



ENVIRONMENTAL LAW CENTRE

Annual Report 2005

www.elc.ab.ca



President's Message

This last year has been one of opportunity and change for the Centre. Along side Alberta's economic boom is a boom in Albertan's interest in safeguarding the environment and in the maturation of our environmental laws and policies. This has been keeping the Centre busy producing law reform briefs, providing advice on various regulatory initiatives in the Province, and responding to citizens' requests for information and assistance. The Centre's outreach programs continue to expand. The Centre's staff have been traveling the Province making presentations to various citizens groups, environmental professions and students interested in the environment.

In March 2006, the Centre moved its premises into a larger space in the Baker Centre. This new space provides welcome room for the Centre's expanding library of environmental resources. The move was made possible through generous financial support of the Alberta Law Foundation and the hard work and excellent organization of the Centre's staff.

This past year was also a sad one for the Centre with the passing of Laura Ferguson, the Centre's Financial Officer. Laura worked for the Centre for 20 years and was an exceptionally competent, highly trusted and well loved member of the staff. We will all miss her.

The rest of the Directors join me in thanking the Executive Director, Cindy Chiasson, and the Centre's talented and enthusiastic staff for their exceptional work.

Karin Buss

Executive Director's Message

On my desk at the Centre, I keep a family picture that was taken during our 2005 summer vacation. While it keeps those who are dearest to me close during my workday, it also acts as a reminder of the importance of the Centre's work. In this photo, my family stands on the Athabasca Glacier, with the sun shining and the Rockies in the background. At that time, I was struck by the beauty and enormity of the setting, and by the realization that I was standing in a spot that is a source for much of the fresh water in western Canada.

Alberta has been endowed with a multitude of inspiring landscapes and a vast array of natural resources. In the current push to realize economic benefit from those resources, the landscapes are subject to increasing pressures and Alberta citizens face difficult decisions. The key elements of the Centre's mandate are sound and effective environmental law, regulation and policy and informed public participation. We pursue these elements of our mandate to assist all Albertans in protecting our environment and preserving its values for future generations.

In 2006, we will focus much of our work, particularly in law reform and monitoring, on issues related to land use, energy, water, agriculture, climate change, wilderness, wildlife protection and forestry. Our efforts to expand our profile and activities beyond Edmonton and Calgary, which have been showing steady growth, will continue, and we will seek opportunities to work more closely with other organizations that focus on environmental protection.

Cindy Chiasson

The Board of Directors

The Executive Committee

President

Karin Buss
Barrister & Solicitor
Ackroyd, Piasta, Roth & Day LLP

Vice-President

Gavin Fitch
Barrister & Solicitor
McLennan Ross LLP

Secretary/Treasurer

Corbin Devlin
Barrister & Solicitor
McLennan Ross LLP

Past President

Jennifer Klimek
Barrister & Solicitor

Directors at Large

Cheryl Bradley, P.Biol.
Environmental Consultant

Robert W. Kennedy, P.Eng.

Peter Lee
National Coordinator
Global Forest Watch Canada

Letha MacLachlan, Q.C.
Barrister & Solicitor

Ken Stickland
Executive Vice-President, Legal
TransAlta Corporation

Honourary Members

Honourary Members are appointed by the Centre's Board of Directors, in recognition of their past contributions to the Centre and its activities. These individuals provide guidance and advice to the Board and the Centre.

Gerry DeSorcy
DeSorcy Consulting

Linda Duncan
Barrister & Solicitor

Alan Hunter, Q.C.
Code Hunter LLP

Professor Alastair Lucas, Q.C.
University of Calgary, Faculty of Law

Dean David Percy, Q.C.
University of Alberta, Faculty of Law

People at the Centre

Executive Director

Cindy Chiasson
Barrister & Solicitor

Staff Counsel

James Mallet
Barrister & Solicitor

Jason Unger
Barrister & Solicitor

Jodie Hierlmeier
Barrister & Solicitor

Financial Officer

Laura Ferguson
Certified Management Accountant

Henrietta Wilson
Certified Management Accountant

Information Services Coordinator

Dolores Noga
Professional Librarian

Office Manager

Debbie Lindskoog

Assistant Librarian/Search Service Coordinator

Iris Djurfors

Accounting Clerk/Search Service Technician

Fran Schultz

Secretary/Receptionist

Georgina Brown
Cathy Halonen

Administrative Clerk

Louise Perkins

Research Assistant

Matthew Block

In Memoriam

On August 27, 2005, the Environmental Law Centre lost a committed employee and good friend with the sudden death of Laura Ferguson. Laura spent almost 20 years with the Centre as its Financial Officer and provided financial guidance and expertise through both tight and prosperous economic situations. Her extensive knowledge of the charitable sector, sage advice, warm friendship and zest for life are dearly missed by her colleagues at the Centre.

