



ENVIRONMENTAL LAW CENTRE

Annual Report 2007

www.elc.ab.ca



25 years of environmental protection through law and policy

Our Vision:

A clean, healthy and diverse environment protected through informed citizen participation and sound law and policy, effectively applied.

Our Mission:

To ensure that laws, policies and legal processes protect the environment.

Our Ends:

Enactment and effective enforcement of sound environmental laws and policies.

Effective and informed public participation in environmental regulatory, law-making and decision-making processes.

2007 Highlights:

- Exploring the public interest: in recognition of our roots as a public interest organization, we undertook a research project examining the public interest mandates of the Energy Resources Conservation Board and Natural Resources Conservation Board, and how that mandate could be better reflected in Board decisions. A highlight was the stakeholder roundtable discussion, which generated many ideas and informed the final law reform brief and research paper.
- Our comments on *Bill 46, the Alberta Utilities Commission Act*, were used by many Albertans in public discussion and submissions related to this legislation. Some of our suggestions on public participation and involvement were incorporated into the final Bill.
- We worked with a broad coalition of charities and non-profit organizations to highlight the sector's interests and concerns in relation to *Bill 1, the Lobbyists Act*. The Act as passed exempts public interest organizations and recognizes the contribution of the sector to law and policy development in Alberta.
- We were honoured as an Emerald Award for Environmental Excellence finalist in the Education – Other category, for assisting Albertans' participation in legal processes through our Information Services and Community Services programs.

President's Message

Gavin Fitch



In 2007, the Environmental Law Centre celebrated its 25th anniversary as an objective source of information about environmental and natural resources law. To celebrate this milestone, the Centre invited friends and supporters to a gala dinner at Edmonton's Royal Glenora Club, on May 24, 2007. All former Executive Directors of the Centre attended, including the Centre's founding ED Linda Duncan, and were honoured for their contribution to making the Centre an ongoing success. The keynote address was delivered by Preston Manning, who since retiring from active political life has written and spoken extensively on conservation of the environment. It was a great evening.

The Centre also marked its 25th anniversary by sponsoring a major research project on the "public interest", and how this concept is used (or not) by environmental decision-makers in Alberta. This project was particularly timely given the Province's decision to split the Alberta Energy and Utilities Board into two separate administrative agencies, the Energy Resources Conservation Board and the new Alberta Utilities Commission. This was accomplished by way of the controversial Bill 46. The Centre published commentary on Bill 46 which was referred to and relied on by stakeholder groups around the province; an example of the Centre leading the debate on an issue with important ramifications on environmental decision-making in Alberta.

In short, as we enter our next quarter-century, the Centre continues to occupy a vital place in Alberta's environmental and legal community. For that, the Directors wish to once again thank the Centre's outstanding and hard-working staff.

Executive Director's Message

Cindy Chiasson



The Centre's creation in 1982 followed a decade of energy development in Alberta. A key factor in our formation was a 1978 Energy Resources Conservation Board hearing on a heavy oil project with extensive public interventions, which highlighted the public's environmental law needs. Over 25 years, the topics have remained strikingly constant: seeking fair and balanced environmental review processes, with access and representation for all interests; the need for strong environmental monitoring and enforcement processes; and issues such as water management and land use conflicts.

Progress has been made. In 1982, Canadian environmental legislation was in its infancy in many ways. Since then, we have been involved in the development of Alberta's current environmental legislation and policy, and have provided information and education to countless numbers of Albertans working tirelessly to protect our environment. Public participation is now a given in most legislation, although the level and scope of such participation is often limited.

Moving forward, we plan to build on our strong heritage of well-reasoned, balanced law reform work and valued public information and education services. With our Board of Directors, we have developed a plan to make an impact on key strategic issues affecting Alberta's environment. Our work over the past year on defining the public interest is a good start, and our 2008 activities will pursue important initiatives as outlined in the Centre's Strategic Objectives listed inside the back cover of this Annual Report.

