



Environmental  
Law Centre

# ALBERTA ENVIRO LAW CONNECT

**A PUBLICATION OF THE ENVIRONMENTAL LAW CENTRE (ALBERTA)**

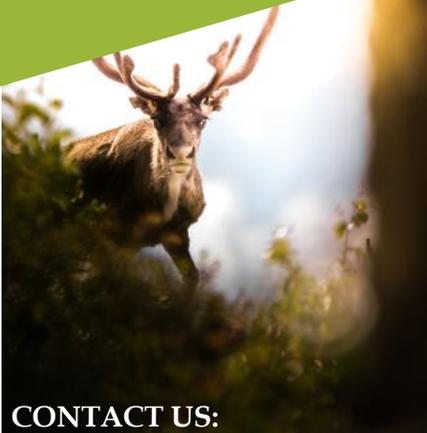
*Championing laws for  
clean air, clean water  
and a healthy  
environment*

At the Environmental Law Centre (ELC), the law is fundamental to protection of the environment. The ELC has been seeking strong and effective environmental laws since it was founded in 1982.

The ELC is dedicated to providing credible, comprehensive and objective legal information regarding natural resources, energy and environmental law, policy and regulation in Alberta.

**What laws and policies do we need to ensure a healthy environment for current and future generations of Albertans?**  
**You can help us address this and other critical questions.**

**SPRING  
2018**

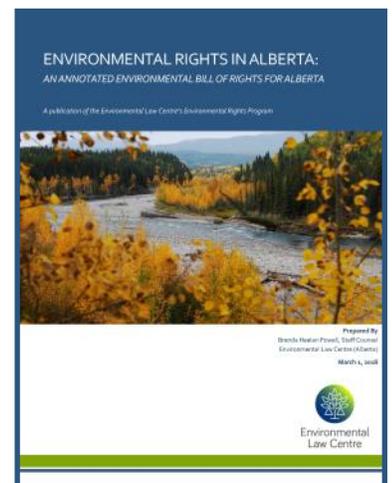


## **A MODEL ENVIRONMENTAL BILL OF RIGHTS**

Earlier in 2018, the ELC released its **model Environmental Bill of Rights for Alberta**. This model Bill is intended to generate discussion about how our laws may be reformed to foster environmental quality for current and future generations of Albertans.

An **Environmental Bill of Rights (EBR)** is a way to expressly entrench and protect environmental rights in Alberta. A healthy environment can be protected where substantive and procedural rights are granted to citizens. The EBR provides Albertans with access to environmental information, meaningful participation in environmental decision-making, and effective means to enforce our environmental laws.

**[Learn more: elc.ab.ca/environmental-bill-rights-alberta/](http://elc.ab.ca/environmental-bill-rights-alberta/)**



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**Partner with us today** to champion this vision of a better future  
where our children and grandchildren enjoy  
clear air, clean water and a healthy environment.

## CLIMATE CHANGE

Climate Change series is generously funded by:

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## OUR ENERGY FOOTPRINTS: CARBON EMISSIONS AND PRIVACY

We live in a data rich environment. We also leave a carbon footprint in our day to day lives. Current approaches to reducing emissions have focused on big emitters but evolving technology is enabling energy savvy consumers to save money while contributing to climate change mitigation efforts. What started with smart thermostats is likely to escalate with our increasingly connected world. Smart grids and smart devices (and the “[internet of things](#)”) may soon reveal a detailed narrative of your energy consumptive day.

This energy narrative will be of value to many people – government, industry and individuals – in tracking energy consumption and evaluating climate mitigation efforts across an entire economy. In the same instance, individuals and companies may not want their energy story shared. How are our expectations of privacy treated by our laws?

The ELC’s new report [Energy Consumption Data and Rights to Privacy: Climate change mitigation policy, privacy and the “internet of things”](#) in Alberta summarizes the current provincial and federal privacy frameworks in the context of energy consumption. The report concludes that there is a need to increase the efficacy of gathering energy consumption information to evaluate the effectiveness of climate policy. Similarly, there is a need to clarify what type of private information should be protected and what can be disclosed.