2005 at the Centre

Highlights

The Centre launched the Internet version of *News Brief*, its newsletter dealing with environmental law and policy developments in Alberta and Canada. *News Brief* had been published for 20 years as a quarterly print newsletter. The *News Brief* page, located at www.elc.ab.ca/publications/newsbrief.cfm, enables users to access entire issues and individual articles, and provides a searchable archive of *News Brief* articles dating to 1998.

Public Programs

The public programs are the Environmental Law Centre's core activity. These include both ongoing activities and term projects, and encompass information services, monitoring and law reform, community services, research, publications and the public library of environmental law.

Information Services

Through its Information Services, the Centre provides a major part of its public programming and meets Albertans' environmental law information needs. This service, which is unique in Alberta, enables members of the public to contact the Centre and receive environmental law and policy information free of charge from a knowledgeable, independent source. As part of this service, the Centre maintains a lawyer referral list to assist staff in directing Centre users who seek legal representation. Lawyers who are interested in being included on this list are encouraged to contact Jodie Hierlmeier, Staff Counsel, (jhierlmeier@elc.ab.ca) for further information. In 2005, Centre staff answered 452 information requests and provided 149 referrals to lawyers.

Monitoring and Law Reform

Through these activities, staff pursue the Centre's mission of ensuring that laws, policies and legal processes protect the environment. Staff activities in this area include serving on law reform or monitoring committees, participating in law reform processes, and preparing reform briefs and commentaries.

In 2005, Centre staff provided briefs or comments on the following matters:

- Initial scoping for the five year Parliamentary Review of the *Canadian Environmental Protection Act, 1999*;
- Energy and Utilities Board documents on compliance assurance and enforcement, management of naturally occurring radioactive material, and changes to well spacing and application process;
- Proposed Special Areas water supply project;
- Draft of *Addressing Species at Risk Act Considerations under the Canadian Environmental Assessment Act*;
- Alberta Forest Management Planning Standard;
- City of Edmonton proposal for establishment of a land trust;
- Preliminary findings from the Multi-Stakeholder Advisory Committee on Coalbed Methane/Natural Gas in Coal; and
- Draft *Specified Gas Emitters Regulation*.

Centre briefs and comments can be accessed online at www.elc.ab.ca/briefs/index.cfm.

The Centre also participated in a range of consultations during 2005, including:

- Energy and Utilities Board and Natural Resources Conservation Board procedures, policies and practices;
- Federal initiatives, including climate change, Smart Regulation and the five year Parliamentary review of the *Canadian Environmental Protection Act, 1999*;
- Contaminated sites legislative review;
- Water-related matters, including wetlands policy and jurisdiction and riparian management;
- Environmental education;
- Alberta Environment's corporate leadership program; and
- Upstream oil and gas policy integration.

Community Services

Greater understanding of environmental laws and policies helps citizens protect the environment. To add to this understanding, the Centre pursues opportunities to provide environmental law education services to various audiences. This includes providing assistance and information to students in the public education system and post-secondary institutions, community groups, and environmental and industry organizations through presentations, materials and the Centre's public library of environmental law.

In 2005, Centre staff made 37 presentations on the following topics:

- Water matters, including watershed protection and wetlands law and policy;
- Land and wildlife matters, including land use planning, contaminated land, wildlife, endangered species, and protected areas;
- Regulatory matters, including energy development, private prosecution of environmental offences, municipal law and the environment, Alberta's environmental tribunals, due diligence, and environmental legislation;
- General environmental matters, including oil spills, environmental litigation in Alberta, and careers in environmental and public interest law.

Nearly 60% of these presentations took place in smaller Alberta communities. Centre staff also prepared six articles for outside publications, including *Law Now*, *The Lawyers Weekly*, *Prairie Peaks News*, and rural newspapers.

