

# THE ENVIRONMENTAL LAW CENTRE

*Annual Report 2013*



[www.elc.ab.ca](http://www.elc.ab.ca)





PRESIDENT'S MESSAGE  
Dave Poulton



# REASONED ANALYSIS, EDUCATION AND GUIDANCE FOR ALL ALBERTANS

**T**he last couple of years have been tumultuous in the field of environmental law. At the federal level we have seen substantial changes to the Canadian environmental assessment regime, the *Fisheries Act*, and the minimization of environmental protection of navigable waters. In Alberta we have seen a whole new regulatory regime for energy development, which has brought a carving out of energy projects from the Province's general system of environmental regulation. As well, regional land-use planning has progressed in the South Saskatchewan region, while the development of new land stewardship tools has inched forward behind the scenes.

All of these changes have resulted in a different pattern of substantive rights, and different opportunities for public participation in decision-making. They have also brought new allocations of public resources, which has fast-tracked some decision processes and slowed others. And all of this has happened in a public environment of heated debate around issues of pipelines, oilsands development, ATV activity on public lands, and concern with floods and drought, to name just a few.

**This complex and dynamic picture means that the work of the Environmental Law Centre has never been more important.** As controversy and legislative changes rain down upon the public, we have been able to consistently provide calm and reasoned analysis and education. Your support has enabled us to provide measured critiques of existing and new environmental laws and policies. This helps focus public debate and the attention of policy-makers on real issues, rather than ceding ground to those who would utilize spin and overheated rhetoric.

Thanks to our donors and funders, we provided guidance to Alberta's citizens who wish to have a say in resource decisions, but who are understandably confused by the shifting processes by which those decisions are arrived at.

The ELC combines careful analysis and measured expression with a deep and abiding commitment to a healthier environment and more sustainable society. That's a role that we can justly take pride in, and celebrate once again this year. I extend my deep appreciation to our Executive Director, Cindy Chiasson, and all of the ELC staff for the continued excellence of their work in pursuit of our shared vision.

Dave Poulton

*"Of all the organizations that we worked with and learned from we felt our donation to the ELC would go the farthest in supporting and promoting what VOCAL stood for."*

- VOCAL Alberta





**19,700**

visits to the ELC blog in 2013

**1,032**

people per month reached  
through social media

**500%**

increase in readership of  
the ELC e-newsletter,  
*News Brief*

**EXECUTIVE DIRECTOR'S MESSAGE**  
Cindy Chiasson



## LOOKING FORWARD TO CONTINUED SUCCESS

**T**here are times when any organization or person working to effect change questions whether they're making a difference at all. It feels like you've been pushing that same rock up that same mountain for so long, only to have it roll back down at you or go off course. Others demand proof that your efforts have some utility or question why you keep going at all. Sometimes, you start to question yourself and wonder if there isn't something else on which you could better spend your time and energy.

But sometimes, you find that your efforts and persistence start to pay off. When you look more closely, you find that same old rock has moved farther up the mountain than you'd realized, though it may have taken far longer than you'd guessed. There may be others helping you push that rock who you didn't notice before. Your path may have varied from that you originally set, but you're getting there. Over the course of 2013, we found new confirmation that the Environmental Law Centre's work on environmental law and policy is making a difference in Alberta and gained longer-term perspective on how we plan, carry out and measure our efforts.

We're very proud to see the influence of our work in 2007-08 on public interest decision-making reflected in the development of Alberta's new energy-environmental regulatory system. The role of binding land-use plans to guide decision-making; the intent to include specific criteria for consideration in regulatory decision-making; and the shift to expand public input across the decision-making spectrum all reflect recommendations we made in that earlier work. We continue to work with the provincial government on these initiatives, as we believe there is much more that can be improved in this new system.

Since the earliest days of development of environmental assessment law in Canada, we've worked to ensure that our laws and policies provide sound protection for our environment. Last year we released model environmental and sustainability assessment laws for both federal and provincial levels of government. These model laws have generated much interest and discussion, as was our intent, and our work going forward seeks to explore new ways that environmental assessment can be renewed and improved, including at the municipal level.

