



Environmental  
Law Centre

2018

*Year in  
Reviews*



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# *Championing laws for clean air, clean water and a healthy environment*

The Environmental Law Centre (ELC) envisions a society where laws secure an environment that sustains current and future generations.

The ELC pursues this vision by:

- advocating for incorporation of core environmental law principles:
  - Informed public participation,
  - Precautionary principle,
  - Polluter pays and economic incentives align with environmental objectives,
  - Pollution prevention, and
  - Intergenerational equity.
- Laws and policies are guided by science;
- Laws create certainty around process rights and environmental conditions; and
- Laws are proactive in addressing environmental risks and harms.

As a charity, the Environmental Law Centre depends on your financial support to fulfill its mission.

Your support makes a difference!

## ELC's Vision, Mission & Goals



# A MESSAGE FROM OUR EXECUTIVE DIRECTOR AND BOARD PRESIDENT

*Dear Friends of the ELC,*



The year 2018 marked 36 years since the ELC's inception. We are proud of the ELC's longevity and continued relevance today. While it is remarkable how we are dealing with some of the same issues that we dealt with thirty plus years ago, it is also true that global environmental issues are at an all-time high and now - more than ever - there is a need to urgently respond and address them. There has never been a more important time for the ELC to champion for strong environmental laws and protection.

2018 saw various environmental law and policy topics emerge. Of particular note was initial development of significant changes to federal environmental impact assessment legislation.

2018 also saw new regulations arise, particularly in areas of climate change and mitigation of greenhouse gas emissions. Specifically the regulation of methane was a hot topic both provincially and federally and the more broadly applicable carbon pricing remained in the news as it found a federal foothold with the release of draft legislation, the [Greenhouse Gas Pollution Pricing Act](#).

The constitutional underpinning of environmental management and the shared jurisdiction between federal and provincial government also began to be increasingly relevant in the discourse, both in and outside of the Alberta Legislature and federal Parliament, whether it involved greenhouse gas emissions, pipelines, or the protection of the endangered Greater Sage Grouse.

The ELC also continued its efforts to see an [environmental bill of rights](#) be adopted by the province. Such a bill would ensure that Albertans have a right to a healthy environment and the procedural rights to ensure this right is upheld.

In 2018, the ELC continued to provide advice and law reform recommendations to the government of Alberta to ensure that our laws include tools for citizens to protect the environment. The ELC also continued its regulatory updates, including information on the new [Remediation Regulation](#).

The organization saw recent staff additions, Kyra Leuschen and Rebecca Kauffman, both of whom joined the ELC late in 2017, undertake major projects in relation to the legal context of climate mitigation and adaptation efforts in Alberta.

Moving forward the ELC will continue to take proactive and effective action in furtherance of the protection of the Alberta environment by advocating for law reform at all levels of government. This includes building capacity and assisting municipalities in their important role as land use planners and managers. This work is facilitated by our partnership with the [Miistakis Institute](#) through the [Community Conserve project](#) (see later in this report).

Current and future challenges in Alberta continue to loom large. This includes issues around water management, greenhouse gas emissions, and air quality. The ELC's vision has evolved but the outcomes we seek remain largely unchanged. By providing the tools, in the form of education and law reform recommendations, we strive towards better decision-making when it comes to our environment. We appreciate your support in helping us get there.

JoAnn Jamieson  
President,  
Board of Directors

Jason Unger  
Executive Director

# Our Core Focus Areas

Laws offer a functional and effective response to climate change risks.

Environmental laws protect environmental quality and the rights of citizens to attain and maintain a healthy environment.

Albertans are informed about their legal rights.

# 2018 in Review

Top blog post in 2018  
[Habitat, what habitat? The Greater Sage-Grouse emergency order and a call for heightened due diligence](#)



26 blog posts in 2018 with 24,886 views

7 reports published in 2018 with 13,813 downloads



Top report in 2018:  
[Energy Consumption and Privacy](#) with 985 downloads

115,775 visitors to the ELC website



158 tweets in 2018, 46,072 impressions and 1,213 followers. Follow us [@ELC\\_Alberta](#)

127 Facebook posts in 2018, 16,832 impressions and 734 followers  
Follow us [@environmentallawcentre](#)

## *In 2018, the ELC continued its review and analysis of climate change policy and regulations.*

### PUBLICATIONS:

[Energy Consumption Data and Rights to Privacy: Climate change mitigation policy, privacy and the “internet of things” in Alberta](#)

*Published January 2018*

We live in a data rich environment. The current and future state of climate mitigation regulation, policy and programming undertaken by governments requires ongoing tracking and understanding of energy consumption and efficiency across society. Data is not only necessary for evaluation of policy and regulatory directions but can act as a significant motivator in changing behaviour. The behaviours of state actors, individuals, and the private sector in how they monitor, gather and disclose information is central to ensuring privacy rights are not infringed.

