

ENVIRONMENTAL LAW
CENTRE



ANNUAL REPORT 2009



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

In pursuit of the vision and mission, the Environmental Law Centre exists so that laws, policies, and regulatory decisions protect the environment for Albertans and that:

- People are actively engaged in decisions to protect the environment.
- Laws are effective in protecting the environment.



Image: Suat Eman / FreeDigitalPhotos.net

Cover Image: Steph and Adam / Creative Commons

PRESIDENT'S MESSAGE

GAVIN FITCH



2009 was a year of change at the ELC, yet that change was in furtherance of the ELC's core purpose, which is to be an objective source of information about environmental and natural resources law.

Part of the Centre's job is to comment on important environmental legal issues of the day. As in the past, in 2009 the Centre did this by, for example, publishing *A Guide to Public Participation in Environmental Decision-Making in Alberta*, commentaries on the *Alberta Land Stewardship Act*, and articles in *Alberta Oil* magazine, to name a few. The change was in how the Centre disseminates its information.

In 2008 the ELC created a new staff position of Communications Director and drafted a Communications Plan to guide the Centre through to 2010. In 2009, we were able to see the first results of the Centre's new initiative.

Webinars have largely replaced the Centre's old "brown bag lunch seminars". And the ELC has embraced the emerging power of social networking sites, with pages on Facebook, Twitter and YouTube. In this way, the ELC is now able, via blogging, to provide its comments on current and emerging environmental law issues in a much more timely fashion than was possible in the past. Finally, the Centre is assessing its venerable *News Brief*, to ensure that it is still meeting the needs of our stakeholders in this new media age.

Other changes at the Centre in 2009, unfortunately, included the departure of staff lawyers Jodie Hierlmeier and Dean Watt, both of whom made substantial contributions to the Centre during their time there. Fortunately, Jodie and Dean have been ably replaced by Adam Driedzic and Laura Bowman. Welcome, Adam and Laura.

On behalf of the Board of Directors, congratulations to the Centre on a job well done in 2009.

EXECUTIVE DIRECTOR'S MESSAGE

CINDY CHIASSON



One of my favourite volunteer jobs is acting as a regional judge for the annual Toyota Earth Day scholarships for grade 12 students. Last night, I was reviewing some of this year's materials and came across one of the most amazing efforts I've seen in the seven years I've been judging. A student had invested the past two years of their time leading a campaign to have their municipality (pop. 80,000) enact a bylaw prohibiting single-use shopping bags. The new bylaw comes into effect September 2010. Was I impressed? Hell, yeah! To bring this about, the student not only had to build the case for the bylaw, but also inform and engage others to support the proposal and work through the legislative process. A big achievement, no matter the person's age.

I've come to realize over the past year that the Environmental Law Centre must take on a similar role to make a difference for Albertans and our environment. It's simply not enough for us to work on environmental law and policy in our education and law reform activities and expect that people will care. We must go further and be "meaning makers", by explaining how the law and policy fits into the bigger picture and helping Albertans understand why they should care.

We clearly heard this need from our supporters and users during 2009. Albertans are keenly interested in matters such as water use and management, land use, and involvement in environmental decision-making. They want to have their say and be able to influence what Alberta and our environment will be in the future. They also want to understand how law and policy affects them and how they can use these tools to protect and preserve the things they care about.

To meet these needs, we're working to make our materials more approachable and readable, getting out more with our outreach activities, and moving into the world of social media through a new blog, Facebook and Twitter. I'm particularly excited by the potential social media offers us to interact on an ongoing basis with our users. Thanks to our staff for their eager adoption of these new (for us) methods and to our Board of Directors for their support of our new directions. I look forward to talking with you and learning more about your environmental law interests, either in person or electronically. Join us as we move ahead on protecting Alberta's environment!