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

Sarah Palmer
Barrister & Solicitor

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

Glen Semenchuk
Executive Director
Federation of Alberta Naturalists

Honourary Members

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



From left to right - Robert Kennedy, Jennifer Klimek, Corbin Devlin, Gavin Fitch, Glen Semenchuk, Karin Buss

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

Steven Hull
Certified Management Accountant

Information Services Coordinator

Iris Djurfors
Professional Librarian

Office Manager

Debbie Lindskoog

Bookkeeper

Jennifer Anselmo

Executive Assistant

Cathy Halonen

Search Service Technicians

Yankui Lee
Carol Conlin
Cindy Dewing

Administrative Clerk

Louise Perkins

Research Assistant

Monique Morin

Intern

Laura Keating



Rear: from left to right - Jennifer Anselmo, Dean Watt, Jason Unger, Jodie Hierlmeier, Steven Hull, Cindy Chiasson, Debbie Lindskoog
Front row: from left to right - Louise Perkins, Monique Morin, Iris Djurfors, Cathy Halonen

Over its first 25 years, the ELC has employed 106 staff members, had four Executive Directors, and 70 members of the Board of Directors

2007 at the Centre

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

Through this unique service, the Centre lawyers and librarian answer the public's environmental law and policy questions free of charge. During 2007 this program, which the Centre has operated since its creation, answered 440 information requests. Since 1982, Centre staff have answered over 17,500 information requests.

As part of this service, the Centre maintains a lawyer referral list to Centre users who seek legal representation. In 2007, Centre staff provided 136 lawyer referrals. 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.

Law Reform & Monitoring

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 2007, Centre staff provided briefs or comments on the following matters:

- Proposed recovery plans under the *Species at Risk Act* for the greater sage grouse, swift fox, and burrowing owl;
- Provincial policy proposals, including a cumulative effects framework, wetland policy and implementation plan, land use framework, and Water for Life strategy renewal;
- Bill 1 – the *Lobbyists Act*;
- Bill 46 – the *Alberta Utilities Commission Act*;
- Bill C-45 – *an Act respecting the sustainable development of Canada's seacoast and inland fisheries*;
- Energy and Utilities Board bulletin and draft directive on emergency preparedness and response requirements;
- Submissions to the Oil Sands Panel on water, public participation, the role of government in oil sands development, planning, greenhouse gases, and reclamation; and
- Alberta Environment guide to reclamation criteria for wellsites and association facilities on forested lands in the Green Area.

Centre briefs and comments, from the present through 1998, can be accessed online at www.elc.ab.ca/briefs/index.cfm.

The Centre also participated in a range of consultations during 2007, including:

- Proposed provincial legislation and regulations, including remediation certificates, climate change, and the *Lobbyists Act*;
- Provincial policy initiatives, including water management and governance issues, oil sands development, land use, greenhouse gas management, cumulative effects management, and development of an agricultural and environmental policy body;
- Federal climate change plan; and
- Land stewardship.

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 2007, Centre staff made 22 presentations on the following topics:

- Land matters, including brownfield redevelopment, surface rights and land ownership, and environmental laws related to real estate;
- Regulatory matters, including energy and electricity development, nuclear power regulatory process, greenhouse gas regulation and defences to environmental regulatory offences; and
- General environmental matters, including agricultural and environmental cooperation, environmental law services, and lobbying legislation.

Centre staff also wrote an opinion editorial for the *Calgary Herald* and three articles for *Law Now* magazine, and carried out 30 interviews with print and electronic media on a range of environmental topics.

In 2007, the Centre also supported the study of environmental law in Canada through its sponsorship of the 16th 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. Erin McLaughlin of Osgoode Hall Law School won first prize for *Equalization as an Economic Instrument for Sustainable Development*, and Kent Elson of Osgoode Hall Law School won second prize for *Canada's Role in Developing World Environmental Justice: A Case for Extending the National Pollutant Release Inventory*.

