



Environmental
Law Centre

2019

Annual
Report



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THE ENVIRONMENTAL LAW CENTRE'S VISION, MISSION AND GOALS

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!

A MESSAGE FROM OUR EXECUTIVE DIRECTOR AND BOARD PRESIDENT

Dear Friends of the ELC,

Writing about 2019 from where we stand in 2020 is an interesting endeavor. The economic fallout from the pandemic has hit everyone, some much harder than others. From the perspective of the environment, economic downturns lead to concerns that care for the environment may be marginalized in exchange for economic recovery. The ELC's work in 2019 and 2020, and into the future, will need to consider these economic pressures while monitoring changes in law and regulation that might undermine the health of Alberta's environment.

The ELC's projects in 2019 set the foundation for our future work. 2019 saw the ELC roll out several large projects regarding climate change, habitat law and policy, and the polluter pays principle. These reports will be used into the future to identify more focused law reform initiatives, as well as drive our work in terms of what regulations and policy should be scrutinized in the future.

2019 also saw our continued role facilitating discussion on major areas of environmental concern through our Green Regs and Ham events as we

recruited experts to discuss environmental concerns with bitumen export and orphan well sites. Both these issues continue to pose challenges and have been significant areas of contention provincially and federally.

Alberta's energy development continued to dominate headlines - and litigation - in the country in 2019. Along with our continued work in these areas of conflict, we looked at law reform opportunities across the spectrum of Alberta's environmental challenges, including how habitat should be better managed, not only for species at risk but for biodiversity and ecological health.

As we all navigate our way through the world in 2020 and into 2021, these ongoing environmental challenges may well be amplified. Monitoring law and policy to ensure environmental performance and protection does not backslide has always been a focal point for the Centre. Moving forward, we suspect this will be even more the case.

JoAnn Jamieson
President, Board of Directors

Jason Unger
Executive Director



A photograph of a winter scene. In the foreground, there are many bare, snow-covered branches that create a complex, web-like pattern. In the background, a pond is partially visible, with two ducks swimming. One duck is a mallard with a green head, and the other is a brown duck. The water is calm, reflecting the ducks and the sky. The overall atmosphere is serene and cold.

Albertans are informed about their legal rights.

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.

Most read blog post in 2019 with 10,045 views:



New Small Scale Generation Regulation aims to fill the gap between micro-generation and large utility companies

453 people participated in ELC webinars in **2019**



Our **80** tweets in **2019**, received **64,109** impressions from **1,268** followers.
Follow us [@ELC_Alberta](https://twitter.com/ELC_Alberta)



Most downloaded reports in 2019:

1. Climate Change and the Law: An Introduction to Mitigation in Alberta by Rebecca Kauffman (5,532 downloads)
2. Future Flows: Climate resilience, environmental flows and Alberta's water law by Jason Unger (4,249 downloads)
3. Climate Change and the Law: An Introduction to Adaptation in Alberta by Kyra Leuschen (3,547 downloads)

21,744 people visited the ELC website **123,982** times in **2019**



Our **13** reports published in **2019** were downloaded **17,691** times



71,749 visits to our **30** blog posts in **2019**



Our **66** Facebook posts in **2019** received **12,278** impressions from **961** followers
Follow us [@environmentallawcentre](https://www.facebook.com/environmentallawcentre)

Climate Change and the Law: Mitigation and Adaptation in Alberta

PUBLICATIONS:

The Environmental Law Centre (ELC) recently published its report on Climate Change and the Law which consists of two parts: [Climate Change and the Law: An Introduction to Mitigation in Alberta](#) and [Part Two – An Introduction to Adaptation in Alberta](#).

Part One introduces readers to the idea of mitigation and how it can help Alberta meet its climate goals.

Part Two provides a broad overview of the issues Alberta is likely to face due to climate change and the legal tools and measures that can assist with adapting to these issues.

Climate change, and what to do about it, is a daily news headline with debate occurring at the local, provincial, national and even international level. Our two-volume primer on climate change takes a broad look at Alberta and its role in these debates. The first volume and accompanying blog series will focus on mitigation.

The first volume of this report will focus on lowering greenhouse gas emissions (GHG) through increased energy efficiency and a transition away from fossil fuels towards renewable energy.

