



ENVIRONMENTAL LAW CENTRE

Annual Report 2006

www.elc.ab.ca



President's Message

Gavin Fitch



2006 has been an exciting year at the Centre. Building on initiatives begun in previous years, the Centre completed an overhaul of its Governance policies and processes, and embarked upon a strategic planning process that will set the Centre's direction for the upcoming three to five years. The process of establishing new strategic objectives has been stimulating, with Directors and Staff engaging in a lively debate on what are the major environmental challenges facing Albertans and how law and policy can and should be brought to bear on these challenges.

One of the values that is nearest and dearest to the heart of the Centre is ensuring that members of the public—average Albertans—have an opportunity to become involved in and have an influence on the making and shaping of environmental law and policy. Only in this way can law and policy truly reflect the “public interest”. In celebration of the Centre's 25th anniversary in 2007, the Centre is hosting a stakeholder round-table on how the concept of public interest informs environmental decision-making.

While all this has been going on, the Centre continued to carry out its core activities of public legal education, through answering inquiries from members of the public to making speeches and presentations to organizations around the Province, and law research and reform.

Every year is not without some regrets, and 2006 was no exception. Last year, the Centre said goodbye to its long-serving (18 years) librarian, Dolores Noga. She has been missed. Fortunately, the rest of the staff have continued their excellent work. In particular, the Directors would like to thank (again) the Centre's Executive Director, Cindy Chiasson, for her strong leadership.

Executive Director's Message

Cindy Chiasson



In 2006, the consistent element at the Centre was change. During the year, we made an office move to the Baker Centre in Edmonton and dealt with a number of staffing changes. While these administrative changes created some challenges, they also gave us the opportunity to look at our operations and activities through new eyes and from different perspectives. Changes in the federal and provincial governments and the upswing in public concern over environmental matters have increased the amount of government activity on the environmental regulatory and policy fronts. We have been involved in a steady surge of government consultations and initiatives on matters with major environmental implications, including oil sands development, water management, and land use policy.

2007 marks the Centre's 25th anniversary, a milestone for any charitable organization and particularly for one working on environmental issues in Alberta. A joint Board-staff strategic planning initiative that began late in 2006 will enhance our direction and focus, enabling us to make the most of our people and resources and to make a significant difference on Alberta's important environmental issues. We will also hearken back to our roots as a public interest organization, by carrying out a 25th anniversary research project examining and seeking to better define the public interest mandate of the Energy and Utilities Board and the Natural Resources Conservation Board.

The Board of Directors

The Executive Committee

President

Gavin Fitch
Barrister & Solicitor
McLennan Ross LLP

Vice-President

Corbin Devlin
Barrister & Solicitor
McLennan Ross LLP

Secretary/Treasurer

Peter Lee
National Coordinator
Global Forest Watch Canada

Past President

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

Directors at Large

Cheryl Bradley, P.Biol.
Environmental Consultant

Robert W. Kennedy, P.Eng.

Jennifer Klimek
Barrister & Solicitor

Cameron MacLennan
Barrister & Solicitor
Huckvale Wilde Harvie MacLennan LLP

Sarah Palmer
Senior Counsel, Regulatory & Compliance
Shell Canada Limited

Glen Semenchuk
Executive Director
Federation of Alberta Naturalists

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

Jason Unger
Barrister & Solicitor

Jodie Hierlmeier
Barrister & Solicitor

Dean Watt
Barrister & Solicitor

Financial Officer

Henrietta Wilson
Certified Management Accountant

Steven Hull
Certified Management Accountant

Information Services Coordinator

Dolores Noga
Professional Librarian

Iris Djurfors
Professional Librarian

Office Manager

Debbie Lindskoog

Accounting Clerk/Search Service Technician

Fran Schultz

Bookkeeper

Jennifer Anselmo

Secretary/Receptionist

Cathy Halonen

Search Service Technicians

Yankui Lee
Carol Conlin

Administrative Clerk

Louise Perkins

2006 at the Centre

Highlights

In September 2006, the Centre debuted the Internet version of its library catalogue, allowing users to search and request library loans online. Earlier in the year, the Centre published two new law reform briefs, one focusing on public access to the Environmental Appeals Board process, and the second dealing with provincial and municipal regulation of brownfield redevelopment.