### [Read more](#)

#### ***Climate Change Legal Roadmap***

As part of its program on climate change, the ELC is publishing a series of reports outlining climate change actions taken in other jurisdictions and making recommendations for Alberta:

- [A Snapshot of Alberta's Climate Change Law & Policy](#)
- [Carbon Pricing Recommendations for Alberta: Lessons from the Latest Developments in WCI Jurisdictions](#)
- [Climate Change Legal Roadmap: Oil Sands Emission Limit under the Climate Change Leadership Plan](#)
- [Methane Reduction under the Climate Change Leadership Plan](#)

#### **MORE ON CLIMATE AND ENERGY ON [OUR BLOG](#)**

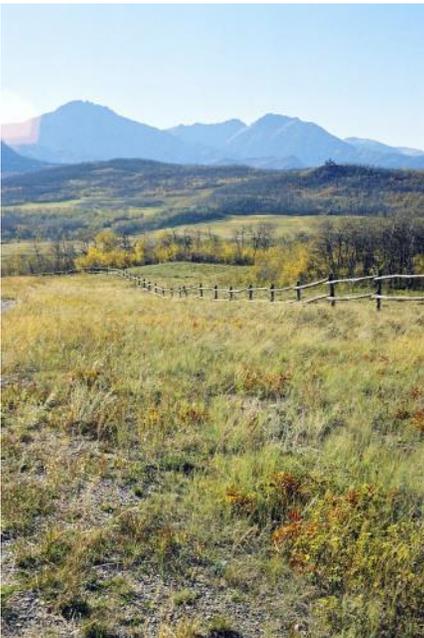
Want to help strengthen environmental rights and responsibilities in Alberta? **[Make a difference today.](#)**

# COMMUNITY CONSERVE

COMMUNITY CONSERVE TEAM

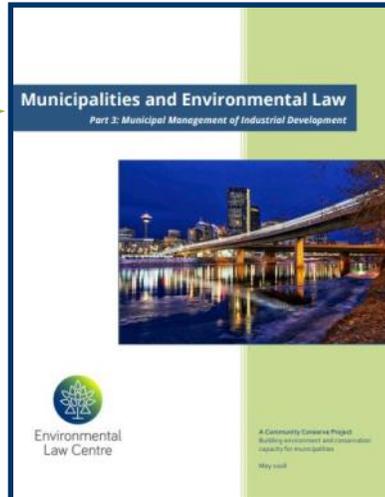


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## MUNICIPALITIES AND ENVIRONMENTAL LAW



Municipalities often feel the brunt of the conflict that can arise with industrial developments within their boundaries. Municipalities gain the financial benefit of industrial development but they must also deal with some of the environmental impacts typically felt at the local level. The third publication in the ELC's Series on *Municipalities and Environmental Law* explores the sources of, and challenges to municipal authority to regulate industrial development within its boundaries.

The *Municipal Government Act* (MGA) gives municipalities the power to plan and regulate the development of land within their borders using their general bylaw, land planning, subdivision and zoning powers. However, there is tremendous potential for overlap with both provincial and federal authority when it comes to industrial development. What limitations, if any, does the MGA impose on municipal authority in this area? What areas fall exclusively under provincial and/or federal jurisdiction? How can municipalities determine whether they have the authority to regulate a particular development, in whole or in part?

For a discussion of these questions and more, see "Municipal Management of Industrial Development" on the Community Conserve website: [www.communityconserve.ca/completed-projects/municipal-management-of-industrial-development/](http://www.communityconserve.ca/completed-projects/municipal-management-of-industrial-development/)

### MORE FROM THE MUNICIPALITIES AND ENVIRONMENTAL LAW SERIES

- [Municipal Management of Industrial Development](#)
- [Municipal Management of Water Bodies](#)
- [Municipalities and Environmental Assessment: Primer and Model Bylaw](#)
- [The Scope of Municipal Powers and the Environment](#)

Visit [www.communityconserve.ca](http://www.communityconserve.ca) for more information

Stay connected! Visit [www.elc.ab.ca](http://www.elc.ab.ca)  
to check out our blog or sign up for our e-newsletter.