# AT THE ENVIRONMENTAL LAW CENTRE WE ENVISION AN ALBERTA WHERE THE ENVIRONMENT IS A PRIORITY, GUIDING SOCIETY'S CHOICES:

- + We work to ensure that Alberta's laws, policies and legal processes sustain a healthy environment for future generations.
- + We drive towards an Alberta that has strong and effective environmental laws, policies and legal processes.
- + We work to enable Albertans to actively and meaningfully engage in decisions and processes that affect the environment.
- + In 2013 we focused on four strategic priorities:
  - water;
  - land use;
  - environmental assessment; and
  - public participation.

2013 reminded us that we can't stand still nor can we cling to the familiar and expect to make significant change. We must take a long-term view of our goals and our efforts and continue to build a body of work that contributes to ongoing change and improvement of environmental law and policy in Alberta. Ensuring that law, legal processes and policy protect our environment is a lifetime's work. Thank you for joining us in creating a legacy that matters for all Alberta.



Cindy Chiasson



*"Members of our stewardship group have for years relied on the ELC for information we might have great difficulty finding anywhere else. The ELC provides greatly valued services to citizens and communities, through both your web site and your staff. Keep up the good work!"*

*- Donna Mendelsohn, Secretary  
Central Athabasca Stewardship Society*



# KEY ACCOMPLISHMENTS IN 2013 INCLUDE

PRIORITY

1.0

## WATER MANAGEMENT

Topics related to water always rank high on the list of concerns put forth to the ELC. Accordingly, staff members worked through 2013 to monitor and comment on surface water quality management, wetlands policy, water as a public resource and water trusts, among other water management issues.

In March we released *Our Liquid Assets: Moving Alberta's Laws toward treating water as a public resource*, by Jason Unger.

We also monitored and commented on threats to protection of Canadian waters made by changes to the *Fisheries Act* and *CEAA 2012* by the federal government's 2012 Omnibus Budget Bill.



PRIORITY

2.0

## LAND USE AND PLANNING

Also in March, we released *Reclaiming Tomorrow Today* by Jason Unger. This widely distributed report suggests regulatory amendments to impose timelines on reclamation of well sites in Alberta.

Executive Director Cindy Chiasson participated in consultation meetings and provided presentations regarding proposed regulations under the *Responsible Energy Development Act*. She also met with government officials to discuss matters related to the *Alberta Land Stewardship Act*.

Adam Driedzic continued to research and test policy reform options regarding off-highway vehicle (OHV) management.





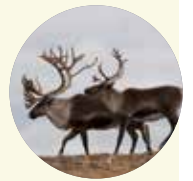
Photo: The Livingstone Range, Jillian Lynn Lawson

PRIORITY  
3.0

### ENVIRONMENTAL ASSESSMENT

In early 2013 we released *A Model Environmental and Sustainability Assessment Law*, by Brenda Heelan Powell. The model law addresses both federal and provincial environmental assessment and was one of the most sought-after resources on our website and social media.

Distribution of the model law and related information resulted in television interviews, an article in *Law Now* and four presentations, including the International Association for Impact Assessment 2013 International Conference.



PRIORITY  
4.0

### PUBLIC PARTICIPATION

Perhaps the hottest topic in 2013 was the question of who should speak at public hearings. We are working on a report on standing at boards and tribunals. The report will improve environmental decision making by identifying the appropriate role for representatives of public concerns.

In June we hosted our inaugural “Green Regs & Ham” breakfast series. Nearly 200 people from the conservation community, regulators, environmental lawyers and industry came out to hear about how environmental decisions would be made under the new Alberta Energy Regulator.

Throughout 2013 we redesigned and updated our website in order to provide a better user experience. We also relaunched *News Brief* as an e-newsletter in April, resulting in a nearly 500% increase in readership.

Every year the ELC is providing more Albertans with the crucial information they need and that only we can provide.