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, publications and the public library of environmental law.

Information Services

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 2006, Centre staff answered 415 information requests and provided 96 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 preparing reform briefs and commentaries, participating in law reform processes, and serving on law reform or monitoring committees.

In 2006, Centre staff provided briefs or comments on the following matters:

- South Saskatchewan River basin draft water management plan;
- Natural Resources Conservation Board draft compliance and enforcement policy;
- Bill 18 – the *Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Amendment Act, 2006*;
- Energy and Utilities Board bulletin on commingling;
- Bill 29 – the *Environmental Protection and Enhancement Amendment Act, 2006*;
- Submissions to the Oil Sands Panel on developing a framework for oil sands development in Alberta; and
- Comments on the statutory five-year review of the *Canadian Environmental Protection Act, 1999*.

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 2006, including:

- Legal rights to public notice and consultation before issuance of mineral dispositions;
- Municipal initiatives, including the City of Edmonton's draft Environmental Strategic Plan and development of an Edmonton-area land trust;
- Proposed provincial regulations, including remediation certificates, water diversion from coalbed methane wells, and regulations under the *Agricultural Operation Practices Act*;
- Provincial policy initiatives, including conservation easement strategy, water management, oil sands development, land use, and implementation of the *Agricultural Operation Practices Act*;
- Habitat protection and environmental assessment under the federal *Fisheries Act*; and
- Development of a western Canada water strategy.

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 community groups, environmental and industry organizations, and students through presentations, materials and the Centre's public library of environmental law.

In 2006, Centre staff made 25 presentations on the following topics:

- Land matters, including brownfield redevelopment, contaminated land, public lands and wildlife, planning, landfills regulation, conservation easements, and wetlands;
- Regulatory matters, including energy development, Alberta's environmental tribunals, and environmental legislation; and
- General environmental matters, including health and environmental law, environmental law services, and alternative legal careers.

Nearly 50% of these presentations took place in smaller Alberta communities. Centre staff also prepared two articles for outside publications, *Law Now* and *The Journal of Environmental Law and Practice*, and carried out a number of interviews with print and electronic media on a range of environmental topics.

In 2006, the Centre also supported the study of environmental law in Canada through its sponsorship of the 15th 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 2006 first prize winner was Sarah Goard-Baker of the University of British Columbia for *Canadian Federalism and the Environment: The Constitutional Confusion Around Treaty Implementation and Environmental Legislation*, and the second prize winner was Burgandy Dunn of Queen's University for *The Importance of Sustainable Environmental Development to International Peace and Security: The Repercussions of Water*.

Publications

The Centre continues to provide access to environmental law and policy information through its publications. In 2006, the Centre published two briefs, *Brownfield Redevelopment in Alberta: Analysis and Recommended Reforms* by Jodie Hierlmeier, and *Public Access to Environmental Appeals: A Review and Assessment of Alberta's Environmental Appeals Board* by Cindy Chiasson and Jodie Hierlmeier.

The Centre continued to publish *News Brief*, its electronic newsletter that includes short articles and columns on environmental law and policy developments in Alberta and Canada.

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 2006, the library collection grew to include over 22,500 records, including journals and periodicals, texts, decisions of courts and administrative tribunals, videotapes and legislation.

The Centre launched an Internet-searchable version of its library catalogue in September 2006. The web version enables Centre users to search the library catalogue and request materials via the Internet. Catalogued materials that are available elsewhere on the Centre's website are accessible through direct links from the catalogue.

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 2006, 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 Environmental Farm Plan Company;
- Alberta Environmental Network: Board of Directors, Water Caucus, Clean Air/Energy Caucus, Forestry/Land Use Caucus, Agriculture Caucus, Toxics Caucus, and Oil Sands Caucus;
- Alberta Environmentally Sustainable Agriculture Council: Council and Communications Committee;
- Alberta Water Council, Water Policy Issues and Gaps Working Group; and
- Land Stewardship Centre of Canada, Board of Directors.