A review of privacy legislation, both federally and provincially, indicates that there is a need to increase effectiveness of gathering energy consumption information to efficiently evaluate the effectiveness of climate policy. Similarly, there is a need to clarify what type of private information should be publicly disclosable to foster goals related to education and awareness among citizens.

### BLOG POSTS:

[An Update on the Federal Carbon Pricing Backstop: Draft Legislation and a Regulatory Framework Released](#)

*Posted February 2018*

In May 2017, the Federal Government released its [Technical Paper on the Federal Carbon Pricing Backstop](#) which outlines the proposed federal carbon pricing backstop...

[Competing Methane Regulations: Alberta and Canada Release Methane Regulations in the Same Week](#)

*Posted May 2018*

On April 24, the Alberta government released its proposed regulatory approach to reducing methane emissions from the oil and gas industry. Later that week, on April 26, the federal government passed its regulations for oil and gas methane emissions...

[Alberta Energy Regulator finalizes Methane Requirements for Upstream Oil and Gas](#)

*Posted December 2018*

As set out in Alberta Energy Regulator (AER) Bulletin 2018-37 issued December 13, new requirements meant to reduce methane emissions from the upstream oil and gas industry have been added to Directive O60...



ELC's Climate Change project is made possible with funding by:

Alberta **LAW**  
FOUNDATION

# ENVIRONMENTAL RIGHTS



*Continuing its series looking at issues around environmental rights, the ELC developed a model Environmental Bill of Rights in 2018.*

## PUBLICATIONS:

[Module 6: Rights to a Hearing](#) *Published January 2018*

A right to a hearing process for decisions and activities that impact on the environment are necessary for ensuring the protection of environmental rights and environmental quality in Alberta. A right to a hearing ensures that environmental, property and individual harms may be ameliorated or avoided by testing of evidence and bringing relevant information and concerns before an adjudicative body.

[An Annotated Environmental Bill of Rights](#) *Published March 2018*

Because humans require a healthy environment to flourish and thrive, environmental rights provide a cornerstone for human health and economic prosperity.

[The Interaction of Environmental Rights and Property Rights](#) *Published June 2018*

In presenting our model Environmental Bill of Rights, we heard concerns from landowners that it may have impacts on their private property rights. This report outlines the connection, convergence and potential divergence of environmental rights and property rights.

## BLOG POSTS:

[Environmental Rights in Alberta: Follow up on ELC's Webinar on the Interaction of Environmental Rights & Property Rights](#) *Posted July 2018*

On June 21st, we conducted a webinar based upon our most recent publication in the ELC's Environmental Rights program, The Interaction of Environmental Rights & Property Rights.



ELC's Environmental Rights project is supported by:

**Alberta LAW  
FOUNDATION**

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*The ELC looked at issues around water, groundwater and habitat, in preparation for a larger habitat review in 2019.*

## PUBLICATIONS:

[Groundwater Policy and Planning in Alberta: a path forward for sustainable groundwater management and protection](#) *Published November 2018*

Groundwater management in Alberta is governed by a wide variety of regulation and policy. Sustainable groundwater management is challenged by isolated reviews of water yield, a lack of information (leading to uncertainty in decision making and risk assessment), and challenges in integrated planning and assessment across multiple jurisdictions...

## BLOG POSTS:

[Back to what we once HADD \(plus more\)](#)

*Posted February 2018*

Since the 1970s, section 35 of the Fisheries Act operated to protect fish and fish habitat throughout Canada by prohibiting the harmful alteration, disruption or destruction of fish habitat (the HADD provision)...