# WE SALUTE OUR SPONSORS!

## INDIVIDUAL DONORS

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## ALBERTA GOVERNMENT

Land-Use Secretariat  
Alberta Culture Community  
Spirit Program

## ASSOCIATIONS

Red Deer River Naturalists  
Voice Of Community and Land  
Society (VOCAL)  
Association of Fundraising  
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## MUNICIPALITIES

Summer Village of Sunset  
Beach

\* indicates multi-year or  
monthly donor

*Audited financial statements are available on the ELC website at [www.elc.ab.ca](http://www.elc.ab.ca) on the "About ELC" page.*



**ROXANNE'S STORY:  
YOUR DONATIONS AT WORK**



As a resident of Turner Valley, Roxanne was concerned that the municipality wanted to build a drinking water reservoir on top of an abandoned oil and gas site. She wanted to make sure that the Town had followed due diligence in testing for toxins that could potentially leak into the water.

Over three years, our staff helped Roxanne by answering her questions, assisting her research,

and helping her engage in a formal appeal process.

"The difficulties I encountered on my journey were less of an obstacle because of the assistance provided by your lawyers. I am grateful for the existence of the ELC and the help they provided me. Not only did I change my community for the better, but I received a Hometown Heroes award for my work."

– Roxanne Walsh

## YOUR GIFT MAKES A DIFFERENCE

*Donating to the Environmental Law Centre is a powerful statement of your commitment to protecting – and responsibly developing – Alberta's natural resources with the best tools and decision-making possible.*

Donating to the Environmental Law Centre ensures that Albertans can access the information they need to protect the environment. Donors receive a charitable receipt and are acknowledged online and in print and receive exclusive invitations to special events. Depending on the level of commitment, we offer special recognition opportunities, as well as employee engagement opportunities, to celebrate and honour your generosity. We invite you to consider these additional ways you can support the Centre and protect the environment.

- **Multi-year Gifts** – it's difficult to plan and assess change in a single year. Three to five year commitments give us the flexibility to plan, assess and evolve programs as needed. It also reduces administrative burdens and costs, and actually attracts future donations as many foundations require matching funds. Your multi-year gift is a meaningful way to support the Environmental Law Centre.

- **Gifts of Securities** – we are able to accept gifts of stocks and securities. There are many tax benefits to donating securities over cash donations. Please contact our Fundraising Coordinator for more information (1-800-661-4238).
- **Gifts in your Will** – a bequest in your will is one of the most significant ways you can support a legacy of change. Laws and policies don't change overnight. They are a lifetime's work. You will leave a meaningful legacy by investing in a lifetime's work.

Have something else in mind?

**Call our office (1-800-661-4238)** to discuss your idea, your question, or to make a donation.



# JOIN US IN CELEBRATING OUR VOLUNTEERS!

## BOARD OF DIRECTORS

**The Board of Directors is the volunteer mainstay of the Centre; the Directors freely give their time to support the ELC's goals.**

### President

Dave Poulton M.A., LL.B., Environmental Consultant

### Vice-President

Tim Haufe, Barrister & Solicitor, City of Calgary

### Secretary/Treasurer

Ian Murray, Ian Murray & Company Ltd.

### Past President

Gavin Fitch, Barrister & Solicitor, McLennan Ross LLP

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The Lawson Trading Company Limited

Bob Nichol, Vice-President Woodlands, Alberta-Pacific Forest Industries Inc.

Sarah Palmer, Barrister & Solicitor

Gregory Taylor Ph. D., Professor, Department of Biological Sciences, University of Alberta

## OTHER VOLUNTEERS ALSO HELPED THE ELC IN 2013:

### Administrative

Chantal Chiasson

### Library

Jean-Pierre Chiasson  
Gabriel Sandstrom

### Public Interest Standing Project

Peter Ciechanowski  
Natasha Edgar  
Kelly Thompson

### Environmental Assessment Projects

Danielle Chu  
Alastair Lucas

### Photography

Bart Robinson





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*Leah Orr*  
Communications  
Coordinator



*Jason Unger*  
Staff Counsel

*Thank you!*





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