In 2005, the Centre also supported the study of environmental law in Canada through its sponsorship of the 14th annual Sir John A. Mactaggart Essay Prize in Environmental Law. The essay competition is open to students studying in a recognized law program at a Canadian university and is sponsored by the Mactaggart Third Fund and Carswell. The 2005 second prize winner was Michael T. Kariya of University of Calgary for *A Constitutional Analysis of the Species at Risk Act*. No first prize was awarded.

Publications

The Centre continues to provide access to environmental law and policy information through its publications. In 2005, the Centre published one brief, *Municipal Powers, Land Use Planning and the Environment: Understanding the Public's Role*, by James Mallet.

The Centre continued to publish its two ongoing periodical publications:

- *The Regulatory Review*, a monthly summary of developments in environmental law, policy and cases throughout western Canada and the territories; and
- *News Brief*, a newsletter that includes short articles and columns on environmental law and policy developments in Alberta and Canada.

In early 2005, *News Brief* began a new incarnation as an Internet-based newsletter. With funding support from the Alberta Law Foundation, the Centre created a *News Brief* page (www.elc.ab.ca/publications/newsbrief.cfm) that provides quick access to current issues and articles, as well as a searchable archive of articles dating to 1998. Users are able to subscribe for e-mail notification of new issues of *News Brief*.

For further information about all Centre publications, see the Publications page on the Centre's website at www.elc.ab.ca/publications/index.cfm.

Public Library of Environmental Law

The Centre's library is an important Canadian source of environmental and natural resources law and policy materials. The library is open to the public and loans materials free of charge to library users. The Centre's staff also assists library users in locating materials and carrying out their research. Over the course of 2005, the library collection grew to include over 22,000 records, including journals and periodicals, texts, decisions of courts and administrative tribunals, videotapes and legislation.

Other Services

The Centre offers three services, consistent with its mission and ends, in addition to its public program activities. It offers two environmental information search services under agreements with Alberta Environment. These two services provide searches of databases for historical information in relation to environmental enforcement action and land reclamation regulatory actions taken by Alberta Environment. The net revenues from these search services are used to support the Centre's public programs and technology needs. The Centre's program staff also undertake fee for service work consistent with the Centre's mandate.

Community Contributions

Based on their environmental law experience and expertise, Centre program staff are often asked to provide input on environmental law and policy and participate in related initiatives. In 2005, Centre program staff were involved on these boards, committees and groups:

- Alberta Ecotrust Foundation, Grant Review Committee;
- Alberta Environment, Contaminated Sites Stakeholder Advisory Committee;
- Alberta Environment, Environmental Protection Advisory Committee;
- Alberta Environmental Farm Plan Company;
- Alberta Environmental Network: Steering Committee, Water Caucus, Clean Air/Energy Caucus, Forestry Caucus and Agriculture Caucus;
- Alberta Environmentally Sustainable Agriculture Council: Council and Communications Committee;
- Canadian Bar Association, Environment Section Executive Committee;
- Public Legal Education Network of Alberta: Board of Directors and Nominating Committee; and
- Sierra Club Smart Growth Needs Assessment Advisory Committee.

To learn more about the Centre, use its programs, or make a donation, contact us at:

Environmental Law Centre
800, 10025 – 106 Street
Edmonton, AB T5J 1G4

Phone: (780) 424-5099
Fax: (780) 424-5133
Toll-Free: 1-800-661-4238

E-Mail: elc@elc.ab.ca
Website: www.elc.ab.ca

Thanks to Our Volunteers

The Environmental Law Centre's work cannot be done without the help of its many volunteers, who give generously of their time to assist in various projects and activities. The Board of Directors is the volunteer mainstay of the Centre; the Directors freely gave their time to support the Centre's charitable goals. Many other volunteers also helped the Centre in 2005:

News Brief Advisory Committee

Roger Bryan, Alberta Agriculture, Food and Rural Development
Elaine Hughes, Faculty of Law, University of Alberta
Ron Kruhlak, McLennan Ross LLP
Glen Semenchuk, Federation of Alberta Naturalists
Marta Sherk, City of Edmonton

News Brief Contributors

Hon. Guy Boutilier, Minister of Environment
Elaine Hughes, Faculty of Law, University of Alberta