[Overhaul of Alberta's Remediation Certificate Regulation](#)

*Posted July 2018*

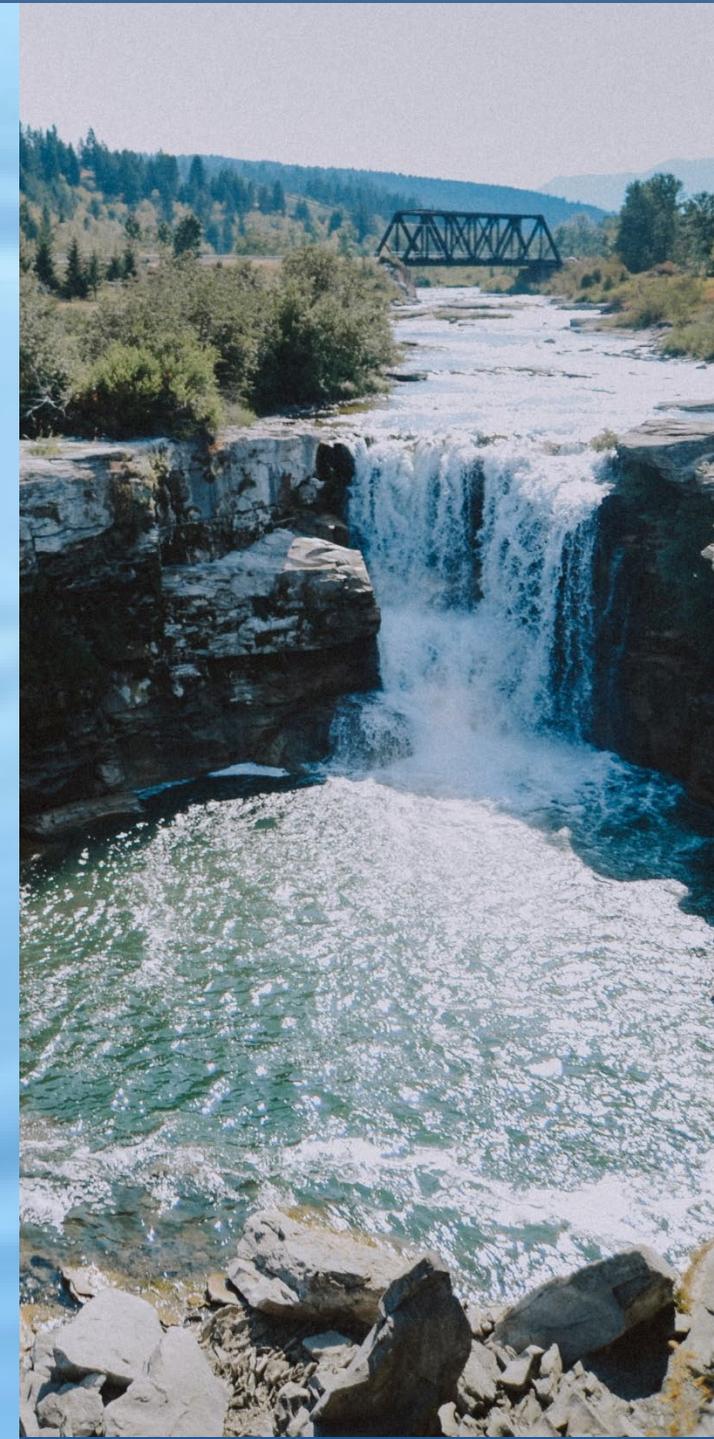
On June 1, 2018 the Government of Alberta passed the Remediation Certificate Amendment Regulation by Order in Council. This regulation updates the current Remediation Certificate Regulation and re-names it the Remediation Regulation...

[Groundwater sustainability: evolving groundwater policy and regulation for Alberta](#) *Posted November 2018*

there is a need to formalize policy direction to ensure consistent and strategic application of resources on an ongoing basis. The ELC recommends a groundwater policy framework guided by core management principles to guide all decisions related to groundwater use and protection..

[Habitat, what habitat? The Greater Sage-Grouse emergency order and a call for heightened due diligence \[Revised\]](#) *Posted November 2018*