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 2006:

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

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

Alastair Mactaggart (Honourary)
Gavin Fitch, McLennan Ross LLP
Brenda Heelan-Powell, Alberta Energy and Utilities Board
Bill Kennedy, Alberta Natural Resources Conservation Board

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

Jennifer Klimek, Barrister & Solicitor
Bill Shores, Q.C., 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: Brownfield Redevelopment, Advisory Committee

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

Conservation Easement Outreach and Law Reform, Advisory Committee

Don Watson, Ducks Unlimited Canada
Gordon Garside, Davis and Company

Public Interest and Environmental Regulatory Decision-Making, Advisory Committee

Dr. Brian Bietz
Alastair Lucas, Q.C., University of Calgary, Faculty of Law
Hon. Judge Brian O'Ferrall, Provincial Court of Alberta

Auditor's Report

To the Members of Environmental Law Centre (Alberta) Society

The accompanying summarized statements of financial position, operations and fund balances are derived from the complete financial statements of Environmental Law Centre (Alberta) Society as at December 31, 2006, and for the year then ended. In our auditor's report on the complete financial statements dated March 12, 2007, we expressed a qualified opinion because we were unable to satisfy ourselves concerning the completeness of donation revenue and the expensing of capital expenditures. 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 respects, 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 fund balances, reference should be made to the related complete financial statements.

Mackay LLP
Chartered Accountants

Edmonton, Canada
March 12, 2007

Management's Responsibility for Financial Reporting

The accompanying summarized financial statements are the responsibility of the management of Environmental Law Centre (Alberta) Society and all information in this annual report has been reviewed by the President and Secretary/Treasurer on behalf of the Board of Directors. The summarized financial statements have been prepared by management in accordance with Canadian generally accepted accounting principles established by the Canadian Institute of Chartered Accountants and necessarily include estimates which are based on management's best judgements.

The Board of Directors is responsible for ensuring that management fulfills its responsibilities for financial reporting and is ultimately responsible for the summarized financial statements. The summarized financial statements have been reviewed and approved by the Board of Directors principally through its Audit Committee which is composed of the Directors and other members.



Gavin Fitch, President



Peter Lee, Secretary/Treasurer

March 12, 2007

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



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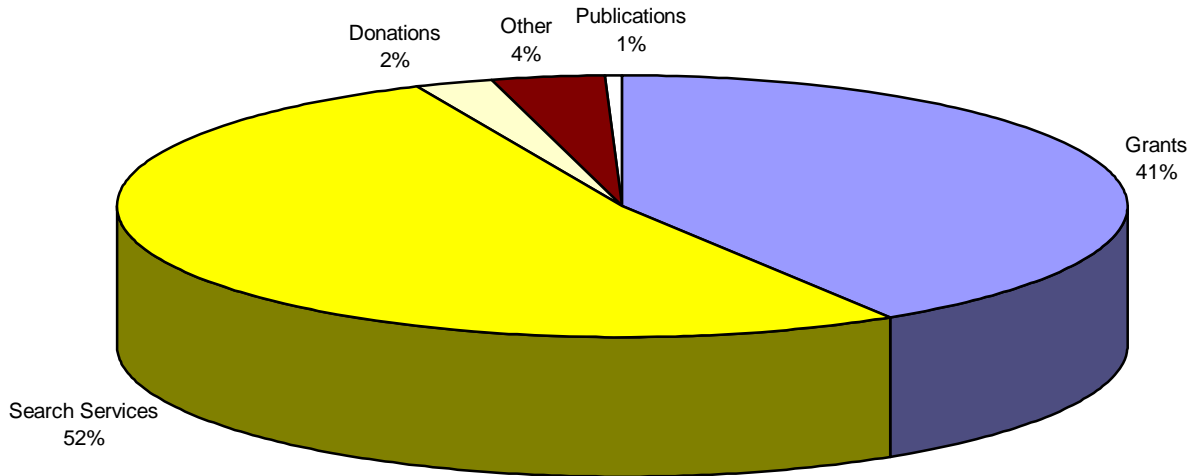
Environmental Law Centre (Alberta) Society Summarized Statement of Financial Position December 31, 2006