# ENVIRONMENTAL RIGHTS

PROJECT SUPPORTER:  
ASSESSMENT OF  
ENVIRONMENTAL RIGHTS IN  
ALBERTA



PROGRAM SUPPORTER:  
ENVIRONMENTAL BILL OF  
RIGHTS IN ALBERTA

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## ENVIRONMENTAL RIGHTS IN ALBERTA

The ELC's work on environmental rights has included an assessment of existing environmental rights in the province to identify gaps in rights protection and to design a road map to a future which values these rights. Modules detailing aspects of environmental rights have also been published.

For the most part environmental rights are focused on providing procedural rights to challenge decisions that have already degraded the environment to a significant degree. These rights are important as they provide citizens with the legal tools to react to environmental harms.

Additional legal tools and principles are needed to be more proactive in the protection of environmental quality and environmental rights. In 2018 the ELC is looking more directly at how our laws engage the polluter pays principle as a mechanism to address pollution and environmental harm. This includes an assessment of where and how Alberta currently engages the polluter pays principle. The ELC's work will also seek to identify the criteria needed to effectively implement the polluter pays principle.

### THE ENVIRONMENTAL RIGHTS SERIES

- [A Road Map for Environmental Rights in Alberta: Rights for a Sustainable Future](#)
- [Environmental Rights: Module 6 – Rights to a Hearing](#)
- [Environmental Rights: Module 5 – Costs in Court and Regulatory Proceedings](#)
- [Environmental Rights Module 4: Access to Environmental Information](#)
- [Environmental Rights Module 3: Citizen Enforcement](#)
- [Environmental Rights Module 2: Third Party Oversight](#)
- [Environmental Rights Module 1: Substantive Environmental Rights](#)
- [Environmental Rights. Phase 1: Do we have the rights we need?](#)

Your support allows us to examine existing environmental rights in other jurisdictions to propose the most effective options to implement and give a voice to those who want to lend a hand in preserving this legacy. **Together with your support**, let's develop powerful and effective environmental rights for Alberta.

GREEN REGS  
N HAM

EVENT SPONSORS



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## Pickerel, Pipelines and Pancakes April 24, 2018 - Edmonton

[elc.ab.ca/pickerel-pipelines-and-pancakes-a-summary-of-elcs-green-regs-and-ham-breakfast-discussion/](http://elc.ab.ca/pickerel-pipelines-and-pancakes-a-summary-of-elcs-green-regs-and-ham-breakfast-discussion/)



Assistant Professor Martin Olszynski speaks to the audience on April 24

## Hockey Fights and Contaminated Sites: Municipal Environmental Challenges October 3 2017 - Calgary

[elc.ab.ca/wrap-hockey-fights-contaminated-sites/](http://elc.ab.ca/wrap-hockey-fights-contaminated-sites/)



ELC's Jason Unger; Paul Leong Senior Technical Advisor, Environmental & Safety Management, The City of Calgary; Shaye Anderson, Minister of Municipal Affairs; Nigel Bankes, Professor, University of Calgary, Chair of Natural Resources Law

**THANK YOU** to all of our sponsors for making Green Regs and Ham events possible. University of Calgary law students enjoyed the October 3 breakfast, courtesy **Burnett Duckworth and Palmer LLP**.

## ELC Launches Webinar Series

The webinars are based on current areas of focus at the ELC and seek to address how laws and regulations can contribute to managing environmental impacts on habitat, water or air.