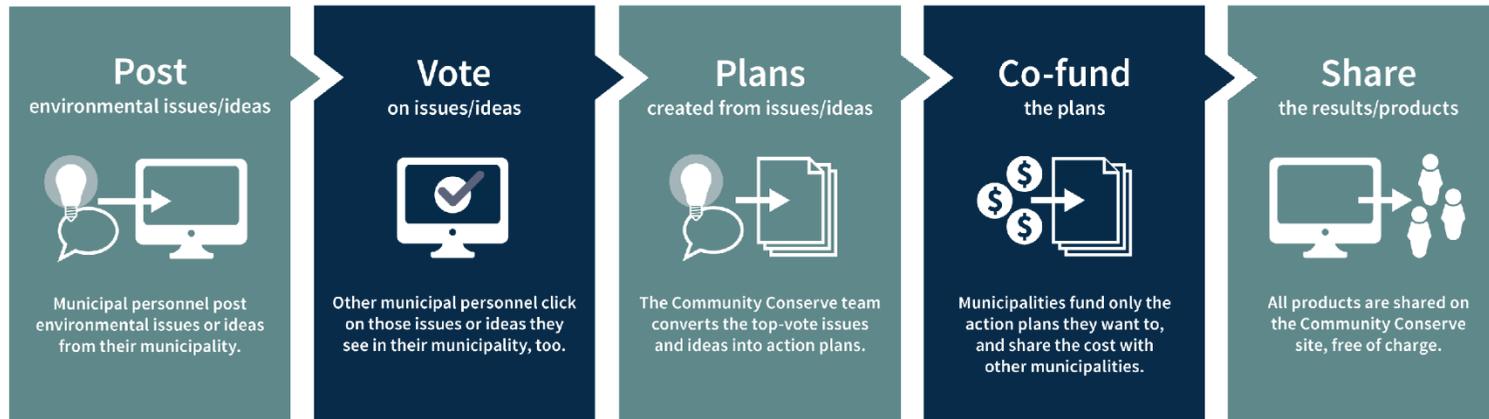
This story is about investing in activities that occur in the habitat of species at risk. It has a moral: stop doing it. This story features an oil and gas company, the federal Species at Risk Act (SARA), and insolvency...



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## Pooling municipal resources to address environmental issues



In 2018, the Community Conserve collaboration delivered the following to assist municipalities in addressing conservation and environmental issues:

- [Municipalities and Brownfields](#)  
This paper in the Environmental Law Centre's *Municipalities and Environmental Law Series* explores when and how municipalities can manage and regulate brownfields and their redevelopment.
- [Municipal Management of Industrial Development](#)  
This paper in the Environmental Law Centre's *Municipalities and Environmental Law Series* explores the sources of, and challenges to, municipal authority to regulate industrial development within its boundaries.
- [Municipal Management of Water Bodies](#)  
This paper in the Environmental Law Centre's *Municipalities and Environmental Law Series* explores when and how municipalities can regulate the water bodies within their boundaries.
- [Municipalities and Environmental Assessment: Primer and Model Bylaw](#)  
To enable municipalities to implement effective environmental assessment (EA) processes, the Environmental Law Centre developed a Model EA Bylaw. The Model EA Bylaw is accompanied by a primer which provides relevant background information.
- [The Scope of Municipal Powers and the Environment](#)  
Municipal decision-making is increasingly vital to effective environmental management. This publication is intended to clarify the sources and the scope of municipal authority with respect to the environment.

Visit [communityconserve.ca](http://communityconserve.ca)

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a project of ...



with the support of ...



A collaboration made possible with support from:  
Max Bell Foundation  
and an anonymous foundation

# GREEN REGS N HAM



In 2018, the ELC hosted  
**GREEN REGS N HAM**  
in Calgary and Edmonton.



## BLOG POSTS:

[Pickerel, Pipelines and Pancakes: A Summary of ELC's Green Regs and Ham breakfast discussion](#)

*Posted May 8 2018*

[Science and impact assessment: Green Regs and Ham](#)

*Posted October 31 2018*



## GREEN REGS 'N' HAM SPONSORS 2018



# CONDENSED STATEMENT OF OPERATIONS

For the year ended December 31,	2018	2017
<b>REVENUES</b>		
Fee for Service and search fees	\$521,870	\$541,197
Grants	331,859	270,960
Donations	61,612	70,806
Miscellaneous income	22,765	6,946
Interest income	3,805	775
Reimbursed expenses	1,616	1,764
<b>TOTAL REVENUES</b>	<b>943,527</b>	<b>892,448</b>
<b>EXPENDITURES</b>		
Advertising and promotion	-	487
Amortization	2,979	3,704
Consulting fees	67,037	99,052
Insurance	15,501	24,086
Interest and bank charges	19,261	19,646
Materials and supplies	6,147	2,833
Office equipment and technology	11,318	19,720
Postage and courier	673	254
Professional fees	19,380	19,272
Rent	66,375	57,810
Telephone and utilities	8,899	4,358
Training	8,827	1,891
Travel	16,587	10,519
Wages and benefits	518,762	446,374
<b>TOTAL EXPENDITURES</b>	<b>761,746</b>	<b>710,006</b>
<b>EXCESS OF REVENUES OVER EXPENDITURES</b>	<b>\$181,781</b>	<b>\$182,442</b>