Adaptation is a necessary complement to mitigation. Whereas the goal of mitigation is to reduce or prevent changes in the climate system, adaptation is concerned with addressing the consequences of these changes.

The impacts of mitigation and adaptation measures are recognized at different levels and realized at different times. Mitigation tends to have global benefits whereas adaptation is typically felt at a local or regional level. Meanwhile, the benefits of mitigation carried out today will not be evidenced for decades (due to the long residence time of GHGs in the atmosphere), whereas adaptive measures can reduce vulnerability to climate variability immediately. As a result of these asymmetries, action on mitigation tends to come from international agreements, while action on adaptation historically stems from affected people, communities, and countries.

BLOG POSTS:

[Climate Change and the Law: An Introduction to Adaptation in Alberta](#) *Posted April 2019*

[Climate Change and the Law: An Introduction to Mitigation in Alberta](#) *Posted March 2019*

[CLICK HERE FOR MORE POSTS ON CLIMATE AND ENERGY](#)

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

**Alberta LAW
FOUNDATION**

The ELC developed a model Environmental Bill of Rights in 2018 and throughout 2019 continued looking at issues around environmental rights

PUBLICATIONS:

The Polluter Pays Principle in Alberta Law *published December 2019* provides a summary of the polluter pays principle in Alberta law. This report is provided as an introduction to the principle and how it is often operationalized in Alberta law. The report provides a foundation for future work on ensuring our laws better reflect the polluter pays principle.

The ELC recognizes that many environmental and social costs of development go unpriced. This situation is not unique to Alberta rather it is a problem economy wide (regionally, nationally and globally).

The ELC report provides a summary of how the polluter pays principle is applied in Alberta through regulatory standards, financial assurance and fees or levies.

ELC's Environmental Rights project is supported by:

Alberta **LAW**
FOUNDATION

BLOG POSTS:

Polluter pays principle in Alberta: A state of and a foundation for the future? *Posted December 2019*

What is clear is that while the polluter pays principle seems simple – when you pollute, you pay the costs associated with that pollution – application of the principle is often politically charged and complex.

Access to Environmental Justice: Costs and scientific uncertainty raise barriers to protecting communities *Posted October 2019*

In Alberta and other parts of Canada, inadequate access to environmental justice predominantly affects Indigenous communities. Indigenous people in Alberta often already live where the resources are located which limits a company's ability to move the project site to a different location. As such, this means that, rather than environmental racism being evident through the siting of toxic sites or polluting industries, it is embedded in the decision-making process for the sites.

The ELC completed a comprehensive review of habitat law and policy in 2019, which provides a foundation for future work on issues concerning species and habitat

PUBLICATIONS:

- [Habitat Law in Alberta EXECUTIVE SUMMARY](#)
- [Habitat Law in Alberta VOLUME 1 The State of Habitat Laws in Alberta](#)
- [Habitat Law in Alberta VOLUME 2 Barriers to Effective Habitat Management and Protection in Alberta](#)
- [Habitat Law in Alberta VOLUME 3 Jurisdictional Review of Habitat Laws](#)
- [Habitat Law in Alberta VOLUME 4 Recommended Reforms to Habitat Management & Protection Laws in Alberta](#)

Published November 2019

Habitat laws and regulation are a central component to how we start to address this human footprint. The Environmental Law Centre's (ELC) four-volume series provides a review of habitat law and policy in Alberta. These reports provide a review of statutes that can be used for habitat management and protection in the province; identify legislative barriers to effective habitat management and protection; consider approaches in other jurisdictions; and identify a path forward for improving laws and regulations for habitat outcomes.

[Future Flows: climate resilience, environmental flows and Alberta's water law](#), published January 2019, explores existing legal mechanisms to deal with maintaining and restoring environmental flows in our rivers and streams today and into the future.

BLOG POSTS:

[Woodland Caribou vs. Everybody](#) *Published December 2019*

Caribou are key to the Canadian wilderness in part due to caribou's historical connection with Canada's Indigenous and Inuit peoples and in part due to their migratory patterns and far-reaching ranges which mean that caribou herds can be found across the country. However, caribou are also susceptible to impacts from development..

[Are We Just Winging It? Legislative protections for bats: A Bat Week Blog](#) *Published October 2019*

Like any plant or animal species, the various species of bats that make Alberta home are threatened by direct mortality, disease, and habitat alteration to name a few factors...