STRATEGIC OBJECTIVE 1



Image: Paula E. Kirman / mynameispaula.com

“provide and promote information and education programs that improve the ability of Albertans to use laws to protect the environment”

In 2009 the ELC:

- Made 39 presentations to over 1100 people on topics ranging from land use to watershed plan implementation;
- Made 17 print, radio and television appearances and published five articles in *Alberta Oil Magazine* and one in *Wild Lands Advocate*;
- Published four issues of *News Brief*;
- Had over 24,000 hits to our online library catalogue;
- Hosted two “webinars,” which were attended by over 80 people from across the province;
- Sponsored the 18th annual Sir John A Mactaggart Essay Prize in Environmental Law. Ashley Weldon from the University of Calgary Law School won first prize for *(De) Water Works: Subsidence Liability and Remedies in the Alberta Coalbed Methane Context*; and
- Answered 373 information requests and made 118 lawyer referrals.

In 2010, we plan to:

- Continue to deliver environmental law and policy information on a wide variety of topics to relevant groups and individuals;
- Increase public awareness of the ELC’s information and education programs; and
- Enhance electronic and web-based delivery of information and education.

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 Martha Kostuch Library of Environmental Law.

STRATEGIC OBJECTIVE 2

“review, evaluate and provide reform of legislative and policy frameworks to protect watershed and aquatic ecosystems”



Image: Paula E. Kirman / mynameispaula.com

In 2009 the ELC:

- Consulted with and presented to various government and non-governmental agencies on topics such as introductory water law, water allocations and watershed plan implementation;
- Submitted Jason Unger's article "Worth our salt: Tightening constraints on water supplies call into question the legal line drawn between saline and pure sources", which was published in *Alberta Oil Magazine*;
- Participated in the Alberta Water Council's Provincial Ecological Aquatic Criteria for Health Project Team, which Jason Unger co-chaired; and
- Published Jason Unger's report *Consistency and Accountability in Implementing Watershed Plans in Alberta: A jurisdictional review and recommendations for reform*.

In 2010, we plan to:

- Advocate for provincial government accountability for adoption and implementation of watershed management plans;
- Work to ensure water allocations are protective of environmental flows; and
- Assess legal tools for water quality protection.

Albertans depend on rivers, wetlands, and lakes to provide clean drinking water, safe recreational areas and healthy food to eat. Healthy aquatic ecosystems contribute to flood protection, water storage, and biodiversity protection. They are also beautiful and valuable spaces on the landscape.

The ELC seeks to ensure that management plans, allocation systems and other laws, policies and processes protect water resources now and in the future.

STRATEGIC OBJECTIVE 3

**“improve environmental considerations
in land-use planning and decision-
making processes in Alberta”**



Image: Paula E. Kirman / mynameispaula.com

In 2009 the ELC:

- Made recommendations and proposed amendments to the *Alberta Land Stewardship Act* (Bill 36);
- Released backgrounders and a media advisory to inform Albertans about the strengths and weaknesses of Bill 36;
- Published articles in *Alberta Oil Magazine* and *Wild Lands Advocate* related to land use legislation;
- Made several public presentations and hosted a webinar on topics related to land use planning; and
- Discussed land use frequently on the ELC's blog.

In 2010, we plan to:

- Advocate for the creation of cumulative effects legislation that provides for outcome-based regulation;
- Develop criteria for the elements of regional plans necessary to ensure effective environmental protection; and
- Advocate for and monitor sound implementation of regional plans in land use decisions.

As Alberta's population grows, the resources needed to fulfill the needs of people, ecosystems, and the economy are in increasingly short supply. Effective land-use planning combines social, environmental, and economic considerations to decide how regional development should proceed.

The ELC is committed to ensuring that Alberta's land-use planning process properly considers potential and ongoing environmental impacts and utilizes a transparent and inclusive public participation process.

STRATEGIC OBJECTIVE 4



Image: Suat Eman / FreeDigitalPhotos.net

“strengthen legal requirements and government procedures for effective application of cumulative environmental impact assessments”

In 2009 the ELC:

- Submitted Jason Unger's article "It's About Time: Reclamation and managing cumulative effects require quick action", which was published in *Alberta Oil Magazine*;

In 2010, we plan to:

- Identify substantive failures of environmental impact assessment: and
- Develop principles to guide substantive decisions arising from environmental impact assessment.