# CONDENSED STATEMENT OF FINANCIAL POSITION

For the year ended December 31,		2018	2017
<b>ASSETS</b>			
<b>Current Assets</b>			
	Cash	\$794,868	\$564,617
	Accounts receivable	36,175	25,448
	Prepaid expenses	23,536	13,668
		<b>854,579</b>	<b>603,733</b>
	Equipment	9,164	12,142
	<b>Total Assets</b>	<b>\$863,743</b>	<b>\$615,875</b>
<b>LIABILITIES</b>			
<b>Current Liabilities</b>			
	Accounts payable and accrued liabilities	\$7,500	\$13,380
	Deferred Revenue	167,287	95,320
	<b>Total Liabilities</b>	<b>174,787</b>	<b>108,700</b>
<b>Fund Balances</b>			
	Restricted and reserve funds	688,956	507,175
	<b>Total</b>	<b>\$863,743</b>	<b>\$615,875</b>
<b>FUNDRAISING ACTIVITIES</b>			
	Gross contributions received	\$16,790	\$10,071
	Fundraising expenses	5,839	5,996
	Public education programming	10,951	4,075
		<b>\$16,790</b>	<b>\$10,071</b>

*A complete copy of the audited financial statements for 2018 can be obtained from the ELC office (for a small fee to cover shipping and handling costs)*

# Your support makes all the difference

ALBERTA REAL ESTATE  
FOUNDATION

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TO REMAIN ANONYMOUS

MAJOR  
PROJECT  
SUPPORTER

Alberta **LAW**  
**FOUNDATION**

*In 2018, you gave generously to stronger environmental laws and rights in Alberta that ensure Albertans continue to enjoy our clean air, clean water and healthy environment.*

*Thank You!*

# 2018-2019 VOLUNTEER LEADERSHIP

*The ELC extends a special thank you  
to the dedicated team of volunteers who provided  
leadership and strategic direction in 2018*

## BOARD EXECUTIVE

JOANN JAMIESON, *PRESIDENT*

TIM HAUFE, *VICE-PRESIDENT*

DAVE POULTON, *PAST PRESIDENT*

## DIRECTORS AT LARGE

GREGORY TAYLOR, PH. D.

SEAN PARKER

DR. LUDWIG (LU) CARBYN

SHARI CLARE

CAMERON JEFFERIES

MICHELLE FORRIETIER

ALISON DOEBELE (NON-VOTING)



*Above, left to right: Michelle Forrieter (director),  
Dr. Aerin Jacob (Conservation Scientist,  
Yellowstone to Yukon Conservation Initiative),  
Prof. Martin Olszynski (University of Calgary,  
Faculty of Law), Dave Poulton (Past President),  
JoAnn Jamieson (President), Jason Unger  
(Executive Director).*

*At Left, front left to right: a long-time supporter,  
JoAnn Jamieson (President), Dave Poulton (Past  
President). Back row, left to right: Sherri Clare  
(director), Lu Carbyn (director), Greg Taylor  
(director), David Shephard, MLA, Tim Haufe  
(Vice President), Jason Unger (Executive  
Director), Prof. Martin Olszynski (University of  
Calgary, Faculty of Law).*

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Please accept my gift to the Environmental Law Centre:

Charitable tax receipts will be issued for all donations over \$25. Mail to: #410, 10115 100A Street, Edmonton AB T5J 2W2; or make your gift securely online.

**Thank you for your support!**

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Phone #: \_\_\_\_\_

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Address: \_\_\_\_\_

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May we publicly acknowledge your gift?

Yes  No, I prefer to remain anonymous

Please debit \$ \_\_\_\_\_ each month from my:

- Bank Account (enclose a voided cheque)  
 Credit Card (fill out details below) or  
 Enclosed is my **one-time gift** of \$ \_\_\_\_\_  
(Cheques payable to Environmental Law Centre)

Please charge my  Visa  MasterCard  
Card Number: \_\_\_\_\_

CVC Code: \_\_\_\_\_

Expiry: \_\_\_\_\_

Cardholder Signature: \_\_\_\_\_



Your tax-creditable donation makes a difference. You support the thousands of people who annually access our environmental information services. This year, we plan to raise \$100,000.\* Please contact our Fund Development and Marketing Director, Kara Tersen at [ktersen@elc.ab.ca](mailto:ktersen@elc.ab.ca) with any questions.  
*\*it will cost us approximately \$25,000 (3%) of our annual budgeted revenues in 2018 to reach our fundraising goals*



Environmental  
Law Centre

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