Sir John A. Mactaggart Essay Prize in Environmental Law, Selection Committee

Alastair Mactaggart (Honourary)
Jennifer Klimek, Barrister & Solicitor
Wesley Smart, Justice Canada, Prairie Region
Donna Tingley, Clean Air Strategic Alliance

Access to Environmental Justice (Environmental Appeals Board Review), Advisory Committee

Jennifer Klimek, Barrister & Solicitor
Bill Shores, Shores Belzil Jardine

Environmental Process Guide, Advisory Committee

Jennifer Klimek, Barrister & Solicitor
James Tweedie, Bert Riggall Environmental Foundation
Gilbert Van Nes, Alberta Environmental Appeals Board
Larry Williams, Alberta Environment

Municipal Law and the Environment, Advisory Committee

Cheryl Bradley
Glen Lawrence, Strathcona County
Charlotte St. Dennis, St. Albert City Solicitor

Municipal Law and the Environment: Brownfield Redevelopment, Advisory Committee

Blaine Alexander, Alberta Municipal Affairs
Victoria Brown, Alberta Municipal Affairs
Tim Haufe, City of Calgary
Jim Kiss, Farmers' Advocate of Alberta
Janet Poyen, Alberta Real Estate Association
Andy Ridge, Alberta Environment
Marta Sherk, City of Edmonton
Mike Zemanek, Alberta Environment

Project Volunteers

Dushan Bednarsky, Ackroyd, Piasta, Roth & Day LLP

Auditors' Report

To the Members of the Environmental Law Centre (Alberta) Society

The accompanying summarized statements of financial position and operations and changes in fund balances are derived from the complete financial statements of the Environmental Law Centre (Alberta) Society as at December 31, 2005, and for the year then ended, on which we expressed an opinion without reservation in our report dated February 9, 2006. The fair summarization of the complete financial statements is the responsibility of management. Our responsibility, in accordance with the applicable Assurance Guideline of the Canadian Institute of Chartered Accountants, is to report on the summarized financial statements.

In our opinion, the accompanying financial statements fairly summarize, in all material aspects, the related complete financial statements in accordance with the criteria described in the Guideline referred to above.

These summarized financial statements do not contain all the disclosures required by Canadian generally accepted accounting principles. Readers are cautioned that these statements may not be appropriate for their purposes. For more information on the Society's financial position, results of operations and changes in fund balances, reference should be made to the related complete financial statements.

Jervis Afanasiff & Redinger

Jervis Afanasiff & Redinger
Chartered Accountants
Edmonton, Alberta
February 9, 2006

Management's Responsibility for Financial Reporting

The accompanying summarized financial statements of the Environmental Law Centre (Alberta) Society and all the information in this annual report are the responsibility of management and have been reviewed by the President and Secretary/Treasurer on behalf of the Board of Directors. The financial statements have been prepared by management in accordance with Canadian generally accepted accounting principles.

The Board of Directors is responsible for ensuring that management fulfills its responsibilities for financial reporting and is ultimately responsible for the financial statements. The Board carries out this responsibility principally through its Audit Committee. The Audit Committee, which is composed of Directors and other members, reviews and approves the financial statements.



Karin Buss, President



Corbin Devlin, Secretary/Treasurer

February 9, 2006

Visit <http://www.elc.ab.ca/about/Annual.cfm> for the full 2005 Annual Report and complete audited financial statements.



ENVIRONMENTAL LAW CENTRE Annual Report 2005

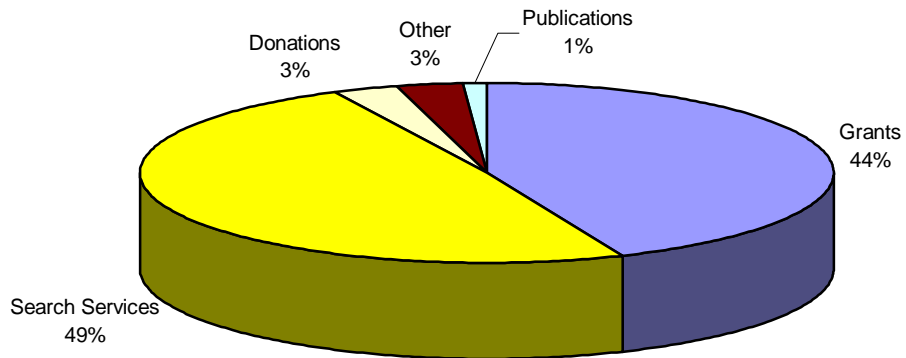
Environmental Law Centre (Alberta) Society Summarized Statement of Financial Position December 31, 2005