NEW AND  
UPCOMING



- **Habitat series:** *When we talk about Alberta's biodiversity and species at risk we need to talk habitat. The regulatory structure and options for habitat management will be explored in three webinars, including:*
  - 1) State of habitat laws
  - 2) A jurisdictional scan and opportunities for habitat protection
  - 1) Legal barriers to habitat protection
- **Climate series:** *When we talk about mitigation of greenhouse gases and adaptation to a changing climate there are a large suite of legal issues that might arise. Webinar topics include:*
  - 1) Privacy rights and energy consumption data
  - 2) Mitigation and Adaptation: legal risks and opportunities
  - 3) Adaptation and water law
- **Environmental Rights webinar:** *Environmental rights are part of the toolbox for environmental protection. Webinars will include a review of the ELC's draft Environmental Bill of Rights and a discussion of how property rights and environmental rights relate.*
- **Polluter Pays and the law series:** *A central principle of effective environmental law, the polluter pays principle is focused at maintaining environmental accountability for those who pollute. Webinar topics include:*
  - 1) Polluter Pays in Alberta
  - 2) Insolvency and the environment



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Watch for webinar dates and registration details by subscribing to the ELC blog: [elc.ab.ca/blog/](http://elc.ab.ca/blog/)

## UPDATES AND NEWS

### **Municipal Government Act: PACE and City Charters**

The *Municipal Government Act* (MGA) has been undergoing review and revision for a few years now (see our most [recent post](#) for a summary of changes to municipal environmental powers). Subsequently, further changes were announced: the passage of the *City Charter Regulations* and the introduction of *Bill 10*. Both these changes have implications for municipal environmental authority and management.

**[Read more about our analysis and recommendations to the MGA and related municipal issues.](#)**

### **Monitoring Federal and Provincial Legislative and Regulatory Changes**

The ELC monitors proposed legislative and regulatory changes that are proposed by both provincial and federal governments, and considers their impacts.

On our blog, we provide regular commentary, considering issues of equivalency of **[competing Alberta and federal methane regulations](#)**; taking a closer look at the annual spring and fall reports of the **[Commissioner of Environment and Sustainable Development](#)**; figuring out what the **[changes to the Fisheries Act](#)** mean (what's been restored and what hasn't) and other changes to **[federal impact assessments under Bill C-69](#)**; and following the progress of the Alberta Climate Leadership Plan and the **[federal carbon pricing backstop](#)**.

In short, there's a lot going at the ELC. We are constantly working to monitor these developments and provide you with relevant, thorough analysis and recommendations. If you have not already subscribed to our blog updates, you should—you'll get a brief email whenever we publish a new post. We don't sell or rent our lists, you can unsubscribe at any time and you'll get timely information on issues that matter to you. Subscribe at **[elc.ab.ca/blog/](http://elc.ab.ca/blog/)**



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## SUPPORTERS



## THANK YOU!

In 2017, 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. We just can't say it enough: **THANK YOU!**

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ELC board members, staff and supporters joined MLA David Shephard and guest speaker Martin Olzysinski at the April 24 2018 Green Regs and Ham in Edmonton

## BOARD OF DIRECTORS

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**[Read more about our Board of Directors and their bios online](#)**



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As a charity, the Environmental Law Centre depends on your financial support to educate and champion for effective environmental laws and rights. **Your support makes a difference!**



# YOU CAN MAKE A DIFFERENCE

We'd love to hear from you. We appreciate all feedback and suggestions. **Mail to:** #410, 10115 100A Street, Edmonton AB T5J 2W2; **Fax:** 780-424-5133; **Email** your scanned reply to: [elc@elc.ab.ca](mailto:elc@elc.ab.ca) or **make your gift securely online**. *Thank you for your support!*

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*Photos courtesy istock.com; unsplash.com and the ELC*



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**facilitates through action** **R E S P E C T**

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 \$135,000.\* Please contact our Fund Development and Marketing Director, Kara Tersen at [ktersen@elc.ab.ca](mailto:ktersen@elc.ab.ca) with any questions you may have.

*\*it will cost us approximately \$25,000 (18.5%) to reach our fundraising goals*