty rights and places responsibility to consult on the Crown.
    - In practice, however, the responsibility falls to development proponents.
  - Obligations can include the following:
    - Notification of project and regulatory processes;
    - Financial assistance to participate in regulatory processes;
    - Capacity building; and,
    - Concern resolution.