	2005		2004	
ASSETS				
CURRENT ASSETS				
Cash	\$	181,853	\$	225,845
Term Investments		191,247		37,428
Accounts receivable		6,496		9,511
Prepaid expenses		9,836		2,200
		<hr/>		<hr/>
		389,432		274,984
LONG TERM INVESTMENTS		<hr/>		<hr/>
		201,020		200,492
		<hr/>		<hr/>
	\$	590,452	\$	475,476
LIABILITIES				
CURRENT LIABILITIES				
Accounts payable	\$	9,513	\$	15,485
Deferred revenue		81,867		43,317
		<hr/>		<hr/>
		91,380		58,802
FUND BALANCES				
Unrestricted funds		27,120		26,528
Externally restricted funds		11,950		11,950
Board restricted funds		460,002		378,196
		<hr/>		<hr/>
		499,072		416,674
		<hr/>		<hr/>
	\$	590,452	\$	475,476

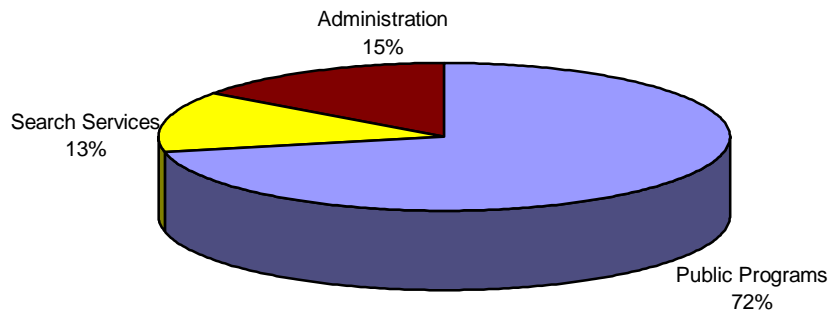
Environmental Law Centre (Alberta) Society Summarized Statement of Operations and Changes in Fund Balances For the year ended December 31, 2005

	2005		2004	
REVENUE				
Search Service Fees	\$	400,517	\$	327,348
Grants and Fee for Service		356,119		390,641
Donations, Interest and other Income		58,999		65,677
		<hr/>		<hr/>
		815,635		783,666
EXPENSES				
Salaries and Benefits		568,339		550,023
Occupancy & Insurance		49,582		42,234
Supplies and Services		41,218		49,644
Library Materials and Searches		20,755		18,609
Contract, Consulting, and Professional Fees		19,274		31,917
Travel and Staff Development		19,088		13,332
Equipment		14,981		26,443
		<hr/>		<hr/>
		733,237		732,202
Net Revenue		<hr/>		<hr/>
		82,398		51,464
Fund balance at beginning of year		<hr/>		<hr/>
		416,674		365,210
FUND BALANCE AT END OF YEAR	\$	499,072	\$	416,674

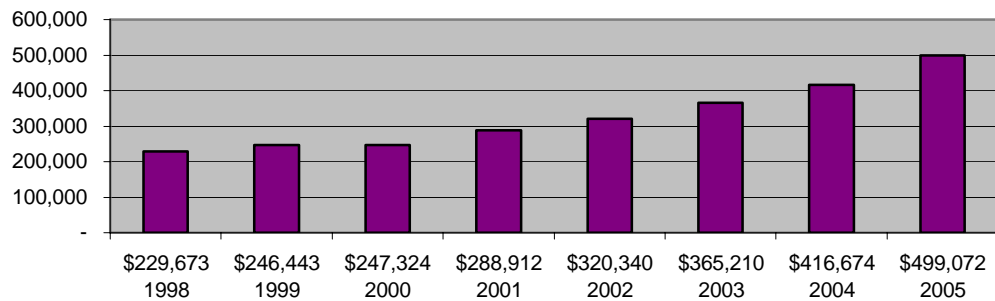
2005 Sources of Support (Revenues)