Publications

Centre publications continue to inform Albertans about environmental law and policy. Since 1982, the Centre has published more than 65 books and law reform briefs.

In 2007, the Centre moved further into electronic publications. In cooperation with Ducks Unlimited Canada, it published an information kit for lawyers, *Legal Aspects of Conservation Easements*, which is available online at www.elc.ab.ca/publications/detailspage2.cfm?id=1039. The Centre also published several new and updated environmental law fact sheets, available on its website at www.elc.ab.ca/faq/index.cfm. The Centre continues 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 2007, the library collection grew to include over 23,000 records, including journals and periodicals, texts, decisions of courts and administrative tribunals, videotapes and legislation.

In 2007, the Centre began an arrangement with Martha Kostuch to provide public access through its library to documents obtained from Alberta Energy by Dr. Kostuch under the *Freedom of Information and Protection of Privacy Act*. The documents, which will be forwarded on an ongoing basis by Alberta Energy until mid-2008, relate to oil sands royalty rates and development of the province's Mineable Oil Sands Strategy.

Other Services

The Centre offers three services, consistent with its mission, vision and strategic objectives, in addition to its public program activities. It offers two environmental information search services under agreements with Alberta Environment, which 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 2007, Centre program staff were involved on these boards, committees and groups:

- Alberta Ecotrust Foundation, Grant Review Committee;
- Alberta Environment, Environmental Protection 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: Director, and Water Policy Issues and Gaps Working Group;
- Land Stewardship Centre of Canada, Board of Directors;
- Natural Resources Conservation Board, Policy Advisory Group; and
- Water Matters, 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. Volunteers have given more than 40,000 hours of time to support the Centre's activities since 1982.

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 2007:

News Brief Advisory Committee

Roger Bryan, Alberta Agriculture and Food
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)
Karin Buss, Ackroyd LLP
Bruce Laycock, Alberta Justice
Gilbert Van Nes, Alberta Environmental Appeals Board

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

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
Steven Kennett, Pembina Institute for Appropriate Development

Oil Sands Reclamation Security Research, Advisory Committee

Larry Brocke, Millennium EMS Solutions Ltd.
Nickie Vlavianos, Canadian Institute of Resources Law
Dan Woynillowicz, Pembina Institute for Appropriate Development

Auditor's Report

To the Members of Environmental Law Centre (Alberta) Society

The accompanying summarized statement of financial position and statement of operations and fund balances are derived from the complete financial statements of Environmental Law Centre (Alberta) Society as at December 31, 2007 and for the year then ended. In our auditor's report on the complete financial statements dated March 20, 2008, we expressed a qualified opinion because we were unable to satisfy ourselves concerning the completeness of donation revenue and because capital assets are expensed in the year of acquisition. 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.

The comparative amounts have been reclassified, where applicable, to conform to the presentation used in the current year.

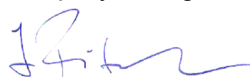

Chartered Accountants

Edmonton, Canada
March 20, 2008

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
March 20, 2008



Sarah Palmer, Secretary/Treasurer

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



ENVIRONMENTAL LAW CENTRE Annual Report 2007

Environmental Law Centre (Alberta) Society Summarized Statement of Financial Position December 31, 2007

	2007		2006	
ASSETS				
CURRENT ASSETS				
Cash	\$	516,120	\$	367,853
Term Investments		235,730		265,802
Accounts receivable		6,669		2,033
Prepaid expenses		3,802		3,802
		762,321		639,490
LONG TERM INVESTMENTS				
		130,000		130,000
	\$	892,321	\$	769,490
LIABILITIES				
CURRENT LIABILITIES				
Accounts payable	\$	33,821	\$	39,812
Deferred revenue		175,922		134,257
		209,743		174,069
FUND BALANCES				
Unrestricted funds		44,551		27,121
Restricted funds		638,027		568,300
		682,578		595,421
	\$	892,321	\$	769,490