As development and growth occur around the province, projects are assessed for environmental impacts. However, they're not always put into the larger context.

The ELC is committed to advocating for full and proper assessment of the cumulative environmental impacts of development. We are also committed to identifying and recommending specific mechanisms to strengthen application of cumulative environmental impact assessment.

COMMUNITY CONTRIBUTIONS

ELC program staff members are often asked to provide input on environmental law and policy and participate in related initiatives. In 2009, ELC staff members were involved in:

- Alberta Ecotrust Foundation, Grant Review Committee;
- Alberta Environmental Network: Water Caucus, Clean Air/Energy Caucus, Land Use Caucus, and Agriculture Caucus;
- Alberta Water Council: Director, and Healthy Aquatic Ecosystem Working Group and Project Team;
- Edmonton and Area Land Trust, Board of Directors;
- Land Stewardship Centre of Canada, Board of Directors;
- Natural Resources Conservation Board, Policy Advisory Group; and
- Water Matters, Board of Directors.

STRATEGIC OBJECTIVE 5

“increase accessibility, public participation and involvement in key environmental and energy development assessment and approval decision-making processes”



Image: Simon Howden / FreeDigitalPhotos.net

In 2009 the ELC:

- Released *A Guide to Public Participation in Environmental Decision-making in Alberta*, which describes the environmental authorization process in Alberta and when and how members of the public can participate in these government decisions;
- Made numerous presentations to students, community groups and professional associations on public participation and public interest issues;
- Began assessing implementation by Alberta Environment and the Environmental Appeals Board of recommendations made in the ELC's 2006 *Public Access to Environmental Appeals* report; and
- Was particularly active in addressing public participation as it relates to Bill 36, the *Alberta Land Stewardship Act* and Bill 50, the *Electric Statutes Amendment Act*.

In 2010, we plan to:

- Advocate changing Alberta's standing tests from "directly affected" to "genuine interest"; and
- Improve access to environmental information by advocating that the *Freedom of Information and Protection and Privacy Act* apply to all forms of environmental information held by the provincial government.

Resource development has been a hot topic for years in the province. Public concern over Albertans' ability to participate in the many stages of planning and approval has been particularly robust.

The ELC seeks to increase accessibility to environmental decision making by advocating for broadened standing requirements, assessing the availability and adequacy of public participation opportunities and recommending any necessary reforms.

STRATEGIC OBJECTIVE 6

“Increase transparency, effective access to information and public participation in the development and implementation of laws regulating greenhouse gas emissions”



Image: prozac1 / FreeDigitalPhotos.net

In 2009 the ELC:

- Appeared in news stories related to carbon capture and storage and greenhouse gas reduction in student publications at NAIT and Carleton University;
- Published "Feds Face Greenhouse Gas Bill C-311 - *The Climate Change Accountability Act*" in *News Brief Vol 24 No 3*.

In 2010, we plan to:

- Continue to work to understand how regulations will affect Albertans and our environment;
- Advocate for a consistent approach to greenhouse gas regulation to achieve real reductions in emissions across Canada; and
- Continue to monitor legal developments in this area.

At the ELC, we want to address climate change in the way we know best: environmental law. We acknowledge that excessive greenhouse gas emissions are adversely affecting our climate and that we need to achieve a real reduction in greenhouse gas emissions.

We are currently working to understand how the law can adopt proposed solutions and how emissions reporting and monitoring protocols can be effectively and transparently implemented.

The Executive Committee

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Jodie Hierlmeier
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Program Assistant

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Student Surveyor

Laura Polasek

Research Assistant

Matt Thorpe

The ELC wishes to acknowledge the contributions that Al Hunter, who passed away April 6, 2010, made to environmental law in Alberta. Al served on the Board of Directors from 1989-94 and became an Honourary Member in 2005. In addition to his support for and involvement with the Centre, he represented many environmental groups and individuals on a pro bono basis throughout his long and distinguished legal career. His presence as a member of Alberta's environmental law bar will be missed.