WEBINAR:

[Habitat Matters: Habitat laws, challenges and new directions](#)

Hosted November 28, 2019

[Future Flows: maintaining environmental flows through precaution and adaptation](#) *Hosted February 20, 2019*

ELC's Habitat project is supported by:

**Alberta LAW
FOUNDATION**

In 2019, the ELC embarked on a project exploring the challenges and opportunities for stopping the loss of Alberta's agricultural lands to development

PUBLICATIONS:

Agricultural Lands Law and Policy in Alberta

Published November 2019

Alberta's agricultural lands support numerous social, economic and environmental benefits. Despite this, we have lost and continue to lose prime agricultural lands via conversion into developed uses. As well, Alberta's agricultural lands have become significantly more fragmented around Edmonton, Calgary, Red Deer, and along the Edmonton-Calgary corridor.

The ELC Agricultural Lands Project

With the support of our donors and noted experts in the field, the ELC is currently working on a project exploring the challenges and opportunities for stopping the loss of Alberta's agricultural lands. We announce the publication of this report which is the first of two that aim to answer how to move from conversion to conservation of Alberta's agricultural lands. In this report, the ELC provides:

- A primer on the laws and policies which apply to Alberta's agricultural lands from the perspectives of planning, development and conservation; and
- An effective canvassing of the existing legal tools relevant to conversion and conservation of agricultural lands in Alberta.

The second report will provide a gap analysis of Alberta's laws and policies to identify the legal challenges of moving from conversion to conservation of agricultural lands; look at other jurisdictions for alternative approaches for minimizing agricultural land fragmentation and loss, and for ensuring sustainable agriculture which could be adopted in Alberta; and make recommendations for legal and policy reform.

BLOG POSTS:

Moving from Conversion to Conservation: ELC publishes Agricultural Lands Law and Policy in Alberta *Published November 2019*

Loss Prevention vs. Replacement: Alberta Needs a Policy Framework for Sustainable Agriculture *Published April 2019*

Moving from Conversion to Conservation: Intermunicipal Planning and Agricultural Lands *Published March 2019*

This project is made possible through a grant from the Alberta Real Estate Foundation and an anonymous foundation.





Environmental
Law Centre

presents
Green Regs and Ham

Coastal Conundrums

1 fish, 2 fish, red fish, blue fish

APRIL 15, 2019

Buffet Breakfast 7:15 a.m.

Program 7:45 to 9:00 a.m.

THE MATRIX HOTEL - AMBER BALLROOM
10640 100 Ave NW Edmonton, Alberta

Photo by: Thomas Schaefer / iStockphoto

In 2019, the ELC hosted

GREEN REGS N HAM

in Calgary and Edmonton.

Thank you to our distinguished speakers, to our sponsors and, of course, all our wonderful supporters. See you next year for another serving of green regs and ham!



Environmental liabilities and diminished credit facilities:
Insolvency, environmental obligations & the impact of the Redwater decision

GREEN REGS N HAM

OCTOBER 24, 2019

HOTEL ARTS

119 12TH AVE SW CALGARY

HOT BUFFET BREAKFAST 7:15 AM

PROGRAM 7:45 AM - 9:00 AM



LEGAL TOOLKIT FOR ENGOS

In 2019, the ELC and Ecojustice presented two one-day workshops in Calgary & Edmonton. Alberta's environmental organizations (ENGOS) exist to effect change using a multitude of approaches. These ENGOS benefit from better understanding of the legal landscape, opportunities and barriers that exist for their environmental work. This understanding enables ENGO staff to be more strategic in their approach and heightens capacity within their organizations to apply legal and policy tools.



This project is made possible through a grant from the Chawkers Foundation.