Environmental Law Centre (Alberta) Society Summarized Statement of Operations and Fund Balances For the year ended December 31, 2007

	2007		2006	
REVENUE				
Search Service Fees	\$	503,780	\$	473,949
Grants and Fee for Service		406,597		365,051
Donations, Interest and Other Income		66,617		68,427
		976,994		907,427
EXPENSES				
Salaries and Benefits		551,210		526,483
Occupancy & Insurance		123,069		114,100
Contract, Consulting, and Professional Fees		76,203		48,531
Equipment		23,719		32,986
Supplies and Services		60,649		43,232
Library Materials and Supplies		26,553		25,594
Travel and Staff Development		28,434		20,152
		889,837		811,078
Excess of Revenue Over Expenditures		87,157		96,349
Fund Balance, beginning of year		595,421		499,072
FUND BALANCE, end of year	\$	682,578	\$	595,421

25th Anniversary Celebration – May 24, 2007



Linda Duncan



Preston Manning



Donna Thomas, Justice Denny Thomas, Alastair R. Lucas



Mary Griffiths, Kim Sanderson, Karin Buss



Friends of the Environmental Law Centre 2007

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 2007. They are:

Benefactors - \$5,000 +
Alberta Law Foundation

Alberta **LAW**
FOUNDATION

Patrons \$2,500 – \$4,999
Imperial Oil Limited
McLennan Ross LLP

Partners \$1,000 - \$2,499
Dr. David Y.F. Ho
Michael L.J. Morin, Q.C.

Friends up to \$999
Anonymous
Anonymous
Anonymous
ATCO Ltd.
Beresh Cunningham
Cindy Chiasson
Davis LLP
Corbin Devlin
Thomas A. Dickson
David M. Duggan
Envoe Management Ltd.
Keith Ferguson
Steven Ferner

Dr. Raquel Feroe
Dr. Mary Griffiths
Catherine Halonen
Jodie Hierlmeier
Laura Keating
Ronald Kruhlak
Arlene Kwasniak
Debra Lindskoog
Alastair R. Lucas, Q.C.
Regan R. Morris
Peter T. Boland & Associates Inc.
Helen Ready
Dr. Mary Richardson
Dennis R. Thomas, Q.C.

The Environmental Law Centre would also like to recognize the following organizations and individuals who donated time and/or resources to the Centre in 2007:

Project funders:
Alberta Energy and Utilities Board
Alberta Law Foundation
Alberta Natural Resources Conservation Board
Ducks Unlimited Canada

In kind contributions:
Green Planet Communications
McLennan Ross LLP
Weyerhaeuser

Since 1982, the Centre has had 400 donors support its activities.

MOVING FORWARD

Environmental Law Centre Strategic Objectives 2008 – 2010

- **Information and Education:** Provide and promote information and education programs that improve the awareness and capacity of Albertans to use laws to protect the environment.
- **Water:** Review, evaluate and promote reform of the legislative and policy framework to protect watershed and aquatic ecosystems.
- **Land Use:** Improve environmental considerations in land use planning and decision-making processes in Alberta.
- **Cumulative Environmental Impacts:** Strengthen legal requirements and government procedures for effective application of cumulative environmental impact assessment by regulatory and government decision-makers.
- **Public Participation:** Increase accessibility, public participation and involvement in key environmental and energy development assessment and approval decision-making processes.
- **Greenhouse Gases:** Increase transparency, effective access to information and public participation in the development and implementation of laws regulating greenhouse gas emissions.

Supporting the ELC

The Centre's staff and Board 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.

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

The Environmental Law Centre received \$14,501 in charitable donations in 2007 and has budgeted to raise \$30,000 in charitable donations in 2008. 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,
- 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.

*Canada Revenue Agency Registration Number 11890 0679 RR0001