2005 Distribution of Expenses



Growth of Fund Balances (1998-2005)



Friends of the Environmental Law Centre 2005

The Environmental Law Centre extends its gratitude to those individuals, companies and foundations who made a financial contribution to support the Centre's operations in 2005. They are:

Benefactors - \$5,000 +
Alberta Law Foundation

Patrons \$2,500 – \$4,999
Fraser Milner Casgrain LLP
Luscar Ltd.
Nexen Inc.
Petro-Canada

Partners \$1,000 - \$2,499
Canadian Hydro Developers, Inc.
Judith Hanebury, Q.C.
Dr. David Y.F. Ho
Letha MacLachlan, Q.C.
McLennan Ross LLP

Friends up to \$999

Anonymous
ATCO Ltd.
Beresh Depoe Cunningham
Blake, Cassels & Graydon LLP
Celanese Canada Inc.
Cindy Chiasson
Davis & Company
Corbin Devlin
Thomas A. Dickson
David Duggan
Envoe Management Ltd.
Esprit Exploration Ltd.
Keith Ferguson
Dr. Raquel Feroe
Lorne A. Fitch
Dr. Mary Griffiths
Jodie Hierlmeier

Martin Ignasiak
Inside Education Society of Alberta
Thomasine Irwin
Robert W. Kennedy
Ronald Kruhlak
Arlene Kwasniak
Debra Lindskoog
Alastair R. Lucas, Q.C.
James S. Mallet
Michael L.J. Morin, Q.C.
Sarah Palmer
Dr. Mary Richardson
Michael D. Sauve Prof. Corporation
Jerome N. Slavik Prof. Corporation
Dennis R. Thomas, Q.C.
Donna Tingley
Valentine Volvo
Cliff Wallis

The Environmental Law Centre thanks the Alberta Law Foundation for its ongoing support since the Centre's inception in 1982.

Alberta **LAW**
FOUNDATION

About the ELC

The Environmental Law Centre (Alberta) Society* is a registered charity that was incorporated in Alberta in 1982 to operate the Environmental Law Centre. The Centre's purpose is to provide Albertans with an objective source of information about environmental and natural resources law. Its vision is a clean, healthy and diverse environment protected through informed citizen participation and sound law and policy, effectively applied.

The Centre's mission is to ensure that laws, policies and legal processes protect the environment. In pursuit of this mission, the Centre seeks the following ends: enactment and effective enforcement of sound environmental laws and policies; and effective and informed public participation in environmental regulatory, law-making and decision-making processes.

The Centre carries out activities in three main program areas: public programs, fee for service and search services. The net revenue from the latter two programs is applied to support the Centre's public programs and technology needs.

Staff members undertake program delivery with assistance from contractors and volunteers, as necessary. A volunteer Board of Directors oversees Centre operations. Members of the Board represent a full range of interests in environmental law in Alberta including law, business, industry, environmental organizations and the general public.

*Canada Revenue Agency Registration Number 11890 0679 RR0001;
Charitable Fund Raising Act (Alberta) Registration Number 210844

Supporting the ELC

The people of the Centre are dedicated and commit their time and energy to ensure that the law works to protect the environment. To carry out its work with the public, the Environmental Law Centre depends on donations, grants, contract work and volunteers. 100% of all donations received are applied directly to public programming. Environmental Law Centre donors will receive a tax receipt and are entitled to donor benefits.

The Environmental Law Centre received \$25,428 in charitable donations in 2005 and has budgeted to raise \$25,000 in charitable donations in 2006. As in 2005, 2006 donations will support the Information Services program and *News Brief*. Donations can be made to the Environmental Law Centre by fax to (780) 424-5133, by mail to 800, 10025 – 106 Street, Edmonton, AB T5J 1G4, or electronically through our website at www.elc.ab.ca. Please contact Cindy Chiasson, Executive Director, with any questions you may have about donating to the Centre.

Friend (up to \$999) and Partner (\$1,000 - \$2,499)

- Tax Receipt
- ELC Annual Report and audited financial Statements
- Acknowledgment in the ELC Annual Report and on the ELC website

Patron (\$2,500 - \$4,999) and Benefactor (\$5,000 and over)

- All of the above benefits, and
- Notification of all Centre public seminars, conferences and new Centre publications
- Website link on the ELC website