CONDENSED STATEMENT OF OPERATIONS

For the year ended December 31,	2019	2018
REVENUES		
Fee for Service and search fees	\$406,253	\$521,870
Grants	226,463	331,859
Donations	80,142	61,612
Miscellaneous income	7,861	22,765
Interest income	6,841	3,805
Reimbursed expenses	799	1,616
TOTAL REVENUES	728,359	943,527
EXPENDITURES		
Advertising and promotion	-	-
Amortization	1,832	2,979
Consulting fees	55,592	67,037
Donations	8,353	
Insurance	26,466	15,501
Interest and bank charges	18,960	19,261
Materials and supplies	2,317	6,147
Office equipment and technology	14,520	11,318
Postage and courier	231	673
Professional fees	22,318	19,380
Rent	68,780	66,375
Telephone and utilities	6,897	8,899
Training	6,742	8,827
Travel	14,336	16,587
Wages and benefits	537,866	518,762
TOTAL EXPENDITURES	785,210	761,746
EXCESS OF REVENUES OVER EXPENDITURES	\$(56,851)	\$181,781

CONDENSED STATEMENT OF FINANCIAL POSITION

For the year ended December 31,		2019	2018
ASSETS			
Current Assets			
	Cash	\$793,674	\$794,868
	Accounts receivable	11,842	36,175
	Prepaid expenses	22,817	23,536
		828,333	854,579
	Equipment	7,331	9,164
	Total Assets	\$835,664	\$863,743
LIABILITIES			
Current Liabilities			
	Accounts payable and accrued liabilities	\$7,500	\$7,500
	Deferred Revenue	196,059	167,287
	Total Liabilities	203,559	174,787
Fund Balances			
	Restricted and reserve funds	632,105	688,956
	Total	\$835,644	\$863,743
FUNDRAISING ACTIVITIES			
	Gross contributions received	\$4,622	\$16,790
	Fundraising expenses	4,622	5,839
	Public education programming		10,951
		\$4,622	\$16,790

A copy of the full audited financial statements for 2019 can be obtained from the ELC office (for a small fee to cover shipping and handling costs)

Your support makes all the difference

PAM BRYAN

ANNEMARIE CLARKE

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THE CHAWKERS FOUNDATION

*AND OTHER DONORS WHO PREFER
TO REMAIN ANONYMOUS*

MAJOR
PROJECT
SUPPORTER

In 2019, 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.

Alberta **LAW**
FOUNDATION

Thank You!

THE ENVIRONMENTAL LAW CENTRE ENDOWMENT AT THE EDMONTON COMMUNITY FOUNDATION

THE ENVIRONMENTAL LAW CENTRE ENDOWMENT FUND AT THE EDMONTON COMMUNITY FOUNDATION

In late 2019, the Environmental Law Centre announced it has opened an endowment fund.

The ELC Fund is held at the Edmonton Community Foundation. As the fund grows it will provide operational revenue to continue the Centre's work to ensure that our laws and policies protect the environment on which we all depend.

The Environmental Law Centre, since 1982, provides credible, comprehensive and objective legal information regarding natural resources, energy and environmental law, policy and regulation in Alberta. With your help, we have a unique opportunity to create and grow an endowment that will help ensure we can keep doing so well into the future.

There is no better opportunity to invest in protecting Alberta's environment today and for the future. The fund was created to allow for a truly lasting legacy for the Environmental Law Centre. Your donation qualifies for a charitable tax receipt from the Edmonton Community Foundation or the ELC. The fund dollars will be invested in perpetuity, generating funds for the ELC forever.

Help us build our future and create your legacy. Please help us grow the Environmental Law Centre endowment fund today.

[CLICK HERE TO DONATE TO THE ENVIRONMENTAL LAW CENTRE FUND](#)

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

The ELC extends a special thank you to the dedicated team of volunteers and staff who provided leadership and strategic direction in 2019/20

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REBECCA KAUFFMAN, *STAFF COUNSEL*

KYRA LEUSCHEN , *STAFF COUNSEL (MATERNITY LEAVE)*

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KARA TERSEN, *MARKETING AND FUND DEVELOPMENT DIRECTOR*

YOU CAN MAKE A DIFFERENCE

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](#).

Full Name: _____

Phone #: _____

Email: _____

Address: _____

City: _____ Prov. _____ PC. _____

May we publicly acknowledge your gift?

Yes No, I prefer to remain anonymous

Yes, I'd like to become a Monthly Sustaining Donor!

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 with any questions. **it will cost us approximately \$25,000 (3%) of our annual budgeted revenues in 2020 to reach our fundraising goals.*



Environmental
Law Centre

ENVIRONMENTAL LAW CENTRE (ALBERTA) SOCIETY

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