	2006		2005	
ASSETS				
CURRENT ASSETS				
Cash	\$	367,853	\$	181,852
Term Investments		265,802		191,245
Accounts receivable		2,033		6,496
Prepaid expenses		3,802		9,836
		639,490		389,429
LONG TERM INVESTMENTS				
		130,000		201,022
	\$	769,490	\$	590,451
LIABILITIES				
CURRENT LIABILITIES				
Accounts payable	\$	39,811	\$	9,511
Deferred revenue		134,257		81,867
		174,068		91,378
FUND BALANCES				
Unrestricted funds		27,121		27,121
Restricted funds		568,301		471,952
		595,422		499,073
	\$	769,490	\$	590,451

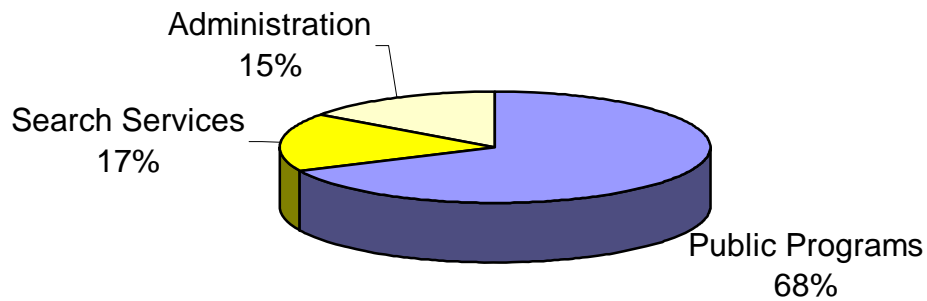
Environmental Law Centre (Alberta) Society Summarized Statement of Operations and Fund Balances For the year ended December 31, 2006

	2006		2005	
REVENUE				
Search Service Fees	\$	473,949	\$	400,517
Grants and Fee for Service		361,286		356,119
Donations, Interest and Other Income		71,847		56,650
		907,082		813,286
EXPENSES				
Salaries and Benefits		526,483		550,361
Occupancy & Insurance		121,852		72,887
Contract, Consulting, and Professional Fees		51,195		31,704
Equipment		32,951		15,600
Supplies and Services		32,506		18,263
Library Materials and Supplies		25,594		24,130
Travel and Staff Development		20,152		17,942
		810,733		730,887
Excess of Revenue Over Expenditures		96,349		82,399
Fund Balance, beginning of year		499,073		416,674
FUND BALANCE, end of year	\$	595,422	\$	499,073

2006 Sources of Support (Revenues)



2006 Distribution of Expenses



Friends of the Environmental Law Centre 2006

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 2006. They are:

Benefactors - \$5,000 +
Alberta Law Foundation

Patrons \$2,500 – \$4,999

Imperial Oil Limited
McLennan Ross LLP
Nexen Inc.
Petro-Canada

Partners \$1,000 - \$2,499

Canadian Hydro Developers, Inc.
Dr. David Y.F. Ho
MacLeod Dixon LLP
Titanium Corporation Inc.

Friends up to \$999

Anonymous
Anonymous
Anonymous
Garry Appelt
Beresh Cunningham
Cheryl Bradley
Cindy Chiasson
Davis & Company LLP
Corbin Devlin
Thomas A. Dickson
David M. Duggan
Keith Ferguson
Dr. Raquel Feroe
Lorne A. Fitch
Dr. Mary Griffiths

Catherine Halonen
Jodie Hierlmeier
Inside Education
Thomasine Irwin
Arlene Kwasniak
Debra Lindskoog
Alastair R. Lucas, Q.C.
James S. Mallet
Sarah Palmer
Dr. Mary Richardson
Gerry Samide
Michael D. Sauve Prof. Corporation
Jerome N. Slavik Prof. Corporation
Dennis R. Thomas, Q.C.
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

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 \$21,772 in charitable donations in 2006 and has budgeted to raise \$25,000 in charitable donations in 2007. These 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