DONORS

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In kind contributions

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Project funders

Alberta Ecotrust Foundation
Alberta Law Foundation
Alberta Real Estate Foundation
Max Bell Foundation
Walter and Duncan Gordon Foundation

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 and Partner

- Tax Receipt
- ELC Annual Report and audited financial Statements
- Acknowledgment in the ELC Annual Report and on the ELC website

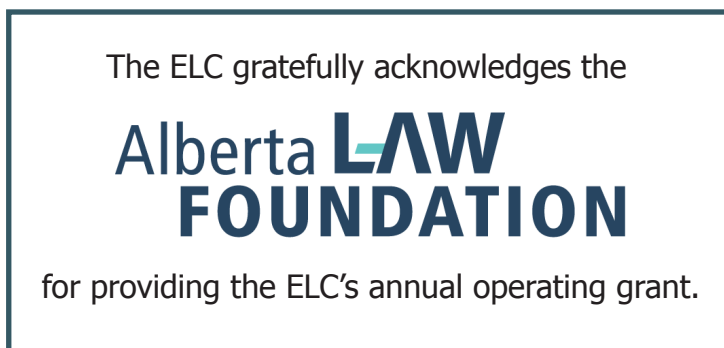
Patron and Benefactor

- All of the above benefits
- Notification of all Centre public seminars, conferences and new Centre publications
- Website link on the ELC website

Donations support the Information and Education program and 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

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, 2009 and for the year then ended. In our auditors' report on the complete financial statements dated March 17, 2010, 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.

Edmonton, Canada
March 17, 2010

Mac Kay LLP
Chartered Accountants

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.



President

March 17, 2010



Secretary/Treasurer

Environmental Law Centre (Alberta) Society
Summarized Statement of Financial Position
December 31, 2009

	2009	2008
ASSETS		
CURRENT ASSETS		
Cash	\$ 388,198	\$ 478,879
Term investments	243,770	241,088
Accounts receivable	1,509	27,296
Prepaid expenses	3,926	3,802
	637,403	751,065
LONG TERM INVESTMENTS	130,267	119,764
	\$ 767,670	\$ 870,829
LIABILITIES		
CURRENT LIABILITIES		
Accounts payable	\$ 50,555	\$ 65,285
Deferred revenue	91,000	108,752
	141,555	174,037
FUND BALANCES		
Unrestricted Funds	33,305	49,541
Restricted Funds	592,810	647,251
	626,115	696,792
	\$ 767,670	\$ 870,829

Environmental Law Centre (Alberta) Society
Summarized Statement of Operations and Fund Balances
For the year ended December 31, 2009

	2009	2008
REVENUE		
Search Service Fees	\$ 400,433	\$ 439,188
Grants and Fee for Service	467,112	489,083
Donations, Interest and Other Income	24,565	45,107
	892,110	973,378
EXPENSES		
Salaries and Benefits	654,926	598,724
Occupancy and Insurance	156,558	148,313
Contract, Consulting and Professional Fees	51,597	95,812
Equipment	16,465	29,240
Supplies and Services	37,229	32,252
Library Materials and Supplies	35,949	28,065
Travel and Staff Development	20,566	16,522
	973,290	948,928
Excess of Revenue Over Expenditures	(81,180)	24,450
Fund Balance, beginning of year	696,792	682,578
Unrealized gain (loss)	10,503	(10,236)
FUND BALANCE, end of year	\$ 626,115	\$ 696,792

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

THANK YOU

The Environmental Law Centre's work cannot be done without the help of its 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 2009:

News Brief Advisory Committee

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Elaine Hughes, Faculty of Law, University of Alberta

Ron Kruhlak, McLennan Ross LLP
Glen Semenchuk, Cumulative Environmental Management Association
Marta Sherk, City of Edmonton

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